
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 42/2023**

Precautionary Measure No. 341-23
Gustavo Andrés Gorriti Ellenbogen¹ regarding Peru²
July 24, 2023
Original: Spanish

I. INTRODUCTION

1. On May 10, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Legal Defense Institute (*Instituto de Defensa Legal*, IDL) and the Center for Justice and International Law (CEJIL) (“the applicants”), urging the Commission to require that the State of Peru (“Peru” or “the State”) adopt the necessary measures to protect the rights of Gustavo Gorriti (“the proposed beneficiary”). According to the request, the proposed beneficiary is at risk as a result of threats and harassment, allegedly in connection with his journalistic work in the exercise of his freedom of expression in the country.

2. Pursuant to Article 25.5 of its Rules of Procedure, the Commission requested information from the State on May 16, 2023, and received a response on June 1, 2023. On June 12, 2023, the Commission requested comments from the applicants and received the requested information on June 15, 2023. The State submitted additional information on June 19, 2023, after a 10-day extension was granted. The applicants sent further information on July 7, 2023.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, the IACHR requests that the State of Peru: a) adopt the necessary measures to protect the rights to life and personal integrity of Mr. Gustavo Gorriti; b) adopt the necessary measures so that Gustavo Gorriti can carry out his activities without being subjected to acts of violence, intimidation, threat, or harassment in the exercise of his duties. The foregoing includes the adoption of measures so that he can duly exercise his right to freedom of expression; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The applicants mentioned the “hostile context” that journalists allegedly face in Peru. This context was reportedly aggravated by the institutional and political crisis which intensified in December 2022 after the Peruvian Congress voted in favor of the vacancy of the then president of Peru, Pedro Castillo.

¹ Hereinafter, the proposed beneficiary is also identified as Gustavo Gorriti.

² In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner Julissa Mantilla Falcón, a Peruvian national, did not participate in the debate and deliberation of this matter.

According to the National Association of Journalists in Peru, 155 cases of harassment, threats, beatings, and arbitrary detentions of journalists have been documented between December 7, 2022, and January 2023.

5. The proposed beneficiary is a writer and investigative journalist who has been dedicated to reporting and investigating cases of politics, culture, corruption, human rights violations, and social issues in Central America, South America, and the Caribbean. Moreover, the applicant highlighted that Mr. Gorriti has held leadership positions in various newspapers, was president of the Institute of Press and Society (*El Instituto Prensa y Sociedad*, IPYS) and is a member of the International Consortium for Investigative Journalists. In addition, his journalistic work is reportedly widely recognized through international distinctions. Currently, the proposed beneficiary directs IDL-Reporteros (IDL-R), a journalistic research unit within the Legal Defense Institute (IDL).

6. The applicants indicated that, since the beginning of 2019, a group self-described as “La Resistencia” had begun to “disseminate slanderous and defamatory statements, which sought to damage the trajectory, prestige, and institutional reputation of IDL and IDL-Reporteros”, in a stigmatization campaign called “terruqueo”³. According to the applicants, between May and August 2019 the leader of the group “La Resistencia” published “dozens of publications” in which the IDL organization is accused of being “a criminal organization”, “an organization of racketeers”, “a nest of smelly snakes”, “*hijos de Soros*”, “*filoterrucos*” [terrorist sympathizer]. Four publications allegedly included photos of the proposed beneficiary “with the aim of discrediting him”. In addition, in August 2019, members of “La Resistencia” allegedly “harassed the IDL-Reporteros facilities”, with megaphones and “insulting, slanderous, and defamatory” posters. As a result, the leader of the group was convicted by the Superior Court of Justice of Lima for the crime of aggravated defamation.

7. Despite the aforementioned, the group “La Resistencia” and its satellites “Los Combatientes”, “Los Patriotas” and “Los Insurgentes”, allegedly continue to carry out these acts to date. On February 4, 2022, alleged members of “La Resistencia” allegedly broke the lock and damaged the door in order to enter IDL facilities. The applicants stated that “there are elements to consider that the intrusion of the facilities was not due to a common robbery attempt, but to an act of intimidation, information theft, or sabotage of the premises, against IDL particularly due to the journalistic work of IDL-Reporteros”. On April 21, 2022, a member of “La Resistencia” allegedly physically assaulted an IDL-Reporteros reporter while they were recording the acts of harassment at the headquarters. The police reportedly did not intervene during the incident.

8. On January 17, 2023, “La Resistencia” and “Los Combatientes” allegedly harassed members at the facilities of IDL-Reporteros, IDL, the Pro-Human Rights Association (*Asociación Pro Derechos Humanos*, APRODEH), and the National Coordinator for Human Rights (CNDDHH). The groups allegedly arrived at the shared premises of IDL and IDL-Reporteros with amplifiers, “to shout insults and defamations against IDL-R”, in particular against its director, Gustavo Gorriti. Subsequently, the leader of “La Resistencia” allegedly threw a garbage bag into the courtyard and a member allegedly spilled liquid on the planters of the entrance doors of the premises. The police allegedly did not intervene, and it was reported that the investigations have not progressed despite the identity of the aggressors being known.

9. On January 21, 2023, 11 people from the group “La Resistencia” allegedly threw garbage bags into the entrance yard and parking lot of IDL-Reporteros and the IDL, while an individual videotaped the raid. The applicants claimed that some of the attackers wore hats and masks to avoid being identified by security cameras.

³ The applicants informed that the concept of “terruqueo” consists in attributing to one or more persons the perpetration of terrorism, in any of its modalities, and, as a consequence, in attributing the pejorative status of terrorist to such person or persons, without having direct or indirect means of verification.

10. On February 8, 2023, the leader of “La Resistencia” reportedly published the file of the National Registry of Identification and Civil Status (*Registro Nacional de Identificación y Estado Civil*, RENIEC) of Gustavo Gorriti on his Twitter account. This post contained Mr. Gorriti’s address, along with the message “they’ve ordered a homemade pizza at this address. Anyone know him?” On February 21, 2023, approximately 30 people from the “La Resistencia” and “associated gangs” [sic], allegedly uttered insults, defamations, anti-Semitic phrases, and threats in front of Gustavo Gorriti’s residence. These individuals allegedly shouted phrases such as: “We are standing here today to tell Gustavo Gorriti that the days are numbered”; “terrorists”; and “Gorriti is not Peruvian, he is Jewish”.

11. On March 9, 2023, the proposed beneficiary allegedly filed a complaint for the disclosure of confidential personal information (doxing), sit-ins and threats, following the events of February 21, 2023. On March 10, 2023, the Third Provincial Prosecutor’s Office for Crime Prevention reportedly issued Tax Provision No. 01 to initiate a preventive procedure. In this Provision, the Prosecutor stated that “he considers that the facts indicated [...] evidence the existence of an effective risk of the violation or endangerment of his life and physical integrity; as well as of his freedom; that is to say, the existence of a real risk of the commission of crimes of minor injuries, serious injuries, homicide, and harassment [...]. Furthermore, it is highly probable that the members of the group ‘La Resistencia’ will transgress the public order or tranquility.” On the same day, the Prosecutor reportedly requested, from the head of the Lima police region, preventive police actions such as on-foot and motorized patrols, identification of risk groups, among others.

12. On April 4, 2023, there was a massive leak of personal information of Miraflores residents, including the proposed beneficiary’s personal information. On April 27, 2023, the program CTV Peru allegedly published a video on its Facebook account containing an edited audio “to simulate that Mr. Gorriti had ‘corrupt ties’” with a former member of Odebrecht.

13. On May 5, 2023, a group of approximately 60 members of “La Resistencia”, “La Insurgencia”, “Los Combatientes” and the “Movimiento Democrático Anticomunista” allegedly harassed the local IDL with banners that said “IDL terrorists”, “IDL caviar mafia” [In this context, “caviar” is a non-poor individual who believes in socialist politics], “Gorriti filoterrorist”, “Gorriti you are a corpse”, among other insults and threats. A member of “La Resistencia” allegedly grabbed a microphone and shouted that “Gorriti and his criminal mafia that governs Peru will disappear from our land sooner or later.” In addition, the group of protestors allegedly exploded bombs in the street and threw garbage inside the property. The proposed beneficiary stated that he made multiple calls to the Peruvian National Police but did not receive the requested support. It was added that the police that arrived at the site merely observed the events without taking effective measures to deter these acts and protect the people on the premises. In view of these facts, a complaint was filed with the PNP Police Station of San Isidro.

14. The applicants indicated that on May 5, 2023, Gustavo Gorriti had organized an in-person event. However, they reportedly changed the modality to a virtual meeting due to the possibility that the participants could be injured in an attempted assault against the journalist Gorriti.

15. On May 7, 2023, a white rose was found at the door of the IDL premises, which was initially interpreted as a threat. However, the applicants clarified that IDL received a letter from a person who stated that it was a token of solidarity. Furthermore, it attached in consent of the proposed beneficiary for the processing of the request for precautionary measures.

16. In addition, on May 5, 2023, members of IDL allegedly received multiple violent responses on social networks, accusing them of “terrorists”, “violent”, “parasites”, “communists”, “caviars”, among other insults, allegedly following the disclosure and analysis of the report prepared by the IACHR after the visit to Peru. These posts allegedly caused a surge of social media posts inciting violence against Gustavo Gorriti and IDL members, such as: “If the authorities turn a blind eye, then the coast is clear to give them some hot

chocolate” and “crybabies”. They also stated “IDL and Gorriti were frightened by a rose that was left outside their premises. They say it’s a death threat! Now they are begging for help from the Prosecutor’s Office!” On May 20 and 23, 2023, the leader of “La Resistencia” allegedly spread threatening messages against the proposed beneficiary, with the following content:

It will be a month since our last visit to his burrow and the stinking *Gorrata* is still crying. Save the tears, bastards, as we will soon give you reasons to cry for a few more months and be comforted by the same usual drain divers; and
There is only the smelly vest and the testimonies of those who say that you stink of shit
Tartacojo look in the mirror today you are only the caricature of what you thought you were
nobody respects you only some cowards who are afraid of you, you are broken, cornered, you are in our hands

17. The applicants alleged that, although the reported facts were timely reported or known to the National Police, the State did not submit information on protection measures implemented to protect the life, integrity, and freedom of expression of the proposed beneficiary. In addition, they stressed that the State did not report on the investigations that are being carried out on the facts presented in the request.

18. In this regard, they stated that a complaint was reportedly filed with the authorities on March 9, 2023 and May 5, 2023. According to the applicants, the Corporate Criminal Prosecutor’s Office of San Isidro has opened a preliminary investigation against the head of “La Resistencia” “and other members of this organization for the crimes of criminal gang, harassment, and coercion to the detriment of the Legal Defense Institute.” On the other hand, the sit-ins and alleged harassment that occurred on January 17, 2023, February 21, 2023 and May 5, 2023 were allegedly observed by the police, “without taking effective measures to deter attacks and protect the proposed beneficiary.” Additionally, on April 17, 2023, a complaint for abuse of authority and generic falsehood was filed against prosecutors of the Second Office of Fiscal Investigation of the First Corporate Criminal Prosecutor’s Office of Maynas, for having initiated an investigation for the commission of crimes and bribery of the proposed beneficiary without there being information or elements of conviction that allow these crimes to be imputed.

19. The applicants added that, “in mid-June”, members of “La Resistencia” went to the proposed beneficiary’s neighbourhood and handed out flyers “pointing to the IDL for defending a person who allegedly belonged to Sendero Luminoso”. Those flyers included, among other aspects, the phrase “terrorism never again”, a photograph of the proposed beneficiary and the question “San Isidro resident, do you know who your neighbour is?”

20. On the other hand, the leader of “La Resistencia” reportedly published on social networks that the proposed beneficiary is allegedly linked to Open Society Foundations, whose founder he accuses of “criminal speculator, destabilizer, promoter of abortion, gender ideology, and Christophobia.” Subsequently, on June 18, 2023, a media outlet published a message with images of the proposed beneficiary and other members of IDL, in which it affirmed that IDL “has had and still has interference in the justice system” and has received “millions of dollars contributed by Open Society Foundations, accusing its founder of destabilizing governments in favor of their own interests.” This alleged news was “replicated in other media” and “calls for an investigation into the use of IDL funds.”

21. On June 26, 2023, IDL members reportedly paid a visit to the U.S. State Department, which allegedly caused a call for violence against them upon being accused of being terrorists. According to the applicants, a message stated “remember those faces, if you see them all in the streets, do not hesitate to hit them. It’s really repulsive.”

22. On June 30, 2022, IDL-Reporteros reportedly received an award for an investigation into the circumstances of the deaths of ten people in the Ayacucho protests. The applicants indicated that, in the

publications of people who shared the announcement of award winners, there are alleged messages with the image of the proposed beneficiary accusing him of being a “terrorist”. In this sense, the applicants stressed that the facts increase the risk to which the proposed beneficiary is exposed, “because they falsely link him with acts of terrorism, or with destabilizing governments, and of having interference in the administration of justice or promoting gender ideology.” These accusations originate from the exercise of the journalistic works of the proposed beneficiary and could “generate aggressions by third parties and put his life and integrity at risk”.

B. Response from the State

23. On June 1, 2023, the State reported that it had transferred this request for precautionary measures to the Peruvian Association of Journalists, the National Council of the Peruvian Press, the Public Prosecutor’s Office, the Supreme Court of Justice of the Republic, and the Peruvian National Police in order to prepare this report. The State also noted that the express agreement of the proposed beneficiary to request the adoption of precautionary measures was not observed.

24. Preliminarily, the Peruvian State affirmed that the facts alleged by the representatives have not been fully alleged via the domestic channels, at the prosecutorial level, or by requesting support from another entity. In this regard, the State stressed the subsidiary nature of the protection mechanisms of the Inter-American Human Rights System due to which it considers that, in this matter, the State has not been given the opportunity to investigate the facts as they have been raised by the representatives. According to the State, no personal protection or guarantees were allegedly sought from the proposed beneficiary.

25. The Peruvian State states that the request at hand must be analyzed in light of the requirements established in Article 25 of the IACHR Rules of Procedure. Thus, the State initially referred to the requirement of seriousness. Regarding the events that occurred on February 4, 2022, the State mentioned that, although the applicants alleged that the entry into their facilities had alleged apparent intentions of intimidation and not of a theft, no further evidence has been presented to assert that it was not a theft, other than the ‘intuition’ of the representatives themselves. In addition, with regard to the alleged assault of an IDL-R reporter that occurred on April 21, 2022, the State affirmed that this act was not carried out against the proposed beneficiary, nor is it verified that the representatives have attached the corresponding complaint, in order to give the Peruvian State the opportunity to address the alleged “lack of action” indicated by the representatives.

26. Additionally, the State pointed out that the representatives alleged a series of events that took place from January 17, 2023 until at least May 5, 2023 and filed a preventive complaint before the facts of *doxing*, sit-ins, and threats. In response to this complaint, the Public Prosecutor’s Office reportedly issued Fiscal Provision No. 01 initiating a preventive procedure to prevent crimes against life, body, and health in the modality of minor injuries, serious injuries, homicide, crimes against freedom in the form of harassment, and crimes against the modality of disturbance. However, according to the State, the complaint itself refers only to a single event that occurred on February 21, 2023, which does not allow the crime prevention Prosecutor’s Office to address the rest of the facts alleged in this request for precautionary measures.

27. On the other hand, with respect to the alleged edited audio presented by the CTV Peru program, the State affirmed that the complaint or defamation suit filed by the representatives or the proposed beneficiary is not attached either. This does not allow the State the opportunity to act through the Judiciary. The State affirmed that, although this particular fact is indicative of the possible commission of an act subject to criminal proceedings, it does not appear to be as serious as alleged by the representatives. Furthermore, regarding the alleged harassment against the proposed beneficiary and IDL-Reporteros, which occurred on May 5, 2023, the State affirmed that, “although these facts could be considered attacks on freedom of expression, they cannot be considered attacks on the life and integrity of the proposed beneficiary”. The filing of any complaint is not verified.

28. The State affirmed that the alleged facts presented by the representatives are at an embryonic stage that does not clarify an imminent threat against the life and integrity of the [proposed] beneficiary. Furthermore, while the applicant pointed out that on May 5, 2023, Mr. Gorriti allegedly received a death threat upon finding a white rose at IDL-R's headquarters, IDL-R itself subsequently clarified on its website that the rose was a show of solidarity towards IDL-Reporteros. For the Peruvian State, the situation of the proposed beneficiary is not urgent as it has been alleged since at least the beginning of the year.

29. Regarding irreparable harm the State indicated that, although the rights to life and integrity are, by their very nature rights, that cannot be repaired; this is not the case with the right to freedom of expression *per se*.

30. The Peruvian state also indicated that the San Antonio police station allegedly arranged the motorized patrol service with permanent rounds and tactical parking. In addition to the above, a citizen contact control notebook was created. In it, patrol vehicles are registered and coordinated with the head of Area 3 of the Miraflores Serenazgo, in order to adopt and reinforce personal security measures on foot and motorized Serenazgo vehicles. On March 24, 2023, the Commissioner of San Isidro also allegedly reported that they had increased motorized patrols within the quadrant of the IDL-Reporteros headquarters and had carried out "tactical parking".

31. On the other hand, on June 15, 2023, the Supranational Specialized Public Prosecutor's Office (*Procuraduría Pública Especializada Supranacional*, PPES) reportedly sent the request for precautionary measures to the Fourth Corporate Supraprovincial Specialized Prosecutor's Office against Organized Crime - Team 2. The Prosecutor's Office is investigating various collective groups called "La Resistencia", "La Insurgencia", "Los Combatientes", "Los Patriotas" who are carrying out acts of harassment, coercion, intimidation, and aggression against various people. According to the State, the purpose of the dispatch by the PPES is to "eventually consider" the inclusion of the proposed beneficiary in the program of the Protection and Assistance Unit for Victims and Witnesses (*Unidad de Protección y Asistencia de Víctimas y Testigos*) of the Public Prosecutor's Office "in order to guarantee his life and integrity". The State also reported that the investigation carried out by the Fourth Specialized Corporate Supraprovincial Prosecutor's Office against Organized Crime - Team 2 is in preliminary proceedings,⁴ and there had been important progress in the preliminary investigation.

32. Regarding the investigations, on May 31, 2023, the Provincial Prosecutor's Office for Crime Prevention of the Lima District Attorney's Office reportedly indicated that it was assigned Prosecution Case No.

⁴ According to the State, the following steps were taken: a. Through Provision No. 01 dated December 15, 2021, it ordered the opening of the preliminary investigation in police headquarters against those who are responsible, as alleged perpetrators of the crime of criminal organization to the detriment of society, granting the term of 120 days. The investigation concerns the facts related to the existence of various groups called "La Resistencia", "La Insurgencia", "Los Combatientes" and "Los Patriotas", who reportedly exercise harassment, coercion, intimidation, and aggression against various authorities, including the Prosecutor José Domingo Pérez Gómez and his wife. With the Fiscal Provision dated March 16, 2022, the Fiscal Folder 50-2021 was accumulated to the Fiscal Folder No. 15-2022, titled "La Resistencia". c. The acts were established in accordance with Article 317 of the Criminal Code for the crime of Criminal Organization, whose final crimes are the commission of serious injuries, defamation, coercion, harassment, and disturbances, which is why, in the opinion of the tax office, it was appropriate to expand the preliminary investigation for the said criminal offenses. Through Tax Provision No. 17 dated June 30, 2022, it was arranged, among others, to officiate the Coordinator of the Central Unit for Protection and Assistance to Victims and Witnesses, given that the beneficiary José Domingo Pérez Gómez and others are at risk. e. By Provision No. 29 dated January 18, 2023, it was prepared to reiterate to the Head of the Department of Investigation Against Organized Crime- send a report on the Surveillance and Follow-up Operations (OVISES) carried out. f. By Provision No. 32 dated February 17, 2023, it was provided "To extend the period of preliminary investigation, in police headquarters, by the Department of Investigation Against Organized Crime-Team 01, for the term of fifteen days. g. By Provision No. 33 dated March 2, 2023, it was ordered that various information requirements be made. Subsequently, by means of Provisions N 34 and 35 dated March 3 and April 5, respectively, it ordered the extension - ex officio - of the investigation. h. By Provision No. 36 dated April 11, 2023, it was ordered, among others: i) to inform the Head of the Department of Investigation against Organized Crime (DEPINCCO) LIMA 01, in order to report the results of the investigation; ii) to inform the PNP La Huayrona-B Police Station, in order to formulate a detailed and/or detailed report regarding the actions and/or results of the investigation carried out by the respective investigator.

82-2023 in response to the complaint filed by the proposed beneficiary with the Prosecutor's Office for Crime Prevention. By Executive Order of March 10, 2023 issued by the Third Prosecutor's Office for Crime Prevention of the Fiscal District of Lima, it ordered the initiation of preventive proceedings in order to protect the proposed beneficiary. In this provision, the police stations of the districts of Miraflores and San Isidro were requested to "carry out on-foot and motorized patrols, identify risk groups, among other acts".

33. Furthermore, through an official letter dated March 10, 2023, the Third Prosecutor's Office for Crime Prevention of the Fiscal District of Lima requested the head of the Lima Police Region to comply with the provision. In response, the San Antonio police station reportedly informed the Prosecutor's Office about the actions and security measures taken at the proposed beneficiary's private residence. They reportedly further indicated that on February 21, 2023 it provided support with six police officers and three vehicles at the location after protestors showed up, stayed for 40 minutes, and then left "without causing personal or material damage". On the other hand, on March 24, 2023, the San Isidro police station reportedly submitted to the Prosecutor's Office a report on the actions and security measures taken at IDL Reporteros' headquarters.

34. On April 3 and 24, 2023, the Third Prosecutor's Office of Crime Prevention of the Fiscal District of Lima reportedly sought "the release of the defendants to their homes". Subsequently, the same Public Prosecutor's Office reportedly became aware of the acts of violence that took place on May 5, 2023 at the premises of IDL-Reporteros and ordered that excerpts from newspaper reports be extracted and added to the Prosecutor's file. According to the State, on May 11, 2023, the Third Prosecutor's Office for Crime Prevention of the Lima District Attorney's Office referred the proceedings to the Provincial Corporate Criminal Prosecutor's Office of San Isidro - Lince. This was carried out considering that the aforementioned Prosecutor's Office does not have the competence to carry out investigation proceedings, and in the event that there are indications of the commission of a crime, the proceedings should be referred to the competent Criminal Prosecutor's Office. The State indicated that it will subsequently refer the actions carried out by the Public Prosecutor's Office in this process.

35. Additionally, the State mentioned that, on June 8, 2023, the 35th Criminal Enforcement Court (35° Juzgado Penal Liquidador) - Progreso Headquarters, allegedly issued a conviction against Jenny Lucinda Zúñiga Mourao and in favor of the proposed beneficiary, for the crime of defamation. This allegedly shows that the State has been complying with investigating the facts reported by the proposed beneficiary and carrying out protection measures.

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

36. 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 functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the 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.

37. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.⁵ Regarding the protective nature, these measures seek

⁵ 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

to avoid irreparable harm and protect the exercise of human rights.⁶ To do this, it is necessary to assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve 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.⁸ For purposes of decision making, and in accordance with Article 25(2) of the 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.

38. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.⁹ Similarly, the Commission recalls that, in this proceeding, it is not called upon to analyze alleged human rights violations in light of the American Convention and the 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

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.

⁶ 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](#). 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](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

⁷ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; 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](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

⁸ 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 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

⁹ In this regard, for instance, referring to provisional measures, the Inter-American Court has indicated that this standard requires a minimum degree of detail and information to assess, *prima facie*, a situation of risk and urgency. I/A Court H.R., [Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

requirements established in Article 25 of its Rules of Procedure, which can be done without entering into substantive assessments.

39. As a preliminary matter, the Commission considers that the provisions of Article 25.6.c of its Rules of Procedure have been complied with. The information available reflects that the proposed beneficiary has ratified the request for precautionary measures filed by the applicants, and submitted its express consent within the framework of the proceedings before the IACHR. In addition, the IACHR notes that the request for precautionary measures was submitted by IDL, where the IDL-Reporteros unit is located, which indicates, in addition to the ratification of the proposed beneficiary, the proposed beneficiary belongs to the institution submitting the request. Therefore, the Commission considers that the provisions of the aforementioned paragraph are complied with.

40. Furthermore, the IACHR recalls that, according to Article 25.6 of the Rules of Procedure, the Commission “shall take into account the context” in which a request is framed. In this regard, the Commission has deemed that the assessment of the context in which the facts occur informs, illustrates, or guides the verification of the requirements of Article 25 of the Rules of Procedure.

41. The IACHR also recalls that, in May 2022, its Special Rapporteur for Freedom of Expression carried out a working visit in Peru. In its preliminary observations report, the Office of the Rapporteur highlighted that “it has seen with particular concern the consistent reports received reporting acts of harassment and threats carried out by groups identified as “The Resistance” and that “between March and April, IDL-Reporteros denounced various acts of violence against the environment and its journalists, including insults and aggressions against its director, Gustavo Gorriti, as well as the incursion and attempted theft of material at its offices in Lima”.¹⁰ In this same sense, the Rapporteurship documented similar cases in its 2022 Annual Report.¹¹

42. More recently, the Commission highlights its report on the *Situation of Human Rights in Peru in the Context of Social Protests*, adopted on April 23, 2023. In this report, the IACHR highlighted that, after the general elections in 2021, campaigns of incitement to hatred and violence against journalists, human rights activists and opinion leaders were unleashed, including messages with “denigrating and stigmatizing expressions that may encourage discrimination based on racial ethnicity, socioeconomic situation, alleged political affiliations and regional origin.”¹²

43. The IACHR is also concerned about the high number of reports of verbal and physical attacks, as well as attacks against infrastructure, property and the media.¹³ The situation is allegedly inserted in a context of “strong criticism from people who qualify some information coverage as biased.”¹⁴ In that sense, the IACHR pointed out that other attacks are allegedly attributable to violent people who have allegedly been involved in vandalism and/or physical attacks, some of the recorded attacks being attributable to the group identified as “La Resistencia.”¹⁵ For the Commission, the contextual elements are relevant for the purposes of the analysis of the request for precautionary measures at hand, which the Commission has been monitoring since its various mandates.

¹⁰ IACHR. The Office of the Special Rapporteur for Freedom of Expression of the IACHR presents its preliminary observations and recommendations after its first visit to Peru, June 2, 2022.

¹¹ IACHR. SRFoE. Annual Report of the Special Rapporteurship for Freedom of Expression. OAS/Ser.L/V/II, Doc. 50, March 6, 2023, paras. 1107-1108.

¹² IACHR. Situation of Human Rights in Peru in the Context of Social Protests. April 23, 2023, para. 45

¹³ *Ibidem*, para. 259

¹⁴ *Ibidem*, para. 259

¹⁵ *Ibidem*, para. 261

44. When analyzing the requirement of *seriousness*, the Commission considers it pertinent to take into account the context, as well as the particular situation of the proposed beneficiary, who is director of IDL-Reporteros, a journalistic investigation unit within the Legal Defense Institute (IDL) and an investigative journalist dedicated to reporting and investigating cases of politics, culture, corruption, violation of human rights, and social affairs.

45. When analyzing its specific situation alleged by the applicants, the Commission observes the nature of the facts reported and identifies the occurrence of the following events, at least, between 2019 and 2023: harassment at the IDL-Reporteros facilities; possibly forced entry to the headquarters on February 4, 2022; physical aggression against an IDL-R reporter on April 21, 2022; network dissemination and leakage of the proposed beneficiary's personal information on February 8, 2023 and April 4, 2023; people allegedly uttering anti-Semitic phrases and death threats in front of the proposed beneficiary's home on February 21, 2023; threatening messages on social networks; harassment at the IDL-R headquarters on January 17 and 21, 2023 and May 5, 2023, the latter including death threats.

46. According to the information provided by the applicants, the previous events were presented within the framework of a stigmatization campaign called "terruqueo".¹⁶ Given the monitored context facing the country and based on the information available, the Commission observed that violence in the digital environment has not been presented in isolation, but rather as part of a campaign aimed at harassing and discrediting the proposed beneficiary. In this regard, the Office of the Special Rapporteur for Freedom of Expression of the IACHR has pointed out that "online violence has an inhibitory effect on the exercise of human rights, particularly freedom of expression, to the extent that it produces the silencing and self-censorship of some sectors and social groups."¹⁷ This is particularly alarming considering that the situation reportedly worsened as a result of the dissemination and analysis of the report prepared by the IACHR after the visit to Peru.

47. The IACHR warns that the address of the proposed beneficiary has been published on social networks with the message "we have been asked to order a homemade pizza at this address. Anyone know him?" (see *supra* para. 10); in addition, they allegedly published messages such as: "if the authorities turn a blind eye, then the coast is clear to give them some hot chocolate" (see *supra* para. 16); "we will soon give them reasons to cry" (see *supra* para. 16); "[Gorriti] you are broken, cornered, you are in our hands" (see *supra* para. 16). Recently, they allegedly pointed to IDL members with the message: "remember those faces, if you see them all in the streets, do not hesitate to hit them. It is truly repulsive" (see *supra* para. 21).

48. The Commission observes with particular concern that this campaign has transcended the digital environment into the physical world and has materialized in acts of harassment and death threats in front of the proposed beneficiary's residence and workplace. The episodes included exploding bombs in the street and throwing garbage inside IDL-R's premises (see *supra* paras. 8, 9 and 13) as well as being shouted insults and anti-Semitic phrases from in front of his house (see *supra* para. 10), as well as vociferous protests

¹⁶ IACHR. Human Rights Situation in Peru in the Context of Social Protests. April 23, 2023, note 69. As reported by people requesting precautionary measures, this term is used to imply that someone promotes, agrees or exercises acts of terror. It is an insult, since in colloquial terms it implies 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 other victims of political violence, and persons of indigenous origin in general." Cf. IACHR, Resolution 56/21, through which it granted precautionary measures of protection in favor of the President of the National Elections Jury, July 26, 2021. See in this regard: IACHR. Matter of José Domingo Pérez Gómez and his family unit regarding Peru. July 25, 2021, paras. 35-36. Jorge Luis Salas Arenas and his family unit regarding Peru. July 25, 2021. para. 42.

¹⁷ IACHR. SRFoE. The Office of the Special Rapporteur for Freedom of Expression of the IACHR presents its preliminary observations and recommendations after its first visit to Peru. June 2, 2022.

or banners affirming that the proposed beneficiary “has his days numbered”; he will be a “corpse” and that “he will disappear from our land” (see *supra* paras. 10 and 13).

49. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission notes that the proposed beneficiary was informed of protection measures. The State reported on the preventive procedure initiated by the Provincial Prosecutor’s Office for Crime Prevention of the Lima District Attorney’s Office, as well as on the steps taken by the Prosecutor’s Office before the competent police stations and the subsequent referral of the proceedings to the Provincial Corporate Criminal Prosecutor’s Office of San Isidro - Lince to carry out investigative procedures. According to the State, the patrols inside the IDL-Reporteros headquarters quadrant have been increased upon carrying out “tactical parking”. Furthermore, permanent rounds and tactical parking was allegedly carried out in the proposed beneficiary’s private residence.

50. On the other hand, the State reported that the Supranational Specialized Public Prosecutor’s Office (PPES) had sent the request for precautionary measures to the Fourth Corporate Supraprovincial Specialized Prosecutor’s Office against Organized Crime so that “eventually the inclusion of the proposed beneficiary in the program of the Protection and Assistance Unit of Victims and Witnesses of the Public Prosecutor’s Office is considered”. The State also detailed the proceedings that were allegedly carried out by the Fourth Corporate Supraprovincial Specialized Prosecutor’s Office against Organized Crime, within the framework of an investigation of various collective groups that have been carrying out actions of harassment, coercion, intimidation, and aggression against various individuals.

51. The Commission acknowledges the information provided by the State on the measures taken regarding the proposed beneficiary’s situation. However, the IACHR observes that protective actions, such as tactical parking, have not been sufficient to prevent harassment against the proposed beneficiary and IDL-Reporteros. In this regard, the IACHR notes that, after the adoption of these measures, the proposed beneficiary continued to receive threats that he will be a “corpse” and that he would “disappear from our land.” In order for the protective measures to be suitable, they must be tailored to the needs of the protected person’s work and must be adaptable should the danger that arise from the activities they carry out in defense of human rights varies in intensity over time.¹⁸

52. The facts referred to in the request for precautionary measures are also reportedly affecting the proposed beneficiary’s exercise of journalistic activities, as he reportedly had to change the modality of a virtual conversation for fear that the participants could be assaulted. In this sense, the IACHR has stated that “given that journalism can only be exercised freely when those who carry out this work are not victims of threats or physical, mental or moral attacks or other acts of harassment”.¹⁹

53. In assessing the risk to the rights to life and integrity in relation to the right to freedom of expression, the IACHR Court noted that “the latter is a cornerstone of the existence of a democratic society”, since “the media serve to materialize the exercise of freedom of expression.”²⁰

54. With regard to the investigations, the Commission observes that there has been no progress or sanctions against the alleged perpetrators, despite the fact that their identities are reportedly known. This is relevant for assessing the risk of the proposed beneficiary and the likelihood of the events reoccurring. Moreover, although the State indicated “important progress” in the preliminary investigation carried out by

¹⁸ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 291

¹⁹ I/A Court H.R. Matter of Bedoya Lima and others v. Colombia. Merits, Reparations and Costs. Judgment of August 26, 2021, para. 152.

²⁰ I/A Court H.R. Matter of Members of the Journalistic Team of La Costeñísima Radio. Provisional Measures regarding Nicaragua. Order of the Court. March 22, 2023, considerandum 44.

the Fourth Specialized Corporate Supraprovincial Prosecutor's Office against Organized Crime, the IACHR notes that this investigation is in progress since 2021 and is still in preliminary proceedings, with no concrete results to date.

55. The IACHR also observes that the State alleged that it was reportedly not given the opportunity to investigate the facts. However, the Commission notes that: i. the groups allegedly responsible for the facts in this matter are the same ones previously identified by the IACHR in the Matter of *Jorge Luis Salas Arenas and his family unit* and *José Domingo Pérez Gómez and his family unit* regarding Peru²¹; ii. The IACHR and its Office of the Special Rapporteur for Freedom of Expression have expressed their concern about the actions of these groups on various occasions²²; iii. the State reported that the Prosecutor's Office is investigating these groups for "actions of harassment, coercion, intimidation, and aggression against various persons"; iv. the State itself indicates the authorities' knowledge of the events that allegedly occurred in relation to the proposed beneficiary, especially in the framework of the preventive proceedings before the Third Prosecutor's Office for Crime Prevention of the Lima District Attorney.

56. In addition, the applicants alleged that the police had witnessed the events without intervening. According to the applicants, on April 21, 2022, police authorities allegedly witnessed the assault of an IDL-R reporter; on January 17, 2023, they observed garbage bags thrown and liquids spilled at IDL headquarters; on May 5, 2023, they merely observed the incidents, despite the fact that a member of "La Resistencia" allegedly threatened Mr. Gorriti with death threats. In addition, the State reported that, on February 21, 2023, police officers were present at the home of the proposed beneficiary "after protestors arrived, stayed there for 40 minutes, and then withdrew without causing personal or material damage." However, the IACHR recalls that, in this episode, people allegedly uttered anti-Semitic phrases and threats that the proposed beneficiary's days would be numbered.

57. In sum, according to the information available, the Commission notes that the proposed beneficiary's situation has been directly witnessed by police officers and/or has been brought to the attention of State entities. Therefore, the IACHR considers that the State has had the opportunity to investigate the facts related in this request for precautionary measures.

58. Taking into account the elements analyzed in the light of the aforementioned context, assessed as a whole, the Commission considers that the requirement of seriousness is met and, *prima facie*, the rights to life and personal integrity of Gorriti are at serious risk. In making this determination, the Commission takes into account that the events that place the proposed beneficiary at risk and which were reported by the applicants are allegedly related to and retaliatory to the exercise of his journalistic activity and the right to freedom of expression. This situation, in a context such as the one Peru is experiencing, is also likely to have an impact on the right of Peruvian society to be informed, which is essential for the existence of a democratic State.

59. With regard to the requirement of *urgency*, the Commission also warns that it has been fulfilled, since the facts described suggest that the risk situation is likely to continue and to be exacerbated over time. At the time of making such assessments, the Commission warns that the risk events that Mr. Gorriti has been facing have been increasing since 2019 to date, the identified risk factors have not been properly mitigated over time despite the measures adopted by the State. In addition, it is necessary to adopt measures in favor of the proposed beneficiary to safeguard his rights to life, personal integrity, and guarantees for the exercise of his right to freedom of expression, in order to ensure that Mr. Gustavo Gorriti can continue his work, and

²¹ IACHR. Matter of José Domingo Pérez Gómez and his family unit regarding Peru. July 25, 2021. para. 40. Jorge Luis Salas Arenas and his family unit regarding Peru. July 25, 2021. para. 39.

²² See in this regard: IACHR. SRFoE. The Office of the Special Rapporteur for Freedom of Expression of the IACHR presents its preliminary observations and recommendations after its first visit to Peru, June 2, 2022. IACHR. Human Rights Situation in Peru in the Context of Social Protests. IACHR. SRFoE. Annual Report of the Special Rapporteurship for Freedom of Expression. OAS/Ser.L/V/II, Doc. March 6, 2023,

considering that the development of the activities of IDL-Reporteros is reportedly affected in the current context.

60. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability. The Commission emphasizes its concern given that the aforementioned situation is allegedly intended to intimidate and thereby silence the proposed beneficiary. This affects his exercise of his right to freedom of expression, which would in turn daunt other journalists who wish to express themselves freely in the current context. The foregoing is particularly relevant given that this matter concerns the situation of the director of an investigative journalism unit who, due to his high position, reportedly has decision-making powers in the media. Moreover, the information that the events against Mr. Gustavo Gorriti have affected other journalists of IDL-R, as well as the development of their journalistic activities, is extremely concerning.

V. BENEFICIARY

61. The Commission declares Mr. Gustavo Gorriti the beneficiary, who is duly identified in this procedure under the terms of Article 25 of the Rules of Procedure.

VI. DECISION

62. The Inter-American Commission on Human Rights concludes that this matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Accordingly, the IACHR requests that Peru:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Mr. Gustavo Gorriti;
- b) adopt the necessary measures so that Gustavo Gorriti can carry out his activities without being subjected to acts of violence, intimidation, threat, or harassment in the exercise of his duties. The foregoing includes the adoption of measures so that he can duly exercise his right to freedom of expression;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and,
- d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

63. The Commission requests that the State of Peru inform, within a period of 15 days from the date of this resolution, on the adoption of the requested precautionary measures and to update such information periodically.

64. 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 prejudgment of any violation of the rights protected in the applicable instruments.

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

66. Approved on July 24, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

Jorge Meza Flores
Assistant Executive Secretary