

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-52/2023 English

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I/A Court H.R. Protecting Rights

COLOMBIA IS RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF SOLDIER ÓSCAR IVÁN TABARES TORO

San José, Costa Rica, August 8, 2023.- In the Judgment notified today in the Case of *Tabares Toro et al. 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, to life, to humane treatment, to personal liberty, to a fair trial, to judicial protection, to privacy, of the family, and of the child, to the detriment of Óscar Iván Tabares Toro and his next of kin, as a result of the forced disappearance of Mr. Tabares Toro on December 28, 1997, and the subsequent lack of investigation and clarification of the circumstances of his disappearance, as well as the impact of those facts on his next of kin. In the instant case the State acknowledged its international responsibility.

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

In 1997, Óscar Tabares was a soldier attached to the Artillery School of Bogotá.

On December 28, 1997, the "Tiger" Company that he was a part of Camped in San Luis de Toledo, rural area of the municipality of San Juanito, department of Meta. At around midnight, several witnesses heard a grenade explosion and three shots. As of that moment Óscar Iván Tabares Toro's whereabouts are unknown.

Several investigation processes were initiated in the internal jurisdiction. However, to date there is no information on the whereabouts of Óscar Iván Tabares Toro or his remains.

In the internal jurisdiction three proceedings were opened to investigate the facts of December 28, 1997, but none of them yielded results regarding his whereabouts or his remains.

On January 19, 1998, a complaint was filed against the National Army before the Human Rights Office of the Public Prosecutor of the Department of Antioquía regarding the disappearance and alleged death of Óscar Iván Tabares Toro. It was closed and archived on December 13, 2002, since the Prosecutor's Office considered that there was no evidence compromising the responsibility of the officer or deputy officer attacked by the soldier in his alleged disappearance.

While searching for information on the whereabouts of his son, Ms. María Elena Toro was absent from her home for long periods of time. Consequently, Óscar Iván Tabares' youngest sisters remained in the care of the oldest sister, María Bibiancy Tabares. Moreover, the next of kin feared that the inquiries made by their mother could result in that the threats they received would be carried out. They also lived under a stigma caused by the State's hypothesis that Óscar Tabares attacked his superiors and joined FARC. Because of this situation the next of kin had to change houses more than ten times and were affected economically. Finally, in 2022 the mother and one sister of soldier Tabares Toro and other next of kin left Colombia in exile.

The Court established several reparation measures, including: (i) continuing the investigations and the criminal proceedings underway regarding the forced disappearance of Óscar Iván Tabares Toro; (ii) increasing the efforts put into the search for Óscar Iván Tabares Toro; (iii) publishing the Judgment and the official summary of the Judgment; (iv) performing a public act of acknowledgment of international responsibility; (v) creating a documentary on the forced disappearance of Óscar Iván Tabares Toro and the impact that it had on his family, among others.

For this Judgment the Court was composed of the following Judges: Ricardo C. Pérez Manrique, President; Eduardo Ferrer Mac-Gregor Poisot, Vice President; Nancy Hernández López; Verónica Gómez; Patricia Pérez Goldberg and Rodrigo Mudrovitsch.

Judge Humberto Antonio Sierra Porto did not participate in the deliberation of this Judgment because he is Colombian, pursuant to Article 19 of the Rules of Procedure of the Court.

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