

REPORT No. 54/10¹
DECISION TO ARCHIVE
CASE 10.549
COLOMBIA
March 18, 2010

ALLEGED VICTIM: Robert Ayto Ospina López and Oscar Armando Acosta

PETITIONER: Latin American Federation of Associations for Relatives of the Detained–Disappeared (FEDEFAM)

ALLEGED VIOLATIONS: The petitioners make no express claims, but possible violations of Articles 1.1, 4, 7, 8, and 25 of the American Convention on Human Rights can be inferred.

PROCESSING BEGAN: May 14, 1990

I. PETITIONER

1. On May 11, 1990, the Inter-American Commission on Human Rights received a communication from FEDEFAM describing the alleged arrest and disappearance of Robert Ayto Ospina López (20) and Oscar Armando Acosta (21) on May 3, 1990, at the hands of members of the F-2 secret police. In its communication, FEDEFAM notes that Robert Ayto Ospina López and Oscar Armando Acosta were, respectively, the son and nephew of the President of the Subdirectorate of the Valle Teachers' Union (SUTEV).

II. STATE

2. The State says that the office of the Procurator Delegate for the Defense of Human Rights determined that the incident referred to in the claim occurred between the municipalities of Roldanillo and Bolívar in the department of Valle del Cauca. It maintains that that agency conducted a preliminary investigation, which was sent to the archive by a ruling of August 31, 1990, "since there are no grounds to file charges against public officials for involvement in the alleged arbitrary arrest and custody" of Robert Ayto Ospina López and Oscar Armando Acosta. It also contends that the Roldanillo Preliminary Inquiry Unit is conducting a criminal investigation, currently at the preliminary phase.

III. PROCESSING BY THE IACHR

3. On May 11, 1990, the IACHR received the initial petition and registered it as No. 10.549; on May 14, 1990, after conducting a preliminary analysis, it conveyed a copy of the relevant parts to the State, asking it to return, as promptly as possible, the information deemed relevant for clarifying the case. The State returned its comments submission on May 24, 1990. On July 30, 1990, the IACHR asked the petitioners for information on the location where the two men were reportedly detained. On September 18, 1990, a communication from the State containing additional information was received and was duly conveyed to the petitioners for their comments.

4. On January 15, 1991, the request for the petitioners to submit information was repeated, and the State was asked for up-to-date information. On March 11, 1991, the State sent a communication with up-to-date information, which was forwarded to the petitioners for their comments. On July 10, 1991, June 9, 1993, and January 21, 1994, the petitioners were again asked to submit information. On January

¹ In compliance with the terms of Article 17.2 of the Commission's Rules of Procedure, Commissioner Rodrigo Escobar Gil, a Colombian national, did not participate in discussing or deciding this case.

3, 1997, the State was asked for up-to-date information on the status of its domestic investigations. On April 8, 1997, the Commission received a communication containing up-to-date information from the State, which was conveyed to the petitioners for their comments. On April 6, 2009, the petitioner was sent a communication requesting up-to-date information to discover whether the grounds for the petition still existed and indicating that if that information was not received within a one-month period, the petition would be archived.

IV. BASIS FOR THE DECISION TO ARCHIVE

5. Both Article 48.b of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission of Human Rights stipulate that during the processing of a petition, after receiving the information or once the time limit for its submission has expired, the IACHR is to ascertain whether the grounds for the petition or communication still exist or subsist and, if they do not, it shall decide to archive the case file.

6. The instant petition deals with the alleged arrest and disappearance of Robert Ayto Ospina López and Oscar Armando Acosta. The information furnished by the petitioners to ground that claim is general in nature and does not include a description of the steps taken, at the domestic level, to clear up the facts of the incident. The Commission has asked the petitioners to furnish information on numerous occasions, without receiving any reply.

7. In those circumstances, the information available is not sufficient to determine whether the grounds for the initial petition still subsist or to reach a decision on its admissibility or inadmissibility; consequently, pursuant to Article 48.b of the Convention and to Article 42 of the IACHR's Rules of Procedure, it decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 18th day of the month of March 2010.
(Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-president; Dinah Shelton, Second Vice-president; María Silvia Guillén, and José de Jesús Orozco Enriquez, members of the Commission).