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COLOMBIA IS RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF JHON RICARDO UBATÉ AND GLORIA BOGOTÁ AND THE HARASSMENT ENDURED BY THE NEXT OF KIN WHO SOUGHT THE TRUTH OF THE FACTS

San José, Costa Rica, December 13, 2024.- In the judgment, notified today, in the *Case of Ubaté and Bogotá v. Colombia*, the Inter-American Court of Human Rights declared the international responsibility of the State of Colombia for the violation of the rights to juridical personality, life, personal integrity, personal liberty, to defend human rights, judicial guarantees, judicial protection, rights of the family and rights of the child, due to the forced disappearance Jhon Ricardo Ubaté Monroy and Gloria Mireya Bogotá Barbosa, which took place on May 19, 1995, and the additional violations committed against his next of kin due to the harassment and threats that they were subject to as they sought to uncover the truth of the facts. In the instant case the State made a partial acknowledgment of responsibility, and the parties reached an agreement regarding reparations.

The official summary and the full text of the judgment can be accessed [here](#).

The Court determined that the forced disappearance of Jhon Ricardo Ubaté and Gloria Bogotá, who were part of the Popular Liberation Army (EPL) until 1991, year when they were demobilized, is attributable to security forces, the Police Anti-Extortion and Kidnapping Unit (UNASE), therefore State agents. The Court considered that the forced disappearance occurred in a context of persecution of EPL ex-combatants and the internal armed conflict in which there was violence promoted by the State and grave human rights violations.

After his demobilization, Mr. Ubaté began human rights activism and denounced facts of violence committed by paramilitaries. The Court noted that the respect and guarantee of the human rights of human rights defenders has special importance since they play a key role in strengthening democracy and the rule of law. Based on the foregoing, it concluded that the State is internationally responsible for the violation of the right to defend human rights.

The Court noted that in this case there is total impunity, since to date those responsible for the disappearance of Mr. Ubaté and Ms. Bogotá have not been identified. It also noted that since the beginning of the criminal proceedings these were limited, having ruled out several possible lines of investigation related to the participation of State agents despite the evidence, specifically the statements given by a female witness. In addition, it found the State responsible for non-compliance with the obligation set forth in Article 2 of the American Convention on Human Rights, for not having used the legal classification of forced disappearance even though the next of kin requested the reclassification.

During the search for Jhon Ricardo Ubaté and Gloria Bogotá their next of kin experienced multiple acts of harassment and threats by police authorities. The Court considered that even though the State was informed, it did not take any steps to stop these actions or determine who was responsible.



The judgment also highlights the role of Sandra del Pilar Ubaté, who since 1995 led the search for Mr. Ubaté and Ms. Bogotá. She denounced the disappearance of her brother and followed up on all judicial proceedings that took place, due to which she was persecuted and threatened. As of 1997 she had to continue searching from abroad due to threats that made her leave the country. The Court considers that the search for a disappeared family member from abroad has specific characteristics, including that it may be affected or interrupted by obstacles related to acting from afar; therefore, it requires specific protection and support of the State.

Consequently, the Court determined: (i) the violation of the rights to juridical personality, life, personal integrity, and personal liberty, recognized in Articles 3, 4(1), 5(1) and 7(1) of the American Convention on Human Rights (hereinafter "the American Convention"), in relation to Articles 1(1) thereof, and Articles I(a) and XI of the Inter-American Convention on Forced Disappearance of Persons (hereinafter "the IACFDP") to the detriment of Jhon Ricardo Ubaté and Gloria Mireya Bogotá; (ii) the violation of the right to defend human rights recognized in Articles 4(1), 5(1), 8(1), 13(1), 16(1) and 25(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Jhon Ricardo Ubaté; (iii) the right to personal integrity, judicial guarantees, judicial protection, to the truth, and rights of the family, recognized in Articles 5(1), 8(1), 25(1) and 17 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 thereof, and Articles I(b), I(d) and III of the IACFDP, to the detriment of Jhon Ricardo Ubaté, Gloria Bogotá and their next of kin; (iv) the rights to freedom of movement and residence enshrined in Article 22 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Sandra del Pilar Ubaté Monroy, Cristian Eduardo Ubaté Monroy and Astrid Liliana González Jaramillo, and (v) the rights of the child enshrined in Article 19 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Wilson Ramón Ubaté Monroy, Cristian Eduardo Ubaté Monroy, and Flor Yurany Bogotá Barbosa.

In its judgment, the Court also valued the acknowledgment of international responsibility made by the State and considered that, along with the agreement on reparations reached by the State, the representatives and the victims, these are a positive contribution to the process, the validity of the principles that inspire the American Convention, as well as the victims' need for reparation. However, the Court considered it necessary to rule on certain aspects not contemplated in said acknowledgment and agreement.

The reparations agreement, which was approved by the Court, included a series of measures of satisfaction, justice and search, guarantees of non-repetition and memory measures. In addition, the Court ordered the State to pay an amount for rehabilitation measures and ordered several amounts for compensation of pecuniary and non-pecuniary damages and the reimbursement of costs and expenses.

Judge Nancy Hernández López shared her concurring opinion and Judge Rodrigo Mudrovitsch shared his partially dissenting opinion.



The Court's composition for the issuing of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge Ricardo C. Pérez Manrique (Uruguay) and Judge Verónica Gómez (Argentina). Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the processing of this case or deliberation and signing of this judgment, in conformity with Article 19 of the Rules of Procedure of the Court. Judge Patricia Pérez Goldberg, due to reasons of force majeure, accepted by the full Court, did not participate in the deliberation or signing of this judgment.

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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