
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 61/2023**

Precautionary Measure No. 265-19
Carla Valpeoz regarding Peru¹
October 20, 2023
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Carla Valpeoz. At the time of making the decision, the Commission assessed the measures adopted domestically by the State, as well as the lack of response by the beneficiary's representation during the time the precautionary measures were in force. In that regard, taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation presenting a risk under the terms of Article 25 of the Rules of Procedure at this time. In this respect, it assessed that it is appropriate to analyze the presented allegations in the framework of a petition. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On March 15, 2019, the IACHR decided to grant precautionary measures in favor of Carla Valpeoz, in Peru. According to the request, Carla Valpeoz, a national of the United States, disappeared on December 12, 2018, after leaving the "Pariwana" Hostel, en route to the Sacred Valley for sightseeing. Following the analysis of the submissions of fact and law, the Commission considered that the information presented showed, in principle, that Carla Valpeoz was in a serious and urgent situation, given the lack of determination of her whereabouts. Therefore, based on Article 25 of its Rules of Procedure, the Commission requested that Peru a) adopt the necessary measures to determine the situation and whereabouts of Carla Valpeoz; and b) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent those events from reoccurring.²

III. INFORMATION PROVIDED DURING THE TIME THESE MEASURES WERE IN FORCE

3. During the time the precautionary measures were in force, the Commission followed up on the subject matter of these precautionary measures by requesting information from the parties. The IACHR received communications from the State on March 29, 2019; February 4, 2021 (time extension); March 2, 2021; and March 14, 2023.

4. The Commission has not received information from the representation during the processing of the precautionary measures. The foregoing, despite the fact that communications and requests for information have been sent to the available contact information on September 20, 2019; August 20, 2020; October 7, 2020; February 16, 2021; August 10, 2021; December 30, 2021; and April 12, 2023. The lack of response from the representation continued despite the Commission informing them that it would evaluate whether these precautionary measures should remain in force.

¹ In accordance with Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Julissa Mantilla Falcón, a Peruvian national, did not participate in the debate or in the deliberation on this decision.

² IACHR. [Carla Valpeoz regarding Peru \(PM-265-19\). Resolution 12/2019 of March 15, 2019](#) [in Spanish].

5. The Commission considered Tamara Estefanía Salazar Ayala and Carlos Valpeoz (brother of the beneficiary) as representatives, per what was indicated in the request.³

A. Information provided by the State

6. In its report of March 29, 2019, the State provided information on the actions carried out by the Provincial Criminal Prosecutor's Office of Calca and the Criminal Investigation Department of the Peruvian National Police (*Departamento de Investigación Criminal de la Policía Nacional del Perú*, DEPINCRI - PNP) to determine the situation and whereabouts of the beneficiary:

- a. DEPINCRI approved Operation Plan No. 01/2019 "Search and Location of Carla Valpeoz (35)";
- b. The Calca Preparatory Investigation Court authorized the lifting of the secrecy of communications of a cell phone;
- c. Information was collected on the beneficiary's entrance to the archaeological park, as well as evidence from premises or security booths at the entrance of the park, by sending DNA samples to Lima for investigation;
- d. The Court was asked to lift the secrecy of communications of 17 alleged suspects;
- e. DEPINCRI approved Operation Plan No. 02/2019 "Search warrant and house inspection with forced entry measure";
- f. The Court was requested to search and perform a house inspection on eight properties dedicated to tourism and four properties of alleged suspects;
- g. Collection of evidence in the archaeological park of Písac was requested.

7. It was indicated that statements were taken from eight people. Moreover, they reported search actions on March 11 and 12, 2019, in the archaeological park of Písac with 45 PNP staff from various specialized units (with detailed activities). In turn, on March 14, 2019, the Court approved the search and registration of 12 addresses, proceedings being carried out on March 15 and 16, 2019. A new search in the vicinity of the access area to the park was projected.

8. By a report of March 2, 2021, the State informed that it maintains communication with the beneficiary's father and her representative in the city of Cusco, as well as with the United States Embassy. In turn, it indicated that, on October 27, 2020, the Prosecutor's Office ordered the following proceedings and requisitions:

- a. Investigate contradictory statements by J. H. N. C. about not having seen the beneficiary, as well as the lack of explanation for having received international calls;
- b. Statement of A. R. A. on the circumstances in which they indicated to have seen the beneficiary climb the control area of the archaeological park of Písac;
- c. Information on the immigration status of various people immediately after her disappearance;
- d. Information on A.C.'s declarations about a house where the beneficiary stayed;
- e. Information on the use of a cell phone;
- f. Complement diligences on the rapprochement of the beneficiary with a worker from the Pariwana Cusco lodging on the day before her disappearance;
- g. Information from the investigation in the Republic of Argentina on a person who has been alluded to in a possible investigation into the disappearance of the beneficiary;

³ *Ibidem*, para. 15.

- h. Collect required expertise from laboratories in the United States of America;
- i. Information on the use of the beneficiary's phone to track her communications and its possible use after the disappearance, requesting the lifting of the secrecy of communications through international assistance.

9. In a report dated March 14, 2023, the State indicated that, on April 4, 2021, the Prosecutor's Office declared the preliminary investigation "for the crime of simple homicide against the beneficiary" to be "complex." It was pointed out that the lawyer of the aggrieved party requested the preliminary detention of the foreigner J. G. L. due to the allegation that he could have information regarding the disappearance, it being investigated that, between November 2018 and March 2019, he stayed in a home in which he was no longer living. Search proceedings for Mr. J. G. L. were reported from 2018 to date, without being able to locate them.

10. It was reported that on January 5, 2022, confidential information on the location of the beneficiary and those allegedly involved in the crime of homicide was brought to the attention of the Prosecutor's Office in charge of the case. They explained that an anonymous call was received in the DEPINCRI - PNP, reporting that the beneficiary was buried inside a house, near the chapel of the district of Písac, information obtained from listening to the conversation of some people in a public place. Following intelligence work, the DEPINCRI - PNP identified a property where the body reportedly might have been. They carried out the search on January 13, 2022, after judicial authorization, obtaining a negative result. The Public Ministry requested a panoramic assessment to be carried out, taking a closer look at the land and the buildings where the beneficiary allegedly was, requesting technological support from the Embassy of the United States and/or the FBI for a thorough search. In addition, they carried out search procedures in agricultural fields near the chapel and home owned by R.H.C.E., and in the lodging of J.J.C.R.

11. The State added details about previously reported proceedings. It reported that the searches in 2018 included the use of helicopters and drones in different areas of the archaeological park of Písac. It added that in 2019 the hypothesis that she reportedly could have been taken through deception linked to mystical activities of quackery, drugs, "Ayahuasca," "San Pedro," and "Huachuma" was investigated. In addition to the secrecy of the beneficiary's cell phone communications, the secrecy of her bank accounts was also lifted, through international judicial cooperation. In 2019, recreations of the events were also made, confirming that the beneficiary entered the archaeological park of Písac through the control of Acchapata, despite the fact that the person in charge of the entry control denied having registered her entry. It also referred to the finding of belongings and skeletal remains, which tested negative for belonging to the beneficiary.

12. Details were provided about people who saw the beneficiary in the municipality of Písac and indicated that she had a visual disability, adding that they were not aware of her return from the archaeological park. The State indicated that the lack of assistance by personnel of the Ministry of Culture for the said disability was investigated. In this regard, on January 1, 2023, a statement was received from the park entry control officer of the Ministry of Culture, who stated that he had not received any instructions or documents to guide his actions in the care of any type of disability.

13. Finally, the State refers that it is not possible to affirm the commission of a murder crime, not having the body and indicates that, despite the procedures carried out, "it has been impossible to locate the missing person and/or corpse of Carla Valpeoz."

B. Information provided by the representation

14. The IACHR has not received information from the representation during the time these precautionary measures have been in force.

IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM

15. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

16. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

⁴ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

⁵ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#) [in Spanish]. Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#) [in Spanish]. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

⁶ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#) [in Spanish]. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#) [in Spanish]. Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

17. With respect to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that "[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25(9) establishes that "[t]he Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force." In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

18. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁷ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁸ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the lifting of international protection measures.⁹

19. The Commission notes that, to date, the representation has not given any type of response in these proceedings during the time the precautionary measures have been in force, despite the fact that the State's reports have been transferred and information has been requested seven times since the granting of these measures. Since then, more than four years have passed without receiving information. The foregoing makes it difficult for this Commission to adequately carry out its mandate through the effective follow-up of these precautionary measures, and taking into account their useful effect in this type of matter.

20. In analyzing of whether the procedural requirements are currently in force, the Commission notes that, in 2019, it considered that the procedural requirements were met with respect to Carla Valpeoz, who was recently missing by that date. Consequently, the Commission requested the State of Peru to adopt the necessary measures to determine the situation and whereabouts of Carla Valpeoz. From the reports received, the Commission notes that the reported proceedings included the following:

- a. Search in and around the archaeological park of Písac, with specialized PNP search teams, as well as helicopter and drone support;
- b. Taking of statements and search for people who carried out activities in the area or who allegedly have seen or had a relationship with the beneficiary;
- c. Expert reports on cell phones belonging to the beneficiary and other people who could be related to the facts;
- d. Proceedings to search homes where the beneficiary could have been;
- e. Investigation of different hypotheses about the disappearance and the information received related to the facts.

21. In this regard, the Commission emphasizes that the State has been carrying out proceedings to search and locate the beneficiary, which have been led by the PNP and the Prosecutor's Office, as well as requesting the support of agencies from other countries and international cooperation. The Commission also stresses that these measures have been maintained over time, registering proceedings since 2018,

⁷ I/A Court H.R. [Matter of Fernández Ortega et al. Provisional measures regarding Mexico](#). [in Spanish]. Order of February 7, 2017, paras. 16 and 17.

⁸ *Ibidem*

⁹ *Ibidem*

when the disappearance occurred, as well as their continuity over time, specifically highlighting the investigative proceedings of 2022 after receiving anonymous information, as well as recent statements taken even in 2023.

22. The Commission considers that in the analysis of compliance with the procedural requirements in matters where the person's whereabouts is unknown, it is important to consider each specific case, assessing the time elapsed, the actions of the competent authorities, as well as the allegations of the representation. In this regard, in this matter the Commission values the implementation of the precautionary measures by the State institutions, as well as takes into consideration the passage of time, and the lack of procedural momentum on the part of the representation. The lack of information by the representation during the time the precautionary measures have been in force prevents from identifying challenges or specific actions to be implemented in the search and/or investigation plans concerning the situation the beneficiary which would allow to affirm that the useful effect of the precautionary measures remains.

23. The Commission considers, given the passage of time, as well as the information available in this matter, that the analysis of the actions carried out by the State within the framework of the investigations and actions performed corresponds to a merits analysis, which is better suited to be undertaken in the framework of the individual petition and case system, should an individual petition be presented and the applicable regulatory provisions be met.¹⁰

24. In this matter, taking into account the nature of the precautionary measures mechanism, in addition to the information available and the analysis carried out, the Commission understands that it currently has no elements to support compliance with the requirements of Article 25 of the Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹¹ the Commission deems it appropriate to lift these measures. Likewise, the Commission considers that the corresponding allegations should be assessed within the framework of the petition and case system. Consequently, the Commission could assess any violations that may be alleged in the framework of a possible petition related to this matter.

25. In line with what was indicated by the Inter-American Court in various matters,¹² a decision to lift [precautionary measures] cannot imply that the State is relieved from its general obligations of protection, contained in Article 1(1) of the Convention, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by the consequences that may be established. Furthermore, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures does not imply a possible decision on the merits of the dispute.¹³

¹⁰ IACHR, [José Fernando Choto Choto et al. regarding El Salvador \(PM-240-15\)](#), Resolution to Lift 13/2021 of February 4, 2021, para. 32; [Luis Alberto Sabando Veliz regarding Ecuador \(PM-1002-04\)](#), Resolution to Lift 2/2021 of January 4, 2021, para. 18.

¹¹ I/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

¹² See: I/A Court H.R. Matter of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988. Considerandum 3; Matter of Giraldo Cardona et al. Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015. Considerandum 40; and I/A Court H.R. [Case of Vélez Loor v. Panama. Provisional Measures](#) [in Spanish]. Order of the Inter-American Court of Human Rights of May 25, 2022. Considerandum 62.

¹³ See: I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16, and Matter of Natera Balboa. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, considerandum 16.

26. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Peru to respect and guarantee the rights recognized therein, including the life and personal integrity of the person identified in the matter at hand. In this sense, it is up to the State of Peru to continue with the corresponding investigations, as well as the search actions, with the aim of clarifying the facts and circumstances of Carla Valpeoz.

V. DECISION

27. The Commission decides to lift the precautionary measures granted in favor of Carla Valpeoz, in Peru.

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

29. Approved on October 20, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary