

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 60/2025**

Precautionary Measure No. 402-23

E.R.L. regarding Colombia<sup>1</sup>

August 19, 2025

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of E.R.L. in Colombia. At the time of making the decision, the Commission evaluated the actions taken by the State during implementation as well as the observations of the beneficiaries' representation. In 2025, the parties confirmed the beneficiary's death in December 2024. As a result of his death, the Commission considered that the measures had been left without the person under protection, so it decided to lift the precautionary measures.

**II. BACKGROUND INFORMATION**

2. On November 20, 2023, the IACHR granted precautionary measures in favor of E.R.L. after considering that he was at serious and urgent risk of irreparable harm to his rights in Colombia. The Commission assessed that the medical situation of the beneficiary, who was 38 years old and had been identified as a person with cognitive and motor disability because he suffered motor aphasia, right hemiplegia, and epilepsy after having sustained a head trauma in 2018, was known to the State through various national authorities. Likewise, the Commission considered that the information available showed that the beneficiary did not have family support or an adequate and safe space so that he could receive assistance for his medical condition. The Commission had no information indicating that the state of health within the framework of the particular economic, social, and family situation of the proposed beneficiary, had been addressed or overcome. The Commission requested that Colombia adopt the necessary measures to guarantee the rights to life, personal integrity, and health of E.R.L. In particular, that the necessary medical care was adopted based on the medical and socioeconomic assessments, and to ensure that it was received in an adequate and timely manner; and consult and agree upon the measures to be adopted with the beneficiary and his representative.<sup>2</sup>

3. Members of the Legal Department of the University of Santander exercise representation before the Commission.

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

4. During the time the precautionary measures were in force, the Commission followed up on this situation by requesting information from the parties, on the following dates:

	State	Representation	IACHR
2023	December 28	<i>No communications</i>	<i>No communications</i>

<sup>1</sup> In accordance with Article 17(2) of the Rules of Procedure of the IACHR, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

<sup>2</sup> Inter-American Commission on Human Rights (IACHR), [Resolution 67/2023](#), Precautionary Measure No. 402-23, E.R.L. regarding Colombia, November 20, 2023.

2024	May 15, June 6	March 1 and 4, April 2, June 10, August 14	February 1, May 10, June 13, August 14, October 4
2025	January 10; March 11; August 6	May 16 and July 18	January 16, April 24, June 26

5. On June 26, 2025, the Commission asked both parties for their considerations on keeping the measures in force. On August 6, 2025, the State requested the lifting of the matter.

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

6. In December 2023, the State reported that the Delegate for User Protection of the National Superintendency of Health presented a complaint with the EPS COOSALUD to guarantee the effective provision of health services to the beneficiary and follow up on the provider's responses. It was also indicated that a follow-up and consultation meeting was held with the beneficiary's representation on December 5, 2023, in which it was agreed to visit the beneficiary's residence and carry out a medical evaluation.

7. In May 2024, the State indicated that, on March 12, 2024, the home medical assessment was carried out on the beneficiary and, in April 2024, the order for the delivery of diapers and physical therapies was confirmed. Also, a visit was made to the beneficiary's residence on April 30, 2024 by the Family Commissariat of Bucaramanga, within the framework of the disability program of the Secretariat of Health and Environment and the Secretariat of Social Development. The agents of the Family Commissariat verified the delivery of the medicines. However, the improper handling of these by the beneficiary's family was evidenced. It was reported that there were difficulties in the development of physical therapies twice a week, as they often found no one in the residence. Finally, it was reported that the Mayor's Office of Bucaramanga was making arrangements for the relocation of the beneficiary to a center and/or foundation that would be responsible for his personal care.

8. In June 2024, the State reported that, on May 15, 2024, the beneficiary was transferred by specialized ambulance and admitted to the Casa de Caridad Santa Rita de Casia Foundation in the municipality of Bucaramanga, Santander, where his care and the required health benefits were allegedly guaranteed. That same May 15, the EPS COOSALUD delivered all the medications ordered directly to the foundation and a follow-up meeting on precautionary measures was held. An interdisciplinary medical board was held on May 16, 2024 to evaluate the beneficiary and update his treatment plan. On May 20 and 22, 2024, the disability program of the Ministry of Health and Environment carried out follow-up visits and verified his good health and delivery of medications.

9. In January 2025, the State confirmed that the beneficiary resided at the Casa de Caridad Santa Rita de Casia Foundation and that the Secretariat of Social Development and the Secretariat of Health and Environment of the Municipality of Bucaramanga was making periodic visits to him. Deliveries of market-type nutritional supplements were made between July and November 2024. Likewise, the development of the 24-hour-a-day caregiver service was reported, with a 12-hour shift each. Indeed, it was transmitted that on August 20, 2024, the beneficiary was transferred to take some x-rays to analyze the condition of his right ankle, the procedure was carried out without problems and the beneficiary was admitted to the Foundation without complications. On September 11, 2024, E.R.L. suffered seizures and was taken to a health center by an ambulance provided by the municipality. The Secretariat of Social Development and the Secretariat of Health and Environment reported failures in the provision of services by the EPS COOSALUD. On November 9, 2024, a support assessment visit was carried out by specialized personnel of the Ombudsperson's Office in the company of the Legal Consultancy of the University of Santander and professionals of the Secretariat of Social Development of Bucaramanga. The Ombudsperson's Office stated the importance of the beneficiary having a

guardian or defender who provides legal representation. It was also stated that a follow-up and consultation meeting was held on November 20, 2024.

10. In March 2025, the State reported the death of the beneficiary on December 28, 2024. In August 2025, it was specified that the death of the beneficiary was notified directly by the National Coordinator of the IPS-MTD, so it was indicated that the precautionary measures have become moot and the State requested that the measures be lifted.

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

11. In February 2024, the representation indicated that, on December 7, 2023, a visit was made to the place of residence of the beneficiary and the general practitioner noted that he suffered from epilepsy, sequelae of stroke, fecal and urinary incontinence, sequelae of intracranial trauma, and problems related to the need for personal care assistance. Consequently, the delivery of diapers, zinc oxide, nystatin cream, and anti-convulsants was ordered; to continue with the provision of the physical therapy service and visits by the general practitioner; to maintain the constant accompaniment by a group of specialists; and to continue with the delivery of the basic food basket. In January and February, the beneficiary experienced three episodes of seizures due to the lack of supply of essential medications.

12. In August 2024, the representative confirmed that the beneficiary had joined the Casa de Caridad Santa Rita de Casia Foundation. It was reported that the EPS did not provide the permanent caregiver service necessary for his pathologies, and that on June 14, 2024, the beneficiary had an episode of seizures and loss of consciousness, and was treated for an emergency. Consequently, a request for protection of constitutional rights was filed on June 21, 2024. On July 8, 2024, the 14th Municipal Criminal Court with Guarantee Control Function of Bucaramanga ordered COOSALUD EPS and IPS SERENITY to, within 48 hours of the notification of the ruling, authorize and provide the beneficiary with the 24-hour caregiver service, from Monday to Sunday, the implementation of which was confirmed by the Casa de Caridad Santa Rita de Casia Foundation.

13. On May 16 and July 18, 2025, the representation confirmed the death of Mr. E.R.L. on December 28, 2024, informing that his death certificate accredited having been due to “natural causes.”

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

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

15. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures

have a dual nature, both protective and precautionary.<sup>3</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>4</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>5</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 of the final decision. In this regard, precautionary or provisional measures allow 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.

16. In this sense, 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) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

17. 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>6</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>7</sup> The Inter-American Court has indicated that the passage

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<sup>3</sup> Inter-American Court of Human Rights (I/A Court H.R.), Matter of the Yare I and Yare II Capital Region Penitentiary Center, Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>4</sup> I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; Case of Bámaca Velásquez, Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al., Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; Matter of Milagro Sala, Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>5</sup> I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>6</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

<sup>7</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.

of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>8</sup>

18. In this matter, the Commission recalls that the precautionary measures were granted in 2023 in favor of Mr. E.R.L., in Colombia, with the objective of protecting his life, personal integrity and health. In this regard, the Commission notes the various actions implemented by the State, such as: the transfer of the beneficiary to the Casa de Caridad Santa Rita de Casia Foundation on May 15, 2024, to guarantee his personal care, the implementation of a 24-hour caregiver service, the close follow-up to the timely provision of his treatment, and the medical care measures required by his health condition by the competent entities. The Commission takes note that the representation has corroborated the proceedings reported by the State.

19. In March 2025, the State informed the IACHR of the death of the beneficiary on December 28, 2024 and, in its communication of August 6, 2025, requested that the precautionary measures be lifted. The death of the beneficiary was confirmed by the representation, which added that his death certificate accredits having been due to “natural causes.” The Commission regrets his death, which leaves this precautionary measure without the person under protection. In this sense, given the death of the beneficiary, the IACHR considers that these precautionary measures should be lifted, as compliance with the requirements established in Article 25 of the Rules of Procedure is no longer observed.

## **V. DECISION**

20. The Commission decides to lift the precautionary measures granted in favor of E.R.L., in Colombia.

21. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Colombia and the representation.

22. Approved on August 19, 2025, by: José Luis Caballero Ochoa, President; Andrea Pochak, Primera Vice-president; Arif Bulkan, Segundo Vice-president; Edgar Stuardo Ralón Orellana, Roberta Clarke; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

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<sup>8</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.