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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 3/2024**

Precautionary Measure No. 999-23  
Juan Carlos Hollman regarding Argentina<sup>1</sup>  
January 12, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On November 12, 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 Gustavo Daniel Pallezo (“the applicant”) urging the Commission to require that the State of Argentina (“the State” or “Argentina”) adopt the necessary measures to protect the rights of Juan Carlos Hollman (“the proposed beneficiary”). The request alleged that the proposed beneficiary is deprived of liberty in a situation which places his health, life, and personal integrity at risk. It was alleged that the proposed beneficiary has colon cancer and does not receive timely and adequate medical care.

2. Pursuant to Article 25 of its Rules of Procedure, the IACHR requested information from the State on November 17, 2023. On November 27, 2023, the IACHR granted a time extension to the State. The State replied on December 4, 2023, and requested a new time extension. On December 5, 2023, the IACHR granted a new term. The State replied on December 29, 2023. The applicant provided additional information on December 22, 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 Juan Carlos Hollman 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 Argentina: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Carlos Hollman. In particular, provide the prescribed medical treatment in a timely and appropriate manner; b) consult and agree upon the measures to be adopted with the beneficiary and his representative; and c) report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES**

**A. Information provided by the applicant**

4. The request indicated that Juan Carlos Hollman is deprived of liberty under preventive detention in Unit 9 of the city of La Plata for the crime of aggravated homicide. According to the applicant, in 2011, the proposed beneficiary was diagnosed with “adenocarcinoma of the colon” which is an “aggressive” colon cancer. It is reportedly difficult to treat and there is an alleged “high probability that the cancer will spread to other organs producing metastasis and death of the patient.” According to the applicant, his cancer treatment has been suspended for more than 23 months. There is also an alleged prescribed surgery pending.

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

Mr. Hollman indicated that he is reportedly not receiving an adequate diet, has a colostomy bag, and experiences “constant pain”.

5. The applicant provided copies of medical reports diagnosing “invasive semi-differentiated adenocarcinoma of the colon”. A history of delays in access to treatment, which allegedly currently consist of surgery, was alleged:

- Medical report of August 31, 2022: indicates that the oncology appointment was held on May 27, 2022. Reports a VC<sup>2</sup> and CAT scan<sup>3</sup> of the abdomen and pelvis on May 22 and 27, 2022 which showed organic injury (recurrence of oncological disease)”;
- Medical report of January 2, 2023: it indicates history of oncological treatment with an order to repeat lab tests, “which have taken approximately one year to carry out”. The applicant reports that on November 23, 2022, an appointment was requested for surgery to evaluate the recurrence of the cancer, but they have reportedly “not received an answer to date”;
- Medical report of January 20, 2023: it reiterates tests of January 2, 2023;
- Medical report of March 7, 2023: reports that on February 9, 2023, Mr. Hollman was evaluated by the surgery department, which requested CT of the chest, abdomen, and pelvis, as well as an MRI<sup>4</sup> of the pelvis. To date, there is still no appointment for any of these procedures;
- Medical report dated March 30, 2023: it indicates that the requested CAT scan was performed on March 22, 2023 and the results are still pending, and that, on March 23, 2023, the proposed beneficiary missed his appointment for the MRI “due to reasons beyond the [health unit’s] control”;
- Medical report dated June 21, 2023: it informs that there was oncological control on July 14, 2023. The results of the tests indicate compatibility with “recurrence in the rectosigmoid junction”, for which the proposed beneficiary was referred to the surgical department for further examination.

6. In the medical reports dated August 31, 2022, January 2 and 20, January 20, 2023, March 7, and March 30, 2023, the treating physician suggested that the proposed beneficiary be granted a measure to allow him more timely access to health services. For example, it was indicated that “in view of the delay in obtaining the corresponding appointments (for various reasons), it is evident that the deprivation of liberty is detrimental to the possibility of obtaining a satisfactory response to the oncological condition of the inmate. It is suggested from this [Health Unit] that some type of benefit be granted, which would allow him faster access to Public Health services.”

7. The applicant indicated that there were delays in granting medical appointments and exams, as well as missed appointments, due to lack of transportation. The delays in providing the prescribed medical treatment allegedly led to the fact that, to date, the order for the lab tests required as preparation for the surgery have expired for a second time, and the surgery has still not been performed. The applicant argued that

<sup>2</sup> According to free search, it means “video colonoscopy”.

<sup>3</sup> According to free search, it means “Computed Axial Tomography”.

<sup>4</sup> According to free search, it means “Magnetic Resonance Image”.

the passage of time implies a risk to the life of the proposed beneficiary, whose cancer may develop by metastasis. They also added that there are obstacles to presenting greater details of the proposed beneficiary's current health condition, given that he is held in the Sanitation Section of the Criminal Unit. It was reported that the applicant and his legal representation do not have access to Mr. Hollman's medical record. The applicant stated the following:

[...] there are no new medical reports, because they have not been prepared, the last reports that were requested were as a result of the habeas corpus petitions filed by Hollman, during which he did receive medical attention, but not treatment, which is not the same thing, let us not be misled as when a physician monitors him and orders medical studies, it is medical attention, but Hollman needs oncological treatment and a surgical intervention.

8. The applicant indicated that the proposed beneficiary's health condition was reported to the responsible court through writs of *habeas corpus*. They added that they have been requesting house arrest in order to carry out his treatment outside the prison, arguing that the prison is not suitable for his post-surgical recovery given the necessary care. In this regard, the applicant reported that on March 8, 2023, the court rejected his request for house arrest. Furthermore, it was alleged that in response to the *habeas corpus*, the court "only requested medical reports, but did nothing to resume the suspended treatment." According to the request, the judicial authorities are aware that the proposed beneficiary is not receiving treatment and he requires surgical intervention. In response, the judicial authorities constantly request a new medical report, which repeatedly contained the same information as the previous reports.

9. From the copies of the judicial decisions provided, it can be seen that the writs of *habeas corpus* were rejected on procedural grounds that the judges responsible understood that it was not the appropriate route for the claims of the proposed beneficiary, nevertheless, they decided the following:

II. TO REFER these proceedings, or digitalized copies thereof, to the Court at whose disposal the detainee is currently held, so that it may take note of what has been resolved herein and of the applicant' claims, and articulate, where appropriate and as a matter of urgency, the necessary measures tending to satisfy the claims related to the adequate medical attention required by the health condition reported, and to evaluate, in accordance with the petitions formulated by the interested party, the viability of the alternative modalities to detention that may be appropriate in order to guarantee adequate access to health services.<sup>5</sup>

10. In the request for house arrest, rejected on March 8, 2023, the Judicial Power established that, although Mr. Hollman did not qualify for the benefit of house arrest, it "informs UP No. 9 La Plata that they must take all necessary measures to guarantee access to the health of Juan Carlos Hollman, and if necessary, carry out all appointments, controls, and treatments in the Hospital outside the prison, as has been done to date".<sup>6</sup>

11. Considering the indicated situation, the applicant alleged that the lack of health care in his situation is a form of "torture or torment".

## **B. Response from the State**

<sup>5</sup> The applicant referred to the following files: 122595 - HOLLMAN O HOLMAN, JUAN CARLOS RE/ HABEAS CORPUS. January 2, 2023; and 124844 - HOLLMAN O HOLMAN, JUAN CARLOS RE/ HABEAS CORPUS. May 9, 2023.

<sup>6</sup> The applicant referred to the following file: E-MP-2313-12 HOLLMAN JUAN CARLOS RE/MODERATION OF PREVENTIVE DETENTION. March 8, 2023.

12. On December 29, 2023, the State reported that, on November 23, 2023, Sanitary Unit 9 of the Provincial Directorate of Penitentiary Health issued a medical report indicating that the proposed beneficiary

has invasive semi-differentiated adenocarcinoma of the colon with organic rectal lesion. Furthermore, according to the aforementioned report, since being deprived of his liberty, Mr. Hollman allegedly does not have access to medical treatment in a timely and adequate manner due to the delay in obtaining the necessary appointments and, on occasions, not being able to transport him to the appointments for the relevant studies and treatment to be carried out in an extramural hospital.

13. In addition, the report added that the proposed beneficiary's last oncological consultation was on July 14, 2023, in which "the patient was referred again to the Surgical Department for surgical resolution." The report indicated that the request for consultation with surgery was sent on September 4, 2023, to the date, there has been no answer to this medical report. In the aforementioned report, the treating physician suggested that "from this [Health Unit], to Criminal Court No. 4 of La Plata, the granting of some type of benefit, which would allow him faster access to Public Health services, and to be able to obtain satisfactory medical care in a timely manner."

14. The State also reported that the Directorate of Legal Affairs for Persons in Situations of Confinement (*Dirección de Asuntos Jurídicos de personas en Situación de Encierro*) followed up with prison and judicial authorities regarding the health care situation in favor of proposed beneficiary on June 21 and 22, 2022 and November 23, 2023. By means of briefs, the Directorate reportedly informed the hearing court of the proposed beneficiary's health with the aim of ordering "his urgent transfer to the hospital outside the prison to be treated by a health professional and thus continue with his oncological treatment". According to the State, although the Directorate of Legal Affairs for Persons in Situations of Confinement did not register a response to the aforementioned briefs, it reportedly "learned that both Health Unit 9 and the Oral Criminal Court No. 4 have carried out various interventions in favor of Mr. Hollman's health."

15. The State acknowledged, before the medical report of November 23, 2023, that Mr. Hollman "does not have the specific protection that corresponds to persons deprived of their liberty", as he does not have "access to general and specific medical care for his diagnosis". The State stated the following:

From the foregoing, and according to the attached documents, it is stated, however, that the proposed beneficiary is not receiving adequate treatment for her condition with the standard set by the Inter-American Court of Human Rights. Notwithstanding the foregoing, given that the authorities have been notified of the matter and are taking the pertinent steps, we do not find that the requirements of Article 25 of the Rules of Procedure of the American Commission on Human Rights are being met.

16. Lastly, regarding the risks derived from COVID-19, the State indicated that "the proposed beneficiary is covered by the measures adopted by the competent authorities to minimize the risk of spread of the disease among the detainees, such as the protocols that have proven highly effective in preventing the spread of the virus within the prison environment [...]".

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

17. 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.

18. 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>7</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>8</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>9</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request 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.<sup>10</sup> 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.

19. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be

<sup>7</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 [only in Spanish].

<sup>8</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 [only in Spanish].

<sup>9</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 regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>10</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 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.



assessed from a *prima facie standard of review to determine whether a serious and urgent situation exists*.<sup>11</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make a determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments. This<sup>12</sup> is better suited to be addressed by the Petition and Case system. The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>13</sup>

20. Having specified the foregoing, the Commission observes that this request for precautionary measures seeks to protect Mr. Juan Carlos Hollman, who is deprived of liberty under preventive detention. In 2011, he was reportedly diagnosed with colon cancer and ordered oncological treatment, as well as follow-up tests. Based on the information submitted by the applicant, since at least May 2022, medical information is available that the proposed beneficiary's colon cancer has returned ("recurrence of oncological disease"). In this sense, according to both parties, his current diagnosis is reported as "invasive semi-differentiated adenocarcinoma of the colon" and his prescribed medical treatment consists of undergoing a surgery. In this context, Mr. Hollman, given his current situation under deprivation of liberty, alleged that he does not even receive an adequate diet, has a colostomy bag, experiences "constant pain", and his cancer treatment was allegedly suspended for approximately 23 months.

21. At the time of evaluating the requirement of *seriousness*, the IACHR begins by recalling the position of special guarantor in which the State finds itself in relation to persons deprived of liberty. The above, due to the unique interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of being deprived of one's liberty, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life in such terms as may be possible under the circumstances.<sup>14</sup>

22. The Commission notes that the aforementioned diagnosis of the proposed beneficiary - "invasive semi-differentiated adenocarcinoma of the colon" shows a development from its less severe form to a more serious one. According to information from the American Cancer Society, the "invasive" character refers to the fact that the identified cancer can spread to other parts of the body, while its differentiation indicates the tendency to grow and spread more quickly.<sup>15</sup> Along the same lines, according to the applicant, it is an "aggressive" disease that is difficult to treat and has "a high probability that the cancer will spread outside the colon to other organs, causing metastasis leading to the eventual death of the patient". In this regard, the IACHR notes that, according to statistical data collected by the American Cancer Society, as the disease progresses, five-year survival rates drop to 13%.<sup>16</sup> The Commission understands that it is reasonable to consider that the

<sup>11</sup> See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of Children Deprived of 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.

<sup>12</sup> IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>13</sup> In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2.

<sup>14</sup> I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary objection, merits, reparations, and costs. Judgment of February 29, 2016. Series C No. 312, para. 168.

<sup>15</sup> American Cancer Society. How to understand your pathology report: invasive colon adenocarcinoma. February 27, 2017.

<sup>16</sup> American Cancer Society. Survival rates for colorectal cancer. March 1, 2023

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passage of time without receiving prescribed medical treatment may lead to a worsening of his health, which could eventually lead to the death of the patient.

23. Furthermore, the Commission notes that, according to the medical support available, the proposed beneficiary allegedly experiences the following:

- An “organic lesion”, according to the medical report of August 31, 2022;
- Follow-up lab tests that have taken approximately one year to obtain, according to the medical report of January 2, 2023;
- Missed appointments for lab tests, for example, as noted in the medical report of March 30, 2023;
- The studies necessary for the required surgery have been performed more than once, and have reportedly expired. These then must be retaken as time goes by; and
- Due to the aforementioned, appointments were made with the surgery service, but there was not a specified date for it, nor was the applicant given the reasons as to why it could not be scheduled. In view of the foregoing, there are also no elements to indicate reasons as to why the surgery would no longer be necessary.

24. In this regard, the IACHR notes that there is a recent medical prescription for an inter-consultation with surgery pending since June 21, 2023. According to information from the State itself, an appointment was requested with surgery on September 4, 2023, but no response was received by the date the State report was sent. In addition to the foregoing, the Commission observes with concern that, according to the medical report of November 23, 2023 provided by the State, Mr. Hollman “does not have access to medical treatment in a timely and adequate manner due to the delay in obtaining the corresponding appointments and, on occasions, not having transportation to the appointments obtained for the pertinent studies and treatment to be performed in an out-of-hospital center.” Thus, the IACHR observes, based on the information available, the proposed beneficiary allegedly lacks the medical treatment prescribed for his health condition, which includes surgery, despite its seriousness and the risk implied by the passage of time in light of the medical assessments.

25. The Commission also notes that there are domestic judicial decisions that have called for “urgent” measures to be adopted for the medical care of the proposed beneficiary, as reflected in the decisions of January and May 2023 (*see supra* para. 9 and Footnote 5). In addition, the Commission notes, by judicial decision of March 2023, it was required that “all the necessary precautions be adopted” (*see supra* para. 10).

26. In this context, the Commission recalls that the protection of the right to life of persons deprived of liberty includes the duty of the State to provide adequate and timely medical treatment.<sup>17</sup> In this regard, the Commission notes that the Argentine State itself acknowledged that the proposed beneficiary “does not have the specific protection that corresponds to persons deprived of their liberty” and “is not receiving adequate treatment for his condition according to the standard set by the Inter-American Court of Human Rights” (*see supra* para. 15). In this regard, the IACHR notes that the proposed beneficiary’s medical reports, including the report of November 23, 2023 indicated by the State, stated that “it is evident that the deprivation of liberty is detrimental to the possibility of obtaining a satisfactory response to the oncological condition of the inmate”. The Commission emphasizes that, according to the Inter-American Court:

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<sup>17</sup> I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary objection, merits, reparations, and costs. Judgment of February 29, 2016. Series C No. 312, para. 171.

there are a number of health issues that, without requiring the patient to stay in a hospital, make it necessary for them to remain in a place where their daily life activities can be attended to by means of special care that cannot be assured in prison. For example, in cases of chronic, neurodegenerative, or terminal diseases, or which, in general, require attention that can only be provided by a specialized caregiver.<sup>18</sup>

27. Considering the position of special guarantor of the States before the persons in their custody, the IACHR takes note of the State's argument that the responsible national authorities are allegedly aware of the proposed beneficiary's situation analyzed under this request for precautionary measures, and that they are also reportedly taking the relevant steps. The IACHR observes that, according to the applicant's request, domestic judicial decisions have required the adoption of health care measures in favor of the proposed beneficiary according to the needs of his health condition (*see supra* paras. 9-10). However, the Commission understands that these processes have reportedly not been able to guarantee his timely medical treatment, in line with what was reported by the State itself (*see supra* para. 15).

28. The IACHR notes that the State did not indicate the steps that would be taken by the competent authorities, nor did it clarify how these steps would specifically mitigate the risk that Mr. Hollman is currently facing. In this scenario, the Commission does not have information that show that the situation that placed the proposed beneficiary at risk have been removed, especially given the time that has elapsed since the diagnosis of the proposed beneficiary. In this regard, considering the State's argument that, in view of the steps taken by the national authorities, the requirements of Article 25 of the Rules of Procedure of the Inter-American Commission are not met, the Commission recalls that, although the international jurisdiction is "complementary" to national jurisdictions, but do not replace them,<sup>19</sup> the State concerned must satisfy the burden of proof to show that the beneficiaries are not in the situation established in Article 25 of the Rules of Procedure, in view of the fact that the measures adopted by the State itself have had a substantive impact on the reduction or mitigation of the situation that places them at risk, in such a way that it is not possible to assess a situation that meets the requirement of seriousness and urgency that precisely require international intervention to prevent irreparable damage.<sup>20</sup>

29. Considering what has been presented by the parties, the Commission notes that Mr. Hollman has cancer which is, recurrent and deteriorating. In this context, he is reportedly not receiving treatment, despite medical and judicial determinations. The foregoing, in the opinion of the Commission, requires prompt and expeditious action from the State, considering the characteristics of the health condition and the fact that the proposed beneficiary is in its custody. Thus, in light of the medical recommendations, the lack of adequate medical care, and the current medical situation the proposed beneficiary faces, based on the *prima facie assessment* criterion of the precautionary measures mechanism, the IACHR considers that Mr. Hollman's rights to life, personal integrity, and health are at serious risk.

30. Regarding the requirement of *urgency*, the Commission considers that it has been met, in view of the fact that the passage of time without adequate and timely health care in favor of the proposed beneficiary may imply that he is prematurely subject to an aggravation of his health situation or even result in his death. Similarly, at the domestic level, the Commission identifies that there are judicial decisions that have assessed that the proposed beneficiary should receive medical care "as a matter of urgency".

31. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to health, life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

<sup>18</sup> Ibid, para. 246.

<sup>19</sup> See: IACHR. [Resolution 47/2019](#). Members of the Guyaroká community of the Guarani Kaiowá Indigenous People with respect to Brazil (PM 458-19). September 29, 2019, para. 31. IACHR. [Resolution 49/2017](#). Paulina Mateo Chic regarding Guatemala (PM 782-17). December 1, 2017.

<sup>20</sup> Ibid.



#### **IV. BENEFICIARY**

32. The Commission declares Juan Carlos Hollman, who is duly identified in these proceedings in accordance with subsection 6.b. of Article 25 of the IACHR Rules of Procedure, to be the beneficiary of the precautionary measures.

#### **V. DECISION**

33. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Argentina:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Carlos Hollman. In particular, provide the prescribed medical treatment in a timely and appropriate manner;
- b) consult and agree upon the measures to be adopted with the beneficiary and his representative; and
- c) on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

34. The Commission also requests that the State of Argentina report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

35. 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 a prejudgment on any violation of the rights protected under the applicable instruments.

36. The Commission instructs its Executive Secretariat to notify this resolution to the State of Argentina and the applicant.

37. Approved on January 12, 2024, by Roberta Clarke, President; Edgar Stuardo Ralón Orellana, First Vice-President; Carlos Bernal Pulido, Second Vice-President; José Luis Caballero Ochoa; Arif Bulkan; Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary