
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 5/2024**

Precautionary Measure No. 150-11
Hildebrando Vélez and Sandra Viviana Cuéllar regarding Colombia¹
January 14, 2024
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Hildebrando Vélez and Sandra Viviana Cuéllar. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the observations of the beneficiaries' representation. Following the State's request to have the measures lifted, the IACHR requested, on several occasions, observations from the representatives, who provided their observations. In this regard, given the nature of the precautionary measures and in light of the information available, the Commission considered that at present there is no information available to find that the terms of Article 25 of the Rules of Procedure are fulfilled. After failing to identify compliance with the procedural requirements, the IACHR decided to lift the precautionary measures at hand.

II. BACKGROUND INFORMATION

2. On June 13, 2011, the IACHR granted precautionary measures in favor of Hildebrando Vélez. According to the request, he received threats due to his involvement in the search for Sandra Viviana Cuéllar. The Commission considered that the beneficiary was *prima facie* at risk according to Article 25 of the Commission's Rules of Procedure. In this regard, the Commission requested that the State: a) adopt the necessary measures to guarantee the life and physical integrity of Hildebrando Vélez; b) consult and agree upon the measures to be adopted with the beneficiary and his representative; and c) report on the actions taken to investigate the facts that gave rise to the precautionary measures.

3. On June 22, 2011, the IACHR extended the measure in favor of Sandra Viviana Cuéllar, in Colombia. The extension request alleged that the proposed beneficiary, now beneficiary, had disappeared as a result of her work in defense of the environment in Valle del Cauca. After considering the seriousness and urgency of the alleged facts, the Commission requested that the State: a) immediately adopt the necessary measures to determine the situation and whereabouts of Sandra Viviana Cuéllar and to protect her life and personal integrity; and b) report on the actions taken to investigate the facts that gave rise to the extension of the precautionary measure.²

4. Representation is exercised by the Colombian Commission of Jurists (*Comisión Colombiana de Juristas*).

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

¹ Pursuant to Article 17(2)(a) 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.

² IACHR. Precautionary Measures 2011. Available [in Spanish] at <https://www.oas.org/es/CIDH/decisiones/MC/cautelares.asp?Year=2011&Country=COL>.

5. While the precautionary measures were in force, the Commission followed up on the situation that is the subject matter of these measures by requesting information from the parties. The State sent reports on the following dates:

2011	June 21; July 1, 11 and 26
2012	January 19, February 17, July 5, August 23, August 31, December 17
2013	June 26
2014	February 18
2015	October 14
2017	June 19
2020	December 4
2021	March 3, June 23, September 27, December 7

6. For its part, the representation has submitted information on the following dates:

2011	August 30, October 20
2012	May 15, July 12, September 25, November 13
2013	April 8, November 22, December 19
2014	April 15
2016	March 23
2019	July 1
2021	January 26, March 15, April 21, October 11
2023	November 1, November 17

7. The Commission forwarded the pertinent communications to the parties and requested relevant information on the following dates:

2011	May 2, May 19, June 14, June 23, July 18, August 2, December 30
2012	January 31, March 12, May 28, July 11, July 24, July 24, August 28, October 10, November 27
2013	January 17, May 24, October 21, December 4
2014	January 15, March 13
2015	September 11
2016	February 29
2017	May 1, September 5
2019	June 7
2021	January 19
2023	October 17, November 6

8. Recently, on November 29, 2022, the Commission requested information from the representation without obtaining a response. On October 17, 2023, the Commission reiterated the request for information made to the representation in order to examine the relevance of maintaining the precautionary measures in force. The representation provided information on November 17, 2023.

A. Information provided by the State

9. On July 25, 2011, the State reported that, on July 14, 2011, a consultation meeting was held to report on the actions taken to find the whereabouts of the beneficiary Sandra Viviana Cuéllar. In the

framework of the said meeting it was discussed the following: on February 20, 2011, the day the beneficiary's father reported her disappearance, the Urgent Search Mechanism (MBU) implemented by the Commission for the Search for Disappeared Persons (CBPD) was activated; a criminal investigation for the crime of forced disappearance against Sandra Viviana was underway, in the investigation stage; interviews and visits to the area of the alleged disappearance were conducted; technical consultation was carried out to cross-reference morphological data and particular signs of the beneficiary with the databases of missing persons and unidentified corpses, without finding matches; the searches were carried out on February 28, April 14, and May 9, 2011; on June 17, 2011, the decision was made to terminate the MBU³ as no positive results had been obtained; and the representatives expressed their disagreement with the decision to deactivate the mechanism, to which the CBPD undertook to request its reactivation. Similarly, the State indicated the actions taken to protect the life and safety of Hildebrando Vélez: the Metropolitan Police of Cali provided the beneficiary with security and self-protection recommendations; police rounds were made to the beneficiary's home; the applicants were asked to submit documentation to the Committee for Regulation and Risk Assessment (CRER) to submit the beneficiary's situation to a risk assessment and thus take appropriate security measures; and an investigation was underway for the crime of theft against Mr. Hildebrando Vélez.

10. On February 17, 2012, the State reported that on February 6, 2012, the Director of the National Penitentiary and Prison Institute (INPEC) was requested to inform whether the beneficiary was or had been held in any prison or penitentiary center in the country; on February 17, an article would be published regarding the search for the beneficiary, urging the community to provide information on her whereabouts; the feasibility of forming a working group to establish actions to support and promote the investigation would be determined; and the investigation for the crime of forced disappearance would be in the investigation stage. Regarding the protection measures in favor of Hildebrando Vélez, the State stated that police patrols are conducted at the beneficiary's residence; the Metropolitan Police of Santiago de Cali appointed a Second Lieutenant as the beneficiary's liaison; and it was requested to submit information on the beneficiary so that the Technical Risk Assessment Group (GTER) of the Office of the Attorney General of the Nation could initiate the risk assessment process.

11. On July 5, 2012, the State reported the following regarding the searches for the beneficiary: the National Police conducted information and search campaigns in the different municipalities of the jurisdiction from which the beneficiary had disappeared; the National Police conducted searches in the Health Centers and Institutions in order to verify the admission of female persons with the characteristics and description of the beneficiary. Regarding the security measures in favor of Hildebrando Vélez: a sponsor was appointed within the police force to establish permanent communication; the patrols of his sector carry out permanent police patrols and magazines to the beneficiary's residence; neither the beneficiary nor the representation would have presented the relevant information to proceed with the risk assessment; and the investigations, both for the crime of forced disappearance against the beneficiary and for the crimes of theft and threats against the beneficiary, would be in the investigation stage. On September 21, 2012, the State indicated that on September 6, 2012, a consultation meeting was held in which the National Protection Unit (UNP) undertook to conduct a technical study of the beneficiary's risk level; the Police stated that security measures continued to be provided to the beneficiary, consisting of magazines and police patrols of her home; proceedings would continue to be conducted within the framework of the MBU to locate the beneficiary; and an investigation would be initiated into the events that occurred on July 7, 2012.

³ Article 13 of Law 971 of 2005 establishes that if after two months of the activation of the mechanism, the whereabouts of the beneficiary have not been found, the mechanism must be deactivated.

12. On December 12, 2012, the State communicated that the Attorney General's Office ordered the assignment of the investigation for forced disappearance to a Prosecutor assigned to the National Unit of Prosecutors against the Crimes of Disappearance and Forced Displacement; on November 27, 2012, the UNP reported that the beneficiary's risk level study resulted in an extraordinary risk and therefore the Committee for Risk Evaluation and Recommendation of Measures (CERREM) recommended granting support in the form of transportation, a legal monthly minimum wage (SMLMV), means of communication and bulletproof vest; and there was a consultation meeting scheduled for December 13 in which the implementation of the measures recommended by CERREM will be addressed.

13. On June 24, 2013, the State expressed that the request of the representation regarding the increase of the transportation allowance to two SMLMV was brought to the attention of CERREM, who approved the increase in favor of the beneficiary. It also informed that the delay in the payment of the transportation support was due to some budgetary inconveniences, which were already resolved; that a security study was conducted at the beneficiary's home, the UNP approved the installation of a closed circuit television, an alarm system and a video intercom; and that the investigations on the threatening facts to the origin of the precautionary measures were in the inquiry stage.

14. On February 13, 2014, the State reported that on January 20, 2014, the delegate for Human Rights of the Cali Metropolitan Police met with Mr. Cuéllar, father of the beneficiary, and Hildebrando Vélez, the former stating that he did not require home security measures since they would not be in the place. In the said meeting, neither Mr. Cuéllar nor Mr. Vélez stated to be subject to personal threats and the UNP has requested the re-evaluation of the beneficiary's risk level, with a view to assess whether the protection measures granted to the beneficiary should remain in force. On November 18, 2015, the State stated that the risk assessment conducted in 2014, resulted in an ordinary risk, therefore, by Resolution 030 of March 12, 2014, CERREM recommended the termination of the protection measures. The Human Rights Office of the Metropolitan Police of the city of Cali reported that through the patrol of the quadrant of the CAI San Antonio, the beneficiary's home is constantly checked; that on most occasions, the beneficiary is not at his residence; that it communicated permanently with the beneficiary's father to offer his cooperation in whatever he may require; and, finally, that the Unit against Disappearance and Forced Displacement continues to deploy the activities contemplated in the National Search Plan for Missing Persons, to find the whereabouts of the beneficiary.

15. On June 5, 2017, the State informed that on February 17, 2017, a consultation meeting was held in which the UNP informed the beneficiary that as a result of the ordinary risk level, the entity no longer had the authority to intervene in the protection measures that the beneficiary still had; that the bulletproof vest, as it is a personal garment, does not need to be returned to the UNP and that he could use the surveillance system installed in his residence as he deems appropriate; and that the investigation to find the whereabouts of the beneficiary woman was in the investigation stage and maintained the necessary procedural momentum. On September 11, 2020, the State requested the lifting of the precautionary measures because it considered that the requirements of Article 25 of the IACHR Rules of Procedure had not been met. It made such a request also on December 4, 2020; March 3, 2021; June 17, 2021; September 27, 2021; and December 7, 2021.

B. Information provided by the representation

16. On October 20, 2011, the representation indicated that contextual elements such as the disappearance of women in the area where the beneficiary woman disappeared were not explored. In addition, it reported that the State had placed conditions on the granting of protection measures in favor of Hildebrando Vélez and had improperly conducted the investigation into the theft against him. On May

15, 2012, the representative stated that the police rounds in favor of the beneficiary were not being carried out and that the investigations into the facts that gave rise to the granting of the precautionary measures had not progressed adequately.

17. On July 11, 2012, the representative reported that on July 7, 2012, at 8:30 p.m. the beneficiary arrived at his home in the city of Cali and realized that strangers had entered his home; the said persons took a hard drive, a laptop computer, and other personal items; the beneficiary filed the respective complaint on July 9; on July 14 and 22, 2011, emails were sent with the requested information; and no material protection measures are being implemented in favor of the beneficiary. On November 8, 2012, the representation expressed its disagreement with the implementation of the precautionary measures since the whereabouts of the beneficiary woman have not been found, material protection measures have not been implemented in favor of the male beneficiary, and those responsible for the threatening events that originated the granting of the precautionary measures have not been found. The representation pointed out that the prosecutor's office develops illogical hypotheses about the disappearance of the beneficiary woman, since they would be investigating Mr. Hildebrando Vélez, a situation that revictimizes him and aggravates his pain as a consequence of the disappearance of Sandra Viviana Cuéllar; the prosecutor in charge of the investigation would be overloaded with assignments so she could not carry out the investigation diligently; and the police rounds were not carried out prior to the events of July 7, 2012.

18. On April 8, 2013, the representation indicated that the amount set as transportation allowance in favor of the male beneficiary was insufficient as for work reasons he must travel outside the city of Cali to rural areas; on December 13, 2012, a meeting was held to discuss the precautionary measures; on January 22, 2013, the beneficiary had to return the bulletproof vest that had been assigned to him since the size was not adequate; and the cell phone assigned as a protection measure was reportedly inactive. On December 19, 2013, the representation stated that the security measures were being implemented in favor of the beneficiary.

19. On April 15, 2014, the representation reported that although there have been no situations placing the male beneficiary at risk, the Afro-descendant communities with which he works were in a permanent situation of harassment and violation of human rights; and they were not aware of progress in criminal investigations that had the beneficiaries as victims.

20. On March 23, 2016, the representation stated that there was dissatisfaction regarding the risk assessment conducted in 2014; in more than three years no State official has corroborated the operation of the video system installed in the beneficiary's home; and the investigations were not being carried out diligently.

21. On June 29, 2019, the representation informed that despite the increase in the level of risk and violence to which human rights defenders are generally exposed, the beneficiary's risk assessment had not been updated; and that on September 13, 2018, an agreement meeting was held in which it was agreed to continue the police rounds to the beneficiary's home, to hold a self-protection talk, to collect the bulletproof vest that had been given to him years ago and to maintain the television circuit installed in the beneficiary's home. The representative stated that, to date, only four police rounds had been made and the bulletproof vest had not been picked up and the television circuit had not been maintained.

22. On January 26, 2021, the representation expressed its concern about the inactivity in the investigation into the disappearance of Sandra Viviana Cuéllar, as well as its concern about the lack of willingness of the State to hold consultation meetings. The representation requested that the lifting

request be rejected due to the lack of progress in the investigation to find the whereabouts of the beneficiary and the lack of updated information on the beneficiary.

23. On November 17, 2023, the representation informed that on February 24, 2022, a conciliation meeting had taken place, after the postponement of previous meetings. The Office of the Attorney General had agreed to issue a report on the most relevant actions in the framework of the investigations into the disappearance of Sandra Viviana Cuéllar. Similarly, the National Commission for the Search for Disappeared Persons, in charge of following up on cases of disappearance not related to the armed conflict, reported on the steps taken, which included taking biological samples from the parents of the beneficiary, search efforts without results, interviews, technical cross-checks, among others. The representative indicated that among the commitments assumed by the said entity was the sending of a report on the steps taken, specifically on the genetic crosses of the parents. The delivery of the respective reports from the State entities is still pending. The representative continued questioning the investigations carried out. In relation to the situation of Hildebrando Vélez, the representation pointed out that there was no updated information and risk studies issued by the National Protection Unit, being the last information transmitted to said entity from 2018. In relation to the request for lifting made by the State, the representation indicated that it has reiterated the search for spaces for consultation in order to promote and follow up on the implementation. The representation considered that the lack of investigative progress on the disappearance of the beneficiary indicated the need to maintain these measures in force. In relation to beneficiary Hildebrando Vélez, the representation specified that the statements on the absence of risk issued by the State in 2018 were not rigorous given the time elapsed.

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

24. The precautionary measures mechanism is part of the Commission's function 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 established in Article 41(b) of the American Convention on Human Rights, also reflected in Article 18(b) of the IACHR Statute, while the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. According to this Article, the Commission 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.

25. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described,

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

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

and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

26. With regard to 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) 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 should assess whether the serious and urgent situation and possible 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 set forth in Article 25 of the Rules of Procedure.

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

28. In the instant matter, the Commission recalls that the precautionary measures were granted in 2011 in light of the information available to the parties. The Commission granted the precautionary measures in favor of Hildebrando Vélez and Sandra Viviana Cuéllar. The latter person’s whereabouts are unknown.

⁶ 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 Inter-American Court of Human Rights 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.

⁷ I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Inter-American Court of Human Rights of February 7, 2017, paras. 16 and 17.

⁸ *Ibid.*

⁹ *Ibid.*

29. In relation to Hildebrando Vélez, the Commission notes that the State adopted the following measures in his favor:

- a. The establishment of a security detail in favor of the male beneficiary consisting of a transportation allowance of one minimum wage—which was later increased to two—, a means of communication and a bulletproof vest. As well as police patrols to the beneficiary’s home;
- b. The installation of security measures at the beneficiary’s home consisting of a closed-circuit television, an alarm system and a video intercom;
- c. Conducting criminal investigations to clarify the facts at the origin of the precautionary measures;
- d. The holding of consultation meetings for the implementation of the precautionary measures on July 14, 2011; September 6, 2012; December 13, 2012; January 20, 2014; February 17, 2017; September 13, 2018; and February 24, 2022.

30. Regarding Sandra Viviana Cuéllar, from the reports received, the Commission notes that the proceedings reported included the following:

- e. Activation of the Urgent Search Mechanism, implemented by the Commission for the Search for Missing Persons;
- f. Carrying out a criminal investigation for the crime of forced disappearance against Sandra Viviana Cuéllar;
- g. Conducting interviews and visits in the area of the alleged disappearance;
- h. Technical cross-checking of morphological data and particular signs of the beneficiary with the databases of missing persons and unidentified corpses on February 28, April 14 and May 9, 2011;
- i. Request for information from the National Penitentiary and Prison Institute regarding the possible admission of the beneficiary to a prison;
- j. The National Police conducted searches in Health Centers and Institutions, in order to verify the entry of female persons with the characteristics and description of the beneficiary.

31. In this sense, the Commission highlights the measures adopted in favor of both persons. In particular, the Commission appreciates the steps taken to search for and locate the beneficiary, which have been led by the Office of the Attorney General of the Nation, as well as requesting the support of other agencies. The Commission notes that these measures have been maintained over time, with proceedings having been recorded from 2011 to 2022, the year in which the last consultation meeting regarding these precautionary measures took place.

32. The Commission construes that, in analyzing compliance with the procedural requirements in cases where the whereabouts of the person are unknown, it is important to consider each specific case, assessing the time elapsed, the actions of the competent authorities, as well as the allegations of the representatives. The Commission notes that the State requested the lifting of these precautionary measures on at least six occasions: on September 11 and December 4, 2020; as well as on March 3, June 7, September 27, and December 7, 2021. Pursuant to Article 25(9) of the Rules of Procedure, the request for lifting was forwarded to the representation. In its response, the representative confirmed the protection measures implemented by the State, stating the need to maintain the precautionary measures because there was no information on the whereabouts of Ms. Sandra Viviana Cuéllar. The Commission deems, 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 corresponds to an analysis of the merits, which must be carried out within the framework of the individual petition and case system, should an individual petition be presented and the applicable procedural requirements be met.¹⁰

33. With regard to the investigations, the IACHR understands that the State continues to investigate the facts that led to the disappearance of the beneficiary woman. In understanding the nature of the precautionary measures mechanism in situations such as the present one, the Commission recalls what the Inter-American Court indicated in the provisional measures in the *Matter of Almonte Herrera in the Dominican Republic*, granted in 2010. This matter refers, among others, to the disappearance of Mr. Herrera. When deciding on the lifting of such provisional measures in 2015, the Inter-American Court indicated the following:

“The passage of time in this matter and the lack of progress in the investigations directly affects the useful effect of these provisional measures, which sought fundamentally to avoid irreparable damage to the life and personal integrity of Mr. Almonte Herrera through the expeditious action of the national authorities to find his whereabouts. However, after more than five years of these measures being in force, the Court still has no concrete results or progress that would make it possible to clearly determine what happened or the whereabouts of Mr. Almonte Herrera, so that the protection that was expected to be obtained through these measures was ineffective (...)”.¹¹

34. In line with what was mentioned by the Inter-American Court, the Commission agrees that the international protection measures, such as these precautionary measures, seek to ensure that the competent authorities take prompt action to locate the whereabouts of the person and avoid irreparable harm. Similarly, the Commission construes that these precautionary measures, like the provisional measures, cannot be extended indefinitely in time given their temporary nature.

35. Regarding the situation of the beneficiary Hildebrando Vélez, the representation has not presented information regarding situations placing him at risk, at least, since 2012. Although it has continued to report on the protection measures in his favor, the Commission has no recent assessment elements to indicate that he is currently in a situation presenting a risk in the terms of Article 25 of the Rules of Procedure.

36. The Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.¹² Moreover, the representatives of the beneficiaries who wish the measures to continue must present evidence of the reasons for doing so.¹³ In this matter, the Commission notes that both the representatives and the State submitted information in the processing of the mechanism; however, the information provided by the representatives is not sufficient to conclude that there exists a situation presenting a risk that meets the requirements of Article 25 of the Rules of Procedure. In this regard, considering the analysis previously carried out, and in view of the repeated request for lifting of the State, the Commission understands that the factual circumstances that led to the granting of the precautionary measures of reference have changed significantly.

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

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

¹² Ibidem

¹³ Ibidem

37. Therefore, the Commission understands that, as previously stated, no situation has been identified that would support compliance with the requirements of Article 25 of the Rules of Procedure at this time. In view of the foregoing, and considering that exceptional and temporary nature of precautionary measures,¹⁴ the Commission deems that these measures should be lifted.

38. The Commission recalls that a decision to lift precautionary measures does not imply that the State is relieved of its general obligations of protection, contained in Article 1(1) of the Convention, in 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 findings of the Inter-American Court, the lifting or declaration of non-compliance with the precautionary measures does not imply an eventual decision on the merits of the dispute if the case were to come to the attention of the inter-American system through a petition, nor does it prejudice the State's responsibility for the facts denounced.¹⁵

39. Finally, the Commission emphasizes that, regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Colombia to respect and guarantee the rights recognized therein, including the life and integrity of Hildebrando Vélez. Moreover, it is incumbent upon the State of Colombia to continue with the corresponding investigations, as well as the search actions, with the objective of clarifying the facts and circumstances of Sandra Vivian Cuéllar. In this regard, it calls upon the State to continue informing the corresponding parties of the progress of the investigations.

V. DECISION

40. The Commission decides to lift the precautionary measures granted in favor of Hildebrando Vélez and Sandra Viviana Cuéllar, in Colombia.

41. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures if it considers that there is a situation presenting a risk that meets the requirements set forth in Article 25 of the Rules of Procedure.

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

43. Approved on January 14, 2024, by Roberta Clarke, President; Edgar Stuardo Ralón Orellana, First Vice-President; José Luis Caballero Ochoa; Arif Bulkan; Andrea Pochak; Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

¹⁴ 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. Considerandum 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. Considerandum. 24

¹⁵ 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.