

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 8/2024**

Precautionary Measure No. 81-18  
Náthaly Sara Salazar Ayala regarding Peru  
March 5, 2024  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Náthaly Sara Salazar Ayala in Peru. When making the decision, the Commission assessed the measures adopted domestically by the State and the lack of response by the beneficiary's representation during the time the precautionary measures were in force. In this regard, it considered the passage of time and the stage of the investigations to clarify the facts that led to the disappearance of the beneficiary. It also took into account the existence of allegations that exceeded the mechanism of precautionary measures after the elapsed time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**II. BACKGROUND INFORMATION**

2. On April 8, 2018, the IACHR requested the adoption of precautionary measures in favor of Náthaly Sara Salazar Araya in Peru. It was alleged that since January 2, 2018, there has been no knowledge of the whereabouts of the beneficiary, who has allegedly traveled to Peru to practice an extreme sport. The State reported the arrest of two people after declaring that the beneficiary allegedly died while practicing the sport and that, for fear of possible repercussions, her body had been thrown into the Vilcanota-Urubamba River. However, the applicant indicated that the versions of the detained persons were contradictory and that no signs of an accident had been found in the activity facilities. Upon analyzing the submissions of fact and law, the IACHR considered that the information presented showed, in principle, that the beneficiary was in a serious and urgent situation. Consequently, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission requested that Peru adopt the necessary measures to determine the situation and whereabouts of Náthaly Sara Salazar Ayala to protect her rights to life and personal integrity and report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.<sup>1</sup>

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

3. While the precautionary measures were in force, the Commission followed up on the subject matter of these measures by requesting information from the parties. In this regard, communications have been received and sent on the following dates:

	<b>Reports from the State</b>	<b>Reports from the representation</b>	<b>Transfers and requests for information by the Commission</b>
2018	April 23 and November 21	No communications	November 1

<sup>1</sup> IACHR. [Náthaly Sara Salazar Ayala regarding Peru \(PM-81-18\)](#). Resolution 24/2018 of April 8, 2018.

2019	January 8 and February 26	February 8 and November 27	February 19
2020	No communications	October 17 and December 28	August 20
2021	January 13 and April 15	March 20 and September 28	February 11 and August 10
2022	29 December (time extension)	December 12	October 26
2023	May 12 and November 15 (it requests lifting)	April 16, June 29, and December 1	February 23 and July 24
2024	January 12 (request annexes)	January 16	January 5

4. On January 5, 2024, the Commission transferred the State’s request to have the measures lifted to the representation in order to evaluate whether the precautionary measures should remain in force. The representation provided its observations on January 16, 2024.

5. The request was submitted by Tamara Estefanía Salazar Ayala, sister of the beneficiary. During the time the measures were in force, the representation has been exercised by the mother and father of the beneficiary, Alexandra Patricia Ayala León and Manuel Marcelo Salazar Chango.

#### **A. Information provided by the State**

6. On April 23, 2018, the State reported on the investigations and search actions carried out by various specialized units of the Peruvian National Police (PNP): a) on February 13, 2018, the PNP, with dogs, carried out search in the community of Misminay, Ccochapata; b) from February 14 to 22, 2018, the rescue group of the Department of High Mountain Rescue (DEPSAM) and the Canine Unit of the PNP of Cusco carried out search work in “streams, reservoirs, holes, branches, abandoned houses and forests”; without positive results; c) on February 23, 2018, the DEPSAM rescue group and the Canine Unit carried out Garfield submersion and tracking technique through different parts of the lagoon with the support of a boat, as well as two motor pumps were used to drain the lagoon and thus facilitate the search work; d) from February 24 to March 19, the rescue group and the Canine Unit continued search work in different areas and on the banks of the Vilcanota River; e) on March 23, 2018, personnel of the Criminal Investigation Department (DEPINCRI) and a representative of the Public Prosecutor’s Office (MP) carried out search procedures in the sanitary landfill of the province of Urubamba; it had to be postponed due to lack of biosecurity implements; f) on March 27, 2018, personnel of the DEPINCRI and the MP carried out diligence on the carriageway in the direction of the Maras salt mines; and g) on April 2, 2018, personnel of the DEPINCRI and the Canine Unit of the PNP of Cusco went to the carriageway in the direction of the Maras salt mines.

7. Likewise, it was indicated that the DEPINCRI staff of Cusco complied with the intervention protocols in the face of the complaint of the disappearance of the beneficiary made by the administrator of the hostel “Pariwana” on January 5, 2018. They added that preliminary search procedures were carried out in local hospitals, clinics, health centers, the central morgue, and places of influx by tourists. Regarding complaints by the applicant for lack of due process in the investigation, the State reported that it was requested to evaluate the initiation of a disciplinary administrative investigation against PNP personnel.

8. By report of November 21, 2018, the State stated as follows: (i) the First Provincial Criminal Prosecutor’s Office of Urubamba declared the investigation as complex, requiring the performance of investigative acts and procedures outside the country; it requested the Preparatory Investigation Court of Urubamba a time extension of eight additional months, a request that was accepted; (ii) The Prosecutor’s Office reported that the following was pending practice: a) DNA tests on the samples of blood remains contained in various objects; b) technical analysis and/or expertise to recover the information of a destroyed cell phone and a micro SD card that belonged to the beneficiary; c) recovery of messages and

files deleted from the cell phone owned by one of the defendants; and, d) taking of various statements and extensions of statements and diligences of search and discovery of the body; (iii) Upon request of the Prosecutor's Office, the Court granted the extension of pre-trial detention for 18 months against J. H. H. and L. P. A. for the alleged commission of multiple crimes against Náthaly Sara Salazar Ayala<sup>2</sup>; (iv) The carrying out of search actions to find the beneficiary; but it has not been possible to find the whereabouts or, failing that, locate her remains. By the January 8, 2019 report, the State referred to the court's decisions on extending the period of investigation and pre-trial detention reported above. On February 26, 2019, the State provided information on the disappearance of Carla Valpeoz.<sup>3</sup>

9. On January 13, 2021, the State reported that, in April 2020, the Itinerant Single Person Criminal Court of Urubamba (*Juzgado Penal Unipersonal Itinerante de Urubamba*) sentenced L.P.A. and J.H.H. to 11 years in prison and the payment of PEN 150,000 for civil compensation in favor of the beneficiary's parents; the decision was modified on appeal, reducing the sentence to seven years and six months in prison. Likewise, it was indicated that on May 28, 2019, an implementation meeting was held between various authorities, where it was recommended a) to the Regional Government to take preventive actions, to prevent homicides, human trafficking and others that attempt against foreign and national tourists in Cusco, promoting concrete actions in the formalization of tourism and hotel service operators in the region, as well as the systematization of access control to archaeological parks in the Cusco region, having to report these actions to the Board of Superior Prosecutors of Cusco; b) to the municipal mayors of Cusco, provincial mayors of Calca and Urubamba and district mayors of Písaq, Maras, Ollantaytambo and Machu Picchu, to promote citizen security services and promote patrolling by integrating their jurisdictions, as well as the installation of security cameras, to strengthen the work of the control areas to control tourism and related services companies; commitment of the PNP was added with a recommendation to generate emergency services for tourists; c) to the Directorate of Foreign Trade and Tourism, to develop a strategic communication and information program for formal tourism companies at tourist access points, preventing tourists from possible scams or inadequate services; d) to the Directorate of Foreign Trade and Tourism, to modernize and systematize access control to archaeological parks in the region of Cusco, to provide security cameras and preventive information cards to tourists who visit, in the shortest possible time to guarantee the safety of visitors; and e) to the PNP, to continue the investigations planned and projected in the search for the Náthaly Sara Salazar Ayala and Carla Valpeoz people. The Regional Directorate of Foreign Trade and Tourism reported on the regulations applicable to tourism, including the approval of the Safety Regulations for the Provision of the Adventure Tourism Service by Resolution of 2016 to establish the administrative provisions for safety in the provision of such services and travel agencies were prohibited from carrying out adventure tourism activities without the corresponding authorization, as well as additional regulations, documents, and formats by resolutions of 2018. In addition, the travel agency where the sentenced persons worked was sanctioned.

10. On April 15, 2021, the State indicated that the sentence by which Messrs. J. H. H. and L. P. A. were convicted ordered them to facilitate the location of the mortal remains of the victim Náthaly Sara Salazar Ayala. Although the request was reiterated, the beneficiary's whereabouts have not been determined.

<sup>2</sup> The following crimes were indicated: a) against life, body, and health, in its modality of homicide and culpable subtype; b) against property, in its modality of theft and subtype of aggravated theft; and c) against the administration of justice, in its modality of crime against the jurisdictional function, subtype of authentic cover-up and omission of complaint;

<sup>3</sup> The representative requested the request for precautionary measures in favor of Carla Valpeoz within the framework of this case file. The Commission granted precautionary measures in a different case file. IACHR. [Carla Valpeoz regarding Peru \(PM-265-19\). Resolution 12/2019 of March 15, 2019](#); and [Carla Valpeoz regarding Peru \(PM-265-19\). Resolution to lift precautionary measures 61/2023 of October 20, 2023](#).

11. By the May 12, 2023 report, the State stated that it had taken steps concerning the psychological expert evaluations on the beneficiary's parents, related to the process against the lawyer of the sentenced ones, without a response from the competent entity, and that they will continue to take steps. They mentioned that the last search procedures carried out by the Prosecutor's Office were in January 2020 in the sectors of Ccaqllayoc Kcasa, Suchuy Puqllu, and surrounding areas of the Kaclaraccay Community, Maras district, Urubamba province, Cusco, with the participation of DEPSAM, canine police and the beneficiary's parents. It was pointed out that the perpetrators have been serving their sentences, and DIVINCRI indicated that it has no open investigation. The Court reported that the Public Prosecutor's Office did not have information regarding the beneficiary's location. On July 19, 2022, the requisition to "facilitate the location of the remains of" the beneficiary to the sentenced persons and civilian third parties was reiterated. The State updated on the acts on procedural procedures and the reiteration of the request for payment of civil reparations.

12. By the report of November 15, 2023, the State reported that on April 18, 2023, a resolution was notified that modifies the prison sentence for work concerning the sentenced J. H. H., as well as that on May 9, 2023, the convicted persons and two civil third parties were declared as debtors of civil reparation. The Court of the case pointed out that the decision of release was processed before the National Penitentiary Institute (INPE) and added that the seizure of a vehicle was ordered for the civil reparation debt. The State indicated that, by June 2023, the Prosecutor's Office requested the PNP to locate the beneficiary. On another note, regarding the criminal process for extortion against the lawyer of the sentenced persons, the Prosecutor's Office reported that they managed to perform the pending psychological expert evaluations of the parents, and the dismissal was requested after concluding that the fact does not constitute a crime. The State reported that various search procedures had been carried out for the beneficiary, that it has been possible to punish those responsible for the events, and that four years had elapsed without determining the location of N athaly Sara Salazar Ayala. In this regard, the State resumed decisions to lift precautionary measures on missing persons and requested the lifting of the precautionary measures.

## **B. Information provided by the representation**

13. On February 8, 2019, the representation reported that the investigation into N athaly Sara Salazar Ayala's disappearance was ongoing and submitted information on the disappearance of Carla Valpeoz (see footnote 3). On November 27, 2019, the representation stated that the investigations were ending, even though the body of the beneficiary had not been found. They added that the two men arrested, J. H. H. and L. P. A., stated that N athaly Sara Salazar Ayala died in a zip line accident and that for fear of the repercussions, they decided to hide her body; however, the facts have never been corroborated. The representation considered that the defendants lied by ensuring they would hand over the body after the trial and reported that the processes had not been thoroughly investigated. They consider that little progress has been achieved because the beneficiary's family has traveled three times to the Peruvian State, which has become a psychological ordeal and economic drain.

14. On October 17, 2020, the beneficiary's parents requested the continuation of the investigations to find the beneficiary's whereabouts. They reported that (i) the police for missing persons of the city of Cuzco did not carry out their search in an ideal way because, after more than two years and ten months, the whereabouts have not been found; (ii) N athaly Salazar's family has been the victim of extortion by Mr. J. H. H.'s lawyer, who requested \$10,000 to tell them where N athaly Salazar's body is; and (iii) the defendants were sentenced in the first instance to 11 years in prison, but they consider that the crime convicted does not correspond to the gravity and magnitude of what happened, since it was a negligent crime, which they estimate cannot be verified since the body of the beneficiary has not been found. On

December 28, 2020, the representation expressed its willingness to file a lawsuit against the Peruvian State as responsible for violating the rights of life and dignity, indicating that the criminal process has concluded, where they allege injustices in the sentence. They provided the final sentence of December 16, 2020, where L.P.A. and J.H.H. were sentenced to seven years and six months in prison for the crime of “concealment of the body,” because the Judge considered that the facts were not carried out with premeditation; however, the body of Nathaly Salazar has not been found.

15. On March 20, 2021, the representation reported that disappearances, deaths, and accidents continue to occur at archaeological sites in Peru: in March 2019, 15 tourists died with ayahuasca, 12 tourists disappeared when a helicopter fell, and 16 tourists were found at an ayahuasca site, all reported missing and many dead. On September 28, 2021, the representation stated that they initiated proceedings against the lawyer of the convicted persons, of whom they have been victims, due to the extortion. The Prosecutor asked the parents to appear at the end of October in Lima for a psychological expert opinion as evidence of the damages caused as a result of the extortion, a requirement they wanted to comply with but could not because they do not have the economic resources or health; they request the IACHR to help them so that it can be carried out electronically at the Peruvian Embassy or Consulate in Spain.

16. In their communication of December 12, 2022, the representatives indicated that the expert evaluations were carried out virtually, reporting a lack of empathy on the part of the Institute of Legal Medicine of Peru and questioning that the experts concluded that they do not present any psychological and emotional impact because of the extortion to which they were subjected, which allegedly favors the lawyer of the sentenced persons. They added that when reviewing the expert opinions by an expert on their part, he pointed out that it is not possible to differentiate the impact of the disappearance from that of extortion, in addition to highlighting that the result of the instruments used is not included so that another expert can review the expert opinions.

17. On April 16, 2023, the representation reported that Mr. J. H. H. was granted freedom due to the penitentiary benefits of the Cusco Penitentiary Establishment without complying with the judicial sentence that determined the obligation to indicate the beneficiary’s whereabouts. They stated that they had psychological sequelae, alleged a “mockery of Peruvian justice,” and filed a brief with the Court requesting the imprisonment of the sentenced person. By communication of June 29, 2023, they asked for support with the case of extortion by the lawyer H. A. Q. U., which was dismissed by the Prosecutor, who considered there was no psychological impact; they report that they also filed a complaint against him with the Law School of Cusco. They recalled that J.H.H. has been free since October 19, 2022, and requested that his complete INPE file be sent to them, noting that they are unaware of the penitentiary benefits granted because the file has yet to be provided. Moreover, they also requested that the sentenced persons be obliged to provide information on their daughter’s whereabouts. By communication of December 1, 2023, they offered records from which the convicted L.P.A. was transferred to a different penitentiary center by order of the INPE, and the Head of the INPE in Cusco reportedly does not have clarity on his place of detention at that time, because he moved to a different jurisdiction.

18. The representation submitted a report on January 16, 2024, requesting that the precautionary measures remain in force. They indicated that, more than six years after her disappearance, the beneficiary’s location is pending, and that there is no active search attitude. They pointed out that the execution of the criminal process is pending, in respect of which J.H.H. was even granted freedom without judicial review. They recalled that an investigation was opened against the lawyer of the sentenced for extortion committed against the family of Nathaly Salazar, which the prosecutor filed. However, a supplementary investigation was opened by the Appeals Chamber of Cusco, which remains in force.



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

19. 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 and Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is described in Article 25 of the Commission’s Rules of Procedure. Under this Article, the IACHR grants precautionary measures in serious and urgent situations, in which such measures are necessary to prevent irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

20. 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.<sup>4</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect human rights.<sup>5</sup> 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.<sup>6</sup> Regarding their precautionary nature, these measures preserve a legal situation while being considered 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.

21. Concerning the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) states that the Commission shall evaluate periodically, at its initiative

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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; 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 concerning Brazil, Resolution of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

or 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. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of the Rules of Procedure.

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

23. In the instant matter, the Commission recalls that the precautionary measures were granted in 2018 in favor of Náthaly Sara Salazar Ayala, who allegedly disappeared on January 2, 2018, her whereabouts being unknown. Consequently, the Commission requested the State of Peru to adopt the necessary measures to determine her situation and whereabouts. From the reports received, the Commission notes that the reported proceedings included the following:

- (i) Search and location work to find the whereabouts of the beneficiary, Náthaly Sara Salazar Ayala, carried out during 2018 and 2019, as well as in January 2020, by various specialized units of the Peruvian National Police and the Prosecutor's Office;
- (ii) Investigation for the disappearance and other crimes, which even resulted in the April 2020 sentence against two persons considered responsible for the facts, sentenced to seven years and six months of imprisonment, economic reparation, and obligation to provide information;
- (iii) Investigation concerning the allegations of extortion by the attorney of the convicted persons, in which the psychological expert evaluation of the beneficiary's parents was processed by telematic means. Despite its filing by the Prosecutor's Office, the representation reported that a supplementary investigation was opened by the Appeals Chamber of Cusco, which would continue in force;
- (iv) Internal regulations and measures after the meeting of May 28, 2019, where it was recommended to various authorities to take preventive actions to prevent homicides, human trafficking, and others that attempt against foreign and national tourists in Cusco; promote citizen security services and promote patrolling by integrating their jurisdictions; strengthen oversight work in municipalities to control tourism service companies in their provinces and districts; modernize and systematize access control to archaeological parks in the region of Cusco, provide security cameras and preventive information cards to tourists who visit to strengthen their security in Cusco (see *supra* para. 9).

24. The Commission considers that in the analysis of compliance with the procedural requirements in matters where the individual's whereabouts are unknown, it is essential to consider each specific case, assessing the time elapsed, the actions of the competent authorities, and the allegations of the representation. In this regard, in the matter at hand, the Commission values the implementation of

<sup>7</sup> I/A Court H.R., Provisional Measures regarding Mexico, Resolution of February 7, 2017, paras. 16 and 17. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>8</sup> *Ibidem*

<sup>9</sup> *Ibidem*

precautionary measures by the State institutions through search actions and the advancement of an investigation that resulted in the conviction of two people, and it also considers the passage of time six years after the disappearance. In this regard, the Commission is aware that precautionary measures in matters of recent disappearances seek, within a specific temporary situation, that “the competent authorities adopt an expeditious action to find the whereabouts of the person and avoid irreparable harm,”<sup>10</sup> considering that “[the] passage of time [...] and the lack of progress in the investigations directly affect the useful effect of the provisional [or precautionary] measures”<sup>11</sup> which implies to demand expeditious action by the national authorities after the disappearance. In this regard, in specific situations in the past, the Commission has lifted precautionary measures regarding situations of disappearance upon assessing the passage of time and the actions implemented by the State.<sup>12</sup>

25. The Commission notes that the State requested the lifting of the precautionary measures by the November 15, 2023 report. That request was transferred to the representation on January 5, 2024, and its observations were received on January 16, 2024. In this regard, the IACHR observes that, both in its last communication and in previous ones, the representation has presented various arguments regarding the relevance of the sentence issued and the release for prison benefits of one of the convicted, as well as the result of the investigation against the lawyer of the sentenced. In addition, they indicate failure to provide information despite having been part of the judicial conviction, even with allegations of extortion where they were purportedly asked for money to give details on the beneficiary’s location. In this regard, the IACHR recalls that in the precautionary measures procedure, it is not called upon to rule on criminal or administrative responsibilities or on the compatibility of domestic processes with the American Convention on Human Rights and other applicable instruments; this should be addressed by the Petition and Case System, should an individual petition exist and the applicable conventional and procedural requirements be complied with. In this regard, the Commission considers, given the passage of time, as well as the information available in the instant matter, that the analysis of the actions taken by the State in the framework of the investigations and actions carried out corresponds to an analysis of the merits, which must be carried out within the framework of the system of individual petitions and cases if an individual petition is presented and the procedural requirements are met.<sup>13</sup>

26. Considering the nature of the precautionary measures’ mechanism, the information available, and the analysis carried out, the Commission knows that at present there are no elements to support compliance with the requirements of Article 25 of the Rules of Procedure. Given the above and considering the exceptional and temporary nature of precautionary measures,<sup>14</sup> the Commission finds it appropriate to lift these measures. Moreover, the Commission notes that the corresponding allegations should be assessed within the framework of the petition and case system. In response to what the representation indicated in its communication of December 28, 2020, in the sense of filing a “lawsuit against the State” for possible human rights violations, the Commission has registered petition 2492-20.

<sup>10</sup> IACHR, [Luis Alberto Sabando Veliz regarding Ecuador \(PM-1002-04\)](#), Resolution to Lift 2/2021 of January 4, 2021, para. 16.

<sup>11</sup> I/A Court H.R. [Matter of Juan Almonte Herrera et al. regarding Dominican Republic](#). Provisional Measures. Order of the Inter-American Court of Human Rights of November 13, 2015. Considerandum 14.

<sup>12</sup> See, *inter alia*: IACHR, [José Fernando Choto Choto et al. regarding El Salvador \(PM-240-15\)](#); [Luis Alberto Sabando Veliz regarding Ecuador \(PM-1002-04\)](#); [Óscar Álvarez Rubio regarding El Salvador \(PM-170-18\)](#). Resolution 31/2023 of May 29, 2023; [Carla Valpeoz regarding Peru \(PM-265-23\)](#). Resolution 61/2023 of October 20, 2023; Raffaele Russo, Antonio Russo, and Vincenzo Cimmino regarding Mexico (PM-201-18). Resolution 84/2023 of December 27, 2023; Dubán Celiano Días Cristancho regarding Colombia (PM-455-14). Resolution 85/2023 of December 27, 2023; Donatilo Jiménez Euceda and his family regarding Honduras (PM-147-15). Resolution 86-2023 of December 27, 2023.

<sup>13</sup> 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.

<sup>14</sup> 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.



27. In line with what was indicated by the Inter-American Court in various matters,<sup>15</sup> a decision to lift 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, based on the assessment of the Inter-American Court, lifting the precautionary measures does not imply a possible decision on the merits of the dispute.<sup>16</sup>

28. Lastly, the Commission emphasizes that regardless of the lifting of these measures, following Article 1(1) of the American Convention, the State of Peru must respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand. In this sense, it is up to the State of Peru to continue with the corresponding investigations and the search actions to clarify the facts and circumstances of Náthaly Sara Salazar Ayala.

## **V. DECISION**

29. The Commission decided to lift the precautionary measures granted in favor of Náthaly Sara Salazar Ayala in Peru.

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

31. Approved on March 5, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

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<sup>15</sup> 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.](#)

<sup>16</sup> 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.