

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 56/2021**

Precautionary Measures No. 607-21

Jorge Luis Salas Arenas and his family regarding Peru

July 2021

Original: Spanish

**I. INTRODUCTION**

1. On July 2, 2021, the Inter-American Commission on Human Rights ("the Inter-American Commission", "the Commission" or "the IACHR") received a request for precautionary measures from the organizations Judges for Justice and Democracy (JUSDEM) and the Center for Justice and International Law (CEJIL) ("the applicants"), urging the Commission to require the Republic of Peru ("the State" or "Peru") to adopt the necessary measures to protect the rights to life and humane treatment of Jorge Luis Salas Arenas and his next of kin <sup>1</sup>("the proposed beneficiaries"). According to the applicants, Mr. Salas Arenas is in a situation of risk derived from the position he currently holds as president of the National Electoral Jury (JNE) and given the current context of the country. The applicants also referred to the protection of the judicial independence of the proposed beneficiary.

2. The IACHR requested information from both parties on July 13, 2021, in accordance with Article 25(5) of its Rules of Procedure. The applicants responded on July 13, 20 and 23, 2021. The State submitted a report on July 21, 2021.

3. After analyzing the allegations of fact and law presented by the parties, the Commission considers that the information presented shows *prima facie* that Jorge Luis Salas Arenas and his family are in a serious and urgent situation, taking into account that his rights to life and personal integrity are at serious risk. Consequently, based on Article 25 of its Rules of Procedure, it requests Peru to: (a) Adopt the necessary measures to guarantee the rights to life and personal integrity of the persons identified as beneficiaries; (b) Adopt the necessary and culturally appropriate measures to guarantee that Mr. Jorge Luis Salas Arenas can continue to perform his duties as president of the National Electoral Jury (JNE) without being subjected to threats, harassment or acts of violence in the exercise of these duties; (c) Agree on the measures to be implemented to guarantee that Mr. Jorge Luis Salas Arenas can continue to perform his duties as president of the National Electoral Jury (JNE) without being subjected to threats, harassment or acts of violence in the exercise of these duties; c) Agree on the measures to be implemented with the beneficiaries and their representatives; and d) Report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, in order to avoid their repetition.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**1. Information provided by applicants**

4. Mr. Jorge Luis Salas Arenas has been a judge since 1992. In 2011, he joined the Supreme Court as a regular judge. Since November 2020, he has been president of the National Jury of Elections (JNE), a position he will hold until November 2024. The plenary of the JNE is composed of 5 members elected by

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<sup>1</sup> His nuclear family is composed of: Dolly Carmela Manrique Zúñiga (wife), Pamela del Carmen Salas (daughter), Héctor Salas Arenas (brother), Dulmis Fresia Manrique Zúñiga (sister-in-law).

different institutions<sup>2</sup> and its members are elected for a period of 4 years. Currently, there are only 4 members of the JNE, since the member of the Lima Bar Association has not been elected. According to the law of the JNE, the quorum required for the plenary sessions is 4 members, and a simple majority vote of the concurring members is required to adopt decisions, except in those cases where the law provides otherwise. In case of a tie, the proposed beneficiary, as president of the NEB, has the casting vote. The NEB is the highest jurisdictional authority to resolve disputes in electoral matters. Among other functions of the NEB is to proclaim the elected candidates, the result of the referendum or other popular consultations, as well as to issue the corresponding credentials.

5. On June 6, 2021, the presidential run-off election was held and a close result was given in favor of candidate Castillo. Since the official preliminary results of the National Office of Electoral Processes (ONPE) became known, the party of candidate Fujimori, who obtained the least amount of votes, has publicly expressed that there had been fraud, presenting several appeals, demonstrating against several institutions and officials involved in the electoral process and even calling for disregarding the official results. According to the applicants, this situation has generated concern due to the lack of knowledge of the institutions and the electoral jurisdiction. Additionally, according to the applicants, candidate Fujimori has called on her followers to mobilize in the streets for a "defense of the vote". This call would have unleashed: false or misinforming news campaigns that have had to be denied by the ONPE, the JNE and groups of independent journalists, accusations of electoral bias and "terruqueo" <sup>3</sup> against the electoral authorities of the ONPE and the JNE, campaigns of incitement to hatred and violence against journalists, human rights activists and opinion leaders, who think differently from Fuerza Popular party supporters, such as the "Chapa tu Caviar" campaign, "black lists" and #YaFueCusco, and racism and discrimination against those who did not vote in their favor.

6. The applicants emphasized that whoever assumes the presidency of Peru must do so on July 28, 2021. In the process of resolving the appeals filed before the JNE, the proposed beneficiary has been the "visible face" of said institution and has adopted various decisions pertaining to his position with respect to the electoral process. The applicants highlighted the following:

- Decision not to extend the deadline. On June 11, 2021, the JNE, at the proposal and impulse of the proposed beneficiary, decided not to extend the legal deadline to file nullities and appeals to the second round vote<sup>4</sup>. This decision was supported by a majority vote and a vote against by the prosecutor Luis Arce Córdova. In view of this fact, Judge Salas and his wife began to be the target of attacks in their social networks where it is said that her husband is a "communist", a "traitor", part of a "criminal gang", and it is called, among others, to respect the vote. These facts generated much fear in the family of the proposed beneficiary.
- Decision to suspend prosecutor Luis Arce Córdova as member of the NEB. On June 23, 2021, prosecutor Jose Luis Arce Cordova declined his position as member of the JNE alleging alleged irregularities and partiality of the electoral body, leaving the JNE without a quorum to deliberate. The proposed benefit considered the declination as a resignation, which would be resolved at the end of the electoral contest. Prosecutor Arce was suspended from his functions, which allowed calling the first alternate prosecutor Víctor Raúl Rodríguez, who took office on June 26, 2021. This decision generated a new peak of harassment, incitement to hatred and violence, "terruqueo" <sup>5</sup> and threats to his integrity.

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<sup>2</sup> The Supreme Court, the Board of Supreme Prosecutors, the Lima Bar Association, the law schools of public and private universities.

<sup>3</sup> According to the petitioners, in Peru the term "terruco" is used to stigmatize anyone who thinks differently, insinuating that someone promotes, agrees with or carries out acts of terror. It is an insult, since in colloquial terms it is to call someone a "terrorist". At first it was "directed at members of groups that took up arms," but later "it contributed decisively, during the years of the dirty war and even in more recent times, to stigmatize different sectors of the Peruvian population, including human rights defenders, relatives of detainees and victims of political violence, and people of indigenous origin in general."

<sup>4</sup> The foregoing taking into account a ruling of the Constitutional Court that indicated the electoral terms as perennial.

<sup>5</sup> This qualifier would be popularly used to identify someone as a "terrorist", as a "subversive member" and ascribing to a person a criminal behavior.

- Request for investigation to the Prosecutor's Office on audios of Mr. Montesinos. On the night of June 24, 2021, audios were made public in which Vladimiro Montesinos participates, and where he proposes to approach 3 officials of the JNE to allegedly interfere in the electoral process and benefit the candidate Keiko Fujimori. On June 25, 2021, the proposed beneficiary requested the investigation of this material to the Public Prosecutor's Office.
- In addition, the proposed beneficiary has voted in favor of the decisions adopted by the majority of the NEB, in which the appeals and nullities filed by the party that obtained the least number of votes have not been declared founded.

7. The applicants indicated that there is "social polarization" after the second round of elections, evidenced by accusations of fraud and bias against the proposed beneficiary. According to the applicants, the proposed beneficiary has been the target of 32 acts of harassment, hate calls, kidnapping threats, protests at his residence, publication of false, defamatory news, and disinformation. The following alleged facts were highlighted:

- Between January 4 and February 9, 2021, a prestige campaign was presented by candidates for public office, through the media, against Mr. Salas, accusing him of "conflict of interest, illegal and abusive actions and attempted fraud", as well as "incompetence, corruption and closeness to the left".
- On January 19, 2021, the newspaper Expreso alleged that the family of the current president of the JNE owes a favor to Martin Vizcarra because the latter allegedly helped his brother Hector Salas Arenas.
- From January 25 to February 20, 2021, a smear campaign was carried out in social networks around the accusation of fraud. Several public figures and opinion leaders "tweeted" with the hashtag #FraudeElectoral, #JNEVergüenzaNacional, #JNECorrupto, in which the proposed beneficiary was slandered for alleged links with politicians, conflict of interest, fraud attempts and other criminal actions.
- Since February 9 and until March 4, 2021, a smear campaign was launched against Jorge and Héctor Salas Arenas for alleged links with former President Vizcarra. Through the media, the different political parties requested Congress to investigate Magistrate Salas Arenas for alleged links with the former president, accusing him of fraud and favoring contracts of people close to Vizcarra.
- From February 25 to March 5, 2021, a former presidential candidate denounced through several media, alleged mafia in the JNE and called for a march against him. He stated that he would file legal actions considering that such institution would be responsible for his electoral exit.
- On February 27, 2021, supporters of the pro-Fujimori party called for a demonstration in front of the JNE for alleged attempted fraud.
- From May 2 to May 31, 2021, a smear campaign was presented in social networks, harassment and insults, accusing him of "communist parasite, underhanded, defender of terrorist and of his Marxist, Leninist, Maoist ideology". The YouTube channel "Hecho en Perú" published the video called "Grave denuncia que Salas Arenas y JNE ayudan a Castillo para aquí hable menos en el debate".
- On May 17, 2021, the petition "dismissal of Jorge Salas Arenas from the Peruvian JNE" was started, pointing out that he had defended terrorists, allowed the political party Peru Libre to run as a presidential candidate, among others. Said petition would have more than 116,517 signatures as of July 2, 2021. Judge Salas had to go out to the media to reject such linkage. That same day, newspapers such as El Nuevo Sol, La Razón and Expreso published headlines about alleged links between former president Vizcarra and Héctor Salas Arenas, accusing them of having a fraud and corruption network and pointing out that he is former president Vizcarra's doctor.
- On May 19, a video was released accusing the proposed beneficiary of being a "lawyer for terrorists" and of having described as "political violence the bloodiest terrorist era that Peru has experienced."
- As a consequence of the impeachment petition, 10 congressmen supported on May 21, 2021 the congressional motion requesting the immediate resignation of the proposed beneficiary, in addition to requesting that the Public Ministry and the Judiciary investigate him for his alleged relationship with members of Sendero Luminoso since his time as a university student. The JNE rejected any attempt to destabilize the development of the electoral

process and try to generate anxiety without any legal basis. This communiqué would have originated in social networks reactions of harassment and "terruqueo", with messages such as: "Just like a parasite, these communists are removed by dismissing them, since the word decency or ethics is an insult for them. Follow @BancadaAP bench @OttoGuibovich #RicardoBurga with impeachment."; "It is proven that he defended terrorists and his Marxist, Leninist, Maoist ideology as well. So Salas CANNOT continue one more second as the head of the @JNE\_Peru He doesn't guarantee clean elections"; "We don't want a communist presiding over the JNE who does NOT guarantee Clean Elections"; and "Pro-terrorist Jorge Luis Salas Arenas clinging to power in @JNE\_Peru".

- On May 31, 2021, the YouTube channel "Hecho en Perú" published the video called "Grave, denuncian que Salas Arenas y JNE ayudaron a Castillo para que hable menos en el debate". The video quoted a journalist identified as Suriel Chacó and invited to share it.
- On June 3, 2021, the first sit-in was held at the home of the proposed beneficiary. An average of 20 people would have initiated reproaches against him. In total, up to July 19, 2021<sup>6</sup>, 16 sit-ins were reported in which supporters of political parties launched insults, hate messages and defamations. On the same date, attacks on social networks were increased, calling him a "communist, traitor who is part of a criminal gang". Likewise, several hate messages circulate daily accusing him of being "public enemy No. 1 of democracy", "a defender and liberator of terrucos", "mafioso, corrupt", among others. The level of intimidation and messages has made him trend on the social network Twitter.
- On June 10, 2021, members of the group "The Resistance" disseminated the address of Mr. Salas' residence, calling him a "defender of terrucos" and inviting to protest in that place and "greet him as he deserves". The call to the house of Judge Salas Arenas was also made on PBOPerú's twitter, showing the home address of the president of the JNE. Among the comments of the publication are "Donald style" and "to stand up until they take out from under the table the 1200 minutes they stole from us", LONG LIVE DEMOCRACY! #FraudeEnMesa".
- Regarding Mrs. Dolly Carmela Manrique Zúñiga it was reported that on June 11, 2021 in her personal Facebook profile she began to receive images and comments that alluded to the Salas Arenas family as "reds, communists, traitors, relatives of lizards, corrupt, thieves" and even mentioned "the truth hurts so much that Castillo broke her husband's old man".
- On June 12, 2021, photos of a sit-in were also posted on Twitter, with the following message: "¡PLANTÓN EN LA CASA DE SALA ARENAS!|Protestas no paran". That same day, candidate Fujimori attended a march called with the slogan "Either we unite or we sink" / "Respect my vote".
- On June 13, 2021, in the social network Tiktok a video was published in which images of representatives of institutions and other characters were compiled, with the musical background of the song "Las Torres" by the NSQ and NSC group, specifically the following part of the lyrics of the song: "A terrorist, two terrorists / They were swinging / On a collapsed tower / As they saw that it was resisting / They went to call a comrade". The video's description stated that, "We won't let these damn communists steal our democracy...! "nuestrovotoserespeta #noalfraudeelectoral #noalfraudeenmesa" (sic)".
- On June 16, 2021, candidate Fujimori gave a conference in which she affirmed that there was fraud and participated in a national mobilization of her supporters, asking the electoral authorities to transparently resolve the challenges presented with the slogans "Save Peru from communism" and "No to fraud". These demonstrations were supported by the vice-presidential candidate and members of the campaign "Respect my vote", who also protested in front of the residence of the proposed beneficiary and Jorge Rodríguez Velez, another member of the JNE. The purpose of the protest was to demand that the JNE accept the appeals for annulment presented by Fujimori's party.
- Between June 24 and 26, 2021, a new "peak" of harassment, threats and harassment was registered against the proposed beneficiary after he decided to suspend prosecutor Jose Luis Arce Cordova and requested the Public Prosecutor's Office to investigate the audios and videos in which Vladimiro Montesinos participated and in which prosecutor Arce was mentioned in an attempt to favor candidate Fujimori.

<sup>6</sup> Other dates on which sit-ins were held were June 8, 9, 11, 12, 13, 16, 17, 27, 2021. On June 9, according to what was published on PBOPerú's Twitter social network, one of the successive sit-ins was held in front of the house of Judge Salas Arenas, whose photo and address were also published, an address that was taken from another call for June 8.

- On June 27, 2021, a widely circulated call circulated on Twitter, which had apparently started in a WhatsApp group titled "Willax Comunidad", with the purpose of launching bombards and fireworks at the home of the president of the National Jury of Elections. Specifically, the message said "We have to go to Salas Arenas' house and kidnap him and prevent him from going to the JNE, there is no other way", "or in any case attack his house with bombs and fireworks to scare him and make him back down, with songs and dances we are not going to achieve anything".
- On June 30, 2021, political figures such as Lourdes Flores, Jorge Del Castillo, Rafael Santos and Martha Moyano, attended proclamations that deepen, in the words of another political figure Alfredo Barnechea, the idea: "that this fight does not end with the proclamation of Jurado, that jury is a spurious jury, and its proclamation does not end the fight. We are not going to accept a president, he is null and void... we are going to fight and we are not going to recognize fraud. The fight does not end with the proclamation of the Jury, and we are going to have a great government of national transition to make new general elections, clean, without fraud, because Peru will not surrender to communism or terrorism... as the constitutionalist armed forces have always been... here there is an invincible alliance of civilians and military".

8. Since the second round, risk situations have increased, for example, the sit-ins by supporters of the Popular Force party in front of the proposed beneficiary's residence have taken place "almost constantly", reaching up to 5 consecutive nights with chants such as "No to communism", "Peru, no to terrorism" and "Fraud at the polling station". In addition, Fujimori's supporters follow the proposed beneficiary at night when he leaves the JNE and goes to his home, and daily hate messages are published against him, calling him "defender and liberator of terrucos", "mafioso", "corrupt", among others. Special emphasis was made by the applicants regarding a conversation in the *WhatsApp* application in which it was proposed to "kidnap" or "bomb" the residence of the proposed beneficiary, a situation that was reported to the Prosecutor's Office, which ordered police patrols to his residence as of June 27, 2021<sup>7</sup>.

9. The applicants also highlighted the call to the Armed Forces to disavow the electoral results, which occurred on June 17, 2021, in which a letter from former military personnel, similar to others that had been circulating, was presented to the General Commands of the Armed Forces. Said letter suggested that the current transition government would have violated neutrality, and that "high authorities of the government with an inconclusive scrutiny have (sic) supposedly taken part in favor of one or the candidates, even conditioning the Congress of the Republic for the non-election of the new members of the Constitutional Tribunal". Such fact was rejected by the President of Peru and the Public Prosecutor's Office was requested to investigate the case. On June 26, 2021, the Public Prosecutor's Office opened an investigation for alleged crimes of rebellion, sedition, conspiracy and others, for another letter dated June 14, 2021 in which retired military officers requested the same.

10. The applicants highlighted the reappearance of people convicted of serious human rights violations who would have the intention of interfering in the electoral process<sup>8</sup>, as well as the reappearance of extremist groups such as "La Resistencia" and "Los Combatientes"<sup>9</sup>, identified by the applicants as being related to the Fuerza Popular party that "incite violence and participate in protests in favor of the candidate Keiko Fujimori". According to the applicants, these groups have promoted the actions carried out at the residence of the proposed beneficiary and other officials such as the head of the ONPE and the prosecutor of the Lava Jato case, José Domingo Pérez.

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<sup>7</sup> On July 2, 2021, Hildebrant news media alerted about a message circulating in social networks that said "we have to go to Salas Arenas' house and kidnap him and prevent him from going to the JNE, there is no other way".

<sup>8</sup> On June 24, 2021, audios and videos were released in which Alberto Fujimori's former presidential advisor, Vladimiro Montesinos Torres, who is serving a sentence for serious human rights violations, is heard in which his intention to interfere in the electoral process through alleged bribes to three members of the National Jury of Elections, supposedly in favor of Fujimori's candidate, is evidenced.

<sup>9</sup> According to the petitioners, among the leaders of this group would be a person who led the burning of a communist flag in the public street, with the slogans "Let's burn the hammer and sickle, the symbol of Pedro Castillo"; another person "[s]kinhead and admirer of the elegant black fascist uniform" and "a woman". These people would show in their networks support for chlorine dioxide, opposition to the use of masks and the use of firearms in the face of an eventual Castillo victory before June 6, 2021.

11. Regarding protection measures, the Requesters indicated that the Proposed Beneficiary has police accompaniment consisting of 12 police officers, in two shifts, each shift with 6 police officers, two motorcycle vehicles and active police officers. As of June 28, 2021, given the increase in acts of harassment, the proposed beneficiary has begun to wear bulletproof vests. The Requesters also questioned the lack of knowledge, high turnover and unreliability of the police personnel accompanying him. In the last year, the proposed beneficiary has not seen his protection scheme reinforced in a comprehensive manner, so he and his family have taken "personal self-protection measures" such as stopping living together, so his wife and daughter moved to Arequipa to live with his sister-in-law Dulmis Fresia Manrique Zúñiga, where he has police personnel at the door of the residence. In addition, Héctor Salas Arenas, brother of the proposed beneficiary, has been harassed and does not have any protection measures. Despite the fact that on several occasions the proposed beneficiary has requested the reinforcement of his security measures <sup>10</sup>and those of his family group, as well as the investigation of the origin of the attacks against him, to date the security scheme has not been permanently reinforced and he has only been provided with a bulletproof vest.

12. The alleged risks would have increased on July 12, 2021, date in which the JNE finished resolving the nullity appeals of some polling stations, which would lead to the final decision of who would be the next president-elect of Peru. In particular, it was mentioned that a man on board of a vehicle that passed outside Mr. Salas' house shouted insults against him, among them "kill that piece of shit that lives there, you piece of shit". This fact was reported by the chief bodyguard of the proposed beneficiary<sup>11</sup>, who out of fear decided to sleep outside his residence. Likewise, senior leaders of the Partido Acción Popular recorded a video in which he directly addresses the proposed beneficiary and threatens him to prevent the final decisions that would determine who would be the next president from being taken. In said video it was indicated that there are criminal complaints against the proposed beneficiary, requiring him to comply with Peru since the majority of the country does not believe in the results that will be issued by him, who is also accused of not having acted in an "honorable, correct and legal manner" pointing out that the judicial proceedings against him will continue and that jail awaits him. On July 12 and 13, 2021, a criminal complaint was filed against the proposed beneficiary for the crime against the popular will in the modality of making the scrutiny impossible and prevarication for declaring the nullity requests of the fujimorismo as inadmissible.

13. The presidential proclamation would have taken place on July 19, 2021. However, for the applicants, far from signifying a decrease in the risk, it shows that it is at its "maximum peak" and with no intention of diminishing. They added that despite the fact that candidate Fujimori recognized the results, she declared that these results are illegitimate. In view of this situation, the proposed beneficiary is seen as responsible for what is happening and will happen in the country as of July 28, 2021, which is why they consider that the threats and attacks against him will not stop. On July 19, 2021 another sit-in would have taken place after the proclamation of the presidency, in which they made calls to hate saying that he is a "country seller" and that "they will be there every day".

14. Regarding the requests for protection measures, the applicants stated that on five occasions <sup>12</sup>the proposed beneficiary informed the Public Prosecutor's Office and the National Police about the threats against him and requested more protection for him and his family. The applicants indicated that they have not received any type of response from the authorities and that they have only arranged for a patrol car at the JNE's domicile. Following the Commission's request for information, the authorities themselves requested a response from the proposed beneficiary. Additionally, with respect to the family nucleus, it

<sup>10</sup> It was reported that the first request was sent to the Public Prosecutor's Office on May 20 and the last one on June 27, 2021.

<sup>11</sup> The security scheme identified the owner of the vehicle, as well as was able to establish by consulting databases records of police reports in the name of Juan Carlos Morales Ortega. Likewise, the police station presented a record of the aforementioned facts.

<sup>12</sup> May 17 and 20, June 11 and 27 and July 11, 2021

was informed that they are frightened and their health is affected. In this sense, a psychological certification was attached indicating that Pamela del Carmen Salas Manríquez is undergoing psychological treatment<sup>13</sup>.

15. On July 23, 2021, the applicants submitted documentary support of the consent of the proposed beneficiaries.

### **Information provided by the State**

16. The State noted that there was no express and documented agreement on the part of the potential beneficiaries in the terms of Article 25(6)(c) of the Rules of Procedure. It also indicated that the purpose of the precautionary measures was based on the imminent danger to the life and integrity of the proposed beneficiaries; however, the applicants requested measures to protect the judicial independence of Mr. Salas Arenas, which is not the purpose of a precautionary measure since it does not relate to a situation that could considerably affect his life and integrity.

17. The State pointed out that the existence of the threat must be duly grounded and credible, since the mere statement or assertion of its alleged existence is not sufficient. It emphasized that the applicants are not unaware of the protection measures in favor of the proposed beneficiary. However, the allegations are mainly based on speculations or assumptions that do not have a specific materiality, but rather evidence a political concern for the results to be issued by the plenary of the JNE on the nullities presented and the allegations of electoral fraud alleged by a certain group of the Peruvian population.

18. According to the State, the applicants acknowledge that the alleged risks are linked to the decision-making process that Mr. Salas must resolve in order to decide who would be the next president. Therefore, the State considered that the circumstance that would have originated the climate of polarization and consequent alleged risks against the life of the proposed beneficiary and his family has disappeared, so that the context presented in the petition dated July 2, 2021 has changed after 19 days have elapsed. Accordingly, the requirements of seriousness, urgency and irreparable harm would not coexist. The State indicated that in the event that new facts arise that merit the actions of the corresponding authorities, this will be handled within the framework of an eventual investigation, in accordance with the State's domestic obligations.

19. In relation to the protection measures in favor of the proposed beneficiaries, the State Security Directorate of the National Police of Peru indicated that since November 21, 2020 it installed security and protection service to the proposed beneficiary in his condition of president of the JNE, designating for this purpose: one (1) senior officer and six (6) non-commissioned officers, in the modality of 24x24 service, divided in two groups of three (3), one (1) police van, one (1) police motorcycle and three (3) firearms. Subsequently, taking into account the current situation in the country and in order to prevent possible attacks or criminal acts, the number of police officers was increased to one (1) senior officer as chief of escorts, commanded by seventeen (17) non-commissioned officers, who serve in the 24 x 24 mode, with the assignment of one (1) police van, one (1) police motorcycle and ten (10) firearms. In order to maximize the security measures and personal protection of the proposed beneficiary, the General of the National Police of Peru, head of the Lima Police Region, was requested that the PNP Police Station and the Department of Emergency Units of the corresponding Sector consider in their road map, the service of

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<sup>13</sup> According to the petitioners, she has been "presenting in recent months strong emotional crises due to stress and constant tension caused by the separation of the father figure, attacks on social networks, fractures of friendships and parents fear due to the risk of attack on both parents, among others. She presents pictures of anxious-depressive type, mixed disorder, her physical situation fibromyalgia is aggravated by this emotional situation causing various ailments".

patrolling on foot and/or motorized, at the home of the proposed beneficiary in San Borja and his office in the Lima area.

20. In addition, the State reported that a copy of the complaint filed by the proposed beneficiary on May 20, 2021 regarding attacks and threats against physical integrity was forwarded to the High Technology Crime Investigations Division in order to conduct the respective investigations. On June 28, 2021, the official letter formulated by the Public Prosecutor's Office of the NEB was forwarded to the head of the Lima police region in order to adopt the relevant security measures in accordance with the scope of its competence. On the other hand, the Department for the Protection of Public Figures and Officials of Autonomous Organizations reiterated to the National Police personnel that the members of the security and personal protection service of the proposed beneficiary should take extreme security measures and maintain a permanent alert attitude, minimizing possible risks and vulnerabilities. The request submitted by the proposed beneficiary on May 17, 2021 (with a view to increase the wife's security and to grant the security service at the home of his brother Héctor Salas Arenas) was transferred to the Intelligence Division of the State Security Directorate of the National Police of Peru to carry out the corresponding evaluation and from there it should be forwarded to the Intelligence Division and to the Secretariat of the State Security Directorate of the National Police so that once the technical report is done, it can be returned to be issued a substantive opinion.

21. On June 10, 2021, it was informed that the risk and vulnerability assessment report of Mr. Salas' brother was omitted, given that he mostly spends the night and works as a doctor in Toquepala - department of Tacna. However, with respect to Mr. Salas' wife, the respective report was prepared and it was decided to provide security and personal protection services with two (2) non-commissioned officers on a 24x24 basis, one (1) police officer per day. Regarding the possible protection of the daughter and sister-in-law of Mr. Salas Arenas, it was indicated that information will be sent soon, considering that the current context does not warrant the adoption of precautionary measures, highlighting that the protection scheme in favor of Jorge Luis Salas Arenas has been considerably reinforced and that with respect to his wife, the police protection required is being provided.

22. Regarding the current status of the investigations initiated, the State reported that:

- The official letter No. 432-2021-P/JNE dated June 27, 2021, where the proposed beneficiary informed about some conversations in WhatsApp where he would be called to commit acts to his detriment, was sent to the Presidency of the Board of Superior Prosecutors of the Prosecutorial District of Lima with a copy to the National Coordination of the Prosecutor's Offices in Crime Prevention.
- Regarding Prosecutor File No. 506014501-2021-59-0 initiated on June 26, 2021, due to a complaint filed by Cirilo Luis Silva Paredes against former high-ranking officers of the Armed Forces for allegedly committing crimes against the Powers of the State and the Constitutional Order - Rebellion, Sedition and Mutiny and others, to the detriment of the State for having published on June 14, 2021 a pronouncement (by means of which they would try to pressure the electoral authorities with the purpose of ignoring the result of the presidential elections for the period 2021 or trying to alter the democratic order by ignoring a legitimately elected government), It was indicated that the Prosecutor's Office in charge ordered on June 21, 2021 to initiate preliminary proceedings at the police level against those responsible, having ordered investigative proceedings with a term of 45 days, which expire on August 4, 2021<sup>14</sup>.
- The Provincial Prosecutor's Office Specialized in Crime Prevention initiated preventive proceedings for the crime against public tranquility due to the marches in front of the ONPE office, the JNE offices, the mobilization to the home of JNE members Jorge Rodríguez and Jorge Luis Salas and ordered the participation of the Police Region, which determined that no criminal offense was committed, ordering the filing of a file, while 3 complaints related

<sup>14</sup> On June 30, 2021, the prosecutor's file was returned to the Division of Investigation of Crimes against the State - State Security Directorate, taking into account that the latter would be responsible for investigating the reported offenses.

to the marches and mobilizations carried out in the political electoral context are being processed.

- To the Fourth Prosecutor's Office for Crime Prevention was referred the complaint of propagation in social networks of threatening messages under the title "chapa tu caviar", having an open proceeding on the same matters in its previous turn.
- The Second Provincial Prosecutor's Office Specialized in crime prevention, which is conducting the investigation into threats to go to the home of the president of the JNE to carry out demonstrations and sit-ins called through social networks, issued a prosecutorial order recommending that the PNP San Borja and Cotabambas police stations continue to carry out police patrols in the vicinity of the home of the proposed beneficiary and the JNE headquarters, in order to prevent the possible commission of crimes such as harassment, kidnapping, riots, among others.
- The Third Provincial Prosecutor's Office Specialized in Crime Prevention is conducting an investigation into the alleged planning of the kidnapping of Mr. Salas Arenas, which began on June 28, 2021 against those responsible<sup>15</sup>. The Prosecutor's Office ordered the head of the Lima National Police region to carry out preventive police actions (patrols, strategic police fences, identification of suspicious persons, among others) in the vicinity of the homes of both the proposed beneficiary and his family, as well as of the other Magistrates of the Supreme Electoral Tribunal of the JNE Jovian Valentín Sanjines Salazar, Jorge Armando Rodríguez Vélez and Víctor Raúl Rodríguez Monteza, in order to avoid the commission of crimes by persons not yet identified, who would be organizing agglomerations and acts that alter the public tranquility.
- Additionally, it was ordered to coordinate with police personnel of the police stations in whose territorial jurisdiction the JNE facilities are located and to issue a report with preventive actions and, if necessary, to warn about the commission of any criminal offense. On July 2, 2021, the commander of the San Borja police station informed that police services have been established in the vicinity of the JNE president's domicile. In addition, police measures of prevention, security and control of public order and vehicular traffic have been carried out permanently in the area, due to calls that have been made through social networks without any knowledge so far of actions that could be considered criminal in nature.
- The Fourth Specialized Prosecutor for Crime Prevention initiated preventive proceedings for the complaint filed due to the call for a sit-in at the home of the proposed beneficiary that occurred on June 7, 2021, going to the place of the facts and establishing that the National Police was protecting the security of the area, the property, the judge and his family members without noticing the presence of demonstrators. The respective police report is pending to be received in this investigation.
- The First Specialized Prosecutor's Office for Crime Prevention is investigating the complaint filed by Gustavo Gorriti against Carmen Bárbara Casella and Pedro Javier Cama Calderón for the propagation in social networks of threatening messages under the heading "chapa tu caviar" (plate your caviar).

23. The State requested that the Commission take into account the actions carried out by the Public Prosecutor's Office in order to achieve full clarification of the facts under investigation, as well as the preventive work carried out by the crime prevention prosecutors' offices. The State also stressed the importance of considering the current police protection scheme that some of the proposed beneficiaries have, which reduces the risk of possible actions by third parties. It pointed out that, although there is media exposure of Mr. Salas mainly due to his work as president of the JNE, this does not imply *prima facie* that there has been a certain and imminent threat or serious threat to his life and integrity together with that of his family. The State requested to consider that the context or polarized climate that may have originated the electoral process has diminished considerably upon culminating with the proclamation of the president-elect of the Republic on July 19, 2021, when the plenary of the JNE convened the ceremony of proclamation of the president-elect of the Republic, giving Pedro Castillo Terrones as the winner.

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<sup>15</sup> Of crimes against life, body and health (injuries), liberty (kidnapping), public tranquility (riots), public health (spreading of dangerous or contagious disease), violation of sanitary measures against public administration (violence and resistance to authority and violence against authority to force it to do something).

24. Finally, the State emphasized that the proposed beneficiary has personal protection measures, as well as measures for his residence and place of work, while his wife is also provided with protection services. In addition, the State has complied with its duty to investigate the facts denounced, and the alleged imminent risks would have no object after July 19, 2021, the date on which the elected presidential candidate was proclaimed, which implies that the context has changed. Therefore, the regulatory requirements would not coexist. The State indicated that it is awaiting further information from the State entities involved in the processing of the request, which will be brought to the attention of the Commission in a forthcoming supplementary report.

### III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY

25. The precautionary measures mechanism is part of the Commission's function of supervising compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"), based on Article 41(b) of the American Convention on Human Rights ("American Convention") and Article 18(b) of the IACHR Statute. Furthermore, the mechanism of precautionary measures is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent, necessary to prevent irreparable harm.

26. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "IACHR Court") have repeatedly established that precautionary and provisional measures have a dual character, one tutelary and the other precautionary<sup>16</sup>. Regarding the tutelary character, the measures seek to avoid irreparable harm and preserve the exercise of human rights<sup>17</sup>. To this end, an assessment must be made of the problem posed, the effectiveness of the State's actions in the situation described and the degree of unprotection in which the persons for whom measures are requested would be left if they are not adopted<sup>18</sup>. With respect to precautionary measures, the purpose of precautionary measures is to preserve a legal situation while it is being considered by the IACHR. The purpose of precautionary measures is to preserve the rights that may be at risk until the petition before the Inter-American system is resolved. Its object and purpose is to ensure the integrity and effectiveness of the decision on the merits and, in this way, to avoid harming the alleged rights, a situation that could render innocuous or detract from the useful effect (*effet utile*) of the final decision. In this sense, the precautionary or provisional measures allow the State in question to comply with the final decision and, if necessary, to comply with the reparations ordered<sup>19</sup>. For the purposes of making a decision, and in

<sup>16</sup> See in this regard: I/A Court H.R., Inter-American Court of Human Rights. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). Request for Provisional Measures presented by the IACHR with respect to the Bolivarian Republic of Venezuela. Resolution of the Inter-American Court of Human Rights of March 30, 2006, Whereas 5; I/A Court H.R., Case of Carpio Nicolle and others. [Case of CarpioNicolle et al. v. Guatemala](#). Provisional Measures. Judgment of July 6, 2009, Whereas 16.

<sup>17</sup> See in this regard: I/A Court H.R., Case of El Rodeo I and El Rodeo II Capital Judicial Prison. [Case of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela. Judgment of the Court of February 8, 2008, Whereas 8; I/A Court H.R., Case of Bámaca Velásquez. [Bámaca Velásquez Case](#). Provisional Measures regarding Guatemala. Judgment of the Court of January 27, 2009, Whereas 45; I/A Court H.R., Case of Fernández Ortega et al. [Case of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Resolution of the Court of April 30, 2009, Whereas 5; I/A Court H.R., Matter of Milagro Sala. [Milagro Sala Case](#). Request for Provisional Measures with respect to Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, recital 5.

<sup>18</sup> See in this regard: I/A Court H.R., Case of Milagro Sala. [Milagro Sala Case](#). Request for Provisional Measures with respect to Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, Whereas 5; IACHR Court. [Matter of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela. Judgment of the Court of February 8, 2008, Whereas 9; I/A Court H.R., Judgment of the Court of February 8, 2008, Whereas 9; I/A Court H.R.. [Matter of the Plácido de SáCarvalho Penal Institute](#). Provisional Measures with respect to Brazil. Resolution of the Inter-American Court of Human Rights of February 13, 2017, recital 6.

<sup>19</sup> See in this regard: I/A Court H.R., Case of El Rodeo I and El Rodeo II Capital Judicial Prison. [Case of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela. Judgment of the Court of February 8, 2008, Whereas 7; I/A Court H.R., Case of "El Nacional" and "Así es Noticia" Newspapers. [Case of "El Nacional" and "Así es la Noticia" Newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, Whereas 23; I/A Court H.R., Case of Luis Uzcátegui. [Case of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Judgment of the Court of January 27, 2009, Whereas 19.

accordance with Article 25.2 of its Rules of Procedure, the Commission considers that:

- a. The "gravity of the situation" implies the serious impact that an action or omission may have on a protected right or on the eventual effect of a decision pending in a case or petition before the organs of the Inter-American system;
- b. The "urgency of the situation" is determined by the information provided, indicating the risk or threat that may be imminent and materialize, thus requiring preventive or protective action; and
- c. The "irreparable damage" consists of the affectation of rights that, by their very nature, are not susceptible to repair, restoration or adequate compensation.

27. In the analysis of the aforementioned requirements, the Commission reiterates that the facts that motivate a request for precautionary measures do not need to be fully proven, but that the information provided must be assessed from a *prima facie* perspective that makes it possible to identify a serious and urgent situation<sup>20</sup>. Similarly, the Commission would like to point out that it is not appropriate, in the present proceeding, to analyze alleged human rights violations in light of the American Convention and applicable standards. Nor, by its own mandate, does it correspond to the Commission to individualize the criminal responsibility of specific persons in light of the alleged facts. The Commission establishes that the analysis it will carry out below focuses exclusively on the requirements established in Article 25 of its Rules of Procedure, which can be done without entering into substantive assessments.

28. As a *preliminary matter*, the Commission considers that the provisions of Article 25.6.c of its Rules of Procedure have been complied with. At the time of making such consideration, the Commission observes multiple elements, such as that the applicants have expressly indicated that they have the consent of the proposed beneficiaries in the form for precautionary measures, that the request contains detailed, concrete and particular information of the proposed beneficiaries, which allows evidencing such consent, and that documentary support has been provided. In this sense, having clarified the aforementioned issue, the Commission continues with the analysis of the request for precautionary measures.

29. According to Article 25.6 of the Rules of Procedure, the Commission "shall take into account the context" in which a request is made. In this regard, the Commission has considered that the assessment of the context in which the facts are inserted informs, illustrates or guides the verification of the requirements of Article 25 of the Regulation. With regard to the present case, the Commission considers it relevant to recall that in November 2020, following the social protests that occurred after the declaration of presidential vacancy, this Commission condemned the human rights violations and carried out a working visit to the country<sup>21</sup>, making several recommendations to the authorities, especially in the sense of promoting a constructive dialogue between the different branches of the State, in accordance with democratic values, with a view to contributing to the strengthening of the rule of law<sup>22</sup>.

30. During the development of the 2021 Peruvian electoral process, on June 14, 2021, the United Nations High Commissioner considered of particular concern the harassment against authorities such as the current proposed beneficiary, in his capacity as president of the JNE<sup>23</sup>. Similarly, on June 22, 2021, the

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<sup>20</sup> In this regard, for example, referring to provisional measures, the Inter-American Court has considered that such a standard requires a minimum of detail and information that allows a *prima facie* appreciation of the situation of risk and urgency. I/A Court H.R., *Case of children and adolescents deprived of liberty in the "Complexo do Tatuapé" of Fundação CASA*. Request for the extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Recital 23.

<sup>21</sup> IACHR, Press Release 285. [IACHR Announces Working Visit to Peru in the Context of the Social Protests Related to the Recent Institutional Crisis](#), November 25, 2020.

<sup>22</sup> IACHR, Press Release 290. [IACHR concludes working visit to Peru](#), December 7, 2020.

<sup>23</sup> UN, [Bachelet calls for calm to avoid further social fracture after the elections in Peru](#), June 14, 2021.

Commission expressed concern about reports of intimidation or harassment against electoral authorities, including also the current proposed beneficiary<sup>24</sup>. In this regard, the IACHR also noted that the Ombudsman's Office called for the cessation of demonstrations outside the homes of electoral authorities, as well as to avoid interrupting their family life<sup>25</sup>.

31. The Commission warned that the 2021 electoral process has generated an increase in stigmatizing statements by persons of notoriety or who aspire to positions of responsibility, as evidenced by its Special Rapporteurship for Freedom of Expression of the IACHR (RELE)<sup>26</sup>. In this sense, RELE stated that some statements may encourage violence and discrimination, or generate an environment of tolerance for human rights violations<sup>27</sup>.

32. On June 22, 2021, the Commission reiterated that one of the essential elements of representative democracy is the holding of periodic, free, fair elections based on universal and secret suffrage as an expression of the sovereignty of the people. Similarly, the IACHR recalled that the State has the duty to guarantee the life and personal integrity of those who participate in the public life of the country, the independence in the exercise of the functions of the persons holding positions within the electoral and judicial system, as well as to prevent, investigate and punish discrimination, violence and acts of harassment or intimidation that may be reported, in accordance with the international obligations derived from the American Convention on Human Rights and other inter-American treaties. On July 18, 2021, the Commission again called on the State of Peru to prevent, investigate and punish any act of threat, harassment or intimidation against members of the electoral system in order to guarantee the independence of their functions<sup>28</sup>.

33. For the Commission, the previous contextual elements are relevant for the purposes of the analysis of the present request for precautionary measures. The Commission emphasizes that it has been in this particular context in which the activities of the proposed beneficiary, in his capacity as president of the NEB, have been especially notorious, visible and of high public interest for various sectors of Peruvian society. Therefore, it considers it relevant to analyze the alleged facts in the context of the country, which has been monitored by the Commission since its various mandates. In this regard, the Inter-American Court, when assessing a situation of risk, has indicated that "it is possible to assess the set of political, historical, cultural or any other factors or circumstances that affect the proposed beneficiary or place him in a situation of vulnerability at a given time and expose him to injury to his rights", being that "[t]his situation may increase or decrease over time depending on a number of variables"<sup>29</sup>.

34. When analyzing the *seriousness* requirement, the Commission takes into consideration that the proposed beneficiary is a current judge and president of the NEB, who was in charge of resolving the appeals filed in the last electoral process of 2021 and the recent proclamation of the president-elect in the country, with the casting vote, according to domestic legislation (see *supra* paras. 4 and 13). Likewise, as president of the highest electoral judicial authority (vid. *supra* para. 4), he was responsible for adopting a series of decisions with a view to enabling the JNE to perform its functions in the country and in the

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<sup>24</sup> IACHR, Press Release 155. [IACHR expresses concern over reports of acts of harassment and stigmatizing messages that encourage discrimination in the electoral context in Peru](#). Washington, D.C., June 22, 2021.

<sup>25</sup> *Ibidem*

<sup>26</sup> IACHR, Press Release R126/21. [The Office of the Special Rapporteur for Freedom of Expression calls on people who hold or aspire to hold elected office in Peru to contribute with their speech to the protection of human rights](#), May 17, 2021.

<sup>27</sup> *Ibidem*

<sup>28</sup> IACHR, Twitter publication of July 18, 2021. Disponible en: <https://twitter.com/CIDH/status/1416754185358487565>

<sup>29</sup> See for example: I/A Court H.R., Case of Carpio Nicolle. Case of Carpio Nicolle. Provisional Measures regarding Guatemala. Judgment of the Court of July 6, 2009, Whereas 26, and Case of Members of the Nicaraguan Center for Human Rights and the Permanent Human Rights Commission (CENIDH-CPDH) regarding Nicaragua. Adoption of Urgent Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights of July 12, 2019, Whereas 42.

current context (vid. *supra* para. 6). Therefore, the Commission observes that, in view of the function currently exercised by the proposed beneficiary, his work is different from that of other judges in the country, both for the electoral matters on which he rules, as well as for the position of president of the highest judicial body of the electoral system of the country, being the "visible face" of the electoral body (vid. *supra* para. 6).

35. Among the various alleged acts to which the proposed beneficiary has been subjected, the Commission highlights multiple public campaigns against him from various sectors - social and political - of Peruvian society, both through social networks and open media. In such public campaigns, information related to his professional activity would be used to show him as being related to certain political tendencies, and also linking him to "terrorists" or labeling him as such (see *supra* paras. 7, 8). Likewise, the messages seek to question his impartiality as a judge in the electoral context and show him as a judge: who is in favor of one of the presidential candidates (vid. *supra* para. 9); who promotes electoral fraud (vid. *supra* paras. 7, 8); who carries out acts of corruption (vid. *supra* para. 7); or who is part of criminal groups (vid. *supra* para. 7). Given the monitored context faced by the country, the Commission observes that such messages have not been presented in an isolated manner but as part of a continuous campaign aimed at stigmatizing, discrediting and disqualifying the proposed beneficiary, which is particularly serious since he is the president of the highest electoral judicial body of the country who has been exercising his functions at a time when his high position should be particularly protected, especially in the context of allegations of intimidation or harassment against electoral authorities. The Commission also notes that the alleged facts have extended to and included his family, especially his brother and wife (see *supra* para. 7).

36. In the same vein, the Commission notes with particular concern that the public campaign to discredit the proposed beneficiary has taken the form of acts of harassment through the so-called "sit-ins" in front of his personal home, preceded by allegations that the proposed beneficiary is being followed when he leaves work (see *supra* para. 8). According to the information alleged by the applicants, the Commission understands that in the last two months, at least up to July 19, 2021, a total of 16 "plantones" have taken place. In this regard, the Commission notes that, as part of this public smear campaign against the proposed beneficiary, on June 10, 2021, his personal address was made public under the message that he should be "greeted as he deserves". As the Commission has previously indicated, this category of digital harassment, known as "*doxing*", consists of the disclosure of confidential personal information for intimidating or extortive purposes<sup>30</sup>. For the Commission, *doxing* has the potential to expose individuals to digital attacks and, in addition, to violations in the physical sphere, including attempts against life and personal integrity, encouraged by the disclosure of personal information in the digital sphere<sup>31</sup>. In this regard, the Commission notes that, according to the applicants, given the alleged facts, members of the family group of the proposed beneficiary would have had to separate (see *supra* para. 11).

37. In that line, the Commission observes that on June 27, 2021, a public call was made to "throw bombs and fireworks" at his home; to prevent him from going to the JNE headquarters; and, finally, to kidnap him. In addition to reflecting an increase in the intensity of the events that the proposed beneficiary had been going through, the intentionality in said public call reflects that there are people who have sought to prevent the proposed beneficiary from exercising the duties of his position and therefore affect the electoral process of the country at decisive moments. The Commission highlights the risk that would derive from this type of accusations in a context of politicization that may increase as the candidate who has been recently proclaimed as the new president of Peru gets closer to taking office.

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<sup>30</sup> IACHR, Press Release 155. [IACHR expresses concern over reports of acts of harassment and stigmatizing messages that encourage discrimination in the electoral context in Peru](#), June 22, 2021.

<sup>31</sup> *Ibidem*

38. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission notes that it was informed about the protection measures that have been implemented in favor of the proposed beneficiary since 2020 and that, due to the current situation, they have been reinforced (see *supra* para. 18). Likewise, information was provided on preventive and investigative actions that have been taken in response to the complaints filed by the proposed beneficiary and the NEB (see *supra* para. 21). Regarding the protection measures currently available to the proposed beneficiary, the Commission understands that he has been assigned police security to accompany him on his travels (see *supra* para. 18), as well as certain protection measures for his wife (see *supra* para. 20). The Commission also notes that the State indicated that it would subsequently send information on the daughter and sister-in-law of the proposed beneficiary (vid. *supra* para. 20), and that it omitted a risk assessment report on the brother of the proposed beneficiary due to the area in which he would be located (vid. *supra* para. 20).

39. The Commission recognizes that the State is indeed providing material protection to the proposed beneficiary and has even increased the number of personnel that make up his security detail. However, this has not prevented a recent death threat against him. For example, on July 12, 2021, the date on which the appeals filed before the JNE were finalized, the applicants indicated that a man on board a vehicle that passed outside the proposed beneficiary's house shouted insults, including: "kill that piece of shit that lives there, you piece of shit". In addition, the Commission emphasizes that the information available indicates the existence of groups of persons, some of them described by the applicants as "extremists", who have publicly promoted the demonstrations in front of the residence of the proposed beneficiary, as well as have followed him (see *supra* para. 8), which reflects their high levels of coordination, mobilization and logistics to carry out their activities. Additionally, the Commission is concerned about the demonstrations of former members of the military, or those related to that sector, in the sense of disregarding the electoral results (vid. *supra* para. 9), which were ultimately determined by the JNE that the proposed beneficiary presides.

40. The Commission also warns about the lack of significant progress in the different investigations opened for the facts denounced by the proposed beneficiary, which is a relevant aspect at the time of establishing the risk that the proposed beneficiary would face and the possibilities of their repetition. In this regard, despite the seriousness of the alleged facts that the proposed beneficiary has faced, to date, most of the investigations are still in the investigation stage and others have determined that no criminal offense has been committed, which prevents any progress in identifying and punishing the alleged perpetrators of the facts that have given rise to the request for precautionary measures.

41. Finally, the Commission also understands that, according to the information available, the JNE would have already finished resolving the appeals filed; it would have made official the proclamation of the presidential results on July 19, 2021; and it would have delivered the credentials to the president-elect on July 23, 2021<sup>32</sup>. Notwithstanding the progress of the electoral process, the proposed beneficiary would continue to be identified as the person responsible for the final result of the elections, inasmuch as in his capacity as president his vote had special value; he had to adopt certain relevant decisions; and he is the visible official representative of the highest electoral judicial body of the country. In this sense, understanding the information provided as a whole and the assessments made, the Commission considers that it is reasonable to consider that the proposed beneficiary is in a situation of special vulnerability. At the time of making said assessment, the Commission observes that, according to public information, the president-elect will be sworn in on July 28, 2021<sup>33</sup>, date on which facts could be presented against the

<sup>32</sup> CNN. [Pedro Castillo after receiving credentials in Peru](#), July 23, 2021.

<sup>33</sup> MANAGEMENT: [When will Pedro Castillo take office as President of Peru?](#) July 20, 2021

proposed beneficiary, since he is identified as the person responsible for having given the new government as the winner (see *supra* para. 13). The above determination is further supported by the fact that on July 19, 2021, date of the proclamation of the presidential results, another sit-in was held, in which calls to hatred were made, describing the proposed beneficiary as "vende patria" and stating that such persons "are going to be there every day". Thus, based on the information available, the context of polarization would continue to be in force.

42. In view of the above elements, and in light of the specific context in which they would take place, the Commission considers that the rights to life and personal integrity of the proposed beneficiary are *prima facie* at serious risk. The Commission also considers that his identified family members could be at risk of possible reprisals against the proposed beneficiary.

43. Regarding the *urgency* requirement, the Commission considers that the information provided in the request indicates the possibility that the proposed beneficiary faces the imminent materialization of a harm to his rights. This is due to the systematic harassment, stigmatization campaigns, death threats, among others, that are constantly and on a daily basis against the proposed beneficiary, who will serve as a member of the NEB until 2024.

44. As for the requirement of *irreparability*, the Commission considers that it has been met, insofar as the possible impact on the right to life and personal integrity constitutes the maximum situation of irreparability.

### **III.BENEFICIARIES**

45. The Commission declares that the beneficiaries of these precautionary measures are Jorge Luis Salas Arenas, his wife Dolly Carmela Manrique Zúñiga, his daughter Pamela del Carmen Salas, his brother Héctor Salas Arenas and his sister-in-law Dulmis Fresia Manrique Zúñiga. All the indicated persons are duly identified in the present proceeding.

### **IV.DECISION**

46. The Commission considers that the present case meets *prima facie* the requirements of seriousness, urgency and irreparability contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests Peru to:

- a) Adopt the necessary measures to guarantee the rights to life and personal integrity of the persons identified as beneficiaries;
- b) Adopt the necessary and culturally appropriate measures to guarantee that Mr. Jorge Luis Salas Arenas can continue to perform his duties as president of the National Electoral Jury (JNE) without being subjected to threats, harassment or acts of violence in the exercise of these duties;
- c) Agree on the measures to be implemented with the beneficiaries and their representatives; and
- d) Report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, in order to avoid their repetition.

47. The Commission requests Peru to report, within 15 days from the date of this resolution, on the adoption of the requested precautionary measures and to update this information on a regular basis.

48. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment of any violation of the rights protected in the American Convention and other applicable instruments.

49. The Commission instructs its Executive Secretariat to notify the State of Peru and the applicant of this resolution.

50. Approved on July 25, 2021 by Antonia Urrejola Noguera, President; Flávia Piovesan, Second Vice President; Margarete May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.