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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Question of enforced or involuntary disappearances**

**Report of the Working Group on Enforced  
or Involuntary Disappearances**

**Submitted in accordance with Commission resolution 2002/41**

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### **Executive summary**

The present report of the Working Group retains the emphasis on further developments in respect of two basic elements of the situation of enforced or involuntary disappearance worldwide.

The first - new cases - relates to the practice of disappearance, which persists in a number of countries. During 2002, the Working Group transmitted 120 new cases of disappearance in respect of 24 countries; 63 of these cases occurred in 2002. As at the last day of its sixty-eighth session, on 13 November 2002, the Working Group had 41,618 outstanding cases on its registers. During 2002, the Working Group transmitted 65 cases under its urgent action procedure to the Governments of 13 countries. The highest number of cases of enforced or involuntary disappearance in 2002 allegedly occurred in Nepal (28) and Colombia (14). Since its inception, the Working Group has transmitted a total of 49,872 cases to Governments.

At the time of writing, the backlog relative to incoming reports of enforced or involuntary disappearances that remain to be processed - prior to consideration by the Working Group - totals in excess of 3,000. This inhibits the accurate representation and evaluation of the effective number of cases in the Working Group's files.

The second basic element of the phenomenon of enforced disappearance relates to the clarification process, particularly of those cases transmitted more than 10 years ago. During 2002, the Working Group clarified a total of 302 cases of enforced disappearance, of which Sudan accounted for 198 cases. It would be appropriate to note that the total clarification figure shown does not accurately reflect the situation which obtains, as the 12,550 Government replies which remain to be processed are likely to affect the final figure for cases clarified. Despite the fact that 5,255 cases have been clarified in the last five years, the Working Group still confronts a backlog of 41,618 outstanding cases. During 2002, consequent to the Group's innovative approach in inviting Governments with large numbers of unresolved cases - dating back in certain instances to the 1970s - to consider ways and means, in cooperation with families and civil society, for providing justice to the victims and for clarifying new cases, the Group has received concrete assistance and strong cooperation from a number of Governments, notably Algeria, Angola, India, Lebanon, Mexico, Morocco, and Sri Lanka. In the past, the Working Group had reported on the pronounced cooperative attitude on the part of Governments, namely those of Brazil, Mexico and Sri Lanka. The Working Group remains, nonetheless, very concerned that of the 78 countries with outstanding cases, some Governments (Burkina Faso, Burundi, Cambodia, Congo, Equatorial Guinea, Guinea, Israel, Mozambique, Namibia, Rwanda, Seychelles, Tajikistan, Togo), as well as the Palestinian Authority, have never replied to its requests for information or its reminders.

In the course of the considerable experience acquired in dealing with cases of disappearance over more than 20 years, the Group has established the disparate contexts likely to promote the phenomenon of enforced disappearances, certain of which are associated with the State policies of authoritarian regimes. This was the situation which brought the Working Group into existence in the 1980s. A much more complex situation is the one which derives from internal conflict or tensions engendering violence and human rights violations, among which the phenomenon of enforced disappearances must be counted.

In certain circumstances - namely when the events leading to an alleged disappearance take place in one State and the disappeared is taken to another State, or when the act of enforced disappearance is committed by forces from one State on the territory of a different sovereign State - the Working Group requests the cooperation of more than one Government in clarifying a case. Various allegations have been received by the Group over the years involving situations of this kind. In such circumstances, the cases are classified by the Working Group as originating in the State where the alleged disappearance occurred, or where the disappeared person was last seen by a reliable witness.

Cooperation between the Group and the Governments concerned is essential for the clarification of cases of disappearance. Moreover, experience demonstrates that when Governments take steps internally to create or strengthen independent bodies in order to clarify cases of disappearance, highly positive results are possible.

Nonetheless, the crucial prior action can be equated with effective preventive measures, such as those provided for in the Declaration on the Protection of All Persons from Enforced Disappearance of 1992 and the Inter-American Convention on Forced Disappearance of Persons of 1994.

Turning to consideration of preventive measures, the Group highlights the following: accessible and updated registries of detainees; guaranteed access to appropriate information and to places of detention for relatives and lawyers of persons deprived of their liberty; ensuring that persons are brought before a judicial authority promptly following detention; bringing to justice all persons accused of having committed acts of enforced disappearances, guaranteeing their trial only by competent civilian courts and ensuring that they do not benefit from any special amnesty law or other similar measures likely to provide exemption from criminal proceedings or sanctions; and providing redress and adequate compensation to victims and their families. It is evident from the foregoing that the Working Group is convinced that ending impunity for the perpetrators of enforced or involuntary disappearances is a circumstance pivotal, not only to the pursuit of justice, but to effective prevention.

Severe constraints in staff resources of the Working Group has profoundly affected the implementation of its mandate, impeding consideration of more than 3,000 new cases, analysing over 12,000 replies provided by Governments and 200 comments thereon submitted by the sources. Over the past 10 years, the Working Group has drawn attention to the increasingly difficult circumstances in which the secretariat is called upon to function. If no solution is found to the staffing crisis, the Working Group is deeply concerned that it will cease to function as an effective instrument of the Commission on Human Rights.

Despite these circumstances, during the period under review, an exceptional effort on the part of the staff servicing the Working Group has enabled the processing of information relating to a total of some 7,908 cases. This includes the continued processing of a backlog carried over from 2000 and 2001 in respect of reports of disappearances and of replies received from Governments. The Working Group again expresses its deep appreciation for the work of its staff which was successfully carried out despite the acute constraints which obtained in terms both of time and the totally inadequate level of staffing available.

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## Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 2002/41, entitled "Question of enforced or involuntary disappearances".<sup>1</sup> In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission, entrusted to all special rapporteurs and working groups, all of which have been given due attention and consideration by the Working Group in the course of 2002.
2. The core mandate of the Working Group, as stipulated in Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980 and as developed by the Commission in subsequent resolutions, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified. In this connection, it should be noted that the crime of enforced disappearance as defined in the Declaration on the Protection of All Persons from Enforced Disappearance<sup>2</sup> is considered a continuous crime until the fate or whereabouts of the disappeared person become known.
3. The Working Group's role ends when the fate and whereabouts of the missing person have been clearly established as a result of investigations by the Government or the family, irrespective of whether that person is alive or dead. Any reply of the Government containing detailed information on the fate and whereabouts of the disappeared person is transmitted to the source. If the source does not respond within six months of the date on which the Government's reply was communicated to it, or if it contests the Government's information on grounds which are considered unreasonable by the Working Group, the case is considered clarified.
4. Since its inception, the Working Group has analysed thousands of cases of disappearance and other information received from Governments and non-governmental organizations, individuals and other sources of information worldwide in order to ascertain whether the issues raised fall under the Working Group's mandate and contains the required elements to open a case. The Working Group then enters the case into its database; transmits it to the Government concerned, requesting it to carry out investigations and to inform the Group of the results; forwards the reply received from the Government to the relatives or other sources; follows up on investigations carried out by the Government concerned, as well as on the inquiries made by the relatives or other agencies or organizations; maintains a considerable correspondence with the Government and the sources of information in order to obtain details on the case as well as on the investigations; and examines allegations of a general nature concerning specific countries with regard to the phenomenon of disappearances.
5. In addition to its original mandate, the Working Group has been entrusted by the Commission with various other tasks. More specifically, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration. It has taken the Declaration into account, particularly, in adopting observations on individual countries. These country-specific observations have been prepared on all countries with more than 100 alleged cases of disappearance.

6. The total number of cases transmitted by the Working Group to Governments since the Group's inception stands at 49,855. The total number of cases being kept under active consideration, as they have not yet been clarified or discontinued, now stands at 41,618. Over the past five years the Working Group has managed to clarify 5,255 cases. In 2002, the number of countries with outstanding cases of alleged disappearance was 78.

7. During the period under review, the Working Group transmitted 120 new cases of disappearance in 24 countries, 63 of which allegedly occurred in 2002. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within three months preceding the receipt of the report by the Group. During 2002, the Working Group transmitted 65 cases under its urgent action procedure. During 2002, the Working Group clarified a total of 302 cases of enforced disappearance, of which Sudan accounted for 198 cases.

8. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, namely 13 November 2002. Those responses from Governments received after that date will be reflected in the next report of the Working Group as also will the urgent action cases which may have to be dealt with between the last day of its session and the end of the year. In respect of newly reported cases and general allegations transmitted by the Working Group after 15 September 2002, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

9. At the time of writing, the existing backlog of information that must be processed prior to its consideration by the Working Group relates to over 15,750 cases, of which some 3,000 comprise reports of disappearances; approximately 12,550 represent replies from Governments to outstanding cases, and over 200 are observations submitted by the sources. Furthermore, the Working Group's decisions handed down at its sixty-third, sixty-fourth, sixty-fifth, sixty-sixth and sixty-seventh sessions, including reminders on outstanding cases in 10 countries, remain to be conveyed to the respective Governments. This backlog has an inhibiting effect on the accurate representation and evaluation of the effective number of cases in the Working Group's files. Hence, for certain countries, the figures reflected in the present report are being reviewed for accuracy.

10. Moreover, acute constraints in staff resources have delayed the processing of incoming information from sources and replies from Governments. During the period under review, an exceptional effort on the part of the staff servicing the Working Group has enabled a total in excess of 9,000 cases to be processed this year: This includes the continued processing of a backlog carried over from 2000 and 2001 relating to 2,350 reports of cases and to 5,558 replies received from Governments during the same period. The Working Group again expresses its deep appreciation for the work of its staff, which was successfully carried out despite the severe limitations which obtained in terms both of time and the totally inadequate level of staffing available.



## **I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 2002**

### **A. Meetings and missions of the Working Group**

11. The Working Group held three sessions in 2002. The sixty-sixth session was held in Geneva from 6 to 7 May, the sixty-seventh session was held in New York from 19 to 22 August and the sixty-eighth session was held at Geneva from 4 to 13 November.
12. The Working Group continues to apply Commission on Human Rights decision 2000/109, adopted on 26 April 2000, on enhancing the effectiveness of the mechanisms of the Commission, that a turnover of its membership be accomplished in incremental steps over a three-year transition period. In accordance with this decision, Agha Hilaly (Pakistan) and Jonas Foli (Ghana) resigned in 2000, and were replaced by Anuar Zainal Abidin (Malaysia) and M'Bayo Adekanye (Nigeria), Manfred Nowak (Austria) resigned in 2001 and was replaced by Stephen Toope (Canada).
13. During its 2002 sessions, the Working Group met with representatives of the Governments of Egypt, India, Japan, Mexico, Uruguay and Yemen. The Group also met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearance.
14. On 26 September 2001, the Government of Colombia reiterated its invitation of 30 March 1995 to the Working Group to visit the country. The Working Group accepted the invitation and a mutually convenient date is being sought.
15. By letter dated 19 November 1997, the Government of the Islamic Republic of Iran invited the Working Group to visit that country. The Working Group accepted the invitation and a mutually convenient date is being sought.
16. The Government of Algeria has not yet responded to the interest expressed by the Working Group, in August 2000, to visit the country. To date the Working Group has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

### **B. Communications**

17. During the period under review, the Working Group transmitted 120 new cases of enforced or involuntary disappearance to the Governments of Algeria, Argentina, China, Colombia, the Democratic People's Republic of Korea, Guatemala, India, Indonesia, Iran, Japan, Lebanon, Mexico, Myanmar, Nepal, the Philippines, the Russian Federation, Rwanda, Spain, Syria, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe.
18. Sixty-five of these cases were sent by the Working Group under the urgent action procedure to the Governments of Algeria, Argentina, China, Colombia, Guatemala, India, Indonesia, Iran, Mexico, Nepal, the Russian Federation, Turkey and the United States of America. Of the newly reported cases, 63 allegedly occurred in 2002, and relate to Algeria,

Argentina, China, Colombia, Guatemala, India, Indonesia, Iran, Mexico, Nepal, the Philippines, the Russian Federation, Tunisia and the United States of America. During the same period, the Working Group clarified 302 cases in the following countries: Algeria, Angola, Cameroon, China, Colombia, Guatemala, Indonesia, Iran, Mexico, Nepal, Pakistan, the Sudan, Turkey, Ukraine and Yugoslavia.

19. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and from individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

20. The Working Group continues to address itself to the ever-increasing number of United Nations field operations with human rights components and field offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances.

## **II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES AND THE PALESTINIAN AUTHORITY REVIEWED BY THE WORKING GROUP**

21. During the period under review, the Working Group received no new information concerning Afghanistan, Cambodia, the Congo, Dominican Republic, Eritrea, Greece, Guinea, Haiti, Israel, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mozambique, Namibia, Paraguay, Seychelles, Tajikistan, Togo, Uganda, as well as the Palestinian Authority (see previous report of the Working Group, E/CN.4/2002/79).

### **Algeria**

22. During the period under review, the Working Group transmitted 13 new cases of disappearance to the Government of Algeria, of which 1 reportedly occurred in 2002 and was sent under the urgent action procedure. At the same time, the Working Group retransmitted 11 cases updated with new information from the source. Subsequently, the Working Group clarified the case transmitted under the urgent action procedure on the basis of information provided by the source to the effect that the person concerned had been brought before a judge and placed under preventive detention. It also clarified two other cases on the basis of information provided by the Government that the persons concerned had been released and were living at the address provided, and on which no observations were received from the source. Regarding the newly reported cases transmitted after 15 September 2002, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

23. The majority of the 1,115 cases of disappearance reported in the past, occurred between 1993 and 1997, throughout the country, and concern workers, peasants, farmers, employees, traders, technicians, students, medical doctors, journalists, university professors, civil servants, as well as a member of the Parliament. Whereas most of the victims had no particular political activity, a number of the persons concerned were reportedly members or sympathizers of the Islamic Salvation Front (FIS). The disappearances were attributed to the army, the security services, the police, civil defence forces or the militia.

24. The newly reported cases reportedly occurred between 1994 and 1997 in various parts of the country and concern persons of all ages, from various professional backgrounds including peasants, small commercial traders, peasants and public administration employees. Most of the disappearances reportedly occurred following arrest at home or at work and were allegedly carried out by members of the army, the security services, the gendarmerie, the police and civil defence forces.

25. During the period under review, the Government provided information on 12 outstanding cases: in 8 cases, investigations had been carried out but the persons concerned were not located; in 3 cases, the persons concerned were sought by security services for involvement in acts of terrorism; and in 1 other case, the person was released after investigations.

26. Of the 16 cases clarified by the Working Group, 9 were clarified on the basis of information provided by the Government and 7 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of 1,089 outstanding cases transmitted in the past. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

27. The Working Group expresses its thanks to the Government of Algeria for the information that it has submitted during this year. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

28. The Working Group reiterates to the Government its obligation under the Declaration to prevent and to terminate all acts of enforced disappearance.

### **Argentina**

29. During the period under review, seven new cases which occurred in 2002 were transmitted by the Working Group to the Government of Argentina and were sent under the urgent action procedure. Regarding the newly reported cases transmitted after 15 September 2002, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

30. The vast majority of the 3,455 reported cases of disappearance transmitted in the past occurred between 1975 and 1978 under the military Government, in the context of its campaign against left-wing guerrillas and their alleged sympathizers. One case concerns the son of an Uruguayan refugee who reportedly disappeared in 1976 in Argentina; at the time, the 20-day-old infant was allegedly taken away from his mother when she was arrested during a joint operation by the Argentine and Uruguayan police forces. (See also section on Uruguay, paragraphs 292-296.) Two cases occurred in 2000 and concern persons allegedly arrested in the city of Mendoza by members of the local Police Investigation Office (*Dirección de Investigaciones de la Policía*).

31. The newly reported cases concern persons who were allegedly detained at the end of a demonstration in San Salvador de Jujuy during a confrontation between the demonstrators and the police.

32. During the period under review, the Uruguayan Commission for Peace (*Comisión para la Paz*) provided information on an outstanding case concerning a citizen of Uruguay who reportedly disappeared in Buenos Aires in 1976.

33. In the past, the Working Group clarified 78 cases, of which 43 were clarified on the basis of information provided by the Government and 35 others on the basis of information provided by the source. In respect of the 3,384 outstanding cases transmitted in the past, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

34. The Working Group expresses grave concern that more than 3,000 outstanding cases remain unelucidated more than 20 years after the alleged disappearances occurred.

### **Bangladesh**

35. During the period under review, no new cases of disappearance were transmitted to the Government of Bangladesh.

36. The one reported case of disappearance reportedly occurred in 1996 and concerns the organizing secretary of the Hill Women's Federation, an organization campaigning for the rights of the indigenous people in the Chittagong Hill Tracts. She was allegedly abducted by security personnel prior to the 1996 general elections - an action believed to be linked to her support to a parliamentary candidate representing the interests of indigenous people.

37. During the period under review, the Government provided information on the case: her family and neighbours had denied that she had been abducted by members of the armed forces, and subsequent investigations, including those conducted by non-governmental organizations, had revealed that she had left the country of her own accord. Information on her current whereabouts was provided by the Government. The Working Group decided to apply the six-month rule to this case.

### **Belarus**

38. During the period under review, no new cases of disappearance were transmitted to the Government of Belarus.

39. The three reported cases of disappearances occurred in 1999 and concern a former member of the Supreme Soviet and member of an opposition political party who was reportedly abducted together with a former Minister for Internal Affairs who had been actively involved in the presidential campaign of an opposition leader.

40. During the period under review, the Government provided information in respect of the three outstanding cases: the law enforcement authorities are pursuing several theories, including the theory that unlawful actions were committed against the persons concerned. The Government gave the assurance that all possible efforts are being made to enquire into the facts of the cases and that additional information will be provided to the Working Group as soon as this becomes available.

41. In respect of the three outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Brazil**

42. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil.

43. The majority of the 57 cases of disappearance reported to the Working Group occurred between 1969 and 1975, under the military Government and, more specifically, during the guerrilla warfare in the Aterugo region. The majority of those cases were clarified by the Working Group in 1996 on the basis of legal provisions (law No. 9.140/95), whereby persons missing by reason of their political activities in the 1961-1979 period are considered to have died. Relatives of the victims are legally entitled to decline or exercise the right to request death certificates. Recognition of the victim's death carried the automatic entitlement to compensation by the State.

44. During the period under review, the Government informed the Working Group that Brazil had ratified the Rome Statute of the International Criminal Court. Furthermore, a working group of the Ministry of Justice had been established to elaborate the complementary legislation necessary to ensure the enforcement of the Rome Statute on Brazilian territory.

45. In the past, the Working Group clarified 49 cases, of which 45 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. No new information was received from the Government with regard to the eight outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Burkina Faso**

46. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

47. The three cases of disappearance reported to the Working Group concern two soldiers and a university professor allegedly arrested in 1989, together with 27 other persons, on charges of having participated in a conspiracy against the Government.

48. Concern was expressed by non-governmental organizations about the prevailing impunity in the country. It is alleged that the authorities have failed to bring to justice members of the *Régiment de la sécurité présidentielle* suspected of serious human rights violations. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

49. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

### **Burundi**

50. During the period under review, no new cases were transmitted by the Working Group to the Government of Burundi.

51. The majority of the 53 cases of disappearance reported to the Working Group occurred in Bujumbura between November and December 1991, following attacks against the Government in the capital and north-western provinces of Cibitoke and Bubanza, as well as in September 1994 in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one cases concern persons of Hutu origin who were reportedly arrested by members of the security forces, in large part composed of members of the Tutsi minority. Other cases allegedly concern Hutus, most of whom were reportedly assembled and held by members of the security forces in Bujumbura, Kamenge suburb, and then taken away to an unknown destination. Some of the reported cases occurred between 1995 and 1997.

52. Concern was expressed by non-governmental organizations about an increase in cases of enforced disappearances of persons suspected, often arbitrarily, of having links to the National Liberation Forces (*Forces nationales pour la libération* (FNL)), an armed opposition group which did not sign the peace agreement in August 2000 between the Government, political parties and certain armed opposition groups involved in the country's civil war. It is alleged that the armed forces continue to act with apparent impunity, and those arrested on suspicion of links with the armed opposition, including children, are often held incommunicado by the military in unauthorized places of detention. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

53. In the past, the Working Group clarified one case, on the basis of information provided by the source. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the 52 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

### Cameroon

54. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Cameroon. During the same period, the Working Group clarified three cases on the basis of the information provided by the Government certifying to the release of the persons concerned from the Yaoundé Central Prison, on which no observations were received from the source.

55. Of the 18 cases of disappearance reported to the Working Group in the past, 6 were reported to have occurred in 1992, including 5 youths aged 13 to 17. The father of three of the youths allegedly disappeared after making inquiries as to the whereabouts of his children. Three cases reported to have occurred in 1999 concern members of the Southern Cameroon National Council who were allegedly detained by members of the Mbango National Gendarmerie Brigade. Nine cases concern adolescents who were reportedly arrested by security forces in 2001 in Douala on suspicion of theft of a neighbour's cooking gas bottle and transferred to a detention facility in Bonanjo-Douala belonging to the Operational Command.

56. Concern was expressed by non-governmental organizations about the increase in the number of enforced disappearances after January 2002, allegedly brought about by the *Commandement opérationnel* (CO), a special security force set up in 2000 by the Government to combat armed robbery in Douala and Yaoundé. It is alleged that the findings of an internal inquiry conducted by the Government in April, following growing public protest, have not been made public. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

57. In the past, the Working Group clarified one case on the basis of information provided by the Government. No new information was received from the Government with regard to the 14 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### Chad

58. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chad.

59. Of the 13 reported cases of disappearance, 1 occurred in 1983, 5 in 1991, 6 in 1996 and 1 in 1999. One case concerns a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes in Faya-Largeau between government troops and opposition forces. Five cases concern members of the Hadjerai ethnic group who were allegedly arrested in October 1991 by the Chadian security forces, following an announcement that an attempt by a section of the Chadian armed forces to overthrow

President Idriss Deby had been thwarted. Six other cases concern members of armed opposition groups allegedly arrested by the Sudanese security forces in 1996 at El Geneina, Sudan, near the Chadian border, and handed over to the Chadian security forces. They were allegedly transferred to N'Djamena by members of the *Agence nationale de sécurité*. One other case concerns a person who was arrested in N'Djamena, in 1999, by members of the *Groupement de la sécurité présidentielle*.

60. Concern was expressed by non-governmental organizations about the occurrence of enforced disappearances in the context of the Government's counter-insurgency operations against the Movement for Democracy and Justice in Chad (*Mouvement pour la Démocratie et la Justice au Tchad* (MDJT)), an armed opposition group operating in northern Chad. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

61. In the past, the Working Group clarified one case on the basis of information provided by the Government. No new information was received from the Government with regard to the 12 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### Chile

62. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chile.

63. The vast majority of the 912 reported cases of disappearance occurred between 1973 and 1976 under the military Government and concern political opponents of the military dictatorship from various social strata, most of them activists in Chilean left-wing parties. Those responsible for the disappearance were allegedly members of the army, the air force, the *carabineros* and persons acting with the acquiescence of the authorities.

64. In the past, the Working Group clarified 68 cases, of which 45 were clarified on the basis of information provided by the Government and 23 others on the basis of information provided by the source. No new information was received from the Government with regard to the 844 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### Observations

65. The Working Group expresses grave concern that over 800 outstanding cases remain unelucidated more than 20 years after the alleged disappearances occurred.

66. The Working Group expresses the hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, thus entitling both victims and relatives to compensation.



## China

67. During the period under review, two new cases of disappearance were transmitted by the Working Group to the Government of China, of which one occurred in 2002 and was sent under the urgent action procedure. At the same time, the Working Group clarified five cases on the basis of information provided by the Government that the persons concerned were either in detention or at liberty at the address provided, on which no observations were received from the source.

68. Most of the 106 cases of disappearance reported to the Working Group in the past are said to have occurred between 1988 and 1990, or between 1995 and 1996. The majority of these cases concern Tibetans, 19 of them monks who were allegedly arrested in Nepal and handed over to the Chinese authorities. Other cases concern persons who reportedly disappeared following celebrations to mark the thirtieth anniversary of the founding of the Tibet Autonomous Region. Eleven cases concern Falun Gong practitioners who were allegedly arrested or abducted in 2000 and 2001 by police, security services or local administrative officials. One other case concerns an autistic boy who reportedly disappeared in 2000 after having been questioned by Hong Kong immigration officers.

69. The newly reported cases concern a woman who was allegedly arrested in 2001 for being a Falun Gong practitioner; and a Chinese citizen legally residing in the United States of America who was allegedly detained and held incommunicado by persons believed to belong to the Ministry of Public Security.

70. During the period under review, the Government provided information on two outstanding cases. In one case, the person concerned had, in accordance with the laws of the country, been assigned to 18 months of re-education through labour, and is regularly visited by her family. Information on her current whereabouts was provided. The Working Group decided to apply the six-month rule to this case. In another case, the Government informed the Working Group that investigations have established that the person concerned, originally from China, formerly employed at Beijing Normal University, had left for the United States in 1986 and is currently resident in Boston. On 19 April 2002, travelling on a borrowed passport under the name "Rao Qing" (Passport No. TCHN147315384), he arrived on flight UA851 and illegally entered China from Beijing airport. He then proceeded to carry out activities in China using a forged identity document. His activities were in breach of the Chinese criminal code. On 21 June, following the issue of an arrest warrant by the second division of the Beijing city people's procurator's office, he was arrested by the Beijing public security authorities and, in accordance with legal procedure, his family was duly notified of his arrest and his case is currently being heard at first instance. The Chinese Government is of the opinion that the present case has nothing to do with the issue of "enforced or involuntary disappearances".

71. Of the 69 cases clarified by the Working Group, 60 were clarified on the basis of information provided by the Government and 9 on the basis of information provided by the source. In a majority of cases clarified on the basis of information provided by the Government, the persons concerned were living at liberty at the address that was provided. In respect of 38 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

## Colombia

72. During the period under review, the Working Group transmitted 14 new cases of disappearance to the Government of Colombia, of which 9 reportedly occurred in 2002; all cases were sent under the urgent action procedure. Subsequently, the Working Group clarified two of these cases on the basis of information provided by the source that the bodies of the persons concerned had been found with signs of torture, and that they had been returned to the family for burial. At the same time, the Working Group clarified one other case on the basis of information provided by the Government that the person was at liberty; the source confirmed that he had been returned to his family by the paramilitaries. During the same period, the Working Group retransmitted to the Government one case updated with new information from the source. Regarding the cases transmitted after September 2002, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

73. The majority of the 1,114 cases of disappearance reported in the past occurred since 1981, in particular in those regions where the level of violence is highest. In a large number of these cases, those responsible were allegedly members of paramilitary groups whose actions were believed to be undertaken with the complicity or acquiescence of members of the security forces, very often in areas of heavy military presence.

74. Eleven of the 14 newly reported cases of disappearance concern persons allegedly abducted by members of paramilitary groups, mainly by *Autodefensas Unidas de Colombia* (AUC), stated to have been acting in acquiescence with the army. In most cases, the abductions are reported to have occurred when the persons concerned were travelling, primarily in the departments of Antioquia, Arauca, Santander and Bolivar. Among those abducted was a member of the Colombian Trade Union Confederation (*Central Unitaria de Trabajadores* (CUT)); a leader of displaced peasants from La Ciénaga del Opón; members of the Peace Community of San José de Apartadó and of the communities along the Cacarica River; two craftsmen; and a 16-year-old youth.

75. The Working Group called to the Government's attention the harassment and intimidation to which a lawyer was being subjected: reportedly, a direct consequence of his involvement in several penal proceedings against members of security forces who were allegedly responsible for cases of forced disappearances. During the period under review, the Government informed the Working Group that, following a request from the Inter-American Court of Human Rights for provisional measures, the Committee for Regulation and Risk Evaluation had approved the provision of an individual armed bodyguard and a bullet-proof car to ensure his protection; the National Police Force (*Policía Nacional*) had also initiated an examination of the security conditions in his office.

76. Concern was expressed by several non-governmental organizations on what was described as 100 per cent increase in the number of forced disappearances in the country over the last two years. The civilian populations of several regions, in particular those of the Meta Department, the Cacarica River basin area or the San José de Apartadó Peace Community in the Department of Antioquia, are reportedly frequently accused by security forces and paramilitary groups of being members of the guerrilla movement, sympathizers or collaborators. Reportedly,

such accusations often lead to serious human rights abuses, including intimidation, reprisals and often to disappearance or summary execution. More specifically, grave concern was expressed about the alleged targeting of leaders or members of trade union organizations and their relatives who have reportedly been declared a military target. It alleged that they are being systematically subjected to harassment, intimidation and retaliation, which are followed by forced disappearance and summary execution. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

77. During the period under review, the Government disagreed with allegations that there was a link between paramilitary groups and the military, and requested that such accusations be substantiated with concrete evidence. State policy is to openly oppose all types of marginal groups operating in breach of the law. The Government also provided detailed information on the various measures taken to protect the life and integrity of all those persons belonging to trade unions, members of the Peace Community of San José de Apartadó as well as the inhabitants of the Cacarica River Basin area.

78. During the period under review, the Government provided information on 39 outstanding cases. In five cases, the persons concerned had been found dead: in three of these cases, the bodies had been identified, and in two cases information had been requested from the Attorney-General's Office on the investigations. In four cases, the persons concerned had been abducted, one of them by the *Autodefensas Unidas de Colombia* and subsequently released or had managed to escape; one had been freed and transferred to a delegation of the International Committee of the Red Cross. Most of the other replies stated detailed information on the steps taken by judicial or administrative authorities. In some cases, the Government reported that investigations had been suspended by the judicial authorities due to the lack of new information. In respect of cases, the Government stated that the complete identity of the persons concerned, the perpetrators and/or motives were needed to allow further inquiries. In two cases, the Prosecutor's office had no knowledge of the case; the files had been completely destroyed in a fire.

79. Of the 261 cases clarified by the Working Group, 199 were clarified on the basis of information provided by the Government and 60 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 867 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

## **Observations**

80. The Working Group wishes to express its appreciation to the Government of Colombia for its cooperation during the period under review. It is deeply concerned about the effect of the internal conflict in Colombia on the overall human rights situation. The level of violence has not diminished, and disappearances have continued to occur during the period under review.

81. The Working Group wishes to remind the Government of its continuing responsibility to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13 (6) of the Declaration.

82. The Working Group urges the Colombian authorities to do everything in their power to ensure the safety of relatives and witnesses, in accordance with article 13 (3).

### **Cyprus**

83. As in the past, the Working Group continues to remain available to assist, as appropriate, the Committee on Missing Persons in Cyprus (CMP), established at the request of the General Assembly in its resolutions 32/128 of 16 December 1977 and 33/172 of 20 December 1978, in the fulfilment of its duties.

### **Democratic People's Republic of Korea**

84. During the period under review, the Working Group transmitted, for the first time, one new case of disappearance to the Government of the Democratic People's Republic of Korea. This case was only recently transmitted by the Working Group and, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

85. The newly reported case concerns a Japanese national who was allegedly abducted in Japan in 1977 by security agents of the Democratic People's Republic of Korea, and was last seen in that country. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of Japan. Seven other cases allegedly occurred in Japan, Spain and in the United Kingdom (see also sections on Japan, paragraphs 153-155, Spain, paragraphs 246-247, and the United Kingdom, paragraphs 287-288).

### **Democratic Republic of the Congo**

86. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Democratic Republic of the Congo.

87. The majority of the 51 reported cases of disappearance concern, on the one hand, persons suspected either of being members of the guerrilla group, Parti de la révolution populaire, or political activists who disappeared between 1975 and 1985, and, on the other hand, Rwandan refugees who disappeared in 1998. Other cases include a journalist who was allegedly abducted in 1993 by members of the *Division spéciale présidentielle* and the civil guard; four men who were allegedly arrested in Likasi in 1994 by soldiers; two villagers from Kitshanga who were reportedly arrested in 1996 by members of the Zairian Armed Forces; a man said to have been arrested in 1996 by members of the Service for Action and Military Intelligence (*Service d'actions et de renseignements militaires*); a professor who was allegedly arrested by members of the Rwandan Patriotic Army (see also section on Rwanda, paragraphs 238-241); and a clergyman.

88. Concern was expressed by non-governmental organizations on an alleged practice of enforced disappearance as part of a policy of repression against political opponents, human rights defenders and students. Responsibility was imputed to the Governments, police, armed forces and the intelligence services of the Great Lake region. It is alleged that detainees from Kivu are held incommunicado in various locations in Kinshasa, including the Kokolo military

barracks; detention centres run by the *Détection militaire des activités anti-patrie*, or DEMIAP (Military Detection of Unpatriotic Activities); the Groupe Litho-Moboti (GLM) building run by the presidential guard; and the *Centre pénitentiaire et de rééducation de Kinshasa*, or CPRK (Kinshasa Penitentiary and Reeducation Centre). Some are also reportedly held in unknown locations in the south-eastern province of Katanga. Allegations were received about the practice of impunity and “the paralysis and partiality of the judiciary”. These allegations were recently transmitted to the Government, which has not yet had an opportunity to respond.

89. In the past, the Working Group clarified nine cases, of which six were clarified on the basis of information provided by the Government and three on the basis of information provided by the source. No new information was received from the Government with regard to 42 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Ecuador**

90. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ecuador.

91. The majority of the 23 reported cases of disappearance occurred between 1985 and 1992 in Quito, Guayaquil and Esmeraldas and concern persons who were allegedly arrested by members of the Criminal Investigation Service of the National Police. Three of these cases concern children, one concerns a Colombian citizen who was reportedly detained by the army in Portoviejo city on charges of arms-trafficking, and one concerns a student who was allegedly abducted by members of the security forces in 2001.

92. During the period under review, the Working Group decided to revoke the six-month rule that it had previously applied in respect of one case; it requested the Government to provide it with the current address of the person concerned.

93. In the past, the Working Group clarified 15 cases, of which 11 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. No new information was received from the Government with regard to the eight outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Egypt**

94. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Egypt.

95. Many of the 20 reported cases of disappearance occurred between 1988 and 1994, and include alleged sympathizers of Islamic militant groups, students, a trader, a doctor and three citizens of the Libyan Arab Jamahiriya. Reportedly, the disappearances took place in the context of a renewal of the state of emergency which allegedly gave full rein to the security forces, without supervision or accountability. Two other cases concern Egyptian citizens arrested

in 1995 and 1996, respectively, by members of the State Security Investigation Department. A more recent case concerns a farmer who was arrested in Mallawi together with a lawyer and allegedly detained at the police station in Mallawi before being transferred to another detention centre.

96. During the period under review, the Working Group met again with representatives of the Government and engaged in an exchange of views with regard to the 12 outstanding cases. The representatives stressed again the importance the Government attached to clarifying the outstanding cases and reported that investigations are continuing; information would be provided to the Working Group on the body charged with the task of investigating the outstanding cases.

97. In the past, the Working Group clarified eight cases, of which seven were clarified on the basis of information provided by the Government and one on the basis of information provided by the source. In respect of the 12 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **El Salvador**

98. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of El Salvador.

99. The majority of the 2,661 reported cases of disappearance occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many disappeared following arrest by uniformed soldiers or police, or abduction in death-squad style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions of this kind were, in some cases, subsequently recognized as detentions, thus giving rise to allegations of links with the security forces.

100. In the past, the Working Group clarified 391 cases, of which 318 were clarified on the basis of information provided by the Government and 73 on the basis of information provided by the source. No new information was received from the Government with regard to 2,270 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

101. The Working Group continues to be concerned that little has been done to clarify the more than 2,000 outstanding cases, and that no information has been received from the Government during 2002 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

102. The Working Group expresses the hope that the Government will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration which entitles the victims and relatives to compensation.

### **Equatorial Guinea**

103. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

104. The three previously reported cases of disappearance concern members of opposition political parties who were reportedly arrested in Malabo in 1993.

105. Concern was expressed by non-governmental organizations about detainees being held incommunicado in Bata, Equatorial Guinea, for their alleged links with an opposition party with no recognized legal status, the *Fuerza Democrática Republicana*, or FDR (Republican Democratic Force). These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

106. Despite several reminders, no information has ever been received by the Working Group from the Government on these outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

### **Ethiopia**

107. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ethiopia.

108. The majority of the 114 cases of disappearance reported to the Working Group occurred between 1991 and 1996, under the transitional Governments and concern members of the Oromo ethnic group suspected of having participated in the Oromo Liberation Front; they were allegedly arrested in Addis Ababa or disappeared from the Huso military detention camp in western Ethiopia. Other cases concern members of the Ogaden National Liberation Front (a political party) who disappeared in Region Five in eastern Ethiopia, also known as the Ogaden. One case, which occurred in 1996, concerns an Ethiopian refugee in Djibouti who was reportedly arrested at a refugee camp by members of the Djibouti police and handed over to the Ethiopian authorities.

109. In the past, the Working Group clarified two cases, of which one was clarified on the basis of information provided by the Government and one on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 112 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

110. The Working Group continues to be concerned that little has been done to clarify the more than 100 outstanding cases, and that no information has been received from the Government during 2002 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

111. The Working Group wishes to remind the Government of Ethiopia of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

### Guatemala

112. During the period under review, the Working Group transmitted one new case to the Government of Guatemala, which reportedly occurred in 2002 and was sent under the urgent action procedure. At the same time, the Working Group clarified 63 cases on the basis of information provided by the Government, on which no observations were received from the source: the Government transmitted copies of official records from the civil registry attesting to the current whereabouts or the deaths of the persons concerned.

113. The majority of the 3,151 cases of disappearance reported in the past occurred between 1979 and 1986, mainly under the military regime and in the context of the Government's fight against the *Unidad Revolucionaria Nacional Guatemalteca* (URNG). On 29 December 1996, the Government of Guatemala and URNG signed the Agreement on a Firm and Lasting Peace, in Guatemala City, thus completing the negotiating process between the two parties. Following its signature, there have been indications of greater respect for human rights.

114. The newly reported case concerns a 14-year-old boy who was reportedly run over by a police patrol in Chiquimula and then taken, still alive, to the local hospital by the policemen; the PNC (*Policía Nacional Civil*) had allegedly reported that he had died upon arrival, but no documentation certifying to his death was reportedly available at the hospital.

115. Concern was expressed by non-governmental organizations on the reportedly continued impunity for past human rights abuses. Despite the human rights-related elements of the Peace Accords signed in December 1996 and recommendations of the United Nations-sponsored Historical Clarification Commission, the State has allegedly failed to bring to justice the perpetrators of gross violations of human rights that occurred during the conflict years. Furthermore, serious concern was expressed in regard to the safety of human rights activists who are pressing for the implementation of the Peace Accords, and who are allegedly subjected to death threats, attacks and other forms of intimidation. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

116. During the period under review, the Government provided information on 23 outstanding cases. In the case of the 14-year-old boy, the Government informed that the patrol car was unable to avoid the accident and provided further information on his transfer and death. In respect of the remaining cases, the Government replied that official records in the civil registry concerning the persons contained entries that post-dated their alleged disappearance: identity cards had been renewed, a procedure which can only be conducted in person; marriages had been contracted or divorce proceedings initiated. In one case, the Government provided an official document signed by the person concerned stating that he had been "disappeared" for three days



following his detention by members of the security forces. In another case, the person had since died; a copy of the death certificate was provided. In respect of all cases, the copies of the relevant records and certificates, containing their present addresses, were furnished. In respect of 22 cases, the Working Group decided to apply the six-month rule.

117. Of the 232 cases clarified by the Working Group, 153 were clarified on the basis of information provided by the Government and 79 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, with regard to the outstanding cases. In respect of the 2,920 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

118. The Working Group wishes to express its appreciation to the Government of Guatemala for its cooperation during the period under review. The Working Group reminds the Government of its continuing responsibility to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified”, in accordance with article 13 (6) of the Declaration. It further wishes to remind the Government of its responsibility to “ensure that all involved in the investigation are protected against ill-treatment, intimidation or reprisal”, in accordance with article 13 (3) of the Declaration.

119. The Working Group expresses the hope that the Government will continue to take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

### **Honduras**

120. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Honduras.

121. The majority of the 202 reported cases occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people perceived as ideological enemies, at their homes or on the street, and took them to clandestine detention centres. Four cases reportedly occurred in 1983 and concern leaders of the Revolutionary Party of Central American Workers-Honduras (PRTC-H), including a Jesuit priest, who were allegedly captured by the Honduran Army; two of these persons were reportedly citizens of the United States. Allegedly, the United States army and/or CIA personnel, may have helped the Honduran army in the Olancho operation, in which, according to the Honduran Army, the persons concerned were killed. A report of the Inspector-General of the Central Intelligence Agency relating to CIA activities in Honduras in the 1980s, declassified and released in 1998, also allegedly contains references indicating that the persons concerned were among those summarily executed by Honduran army officers after being interrogated. (See also section on the United States of America, paragraphs 289-291.)

122. During the period under review, the Government provided information in respect of 11 outstanding cases. In all these cases compensation had been granted. During the same period, the Government of the United States of America provided information on two of the three outstanding cases that were sent to it, in accordance with the methods of work of the Working Group: investigations conducted in 1983 by the United States Embassy in Tegucigalpa had not been able to determine with certainty what had happened to the persons concerned. In an effort to share to the fullest extent possible all available information on the matter, the Government has declassified and released large quantities of documents, but it was necessary to edit many of the released documents in order to protect intelligence sources and methods. However, the passages that were removed contained no information that would shed further light on what had taken place.

123. In the past, the Working Group clarified 70 cases, of which 30 were clarified on the basis of information provided by the Government and 40 on the basis of information provided by the source. In respect of the 132 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

124. The Working Group continues to be concerned that much more needs to be done to clarify the more than 100 outstanding cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

### **India**

125. During the period under review, the Working Group transmitted one new case of disappearance to the Government of India, which reportedly occurred in 2002 and was sent under the urgent action procedure.

126. The majority of the 351 cases transmitted to the Government in the past occurred between 1983 and 2000, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. They were primarily attributed to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Kashmir, many reportedly disappeared after armed encounters with security forces. The disappearances were allegedly related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public Security Act, which allow for both preventive detention and prolonged detention without the many other normal safeguards available under the criminal codes. The victims have included shopkeepers, a lawyer who was reportedly well-known for defending Sikhs detained in Punjab, journalists, human rights activists, students and others.

127. The newly reported case concerns a human rights worker allegedly arrested by the police for his activities in the "Movement to Save the Narmada" (*Narmada Bachao Andolan*, or NBA) of the Dhar District, opposed to the construction of dams on the river Narmada. During the period under review, in accordance with its methods of work, the Working Group sent to the

Government of India copies of three cases concerning two journalists and a student, all members of the *Akhil Bharatiya Nepali Ekta Samaj* (All India Nepalese Unit Society), who were reportedly arrested by the Indian Special Branch Police and handed over to Nepali Security officials at the border, in Nepalgunj: they had been attending a meeting of the India-Nepal People's Solidarity Organization in New Delhi. (See also section on Nepal, paragraphs 197-204.)

128. Concern was expressed by several non-governmental organizations about the alleged violation of human rights, including enforced disappearances, of members of communities living along the Narmada river who oppose the construction of 30 dams along the river which, they claim, would submerge their villages. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

129. During the period under review, the Working Group met with the representative of the Government of India and engaged in an exchange of views with regard to the outstanding cases. Referring to a letter from the Working Group in respect of 77 outstanding cases and general allegations, the representative stated that in view of the short notice, detailed comments can be provided only after the Group's observations have been studied by the concerned authorities. He expressed concern over the basis on which many of the cases have been admitted by the Group. In almost 45 cases, even the minimum required element relating to the steps taken by the family to determine the fate of the disappeared person, and which is required by the Working Group's methods of work, was not satisfied. In this connection, he pointed out that India has a federal system of Government and described the various administrative and judicial institutions from which all Indians have the right to seek assistance. There were also 38 cases in which basic data such as the name of the father, or the date or place of alleged arrest or abduction was not provided. Three cases had been duplicated and should be deleted. The representative strongly urged the Group to review the cases so as to ensure that only those cases which fully conform to its criteria be considered, and that the necessary corrections be reflected in the present Report. A tabulated list of cases was provided.

130. During the same period, the Government transmitted a written request for additional time for the submission of the relevant information. This was particularly important for the outstanding cases, given their number and the nature of the cases involved, and to the fact that many relate to incidents that took place several years ago, mainly in one particular State of India which at that time was in the throes of a massive insurgency.

131. During the period under review, the Government provided information on the results of its investigations into 84 outstanding cases. In four cases, the persons concerned had been detained or taken in for questioning and subsequently released or imprisoned under the law of the country; information on their current whereabouts was provided. The Working Group decided to apply the six-month rule to these cases. With regard to the remaining cases, the Government informed of the results of its investigations or that investigations were in progress before a court of law. The Government informed that one case concerned a 1½-year-old infant. The complaint was therefore false.

132. In the past, the Working Group clarified 50 cases, of which 40 were clarified on the basis of information provided by the Government and 10 on the basis of information provided by the source. In respect of the 301 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

133. The Working Group wishes to express its appreciation to the Government of India for the information provided during the course of the year and for its efforts to investigate cases of disappearance.

134. Nevertheless, the Group remains concerned that new cases of disappearance continue to be reported to it, and that very few cases on its files have been clarified. While understanding the Government's efforts to combat violence, the Working Group wishes to stress that, under article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

135. The Working Group wishes to remind the Government of India of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

### **Indonesia**

136. During the period under review, the Working Group transmitted five new cases of disappearance to the Government of Indonesia, all of which reportedly occurred in 2002 and were sent under the urgent action procedure.

137. The majority of the 599 cases of disappearance reported in the past allegedly occurred in 1992 and between 1998 and 2000 in East Timor, Jakarta and Aceh; a large number concern students involved in anti-government demonstrations in East Timor, Jakarta and Sumatra, among them the leader of the Indonesian Students Solidarity for Democracy.

138. During the period under review, in accordance with its methods of work, the Working Group decided to address all future communications to the Government of Timor-Leste in respect of 454 cases of disappearance that occurred in the past in East Timor, of which 378 are still outstanding. In accordance with its methods of work, the Working Group will also send copies of these cases to the Government of Indonesia. It also decided to transfer these cases from its register on the United Nations Transitional Administration in East Timor (UNTAET) and to consider these cases under a separate section entitled "Timor-Leste" (paras. 269-271).

139. All the newly reported cases occurred in Aceh and allegedly involved members of the Special Forces Command (KOPASSUS), Kostrad and police. Three cases concern trade unionists who are also members of "Solidarity for Victims of Human Rights Abuse" (*Solidaritas Persaudaraan Korban Pelanggaran Hak Asasi Manusia*, or SPKP HAM), and one concerns the Head of the Aceh Besar District Branch of the "Information Centre for a Referendum in Aceh" (SIRA).

140. In the past, the Working Group clarified three cases on the basis of information provided by the Government. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 142 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

141. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

### **Iran (Islamic Republic of)**

142. During the period under review, the Working Group transmitted one new case of disappearance to the Government of the Islamic Republic of Iran under the urgent action procedure. Subsequently, the Working Group clarified this case on the basis of information provided by the source that the person concerned had been taken into custody and permitted to see his sister several times; information on the place of detention was provided.

143. The majority of the 516 cases of disappearance reported in the past occurred between 1981 and 1989, of which certain persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. More recent cases include that of a writer who was detained in 1998 at Mehrabad airport in Tehran as he was leaving the country to visit his family abroad. Four cases concern students who were allegedly detained during demonstrations in Tehran in July 1999.

144. The newly reported case concerns a 70-year-old freelance journalist and manager of a cultural centre in Teheran; it is believed that his disappearance may be connected to the fact that the cultural centre provides facilities for artists, writers and other intellectuals.

145. In the past, the Working Group clarified 15 cases, of which 13 were clarified on the basis of information provided by the Government and 2 on the basis of information provided by the source. No new information was received from the Government with regard to the 501 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

146. The Working Group continues to be concerned that little has been done to clarify the more than 500 outstanding cases and that no information has been received from the Government during 2002 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

147. The Working Group wishes to remind the Government of Iran of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

### **Iraq**

148. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Iraq.

149. The majority of the 16,514 reported cases of disappearance concern persons of the Kurdish ethnic group who allegedly disappeared in 1988, in the context of the so-called "operation Anfal", when the Government allegedly implemented a programme of destruction of villages and towns throughout Iraqi Kurdistan. A significant number of other cases concern Shi'ah Muslims who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran on the allegation that they were "of Persian ancestry". Other cases occurred in the aftermath of the March 1991 uprising by Arab Shi'ah Muslims in the south and by Kurds in the north. Earlier cases took place in 1983, when Iraqi forces arrested a large number of Kurds from the Barzani clan, near Arbil. Some 30 cases which reportedly occurred in 1996 concern members of the Yazidi community who were allegedly arrested during a wave of mass arrests in Mosul by members of the security forces. Other cases concern Shi'ah Muslims who were reportedly detained in Karbala in 1996 as they were about to begin a pilgrimage. The persons concerned include suspected political opponents, those arrested because of a family tie to a political opponent, those held hostage in order to force relatives to surrender, and those arrested on grounds of ethnic origin.

150. In the past, the Working Group clarified 130 cases, of which 107 were clarified on the basis of information provided by the Government and 23 on the basis of information provided by the source. No new information was received from the Government with regard to the 16,384 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

151. Iraq remains the country with the highest number of disappearances reported to the Working Group. The efforts of the Government of Iraq to investigate the over 16,000 outstanding cases of disappearance and to cooperate with the Working Group are totally inadequate. Under the Declaration, the Government is under obligation to take effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance.

152. In order to prevent further cases of disappearance, the Government should, in particular, cease its practice of arbitrary detentions and provide all detainees with at least the minimum right of prompt access to their families, legal counsel and independent judicial authorities. The total impunity with which the perpetrators continue to act clearly violates the obligation of the Government to make all acts of enforced disappearance an offence under criminal law, to investigate all such cases and to bring the perpetrators to justice.

### **Japan**

153. During the period under review, the Working Group transmitted, for the first time, four new cases of disappearance to the Government of Japan. These cases were only recently transmitted by the Working Group and, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

154. The newly reported cases concern Japanese nationals who were allegedly kidnapped in Japan by secret agents of the Democratic People's Republic of Korea (DPRK) in the years 1977-1980. In accordance with its methods of work, copies of the cases were sent to the Government of the Democratic People's Republic of Korea.

155. During the period under review, the representatives of the families submitted eight cases of Japanese nationals who had allegedly been abducted in Japan, Spain and the United Kingdom by secret agents of the DPRK. According to the families, information provided by the authorities of the DPRK on the deaths of these persons was unrealistic or insufficient. During the same period, the Working Group met with representatives of the Government of Japan and engaged in an exchange of views on these cases. In light of the recent improvement in bilateral relations between the two Governments, the Government of the DPRK had officially recognized the involvement of its secret agents in the abductions. Following the meeting between the Prime Minister of Japan and the President of the DPRK in Pyongyang in September 2002 and the visit of a Japanese investigation team later in the month, the fate and the whereabouts of five other missing persons had been clarified. On 15 October, these persons were able to travel to Japan to meet with their relatives.

### **Jordan**

156. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Jordan.

157. Of the two cases reported to the Working Group, one concerns an Iraqi national who was allegedly abducted by Iraqi intelligence services and another an Indian national who was allegedly arrested in Jordan, close to the border with the Syrian Arab Republic, by Syrian border police. In accordance with its methods of work, a copy of the case was also sent to the Government of the Syrian Arab Republic. (See also section on the Syrian Arab Republic, paragraphs 260-264.)

158. During the period under review, the Government expressed concern that, in its previous report (E/CN.4/2002/79), the Working Group had erroneously stated that no response had been received from the Government in respect of the two outstanding cases. In a reply dated 11 October 1999, the Government reported that, with regard to one case, an asylum request submitted by the person concerned and his family to the Office of the United Nations High Commissioner for Refugees Representative in Amman had been rejected, and that, moreover, they had been in the habit of travelling regularly and freely between the two countries

since 1991; a copy was provided of a letter sent by the UNHCR Representative to the Jordanian Minister of the Interior. In respect of the other case, the Government reported that investigations had revealed no information regarding the detention of the person concerned in Syrian prisons nor was there a detainee by the name.

159. In respect of the two outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Kuwait**

160. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait.

161. The one reported case of disappearance concerns a “*bedoun*” of Palestinian origin, bearing a Jordanian passport, who was allegedly arrested after the retreat of the Iraqi forces from Kuwait in 1991 and detained by the Kuwaiti Secret Police. His family was reportedly not allowed to renew its residency status in Kuwait and had obtained refugee status in Australia.

162. During the period under review, the Working Group pursued its exchanges with the family of the person concerned on facilitating a meeting between members of the family and possible witnesses, on the one hand, and representatives of the competent Kuwaiti authorities, on the other, with a view to arriving at an agreed solution.

163. In respect of this case, the Working Group is unable to report on the fate and whereabouts of the person concerned.

### **Lebanon**

164. During the period under review, the Working Group transmitted three new cases of disappearance to the Government of Lebanon. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source. Regarding the newly reported cases transmitted after 15 September 2002, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

165. The majority of the 312 cases of disappearance reported in the past occurred in 1982 and 1983 in the context of the Lebanese civil war. The forces allegedly responsible were cited as members of the Phalangist militia, the Lebanese army or its security forces; reportedly, in some cases, the Israeli army, acting together with one or other of these forces, were involved. A number of cases concern persons who were reportedly arrested at the Sabra and Chatila refugee camps in September 1982. Some cases concern foreign nationals who were allegedly abducted in Beirut in 1984, 1985 and 1987. A few cases concern persons who were allegedly arrested between 1976 and 2000 by the Syrian army or security services at checkpoints, or abducted by the Hezbollah, and transferred to the Syrian Arab Republic. In accordance with its methods of work, copies of these cases were also sent to the Government of the Syrian Arab Republic.



166. The newly reported cases concern three military personnel, of whom one was allegedly abducted in 1982 by members of the *Parti Social National Syrien* at the time of the Israeli invasion, and two others who were allegedly arrested or abducted in 1990 on the day that the Syrian Army reportedly occupied eastern Beirut.

167. In the past, the Working Group clarified eight cases, of which two were clarified on the basis of information provided by the Government and six on the basis of information provided by the source. No new information was received from the Government in respect of the 304 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

168. The Working Group, while understanding the difficult situation in Lebanon, remains concerned that only 2 out of 312 cases have been clarified by the Government.

169. It wishes to remind the Government of its obligation under article 2 of the Declaration not to practise, permit or tolerate enforced disappearances even if such acts are allegedly carried out by the authorities of another State. It is the obligation of the Government of Lebanon to take all effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance in any territory under its jurisdiction and to bring the perpetrators to justice.

### **Malaysia**

170. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Malaysia.

171. The two reported cases of disappearance occurred in 1998 and concern Acehese activists of Indonesian nationality with permanent resident status in Malaysia.

172. During the period under review, the Government provided information on the one outstanding case. Some three months prior to his disappearance, the person concerned had been arrested by the Royal Malaysia Police in accordance with section 73 (1) of the Internal Security Act 1960 (Revision 1972) in connection with investigations into his suspected involvement in activities likely to constitute a threat to the peace and security of the country. In keeping with the legal requirements of the country, the family had been duly notified of his arrest and allowed to visit him. Investigations conducted during his period of remand had revealed that he had continued his illegal activities in Malaysia in support of the "Acehese Freedom Movement" that included collecting and providing funds for the movement, an illegal organization in both countries. Two weeks later, on completion of police investigations, he had been unconditionally released; the Royal Malaysia Police saw no reasons for keeping him under surveillance. Complete and comprehensive investigations carried out by the police, following the report of his disappearance, had failed to reveal any information on his whereabouts.

173. In the past, the Working Group clarified one case on the basis of information provided by the source. In respect of the one outstanding case, the Working Group is unable to report on the fate and whereabouts of the person concerned.

### **Mexico**

174. During the period under review, the Working Group transmitted seven new cases of disappearance to the Government of Mexico, all of which occurred in 2002; six were sent under the urgent action procedure. At the same time, the Working Group retransmitted two cases updated on the basis of new information from the source. During the period under review, the Working Group clarified 14 cases on the basis of information provided by the Government, on which no observations were received from the source. Photographs of the body and copies of death certificates were provided.

175. The majority of the 365 cases reported in the past occurred between 1974 and 1981. Ninety-eight of those cases took place in the context of rural guerrilla warfare that was waged in the mountains and villages of the State of Guerrero during the 1970s and early 1980s. Twenty-one other cases occurred in 1995, mostly in the States of Chiapas and Veracruz; the majority of the persons concerned were members of several Indian, peasant and political organizations. Two recently reported cases occurred in 2001: one concerns a student activist who was allegedly abducted by the State police in the city of Morelia, Michoacan State; the other concerns a person who was reportedly arrested without a warrant by State judicial police officers.

176. The newly reported cases concern a mother and her six-month-old infant who were reportedly detained by members of the army in the context of a military operation in the city of Matamoros; two rural workers who were allegedly detained without a warrant; a mechanic who was reportedly threatened by a member of the judicial police a week prior to the incident; a man who, together with family, had been evicted from his home and who had reportedly gone to the local authorities, accompanied by a member of the National Human Rights Commission - where he was seen being chased by members of the local police; and a former member of the army trading in vehicles. In most cases, the Federal Investigation Agency (former Federal Judicial Police) and the Preventive Federal Police were allegedly responsible.

177. The Working Group called the attention of the Government to the harassment and intimidation to which a human rights worker was being subjected, reportedly a direct consequence of his involvement in cases concerning forced disappearances. During the period under review, the Human Rights Commission of Mexico reported that a complaint had been filed and the case was being investigated. Furthermore, the Government reported that a complaint had been lodged with the Office of the Procurator of the Federal District; provisional measures in favour of the subject were approved and they were informed that he had fled the country.

178. Concern was expressed by non-governmental organizations about the continuing impunity that allegedly characterizes the Mexican judicial system. The initiatives launched by the Government, such as the opening of State archives, the appointment of a Special Prosecutor to investigate disappearances and the ratification of the Inter-American Convention on Enforced Disappearances of Persons, reportedly do not, in themselves, constitute an end to impunity. In

this connection, the allegedly opaque manner in which the Special Prosecutor and the members of its citizen support committee were appointed gave rise to serious doubts about its independence. Furthermore, concern was expressed about a reservation lodged by the Government during the ratification of the Inter-American Convention on Disappearances, which would reportedly permit trial in military courts, as well as in regard to an interpretive declaration lodged by the Government to the effect that the Convention would be applicable only to cases that occur after its entry into force. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

179. During the period under review, the Working Group met with representatives of the Mexican National Commission on Human Rights and a representative of the Government of Mexico. On that occasion, the representative of the Commission submitted its report on cases of forced disappearances which had occurred in the late 1970s and 1980s. The Working Group confirmed that 172 of the cases included in the report are outstanding in its files.

180. During the period under review, the Government provided information on six outstanding cases. In respect of the two new cases concerning the mother and her infant, the Ministry of Defence had found no evidence of the involvement of military personnel in their disappearance. In four cases, investigations by the competent authorities and the National Human Rights Commission are in progress.

181. Of the 151 cases clarified by the Working Group, 133 were clarified on the basis of information provided by the Government and 18 on the basis of information provided by the source. In the past, the Working Group discontinued 16 cases. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 205 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

182. The Working Group expresses its appreciation to the Government of Mexico for the cooperation that it received during the period under review and for the positive results achieved by the investigations carried out by the National Commission of Human Rights, which have helped to clarify 14 cases this year.

183. The Working Group also wishes to stress the need for more effective measures to clarify the so-called "old cases" which occurred in the 1970s, and reminds the Government of Mexico of its continuing responsibility to conduct thorough and impartial investigations into cases of disappearance for as long as the fate of the victim remains unclarified, in accordance with article 13 of the Declaration.

184. However, in view of the fact that new cases continue to be reported, it is necessary, in accordance with article 3 of the Declaration, to stress the urgency of taking effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

### **Morocco**

185. During the period under review, no new cases were transmitted by the Working Group to the Government of Morocco.

186. The majority of the 249 reported cases of disappearance occurred between 1972 and 1980. Most of them concern persons of Saharan origin who reportedly disappeared in territories under the control of the Moroccan forces because they or their relatives were known or suspected supporters of the Polisario Front. Students and better-educated Saharans were allegedly particular targets. The disappeared persons were reportedly confined in secret detention centres, such as Laayoune, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks and secret villas in the Rabat suburbs were also allegedly used to hide the disappeared.

187. During the period under review, the Working Group received information from non-governmental organizations concerning non-compliance by the Government of Morocco with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance. It is alleged that no steps have been taken by the Government to adequately resolve the cases of disappearances of several hundred persons, which occurred between the mid-1960s and the early 1990s; among them some 70 persons of Saharan origin who allegedly disappeared, between 1976 and 1991, in secret detention centres in Agdz, Qal'at M'gouna and Laayoune. It is further alleged that investigations to establish responsibility for the grave and systematic human rights violations that occurred in the past, were not known to have been opened and that the alleged perpetrators, including those responsible for gross violations over long periods, have not been brought to justice. These allegations were recently transmitted to the Government, which has not yet had an opportunity to respond.

188. During the period under review, the Government provided information on 27 outstanding cases. In respect of four cases, the Government reported that the persons concerned had died and provided death certificates and/or receipts from the family that compensation had been received; in respect of one case, the family had submitted a request for compensation. With regard to one other case, the Government replied that the person had never been detained or placed in police custody, and provided details on his present whereabouts. The Working Group decided to apply the six-month rule to these six cases. In respect of six other cases, the Government reported that the persons concerned had died a natural death, in a traffic accident, or in unknown circumstances, and that for one of them the death certificate would be provided at a later stage. In five cases, the persons had either been released, were never arrested, or had left the country to join the Polisario Front. In respect of 11 cases, the Government replied that investigations could not proceed either because the name of the person was incomplete or not precise, or the identity of the person was unknown. In respect of three cases, the information related to persons whose identities did not fully correspond to those registered by the Working Group.

189. In the past, the Working Group clarified 134 cases, of which 88 were clarified on the basis of information provided by the Government and 46 on the basis of information provided by the source. In respect of 115 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

## **Observations**

190. The Working Group wishes to express its appreciation to the Government of Morocco for the information that it has provided and for its efforts to investigate the fate and whereabouts of persons reported to have disappeared in the past. It wishes to express the hope that this process will continue.

191. The Working Group remains concerned about the 115 outstanding cases. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

## **Myanmar**

192. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Myanmar.

193. The two cases reported in the past were clarified by the Working Group in 1993.

194. The newly reported case concerns a citizen of France, a militant of the Karen National Union (KNU) residing on the Thai-Myanmar border. He allegedly disappeared in 2001 after crossing into Myanmar with his girl friend, a national of Myanmar who is allegedly being used by a military intelligence agency of that country. In accordance with its methods of work, a copy of the case was sent to the Government of Thailand. (See section on Thailand, paragraphs 265-268.)

195. During the period under review, the Government provided information on the newly reported case and stated that, inasmuch as the information on the disappearance conveyed to the family could be attributed to insurgent groups, its veracity was questionable. Nevertheless, the matter had been brought to the attention of the competent authorities and any information received would be communicated to the Working Group.

196. In the past, the Working Group clarified two cases on the basis of information provided by the Government. In respect of the outstanding case, the Working Group is unable to report on the fate and whereabouts of the person concerned.

## **Nepal**

197. During the period under review, the Working Group transmitted 28 new cases to the Government of Nepal, of which 14 occurred in 2002; 24 cases were sent under the urgent action procedure. During the same period, the Working Group clarified five cases, of which four were sent under the urgent procedure, on the basis of information provided by the source that the persons concerned had either been released or are known to have been transferred to the Gorkha District Jail and were reportedly in preventive detention. The cases refer to three teachers, including the headmaster of the Jeevan Jyoti Secondary School, Gorkha District, who were reportedly arrested at work by a joint group of army and police personnel.

198. The majority of the 108 cases reported in the past allegedly occurred between 1998 and 2002, in the context of police operations initiated in May 1998 against members of the Communist Party of Nepal (CPN-Maoist), which had declared a “people’s war” in February 1996. The persons concerned include the Chairman of the Gorkha District Bar Association, a member of the Forum for the Protection of Human Rights, a member of the Nepal Bar Association, and 16 members of the All Nepal National Free Students Union (ANNFSU).

199. Twelve of the newly reported cases concern persons allegedly arrested by army personnel or by army and police personnel acting together. An additional 12 newly reported cases concern persons allegedly arrested by the police. The overwhelming majority of the newly reported cases occurred in Kathmandu; most were arrested on suspicion of being members or sympathizers of the Communist Party of Nepal (CPN-Maoist). Three cases concern two journalists and a student, all members of the *Akhil Bharatiya Nepali Ekta Samaj* (All India Nepalese Unit Society) who were reportedly arrested by the Indian Special Branch Police and handed over to Nepali security officials at the border, in Nepalgunj: they had been attending a meeting of the India-Nepal Peoples’ Solidarity Organization in New Delhi. In accordance with its methods of work, the cases were also sent to the Government of India. (See also section on India, paragraphs 125-135.)

200. Several reports expressing serious concern were received on what was described as a continuing pattern of disappearances and long-term unacknowledged detention, which first emerged after the events of May 1998, when police reportedly launched the “intensified security mobilization” operation. Following a breakdown in the peace talks between the Government of Nepal and the Communist Party of Nepal (CPN-Maoist) on 23 November 2001, a nationwide state of emergency was declared and the army deployed. Thousands of arrests are reported to have been made: many of those persons have since disappeared. Several reports of concern were also received about the Terrorist and Disruptive Activities (Control and Punishment) Act (TADO) that became law on 10 April 2002, replacing an ordinance by the same name. Reportedly, the Act, which will remain in force for two years, provides wide powers to arrest without a warrant those who are suspected of involvement in “terrorist” activities. Allegedly, more than 5,000 persons who were arrested under TADO were subsequently held in unacknowledged detention by police and the army, sometimes for several weeks. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

201. During the period under review, the Government provided information on two outstanding cases; the persons concerned have been released.

202. Of the 26 cases clarified by the Working Group, three were clarified on the basis of information provided by the Government and 23 on the basis of information provided by the source. In respect of the 110 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

203. The Working Group is deeply concerned that disappearances have continued in such alarming numbers during 2002.

204. The Working Group wishes to remind the Government of the urgency of taking “effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance”, in accordance with article 3 of the Declaration. It also reminds the Government of its continuing responsibility, in accordance with article 13 (6) of the Declaration, to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified”, and to bring the perpetrators to justice.

### Nicaragua

205. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

206. Most of the 234 reported cases of disappearances occurred between 1979 and 1983, in the context of the internal armed conflict which took place during the 1980s. Many of the reports of these disappearances pointed to the involvement of members of the army, the former Sandinista Government, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994: one concerns a farmer who was allegedly detained by a group of members of the army and the police, and the other concerns a person allegedly accused of being a member of the *contras* armed group.

207. In the past, the Working Group clarified 131 cases, of which 112 were clarified on the basis of information provided by the Government and 19 others on the basis of information provided by the source. No new information was received from the Government in respect of the 103 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### Observations

208. The Working Group continues to be concerned that little has been done to clarify the more than 100 outstanding cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct investigations thoroughly and impartially for as long as the fate of the victim remains unclarified.

### Nigeria

209. During the period under review, no new cases were transmitted by the Working Group to the Government of Nigeria.

210. Of the six cases of disappearance reported to the Working Group, five occurred between 1992 and 1995 in Lagos and concern two members of the Campaign for Democracy coalition, two publishers and a lawyer who were allegedly arrested by the security forces. One case concerns a human rights activist who was allegedly arrested by the security forces in 1998 at Murtala airport in Lagos.

211. During the period under review, the Government provided information on the one outstanding case. The person concerned, whose disappearance occurred under the defunct military regime, has since regained his freedom and has encountered no hindrance in engaging in

lawful activities of his choice. He is now actively participating in the democratic process by seeking elective office to the post of Governor of his State of origin. The Working Group has requested more precise information about his whereabouts and current address.

212. In the past, the Working Group clarified five cases on the basis of information provided by the Government. In all cases, the persons concerned were at liberty at the address that was provided. In respect of the one outstanding case, the Working Group is unable to report on the fate and whereabouts of the person concerned.

### **Pakistan**

213. During the period under review, no new cases were transmitted by the Working Group to the Government of Pakistan. During the same period, the Working Group clarified two cases on the basis of information provided by the Government that the persons concerned had either been acquitted by the competent court or were residing at the address provided, and on which no observations were received from the source.

214. The majority of the 83 cases of reported disappearance concern members or sympathizers of the political party Muhajir Qaomi Movement (MQM), who were allegedly arrested by the police or security forces in 1995 and 2001. Most of the other reported cases allegedly occurred in 1986 and between 1989 and 1991, and concern Afghan refugees in Pakistan, most of them affiliated to the Harakate Inghilabe Islami party of Afghanistan. The abductions reportedly took place in Peshawar, North West Frontier Province, by persons belonging to a rival party, the Hezb-e-Islami Afghanistan, allegedly acting with the acquiescence of the Pakistani authorities. Four other cases concerned members of the same family who were reportedly abducted in 1996 in Islamabad by agents of the military intelligence.

215. During the period under review, the Government provided information on 11 outstanding cases. With regard to one case, the Government informed that the person had been arrested and released two weeks later; information on his current whereabouts was provided. The Working Group decided to apply the six-month rule to this case. In respect of eight cases, the Government informed that the persons had either been arrested and released on court order, or had never been arrested during the period; there is no record of their detention in police custody or at the Central Prison, Karachi. In another case, the person absconded from trial at the Magistrates Court; he has not yet been apprehended and there was no record of his detention at the Central Prison. With regard to one other case, no individual by the name given had been arrested, but the son of a person bearing the same name and registered at another address had been arrested and released from jail.

216. Responding to the reminder sent on 29 October 2002 in respect of the outstanding cases, the Government replied that the letter had been conveyed to the concerned authorities in Pakistan with the request to provide additional information; it would not be possible for the authorities to process these cases for 3 November, in time for the Group's sixty-eighth session.

217. During the period under review, the Working Group decided to revoke the six-month rule that it had previously applied in respect of two cases and requested the Government to provide it with the current addresses of the persons concerned.



218. Of the seven cases clarified by the Working Group, three were clarified on the basis of information provided by the Government and four on the basis of information provided by the source. In respect of the 76 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### Peru\*

219. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Peru.

220. The vast majority of the 3,006 reported cases of disappearances occurred between 1983 and 1992 in the context of the Government's fight against, in particular, the Communist Party of Peru, Shining Path (*Sendero Luminoso*) and the Tupac Amaru Revolutionary Movement (MRTA). In late 1982, the armed forces and police undertook a counter-insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and restoring public order. The majority of reported disappearances took place in areas of the country that had been under a state of emergency and were under military control, in particular in the departments of Apurímac, Ayacucho, Huancavelica, San Martín and Ucayali. Detentions were frequently carried out openly by uniformed members of the army and the navy infantry, sometimes together with civil defence groups.

221. The Transitional Government took steps to allow the judiciary to investigate human rights violations and corruption. The independence of the judiciary has been restored. Nationally and internationally supervised elections were held in the country, resulting in the election of Alejandro Toledo as President of Peru until July 2006. On 22 January 2001, the administrative jurisdiction of the Inter-American Court of Human Rights was again recognized and the Peruvian State began to enforce judgements of the Inter-American Court of Human Rights. In addition, the Government of Peru has ratified a number of new human rights treaties, including the Rome Statute of the International Criminal Court and established a Truth and Reconciliation Commission of independent experts to identify and investigate human rights violations occurring between May 1980 and November 2000.

222. During the period under review, the Working Group learned that "*Para que no te olvides*", a joint initiative launched by the Peruvian Truth and Reconciliation Commission, the Ombudsman, the International Committee of the Red Cross (ICRC) and the *Coordinadora Nacional de Derechos Humanos*, will publish a list of names of more than 7,000 people who disappeared between 1980 and 2000. Reportedly, the document will be open to all those who might wish to update the list with new cases or with new elements that could shed more light on the cases.

223. In the past, the Working Group clarified 638 cases, of which 253 were clarified on the basis of information provided by the Government and 385 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group

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\* Diego Garcia-Sayán did not participate in the decisions relating to this section of the report.

was unable to send out reminders, in accordance with its methods of work, in respect of the 2,368 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

224. The Working Group has cooperated with the Peruvian Truth and Reconciliation Commission in providing requested information. The Working Group welcomes the efforts being made by the Commission to resolve cases of disappearances, and hopes to receive from the Government information that might lead to the clarification of the outstanding cases.

### **Philippines**

225. During the period under review, the Working Group transmitted six new cases of disappearance to the Government of the Philippines, of which four reportedly occurred in 2002. These cases were transmitted after 15 September 2002; in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

226. The majority of the 662 cases of disappearance reported in the past occurred throughout the country in the late 1970s and early 1980s in the context of the Government's anti-insurgency campaign. The arrests were allegedly carried out by armed men belonging to the Philippine Army, other identified military organizations or to police units such as the Philippine Constabulary, the Central Intelligence Unit, the military police and other organizations. Those concerned include farmers, students, social and health workers, members of Church groups, lawyers, journalists and economists. Since 1980, reported cases of disappearance concerned young men living in rural and urban areas from legally constituted organizations which the military authorities have claimed are fronts for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were members of KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers. Despite the peace talks initiated by the Government with several opposition movements, disappearances continued to occur in the 1990s, mainly in the context of military operations against NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

227. Three newly reported cases concern members of the Bayan Muna opposition party, including a well-known political organizer; one case concerns a trader who was a student activist in his youth. All persons were allegedly abducted by armed men believed to belong to the 70th and 71st Infantry Battalions of the Armed Forces of the Philippines based in Maria Aurora and Nueva Ecija respectively. Two other cases concern farmers from Agusan del Norte who were allegedly abducted, in 1998, by the 58th Infantry Battalion of the Philippine Army.

228. During the period under review, the Working Group was informed that, despite a commitment by the Government to upholding the rule of law and an extensive range of procedural safeguards, complaints mechanisms and legal sanctions, suspected perpetrators of serious human rights violations were rarely brought to justice and a climate of impunity

prevailed. Reportedly, the right of victims of such violations to receive prompt, impartial and thorough investigations of their complaints continued to be severely curtailed, and public confidence in existing complaints bodies, including the Commission on Human Rights and the Office of the Ombudsman, remained low. These allegations were recently transmitted to the Government which has not yet had an opportunity to respond.

229. During the period under review, the Government provided information on two outstanding cases concerning persons who were reportedly abducted together. There is no record of their arrest by either the Philippine National Police or the Armed Forces of the Philippines, and in one case the person is a fugitive with a standing warrant of arrest for the murder of a municipal mayor.

230. In the past, the Working Group clarified 157 cases, of which 124 were clarified on the basis of information provided by the Government and 33 others on the basis of information provided by the source. In respect of 505 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

231. The Working Group continues to be concerned that not enough has been done by the Government to clarify the more than 500 outstanding cases and that no information has been received from the Government during 2002 that would lead to the clarification of some of these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

232. The Working Group wishes to express its hope that the Government will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

### **Russian Federation**

233. During the period under review, the Working Group transmitted to the Government of the Russian Federation 11 new cases, of which 10 reportedly occurred in 2002; 2 cases were sent under the urgent action procedure. Regarding the cases transmitted after 15 September 2002; in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

234. The majority of the 212 cases reported in the past concern persons of ethnic Ingush origin who allegedly disappeared in 1992, in the context of the fighting between ethnic Ossetians and the Ingush. A large number of other cases are reported to have occurred in Chechnya, the majority in late 1994 and early 1995. The Russian military forces were allegedly responsible.

235. The newly reported cases occurred in Chechnya, nine in Tsotsyn-Yut, Kurchaloy District, one in Novye Atagi, Shalinsky District, and another in Zakan-Yurt, Achkoi-Martanovsky District. The Russian Army was allegedly responsible for all these cases,

which concern the nephew of the Head of the Human Rights Center (HRC) "Memorial", Grozny Office; an engineer whose son had also disappeared in December 2000 following his detention by federal troops; 7 other persons who were among a group of around 100 persons who were allegedly abducted; another person who was allegedly arrested at the local Temporary Department of Internal Affairs where he had gone to inquire about his brother's whereabouts; and a person who was allegedly arrested at a hospital.

236. In the past, the Working Group clarified one case on the basis of information provided by the source. No new information was received from the Government with regard to 220 outstanding cases. The Working Group is therefore unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

237. The Working Group remains deeply concerned that only 1 of the more than 200 cases reported to it has been clarified. In this connection, it would like to remind the Government that all persons deprived of liberty shall be held in an officially recognized place of detention and have prompt access to family members, legal counsel and judicial authorities, in accordance with articles 9 and 10 of the Declaration. In addition, the Government has an obligation, under articles 13 and 14, to carry out prompt, thorough and impartial investigations into alleged cases of enforced disappearance and to bring the perpetrators to justice.

### **Rwanda**

238. During the period under review, the Working Group transmitted one new case to the Government of Rwanda.

239. Most of the 21 cases transmitted in the past occurred between 1990 and 1996, of which 5 occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. Among those reported to have disappeared are students at the Seventh-Day Adventist University in Mudende, who were suspected of supporting the Rwandese Popular Front; the mayor of Nyabikenke; a journalist from the Rwandan national television station; a mechanic from Kigali; and the manager of a soap factory who had lodged foreign employees of the International Committee of the Red Cross. One case concerns a citizen of the Democratic Republic of the Congo who was reportedly arrested at the border between Rwanda and Uganda. Forces alleged to be responsible are the armed forces, the *gendarmérie nationale* and soldiers of the Rwandese Patriotic Army. Eighteen cases concern Rwandan refugees who reportedly disappeared in 1998 in the Democratic Republic of the Congo after their alleged abduction by the Tutsi military in Kisangani. Another case concerns a professor who was allegedly arrested by members of the Rwandan Patriotic Army. (See also section on the Democratic Republic of the Congo, paragraphs 86-89.)

240. The newly reported case occurred in September 2001 and concerns a former candidate in the March 2001 local elections in the Mutura District who, prior to the elections, was allegedly summoned and interrogated by the mayor. It is believed that local officials may have considered him a rival.

241. In the past, the Working Group clarified two cases on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 20 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Saudi Arabia**

242. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Saudi Arabia.

243. The three reported cases of disappearance concern a businessman who was allegedly arrested in Amman in 1991 by Jordanian security forces and later handed over to Saudi Arabian authorities; a university lecturer at King Saud University, after whose disappearance his house was allegedly searched by security service officers, his bank account frozen, and his wife and children prevented from leaving the country; and a contractor, a citizen of Pakistan, who may have been abducted in Jeddah in 1997 by a government secret service agency.

244. During the period under review, the Government provided information on the two outstanding cases. In both cases, investigations were in progress and the results would be conveyed to the Working Group immediately upon becoming available. In one of these cases, according to the Government, the wife had affirmed that she was fully satisfied that the State was not involved in the disappearance. With regard to the other case, the Government stated that there was no reason to believe that governmental authorities were involved in the disappearance. The letter transmitted by the Working Group was received on 8 October and the time allowed was insufficient for the competent authorities to make further contacts in all the provinces and to carry out proper investigations.

245. In the past, the Working Group clarified one case on the basis of information provided by the source. In respect of the two outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Spain**

246. During the period under review, the Working Group transmitted, for the first time, four new cases of disappearance to the Government of Spain. These cases were only recently transmitted by the Working Group and, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

247. Two of the newly reported cases concern members of the Guerrilla Group of the East Coast and Aragon (*Agrupación Guerrillera de Levante y Aragón*, or AGLA), who were allegedly persecuted by the Guardia Civil and disappeared in 1947 and 1949. Cases of similar characteristics that allegedly occurred in Spain before the creation of the United Nations were not admitted. Two other cases concern Japanese nationals who were allegedly kidnapped in Spain in 1980 by secret agents of the Democratic People's

Republic of Korea. In accordance with its methods of work, copies of the cases were sent to the Government of the Democratic People's Republic of Korea. (See also section on the Democratic People's Republic of Korea, paragraphs 84-85.)

### **Sri Lanka**

248. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Sri Lanka.

249. The 12,297 cases of disappearance reported to the Working Group are alleged to have occurred in the context of two major sources of conflict in that country: the confrontation between Tamil militants and government forces in the north and north-east of the country, and that between the People's Liberation Front (JVP) and government forces in the south. Between 1987 and 1990, the disappearances occurred mainly in the southern and central provinces and coincided with extreme violence on the part of both security forces and JVP. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have been confined primarily to the eastern and north-eastern provinces of the country.

250. The Working Group undertook three field missions to Sri Lanka, in 1991, 1992 and 1999. The recommendation to the Government was that an independent body be established with the task of investigating all cases of disappearance which had occurred since 1995 and to accelerate its efforts to bring the perpetrators of enforced disappearances to justice. The Working Group also recommended the setting up of a central register of detainees as provided for in article 10 (3) of the Declaration. It also pointed out that all families of disappeared persons should receive the same amount of compensation and that the procedure for issuing death certificates in cases of disappearances should be applied in an equal and non-discriminatory manner. The Working Group further noted that the Prevention of Terrorism Act and the Emergency Regulations have not been abolished or harmonized with internationally accepted standards of human rights, and recommended that the prohibition of enforced disappearance be included as a fundamental right in the Constitution of Sri Lanka.

251. According to its records, the Government has so far provided information in respect of a total of 11,881 outstanding cases, including information relating to 208 cases provided during the period under review. Most of these replies are still under consideration by the Working Group.

252. During the period under review, the Working Group considered information provided by the Government in relation to 3,341 outstanding cases. In respect of 1,234 cases, death certificates had been issued and/or compensation granted or was in the process of being granted in a number of cases. The Working Group decided to apply the six-month rule to these cases. With regard to 2,107 other cases, the Government reported that it had not been possible to establish the whereabouts of the persons concerned inasmuch as the addresses provided were incorrect or unclear or because the family had left the area; no person by the name had disappeared from the address provided; cases were pending in courts of law; family members had not requested or had declined death certificates or compensation; the persons were reported to be alive or the disappearance had not been reported to a government authority.

253. In the past, the Working Group clarified 4,962 cases, of which 4,923 were clarified on the basis of information provided by the Government and 39 on the basis of information provided by the source. At the current stage of the processing exercise, however, it must be borne in mind that the statistical figures indicated in the present section as well as in the statistical tables annexed to the present report in respect of the number of cases reported to the Working Group, cases that have been clarified and those still outstanding, reflect only an estimate and are, as such, subject to change.

### **Observations**

254. The Working Group wishes to express its appreciation to the Government of Sri Lanka for the amount of information that it has provided and for its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past.

255. The Group wishes to remind the Government of its obligations under article 10 of the Declaration to hold persons deprived of liberty only in officially recognized places of detention, to bring them promptly before a judicial authority and to make available promptly accurate information on the detention of such persons to their family members, their legal counsel, or to any other persons having a particular interest.

### **Sudan**

256. During the period under review, no new cases were transmitted by the Working Group to the Government of the Sudan. During the same period, the Working Group clarified 198 cases on the basis of information provided by the Government on which no observations were received from the source; in respect of all these cases, details on their current whereabouts were provided, together with the names and addresses of persons through whom the persons concerned could be reached.

257. The majority of the 267 reported cases of disappearance concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces, and taken to a government-controlled "peace camp". One case concerns a member of the Communist Party of Sudan who was allegedly arrested by the security forces in Khartoum; he had reportedly been arrested four times previously and had spent a total of over two years in prison.

258. Of the 203 cases clarified by the Working Group, 200 were clarified on the basis of information provided by the Government and 3 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of the 64 outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

259. The Working Group reminds the Government of its obligation, under article 13 of the Declaration, to conduct impartial and effective investigations into alleged cases of disappearance

until the fate and whereabouts of the victims are established beyond a reasonable doubt. It also reminds the Government that, under article 14, the perpetrators should be brought to justice and that, in accordance with article 19, all victims of acts of enforced disappearance and their families shall obtain redress and shall have the right to adequate compensation.

### **Syrian Arab Republic**

260. During the period under review, four new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic. These cases were only recently transmitted and, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

261. Most of the 32 cases of disappearance reported in the past occurred between 1980 and 1993, for which the security forces or military intelligence were allegedly responsible. The victims include, among others, students, medical doctors and military personnel. Two cases concern Jordanian nationals and another concerns a citizen of Lebanon. In the past, concern was expressed to the Working Group about the whereabouts of both Lebanese citizens and stateless Palestinians who were reported to have disappeared in Lebanon, a circumstance for which the Government of the Syrian Arab Republic was allegedly responsible. (See also section on Lebanon, paragraphs 164-169.)

262. The newly reported cases occurred between 1981 and 1994. Two concern Lebanese military personnel who reportedly disappeared in or around Beirut and were allegedly seen in the "Palestine Section", an interrogation centre, in Damascus, Syria; two others concern persons, including a musician, who were allegedly arrested in Lebanon and last seen in Syria at the Tadmor or Saydnaya prison. (See also section on Lebanon, paragraphs 164-169.)

263. During the period under review, the Government provided information on its investigations into the four newly reported cases. The persons concerned could not be found among those detained in Syria; however, the concerned authorities will continue to investigate and inform the Chairman of the Working Group of the results.

264. In the past, the Working Group clarified 27 cases, of which 13 were clarified on the basis of information provided by the Government and 14 on the basis of information provided by the source. During the period under review, the secretariat of the Working Group was unable to send out reminders, in accordance with its methods of work, in respect of eight outstanding cases. The Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Thailand**

265. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Thailand. In accordance with its methods of work, the Working Group sent to the Government of Thailand a copy of a case concerning a French national, residing in a border town between Thailand and Myanmar, who allegedly disappeared in 2001 after crossing into Myanmar. (See section on Myanmar, paragraphs 192-196.)



266. Of the 34 cases reported to the Working Group in the past, 33 occurred in 1992. Thirty-one cases concern persons who allegedly disappeared in May 1992 during a violent crackdown by security forces on “pro-democracy demonstrations” in central Bangkok, in the aftermath of the appointment of General Suchinda Khraprayoon as Prime Minister on 7 April 1992; two cases concern citizens of Myanmar who were allegedly arrested in 1992 on suspicion of being illegal immigrants. The one other case reportedly occurred in June 1991 and concerns the President of the Labour Congress of Thailand, who disappeared from his union office in Bangkok three days after organizing a protest rally.

267. During the period under review, the Government provided information on 31 cases concerning persons who reportedly disappeared during the 1992 demonstrations. The Working Group was apprised of the progress made and the latest measures adopted. On 28 September 2001, an independent Committee had been established in order to guarantee impartiality, fairness and transparency of the investigations into the allegations, and to provide full assistance to the victims and their families. The Committee had set up two separate subcommittees; one entrusted with a mandate to provide assistance to the victims and their families and to continue the work previously carried out by the Ministry of Labour and Social Welfare; the other to investigate into the cases of disappearance. The Working Group’s note regarding the 32 cases had been brought to the attention of the latter and of all concerned authorities. The progress and outcome of the investigations will be made public in due time, and the Working Group kept informed.

268. In respect of 34 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Timor-Leste**

269. During the period under review, in accordance with its methods of work, the Working Group decided to address all future communications to the Government of Timor-Leste in respect of 454 cases of disappearance that occurred in the past in East Timor, of which 378 are still outstanding. In accordance with its methods of work, the Working Group will also send copies of these cases to the Government of Indonesia. The Working Group decided to transfer these cases from its register on the United Nations Transitional Administration in East Timor (UNTAET) and to consider these cases under the chapter heading Timor-Leste.

270. In the past, the Working Group clarified 76 cases, of which 58 were clarified on the basis of information provided by the Government of Indonesia and 18 on the basis of information provided by the source. The Working Group has not yet established contact with the new Government and is, therefore, unable to report on the fate of the persons concerned.

### **Observations**

271. The Working Group looks forward to the cooperation of the Government of Timor-Leste and Indonesia in the clarification of these cases.

### **Tunisia**

272. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Tunisia, which reportedly occurred in 2002. This case was transmitted only recently and in accordance with the methods of work of the Working Group, it must be understood that the Government could not respond prior to the adoption of the present report.

273. Of the 15 cases of disappearance reported in the past, 10 reportedly occurred in 1998, of which 1 concerns a woman who allegedly disappeared following her release from the Mannouba prison in Tunis; one case occurred in 1995 and concerns a person who was reportedly abducted from home by three men in civilian dress, believed to be members of the security forces.

274. The newly reported case concerns a former teacher working in a hardware shop, who was allegedly arrested by police officers, taken to his house where his computer was confiscated, and then taken away to an unknown location. He had reportedly been previously arrested on charges of belonging to an unauthorized Islamist movement.

275. In the past, the Working Group clarified 15 cases, of which 11 were clarified on the basis of information provided by the Government and 4 on the basis of the information provided by the source. During the period under review, no information was received from the Government on the one outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the person concerned.

### **Turkey**

276. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Turkey under the urgent action procedure. At the same time, the Working Group clarified one case on the basis of information provided by the Government and on which no observations were received from the source. The person had been arrested on a court order and sent to Kocaeli prison.

277. The majority of the 180 cases of disappearance reported in the past were alleged to have occurred in south-eastern Turkey, in areas where a state of emergency was in force, and concern members of the Kurdish minority, in particular alleged members or supporters of the PKK. Three recent cases of disappearance reported to have occurred in 2001 concern members of the legal People's Democratic Party (HADEP), of whom one is the head of the Silopi district branch and the other his secretary.

278. Following its field mission to Turkey in 1998, the Working Group expressed the view that, although the total number of cases transmitted to the Government was relatively low, they

deserved particular attention with a view to improving the practices and behaviour of the security forces. It recommended that, in this connection, the Government of Turkey should establish rules and regulations for the conditions under which officials are authorized to detain persons. The adoption of appropriate legislation to make all acts of enforced disappearance a crime under Turkish law was strongly recommended. The Government of Turkey was also requested to strengthen its cooperation with non-governmental organizations and organizations of relatives and to take appropriate measures to provide sufficient guarantees for the performance of their activities.

279. The newly reported case concerns a welder who was reportedly in gendarmerie detention despite a judicial order that he be remanded to prison.

280. Non-governmental organizations expressed concern about the alleged harassment by the authorities of members or supporters of legal political parties, including, in some cases, their enforced disappearance. Reportedly, since the end of 2000, there has been a resumption of unacknowledged arrests and the risk of enforced disappearance in the northern part of the country, of representatives of the People's Democracy Party (HADEP), the successor to two previous parties that were both reportedly closed down by the authorities on charges of "separatism". With regard to these allegations, the Government replied that some were irrelevant to the mandate of the Working Group and others did not refer to any specific cases. Should the Group consider that they fall within its mandate warranting serious probe, the Government requested to be provided with the details so as to enable it to investigate into them thoroughly.

281. During the period under review, the Government provided information on four outstanding cases, including the newly reported case. In respect of two cases, including the latter, the Government provided the name of the prison where the persons were to be found; with regard to the two other cases, the Government provided death certificates and a copy of a statement from the families certifying to their identities. The Working Group decided to apply the six-month rule to all four cases.

282. Of the 85 cases clarified by the Working Group, 37 were clarified on the basis of information provided by the Government and 48 on the basis of information provided by the source. In respect of the 96 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Ukraine**

283. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ukraine. During the same period, the Working Group clarified one case on the basis of information provided by the Government, on which no observations were received from the source. The body of the person concerned had been identified and identification was subsequently confirmed by the family.

284. Three of the four reported cases occurred in 1995 and concern two brothers and a friend who were allegedly arrested in Simpherolol, Crimea, by members of the security forces.

285. During the period under review, the Government reported on the findings of a special inquiry conducted by the competent authorities in respect of three outstanding cases concerning persons who had been allegedly abducted together. It was established that they had links with members of organized criminal gangs in the Crimea; investigations into the crime were being monitored by the Principal Administration of the Ministry of Internal Affairs of the Autonomous Republic of Crimea.

286. In respect of the three outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

#### **United Kingdom of Great Britain and Northern Ireland**

287. During the period under review, the Working Group transmitted, for the first time, one new case of disappearance to the Government of the United Kingdom. This case was only recently transmitted and, in accordance with the methods of work of the Working Group, it must be understood that the Government could not respond prior to the adoption of the present report.

288. The newly reported case concerns a Japanese national who was allegedly abducted in 1983 in the United Kingdom by secret agents of the Democratic People's Republic of Korea. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of the Democratic People's Republic of Korea. (See also section on the Democratic People's Republic of Korea, paragraphs 84-85.)

#### **United States of America**

289. During the period under review, the Working Group transmitted, for the first time, one new case of disappearance to the Government of the United States of America, which reportedly occurred in 2002 and was sent under the urgent action procedure. This case was only recently transmitted and, in accordance with the methods of work of the Working Group, it must be understood that the Government could not respond prior to the adoption of the present report.

290. The newly reported case concerns a telecommunications engineer, a citizen of Canada, who was reportedly detained by United States Immigration and Natural Service (INS) officials at New York's Kennedy Airport on 26 September 2002 while in transit to Montreal from Tunisia. He was reportedly questioned at the airport for about nine hours without a lawyer and accused of having links to al-Qa'idah, a charge his family denies. He was then allegedly taken to the Metropolitan Detention Centre (MDC) in New York, where he had been visited by his lawyer and Canadian consular officials before he disappeared.

291. In the past, in accordance with its methods of work, the Working Group sent copies of four reported cases of disappearances to the Government of the United States of America: three reportedly occurred in 1983 in Honduras and concern United States citizens who were leaders of the Revolutionary Party of Central American Workers-Honduras (PRTC-H), including a Jesuit priest. Allegedly, the United States army and/or CIA personnel, and also perhaps the Nicaraguan *Contras*, who were based in Honduras at the time, may have helped the Honduran army in the operation during which they reportedly disappeared. (See section on Honduras, paragraphs 120-124.) One other case, also concerns a United States citizen, and reportedly

occurred in 2001 near the Israeli settlement of Ofrah on territory under the Palestine Authority; the Israeli Defence Forces (IDF) were allegedly responsible for his disappearance. (See section on the Palestine Authority, paragraphs 319-321.)

### Uruguay

292. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uruguay.

293. The majority of the 31 reported cases of disappearance occurred between 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearances in Uruguay after 1982. One case concerns the son of an Uruguayan refugee in Argentina who reportedly disappeared in 1976 in Argentina; the 20-day-old infant was allegedly taken away from the mother when she was arrested during a joint operation by the Argentine and Uruguayan police forces. Members of the Uruguayan police who had allegedly participated in the joint operation were reported to be still living at liberty in Uruguay. (See also section on Argentina, paragraphs 29-34.)

294. During the period under review, the Working Group received reports expressing concern about what was described as the lack of independence of the Commission for Peace and the absence of powers to summon witnesses. Concern was also expressed about an alleged interference by the Government in the functioning of the judiciary which is currently investigating cases of disappearance in Uruguay. It is alleged that Judge Eduardo Cavalli had been subjected to attacks by the Government because of his decision to try Mr. Juan Carlos Blanco, former Minister of Foreign Affairs under the dictatorship, for the disappearance of Ms. Elena Quintero. This indictment was made possible by the fact that the amnesty law (*Ley de Caducidad de la Pretensión Punitiva del Estado*) applies only to members of the military and the security forces, not to civilians.

295. During the period under review, the Working Group met with representatives of the Government of Uruguay, including a member of Commission for Peace, and exchanged views with regard to the 23 outstanding cases. The representatives provided information on the steps taken by the Government to resolve these cases. A Commission for Peace, conceived as an administrative rather than a judicial body, had been established in 2000 to receive, analyse, classify and compile information on enforced disappearances that had occurred during the dictatorship with a view to establishing the fate or whereabouts of the persons concerned. The outcome of a political agreement between the Government and the opposition, the Commission worked in close cooperation with the families of the disappeared, and has been able to obtain the cooperation of members of the military. The result has been a high number of clarifications. Of the 28 cases submitted to it, the circumstances of the death of 26 persons had been elucidated; some of these cases had not been brought to the attention of the Working Group. The investigations had established that 21 persons had been held in secret detention centres located in military compounds and had died as a consequence of torture. Although, in most cases, it would

not be possible to carry out an exhumation of the bodies, the families would be informed of their possible locations. Another person was found alive and living in Venezuela. For one other person, there was insufficient information to prove the allegations. A list of these cases was provided. Its final report would be released by the end of the year. At the request of the Working Group, the Government provided a copy of an open letter, dated 1 March 2000, addressed to the President of the Republic by the Mothers and Relatives of Detained and Disappeared Citizens of Uruguay (FEDEFAM-Uruguay).

296. In the past, the Working Group clarified eight cases, of which seven were clarified on the basis of information provided by the Government and one on the basis of the information provided by the source. In respect of the 23 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Uzbekistan**

297. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan.

298. Of the 12 reported cases of disappearance, 2 concern an Islamic religious leader and his assistant who were reportedly detained in 1995 by the National Security Service in Tashkent as they were waiting to board an international flight; another concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents; one other case occurred in 2001 and concerns the Chairman of the State joint-stock company Uzkhleboproduct, who allegedly left for a meeting of Cabinet ministers and failed to return home.

299. During the period under review, the Government provided information on 10 outstanding cases. In five cases, the persons concerned had been arrested and sentenced to imprisonment for organizing a criminal association, the activities of which were aimed at unconstitutionally changing the existing State order and seizing power. In two cases, the persons concerned had checked in at the airport and had proceeded to take their seats on the flight to Moscow, but were not among the disembarking passengers. Since their whereabouts could not be established, the proceedings had been halted under the relevant article of the code of criminal procedure. In another case, investigations did not lead to the identification of a person or persons to be charged with the offence and the case was closed. In yet another case, criminal proceedings initiated against the person concerned had been halted on the grounds that the whereabouts of the accused were unknown. In one other case, the person had been released on Presidential pardon.

300. In respect of the 12 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Venezuela**

301. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

302. Of the 14 reported cases of disappearance, 3 concern student leaders who had reportedly been intercepted by security forces in 1991 during a commercial fishing expedition; one concerns a businessman arrested by the police in 1991 in Valencia City, Carabobo; another concerns a 14-year-old girl who was allegedly abducted in 1993 following a military raid on her house in the peasant community of 5 de Julio, municipality of Catatumbo, State of Zulia; one concerns a person who was allegedly detained in 1995 in the vicinity of Puerto Ayacucho, State of Amazona, by members of the navy infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombian guerrillas.

303. During the period under review, the Government provided information on nine outstanding cases: in five cases, the Public Prosecutor's Office had delegated to the District Attorney the task of completing the procedures and taking appropriate action, and had sent an official communication to the Chief of the Department of Disappeared Persons from the Office of Criminal, Forensic and Scientific Investigations; in two cases, the District Attorney had presented formal criminal charges against the alleged perpetrators for the crime of forced disappearance; in two other cases, the criminal action was at a preliminary stage.

304. In the past, the Working Group clarified four cases on the basis of information provided by the Government. In respect of the 10 outstanding cases, the Group is still unable to report on the fate and whereabouts of the persons concerned.

### **Yemen**

305. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Yemen.

306. The majority of the 150 reported cases of disappearance occurred in 1986 in the context of the fighting which took place in the former People's Democratic Republic of Yemen; many others occurred in the context of the 1994 civil war.

307. Following its field mission to Yemen in 1998, the Working Group recommended that the Government consider establishing a special task force of the Supreme National Committee on Human Rights for setting up a database of all disappeared persons, their family members, any court decisions declaring the disappeared persons to be presumed dead, and any benefits or social allowances paid to the families in compensation for the disappearance. It also recommended that the task force further develop procedures in order to take the necessary legal steps for the clarification of all cases.

308. During the period under review, the Working Group met with representatives of the Government of Yemen and engaged in an exchange of views with regard to the 149 outstanding cases. The representatives reported that the Supreme National Committee on Human Rights was the body in charge of the matter and that various steps had been taken to ascertain the whereabouts both of the persons concerned and of their families. In a number of cases, the families had been located and arrangements made for the payment of compensation. In accordance with the law of the country, the children of those who died in service will receive compensation and priority admittance to schools and universities will be given; the wife will receive compensation until her death. The Government requested that these cases be clarified

unless objections are received from the families. With regard to other cases, the Government explained the difficulties that it faced in identifying the persons or their families; there is no national registry and births and deaths are often not properly registered in the country. However, advertisements had been placed in various newspapers, particularly in respect of those persons reported to have disappeared during the 1986 turmoil. With regard to these cases, the Government requested the Working Group to provide it with further information, specifically on their identities so as to ensure that they actually exist.

309. During the period under review the Government, by letter dated 12 July 2002, provided information on the steps taken to clarify the 149 outstanding cases as well as to follow up on the measures agreed upon between the Government and the Working Group. The Working Group was unable to consider the reply because a translation was not made available in time.

310. In the past, the Working Group clarified one case on the basis of the information provided by the source. In respect of 149 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

311. The Working Group unfortunately found it impossible to comment on this important communication because of the lack of administrative support in providing a timely translation. The Working Group nevertheless wishes to remind the Government of Yemen of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

### **Yugoslavia**

312. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Yugoslavia. During the same period, the Working Group clarified one case on the basis of information provided by the Government to the effect that the person concerned had been released from prison and transferred to Kosovo under the auspices of the International Committee of the Red Cross, and on which no observations were received from the source.

313. The 16 reported cases of disappearance occurred in 1999 and 2000. They concern a group of men who were allegedly detained in 1999 while travelling by bus from the province of Kosovo to Albania through Montenegro; a former President of Serbia who reportedly disappeared in Belgrade in August 2000; and the Chairperson of the Kosovo-Albanian Women's League.

314. During the period under review, the secretariat of the Working Group was unable to send out reminders to the Government of Yugoslavia in respect of the 15 outstanding cases. It is unable to report on the fate and whereabouts of the persons concerned.

### **Zimbabwe**

315. During the period under review, the Working Group transmitted two new cases of disappearance to the Government of Zimbabwe.



316. The one case of disappearance reported in the past occurred in 2000 and concerns a polling officer for the opposition Movement for Democratic Change who was allegedly abducted in Bulawayo.

317. The two newly reported cases occurred in 1986 and concern a mother and her 2-month-old son who were allegedly abducted by persons believed to belong to the Zimbabwe African National Patriotic Front (ZANU-PF) and were last seen a week later at the home of the Chairman of ZANU-PF. Relatives and witnesses have allegedly been subject to threats, forms of intimidation and reprisals.

318. During the period under review, no new information was received from the Government in respect of the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **Palestinian Authority**

319. During the period under review, no new cases were transmitted by the Working Group to the Palestinian Authority.

320. Of the three reported cases of disappearance, two reportedly occurred in 1997: one concerns a person who was allegedly taken away from his sister's home in Deir-al-Balah by persons who had identified themselves as military intelligence officers; the other concerns a real estate agent, the father of five children, who allegedly disappeared after his arrest by members of the Palestinian military intelligence in Ramallah. A recent case reportedly occurred in 2001 and concerns a United States citizen of Palestinian descent who allegedly disappeared near the Israeli settlement of Ofrah: eyewitness accounts and a blue tape found on his car, abandoned near the settlement, indicated that it had been searched for explosives by Israeli Defence Forces (IDF). In accordance with the methods of work of the Working Group, a copy of the case was also sent to the Government of Israel and to the Government of the United States of America. (See also section on United States of America, paragraphs 289-291.)

321. To date, no information has been received from the Palestinian Authority with regard to the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

### **III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED**

#### **Angola**

322. During the period under review, the Working Group clarified the only outstanding case of disappearance transmitted to the Government of Angola, on the basis of the information provided by the Government, certifying the death of the person concerned, on which no objection was received from the source. The case concerns a person who was allegedly arrested in 1976 by the Popular Defence Organization (DDP Militia).

#### IV. CONCLUSIONS AND RECOMMENDATIONS

323. Despite the fact that 5,255 cases have been clarified in the last five years, the Working Group still confronts a backlog of 41,636 outstanding cases. During 2002, the Group has received concrete assistance and strong cooperation from a number of Governments, notably Algeria, Angola, India, Lebanon, Mexico, Morocco and Sri Lanka. The Working Group remains, nonetheless, very concerned that, of the 78 countries with outstanding cases, some Governments (Burkina Faso, Burundi, Cambodia, the Congo, Equatorial Guinea, Guinea, Israel, Mozambique, Namibia, Rwanda, Seychelles, Tajikistan and Togo), as well as the Palestinian Authority, have never replied to its requests for information or reminders.

324. In particular, the Working Group notes with great concern the complete failure of Iraq to cooperate in any way with the investigation of enforced and involuntary disappearances within that State. This matter is especially troubling because Iraq represents the largest single collection of unresolved cases reported to the Working Group - 16,384. Many of these cases date back to the 1980s. In the past, the Government of Iraq provided information to clarify 107 cases, but no assistance has been forthcoming for a number of years.

325. In the course of the considerable experience acquired in dealing with cases of disappearance over more than 20 years, the Group has established the disparate contexts likely to promote the phenomenon of enforced disappearances, certain of which are associated with the State policies of authoritarian regimes. This was the situation which brought the Working Group into existence in the 1980s. A much more complex situation is the one which derives from internal conflict or tensions engendering violence and human rights violations among which the phenomenon of enforced disappearances must be counted. This is the dramatic case of a country like Colombia today where the prevention of disappearances is closely linked to finding a solution to the internal conflict.

326. In certain circumstances - namely when the events leading to an alleged disappearance take place in one State and the disappeared is taken to another State, or when the act of enforced disappearance is committed by forces from one State on the territory of a different sovereign State - the Working Group requests the cooperation of more than one Government in clarifying a case. Various allegations have been received by the Group over the years involving situations of this kind. The most recent concerns eight individuals of Japanese nationality who were, allegedly, kidnapped some years ago in Japan or Europe by North Korean agents and taken to the territory of the Democratic People's Republic of Korea. In such circumstances, the cases are classified by the Working Group as originating in the State where the alleged disappearance occurred, or where the disappeared person was last seen by a reliable witness.

327. Cooperation between the Working Group and the Governments concerned is essential for the clarification of cases of disappearance. Moreover, experience demonstrates that, when Governments take steps internally to create or strengthen independent bodies in order to clarify cases of disappearance, highly positive results are

possible. The establishment of specific bodies with the task of investigating disappearances or of truth commissions are examples of concrete action. Such steps should be strongly encouraged and supported.

328. Nonetheless, the crucial prior action can be equated with effective preventive measures, such as those provided for in the Declaration on the Protection of All Persons from Enforced Disappearance of 1992 and the Inter-American Convention on Forced Disappearance of Persons of 1994. The Working Group expresses again its support for the steps taken to prepare a draft convention on disappearance and recommends to the Commission that it finalize, without further delay, the process for drafting this instrument.

329. Turning to consideration of preventive measures, the Group highlights the following: accessible and updated registries of detainees; guaranteed access to appropriate information and to places of detention for relatives and lawyers of persons deprived of their liberty; ensuring that persons are brought before a judicial authority promptly following detention; bringing to justice all persons accused of having committed acts of enforced disappearances, guaranteeing their trial only by competent civilian courts and ensuring that they do not benefit from any special amnesty law or other similar measures likely to provide exemption from criminal proceedings or sanctions; and providing redress and adequate compensation to victims and their families. It is evident from the foregoing that the Working Group is convinced that ending impunity for the perpetrators of enforced or involuntary disappearances is a circumstance pivotal, not only to the pursuit of justice, but to effective prevention.

330. Severe constraints in staff resources of the Working Group have profoundly affected the implementation of its mandate, impeding consideration of more than 3,000 new cases, analysing over 12,000 replies provided by Governments and 200 comments thereon submitted by the sources. Over the past 10 years, the Working Group has drawn attention to the increasingly difficult circumstances in which the secretariat is called upon to function. If no solution is found to the staffing crisis, the Working Group is deeply concerned that it will cease to function as an effective instrument of the Commission on Human Rights.

#### **V. ADOPTION OF THE REPORT AND SEPARATE OPINION OF ONE MEMBER OF THE WORKING GROUP**

331. At the 10th meeting of its sixty-eighth session, on 8 November 2002, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Diego García Sayán (Chairman-Rapporteur)	(Peru)
Ivan Tosevski	(The former Yugoslav Republic of Macedonia)
Stephen Toope	(Canada)

[Joel M'Bayo Adekanye (Nigeria) and Anuar Zainal Abidin (Malaysia) were not present at the sixty-sixth, sixty-seventh and sixty-eighth sessions.]

332. Ivan Tosevski wishes to express the following separate opinion to be added to the Working Group's report:

“I strongly object to the present report, which is not in conformity with the request of the General Assembly, contained in its resolutions 37/4 C of 22 November 1982 and 47/202 B of 22 December 1992.”

### Notes

<sup>1</sup> Since its creation in 1980, the Working Group has submitted a report annually to the Commission on Human Rights, starting at the Commission's thirty-seventh session. The document symbols of the previous 22 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Add.1 and Corr.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Add.1 and Corr.1 and 2; E/CN.4/1995/36; E/CN.4/1996/38; E/CN.4/1997/34; E/CN.4/1998/43; E/CN.4/1999/62 and Add.1 and 2; E/CN.4/2000/64 and Corr.1 and 2 and Add.1; E/CN.4/2001/68, and E/CN.4/2002/79 and the relevant addenda and corrigenda. The relevant resolution of the Commission adopted at its fifty-eighth session is resolution 2002/41.

<sup>2</sup> General Assembly resolution 47/133 of 18 December 1992. Hereinafter referred to as the “Declaration”.

## ANNEXES

### Annex I

#### Decisions on individual cases taken by the Working Group during 2002

Countries	Cases which allegedly occurred in 2002	Cases transmitted to the Government during 2002		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	1	1	12	2	1	0
Angola	0	0	0	1	0	0
Argentina	7	7	0	0	0	0
Cameroon	0	0	0	3	0	0
China	1	1	1	5	0	0
Colombia	9	14	0	1	2	0
Democratic People's Republic of Korea	0	0	1	0	0	0
Guatemala	1	1	0	63	0	0
India	1	1	0	0	0	0
Indonesia	5	5	0	0	1	0
Iran	1	1	0	0	1	0
Japan	0	0	4	0	0	0
Lebanon	0	0	3	0	0	0
Mexico	7	6	1	14	0	0
Myanmar	0	0	1	0	0	0
Nepal	14	24	4	0	5	0
Pakistan	0	0	0	2	0	0
Philippines	4	0	6	0	0	0
Russia	10	2	9	0	0	0
Rwanda	0	0	1	0	0	0
Spain	0	0	4	0	0	0
Sudan	0	0	0	198	0	0
Syria	0	0	4	0	0	0
Tunisia	1	0	1	0	0	0
Turkey	0	1	0	1	0	0
Ukraine	0	0	0	1	0	0
United Kingdom	0	0	1	0	0	0
United States of America	1	1	0	0	0	0
Yugoslavia	0	0	0	1	0	0
Zimbabwe	0	0	2	0	0	0



Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detentio n	Dead	
	No. of cases	Female	No. of cases	Female						
Democratic People's Republic of Korea	1	1	1	1	-	-	-	-	-	-
Democratic Republic of the Congo	51	11	42	11	6	3	9	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-
Dominican Republic	4	-	2	-	2	-	2	-	-	-
Ecuador	23	2	8	-	11	4	6	4	5	-
Egypt	20	-	12	-	7	1	1	7	-	-
El Salvador <sup>5</sup>	2 661	332	2 270	295	318	73	196	175	20	-
Equatorial Guinea	3	-	3	-	-	-	-	-	-	-
Eritrea <sup>6</sup>	54	4	54	4	-	-	-	-	-	-
Ethiopia	114	2	112	1	1	1	1	1	-	-
Gambia	1	-	-	-	-	1	-	-	-	-
Greece	3	-	3	-	-	-	-	-	-	-
Guatemala <sup>7</sup>	3 152	387	2 920	378	153	79	164	6	62	-
Guinea	28	-	21	-	-	7	-	-	7	-
Haiti	48	1	38	1	9	1	1	4	5	-
Honduras	202	34	132	21	30	40	54	8	8	-
India <sup>8</sup>	351	12	301	10	40	10	22	7	21	-
Indonesia	145	2	142	2	3	-	3	-	-	-
Iran (Islamic Republic of)	517	99	501	99	13	3	5	2	9	-
Iraq	16 514	2 311	16 384	2 294	107	23	115	6	9	-
Israel	3	-	2	-	-	1	-	-	-	-
Japan	4	2	4	2	-	-	-	-	-	-

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Jordan	2	-	2	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-
Lao People's Democratic Republic	6	-	6	-	-	-	-	-	-	-
Lebanon	315	19	307	19	2	6	7	1	-	-
Libyan Arab Jamahiriya	4	-	3	-	-	1	1	-	-	-
Malaysia	2	-	1	-	-	1	-	1	-	-
Mauritania	1	-	1	-	-	-	-	-	-	-
Mexico	372	27	205	17	133	18	73	17	61	16
Morocco	249	28	115	10	88	46	117	1	16	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	3	1	1	-	2	-	1	1	-	-
Namibia	1	-	1	-	-	-	-	-	-	-
Nepal	136	16	110	14	3	23	22	4	-	-
Nicaragua <sup>9</sup>	234	4	103	2	112	19	45	11	75	-
Nigeria	6	-	1	1	5	-	5	-	-	-
Pakistan	83	2	76	2	3	4	5	2	-	-
Paraguay	23	-	3	-	20	-	19	-	1	-
Peru <sup>10</sup>	3 006	311	2 368	236	253	385	450	85	103	-
Philippines	668	80	511	60	124	33	103	19	29	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation	223	11	222	11	-	1	1	-	-	-
Rwanda	22	2	20	2	-	2	1	1	-	-



Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detentio n	Dead	
	No. of cases	Female	No. of cases	Female						
Saudi Arabia	3	-	2	-	1	-	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6
Spain	4	-	4	-	-	-	-	-	-	-
Sri Lanka <sup>11</sup>	12 297	148	7 335	135	4 923	39	97	24	4 841	-
Sudan <sup>12</sup>	267	35	64	4	200	3	203	-	-	-
Syrian Arab Republic <sup>13</sup>	36	3	12	3	11	13	16	4	4	-
Tajikistan	8	-	6	-	-	2	1	-	1	-
Thailand	34	-	34	-	-	-	-	-	-	-
Timor-Leste <sup>14</sup>	454	36	378	28	58	18	51	23	2	-
Togo	11	2	10	2	-	1	1	-	-	-
Tunisia	16	1	1	-	11	4	-	15	-	-
Turkey	181	11	96	4	37	48	51	21	13	-
Turkmenistan	2	-	-	-	2	-	-	2	-	-
Uganda	61	34	54	32	2	5	2	5	-	-
Ukraine	4	2	3	2	1	-	-	-	1	-
United Arab Emirates	1	-	-	-	1	-	1	-	-	-
United Kingdom	1	1	1	1	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-
United States of America	1	0	1	0	-	-	-	-	-	-
Uruguay	31	7	23	4	7	1	4	4	-	-

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detentio n	Dead	
	No. of cases	Female	No. of cases	Female						
Uzbekistan	12	-	12	-	-	-	-	-	-	-
Venezuela	14	2	10	1	4	-	1	-	3	-
Yemen	150	-	149	-	-	1	1	-	-	-
Yugoslavia	16	-	15	-	1	-	-	1	-	-
Zambia	1	1	-	-	-	1	-	1	-	-
Zimbabwe	3	-	3	-	-	-	-	-	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-

#### Notes

<sup>1</sup> The Working Group removed 31 multiple entries of cases from its database; it is currently reviewing the figures for cases transmitted in the past with a view to ensuring their accuracy.

<sup>2</sup> The figures are being reviewed for accuracy.

<sup>3</sup> A review of the figures for cases transmitted to the Government indicates that a total of 57 cases were transmitted in the past, of which 45 cases were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source.

<sup>4</sup> The Working Group removed a multiple entry relating to one case from its database.

<sup>5</sup> The figures are being reviewed for accuracy.

<sup>6</sup> Twenty cases that were transmitted to the Government but not included in the statistical table of previous reports, are reflected in the present annex.

<sup>7</sup> The figures are being reviewed for accuracy.

<sup>8</sup> The Working Group removed eight multiple entries of cases from its database; three other cases that were not reflected in last year's report have been included in the present statistical table. The Working Group is currently reviewing the exact figure in relation to cases transmitted to the Government in the past with a view to ensuring their accuracy.

<sup>9</sup> The figures are being reviewed for accuracy.

<sup>10</sup> The figures are being reviewed for accuracy.

<sup>11</sup> The figures are being reviewed for accuracy.

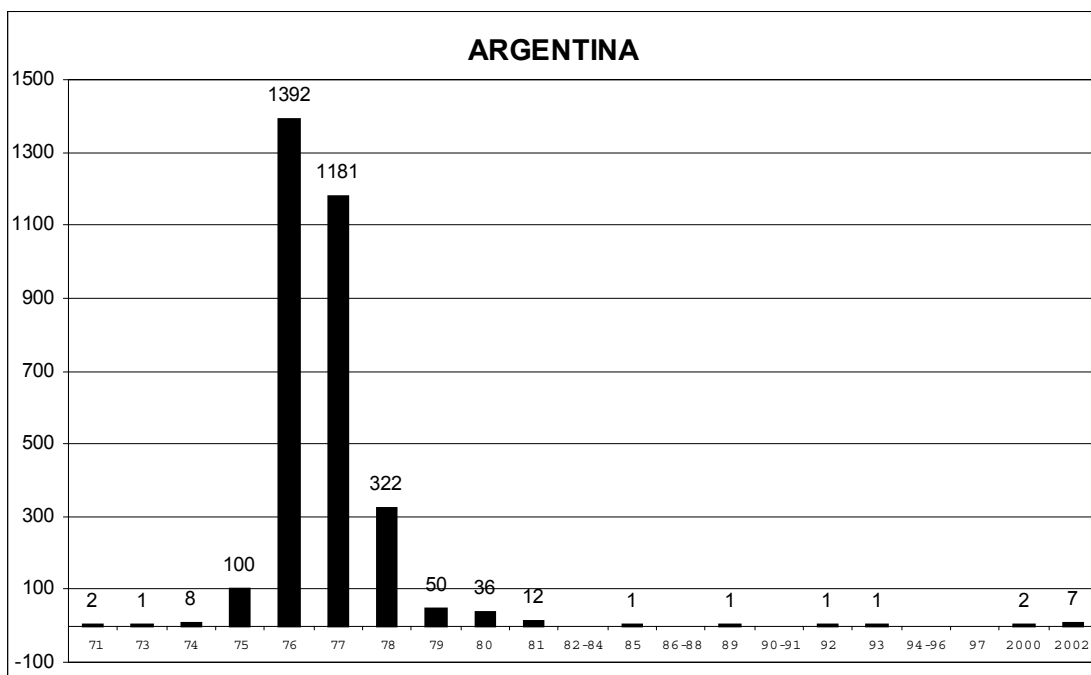
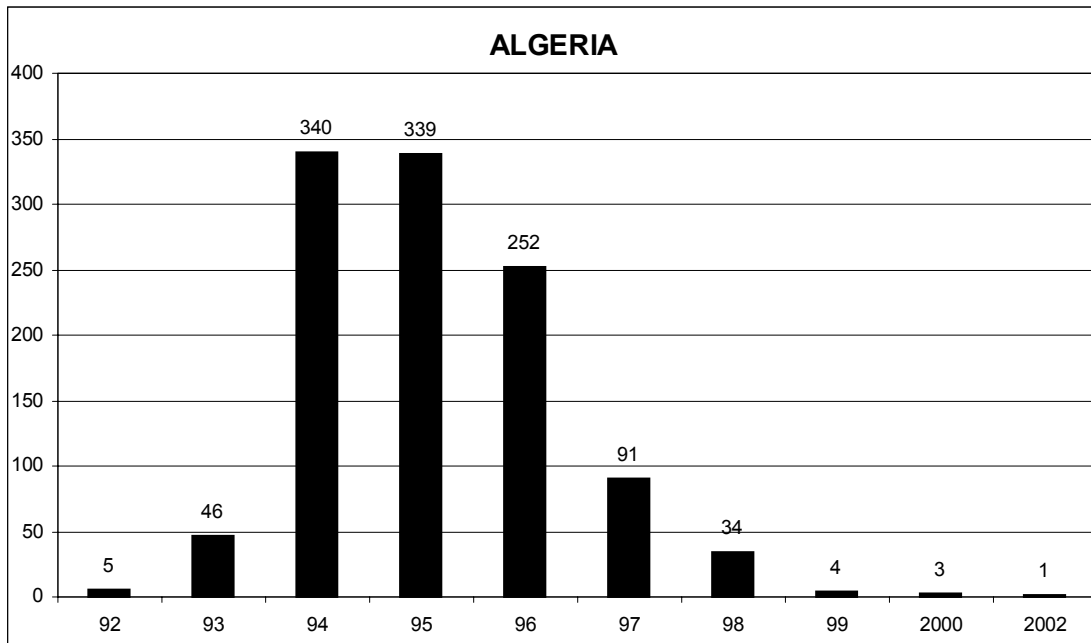
<sup>12</sup> The figures are being reviewed for accuracy.

<sup>13</sup> The figures are being reviewed for accuracy.

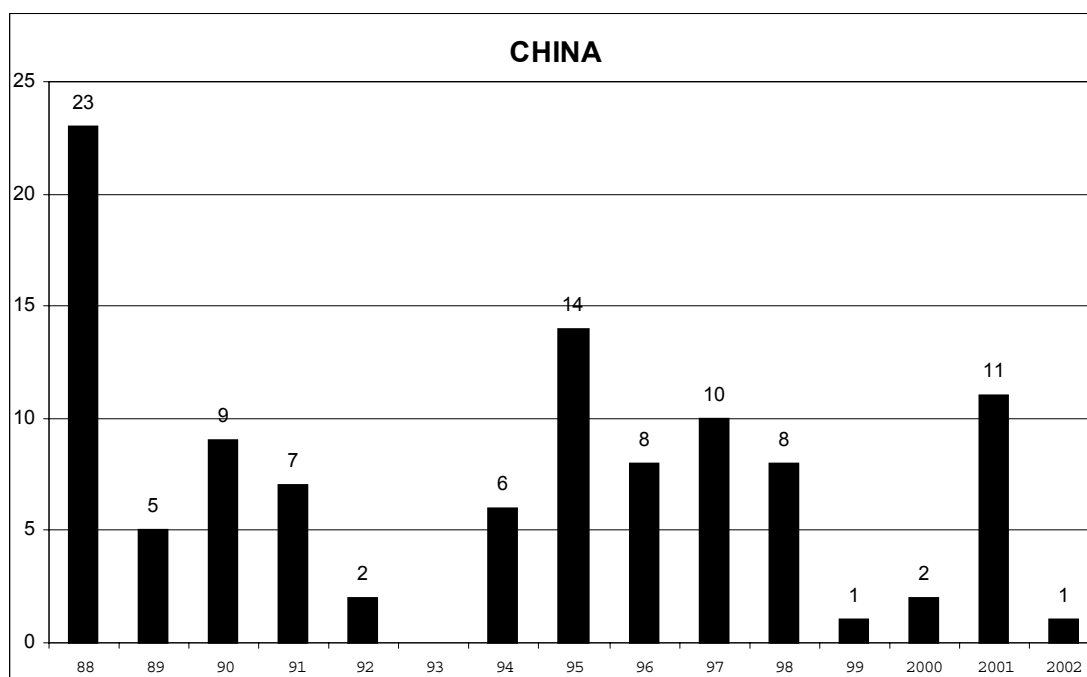
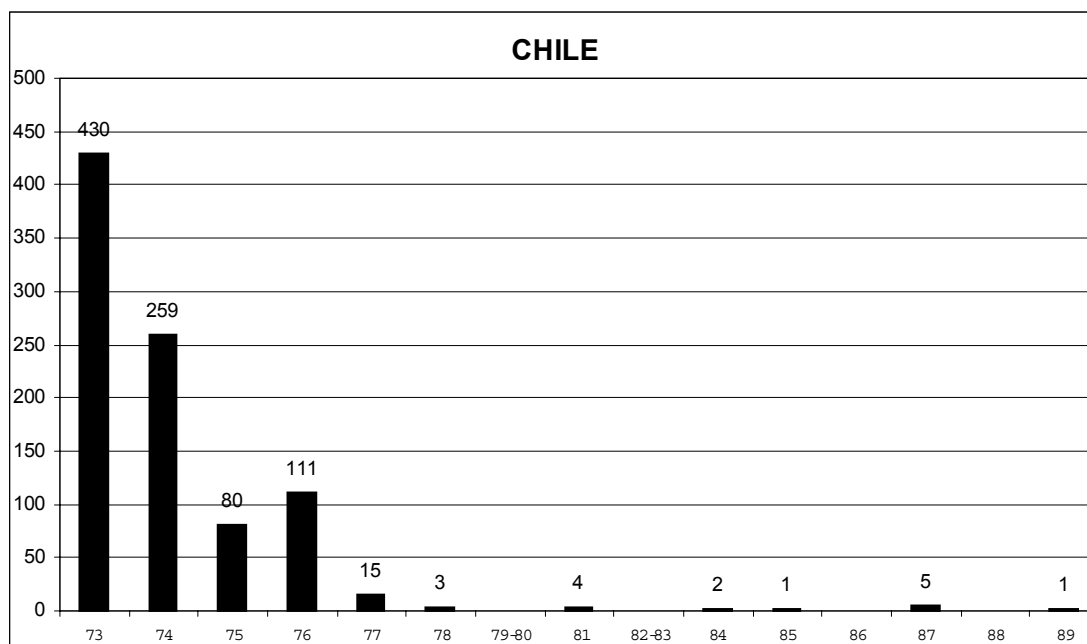
<sup>14</sup> The figures are being reviewed for accuracy.

### **Annex III**

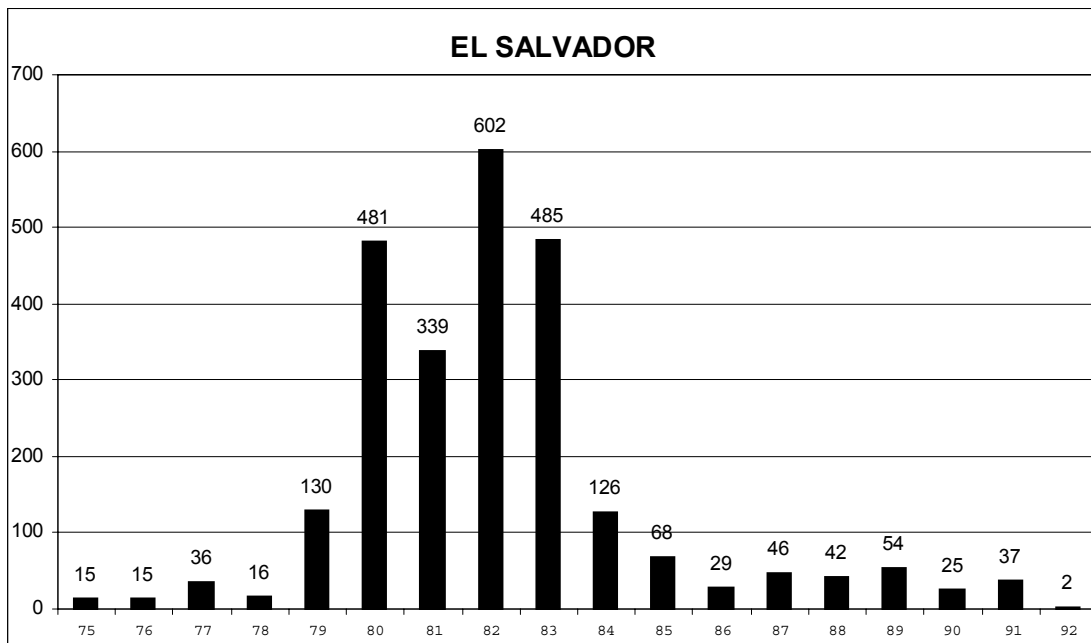
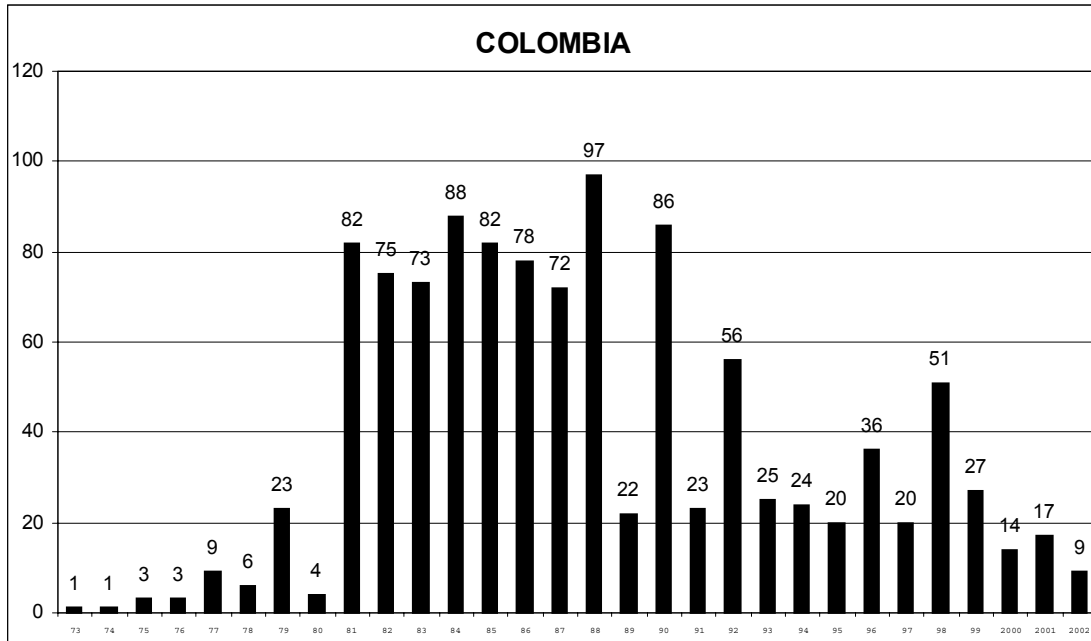
**Graphs showing the development of disappearances in countries with more than 100 transmitted cases during the period 1973-2002**



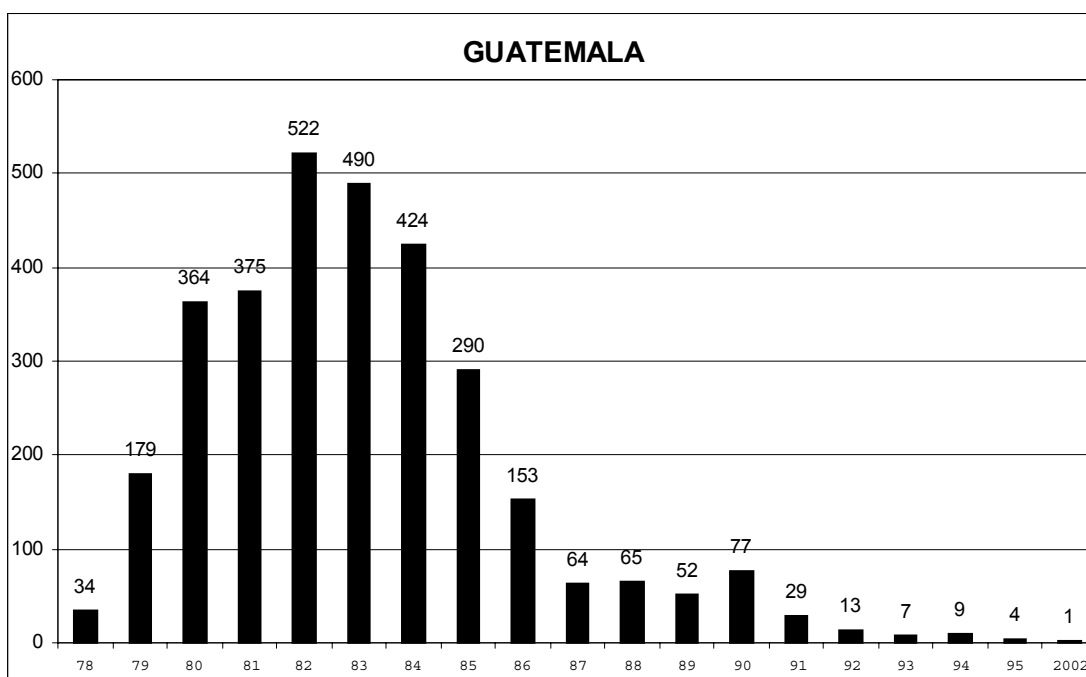
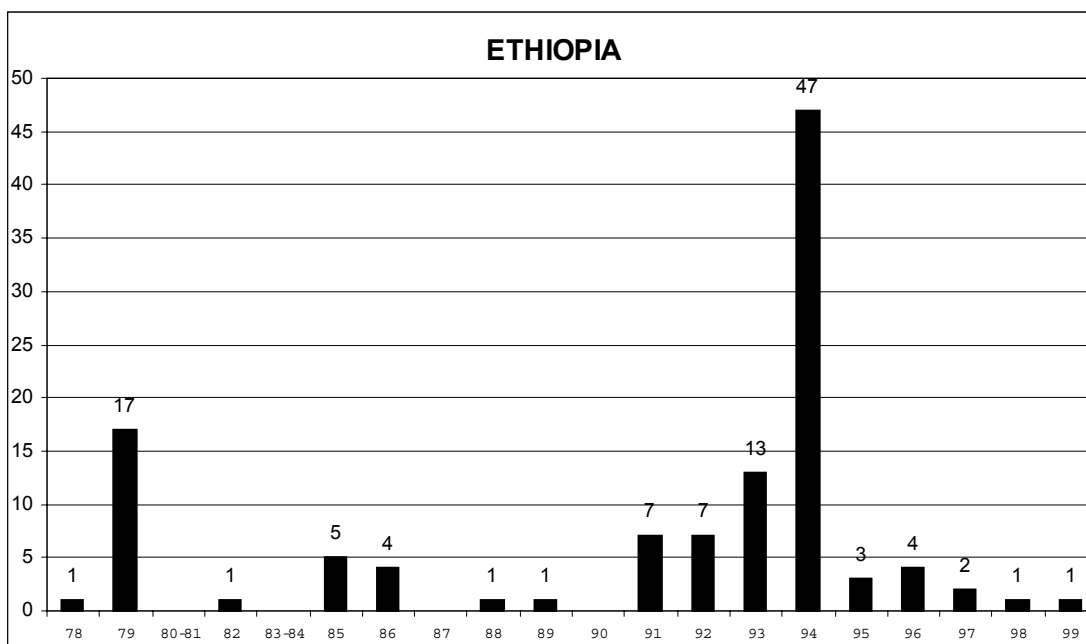
Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2002.



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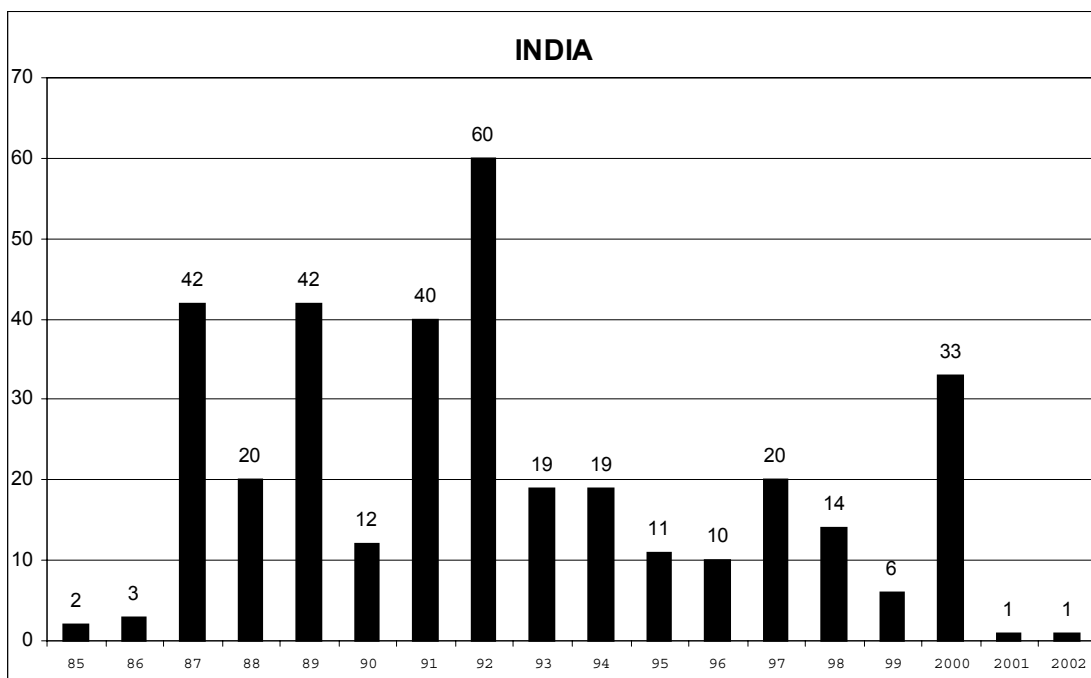
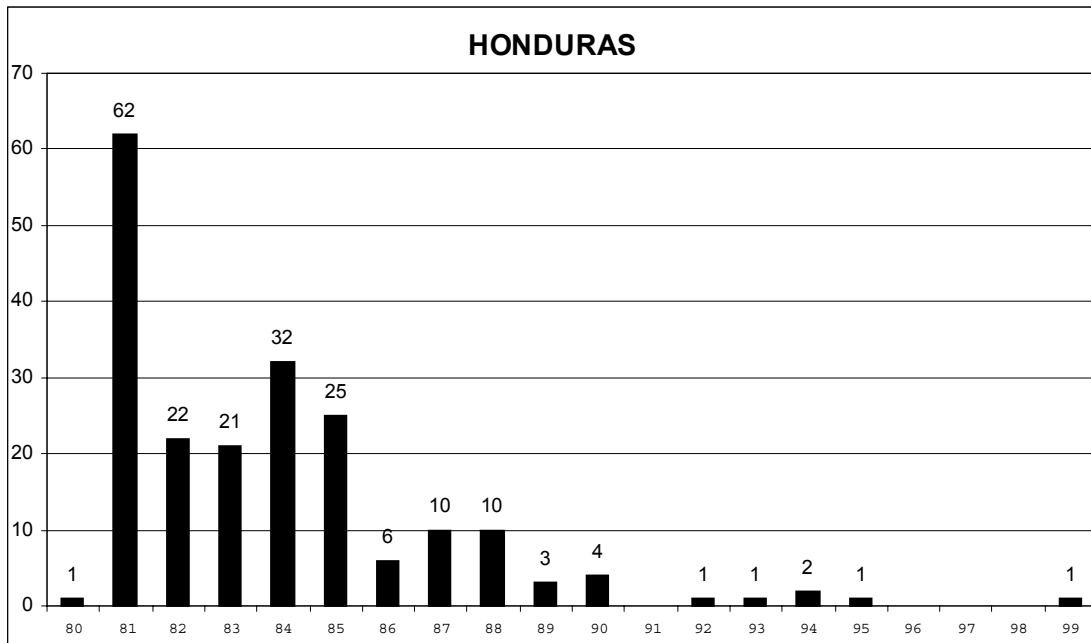


Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2002.

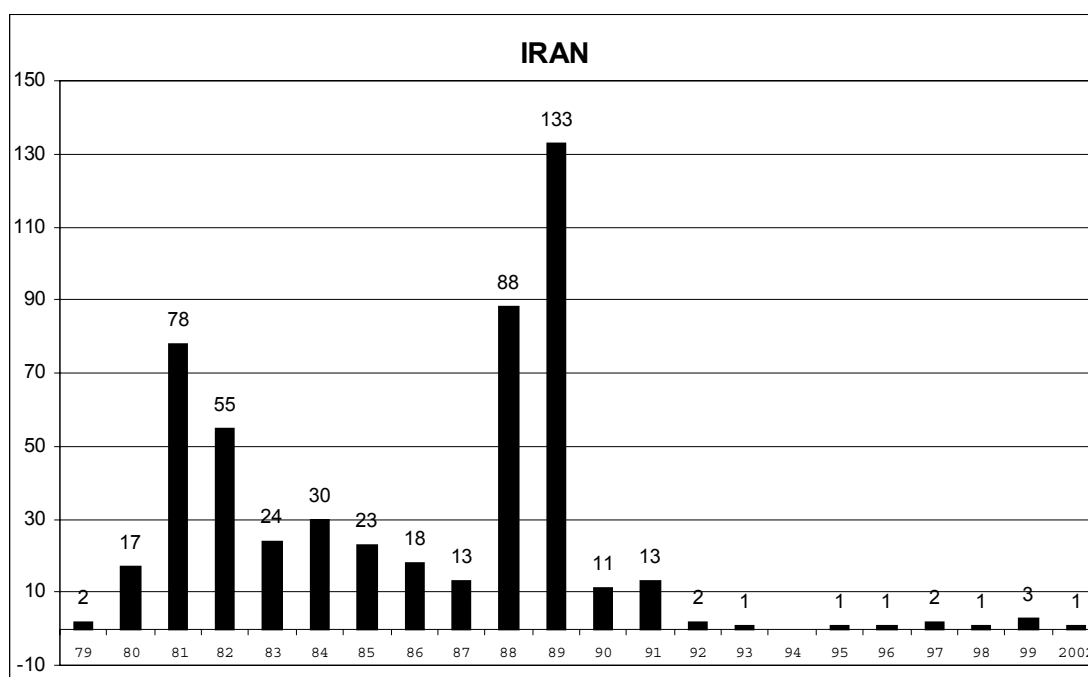
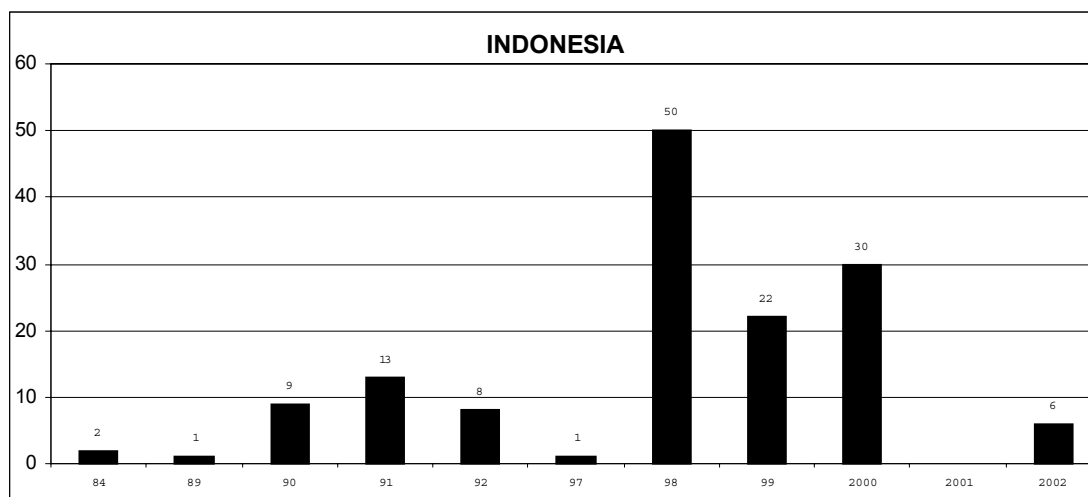


Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2002.

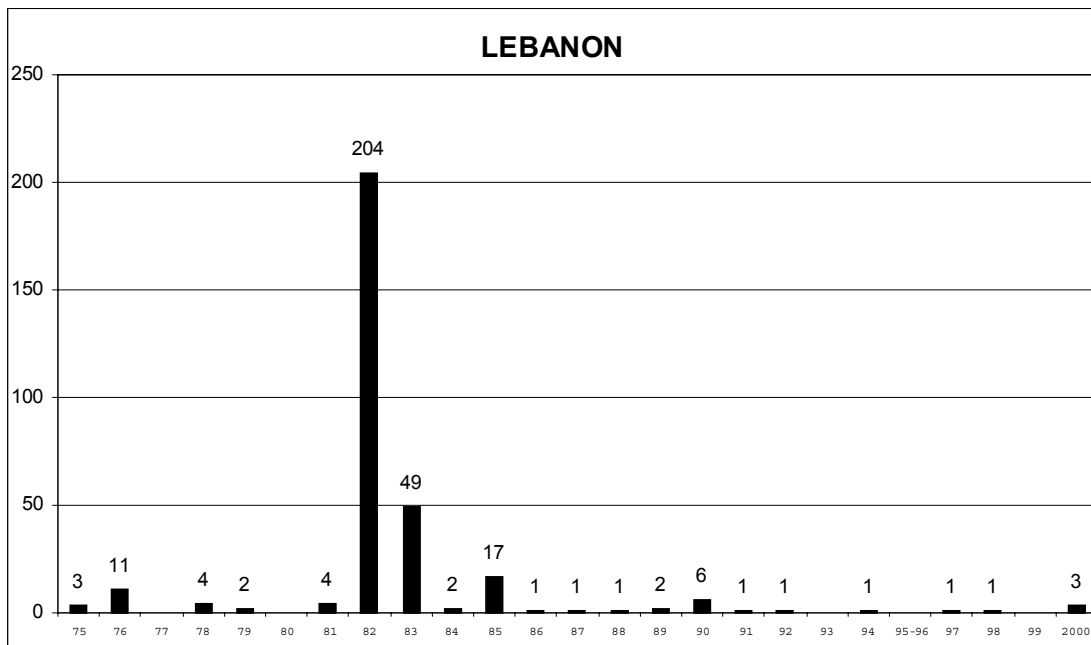
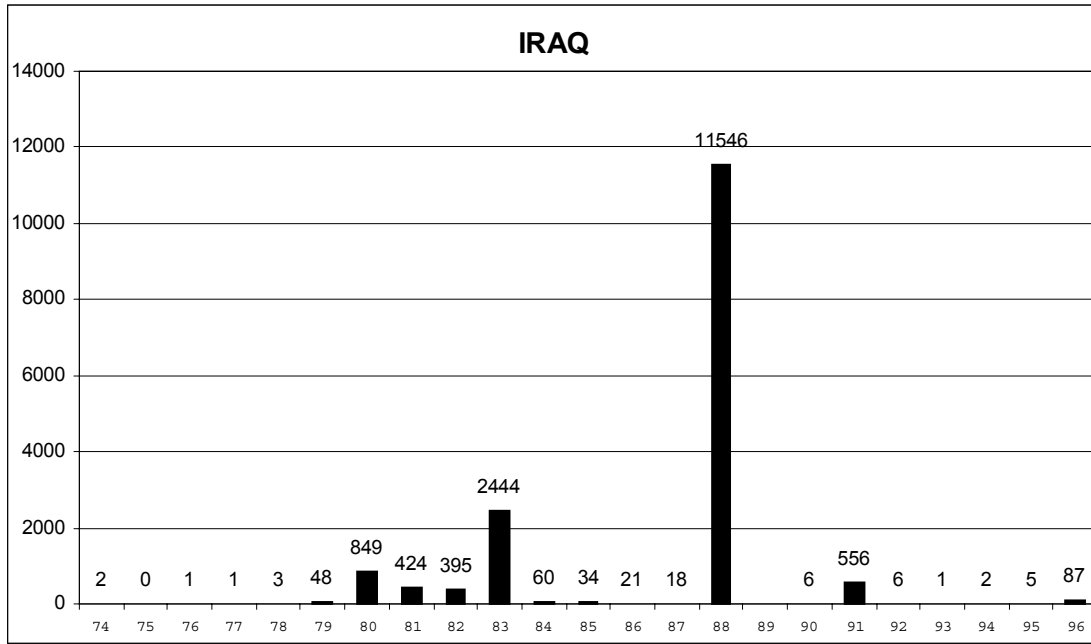




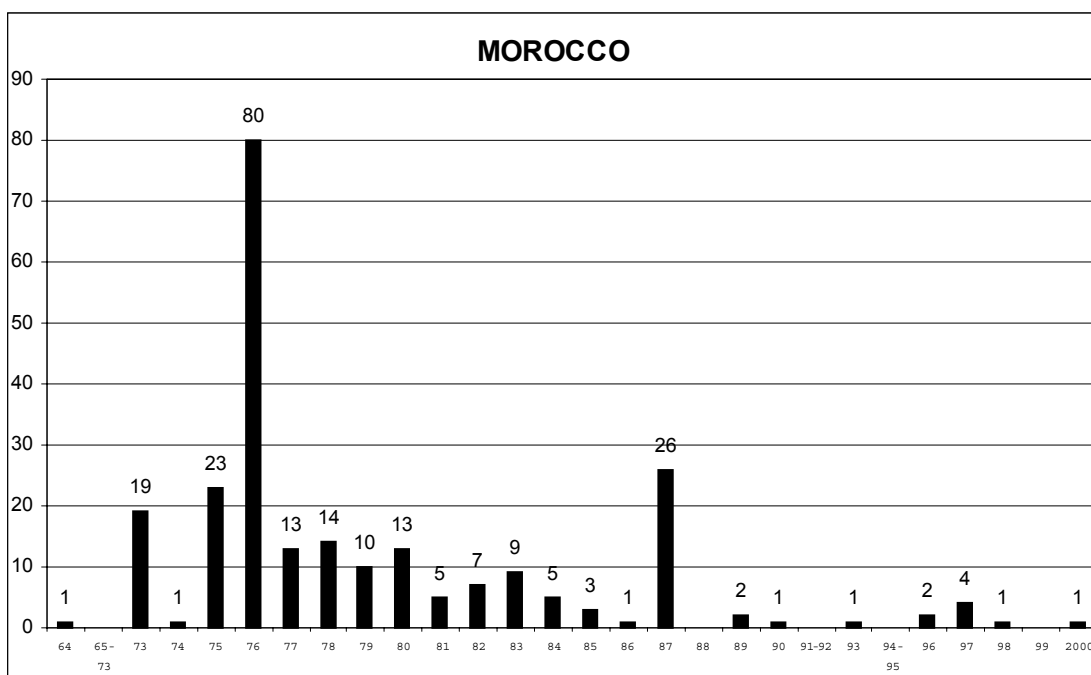
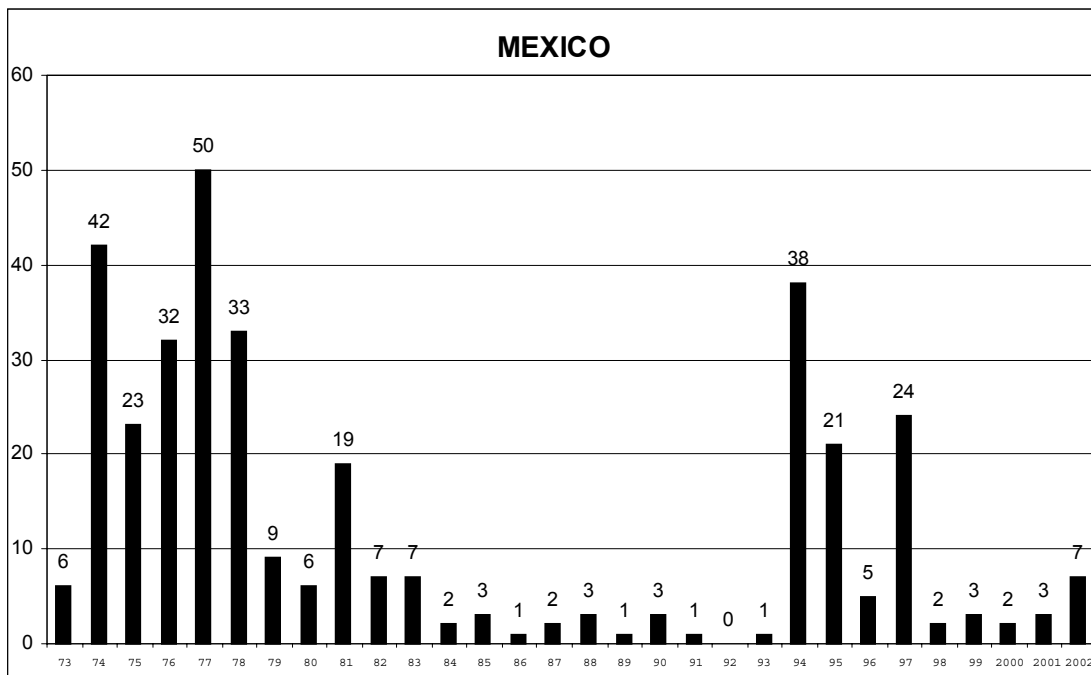
Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2002.



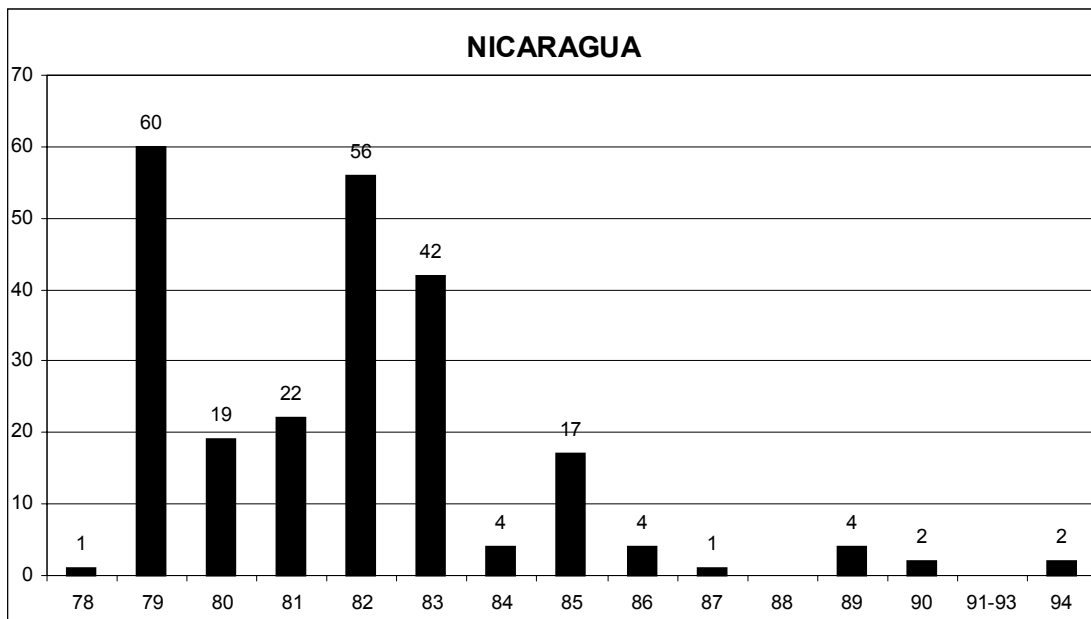
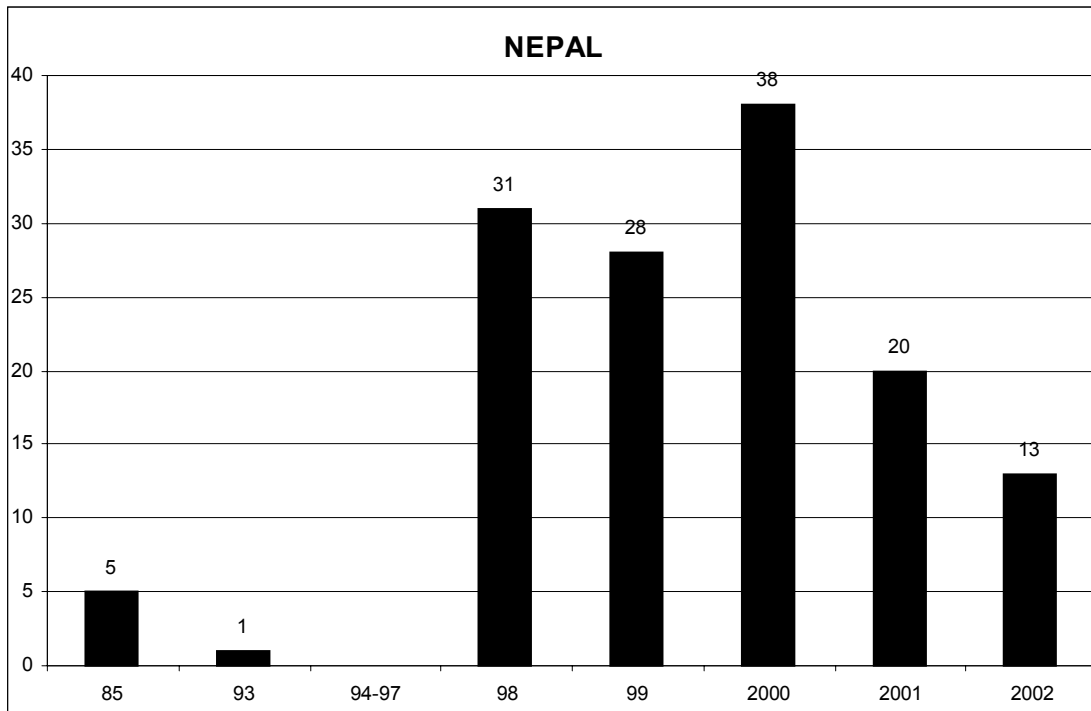
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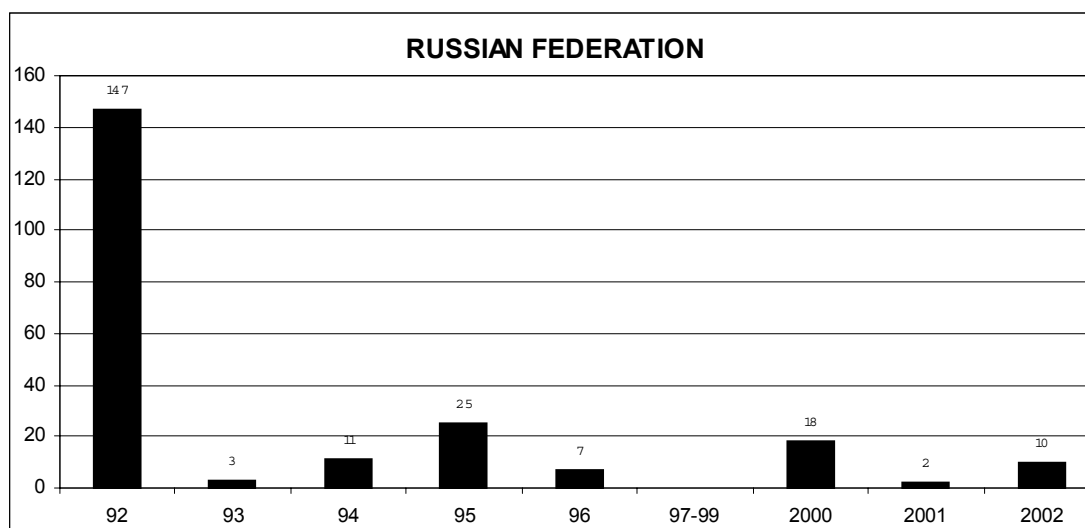
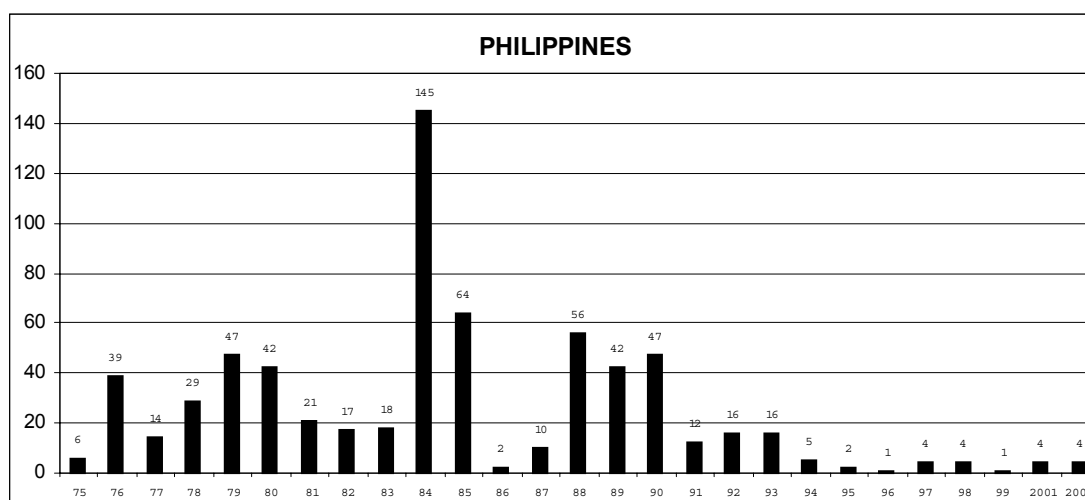
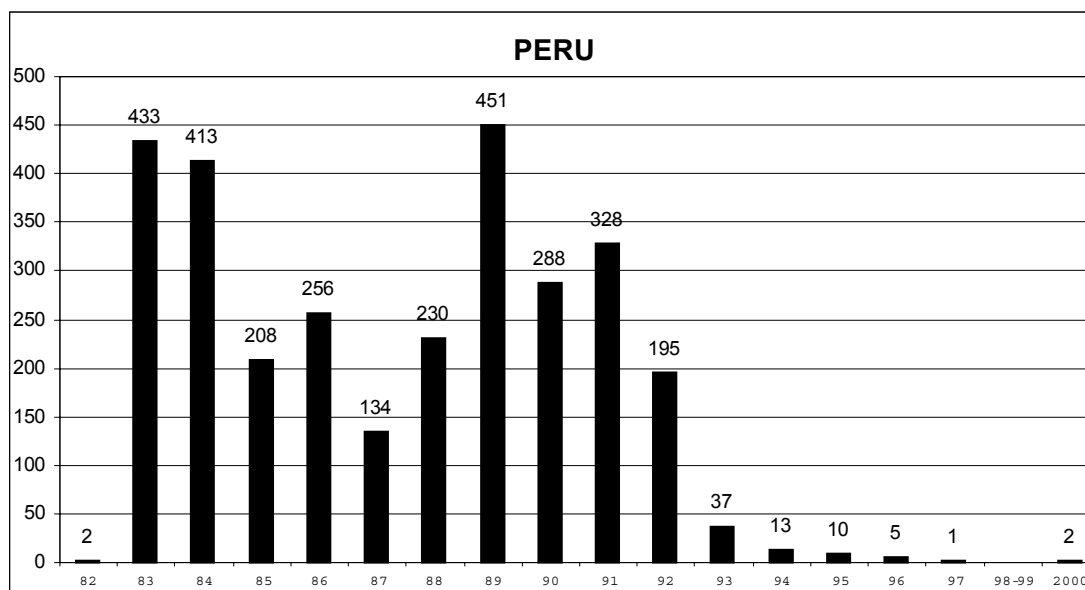
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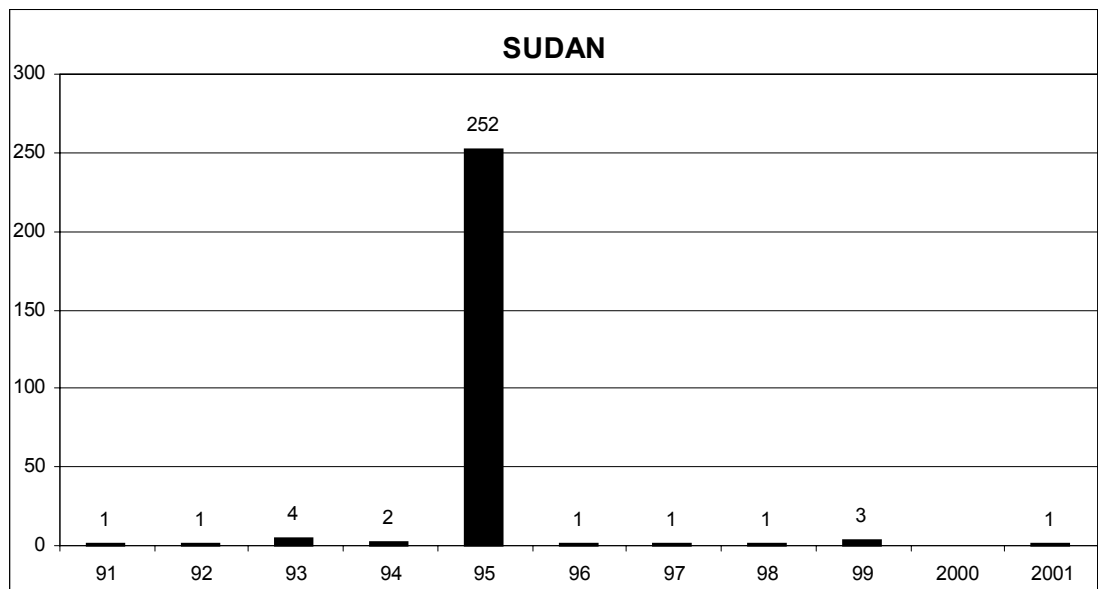
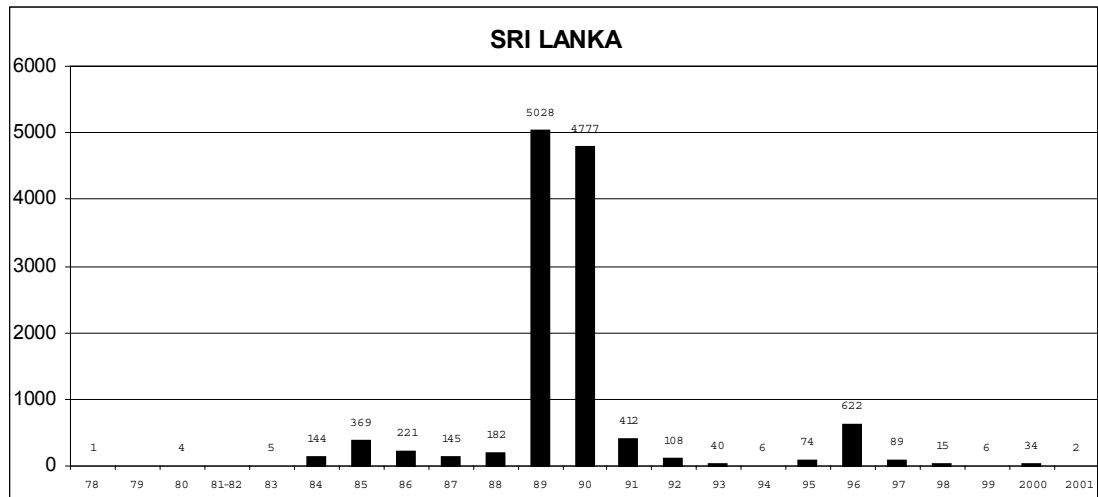
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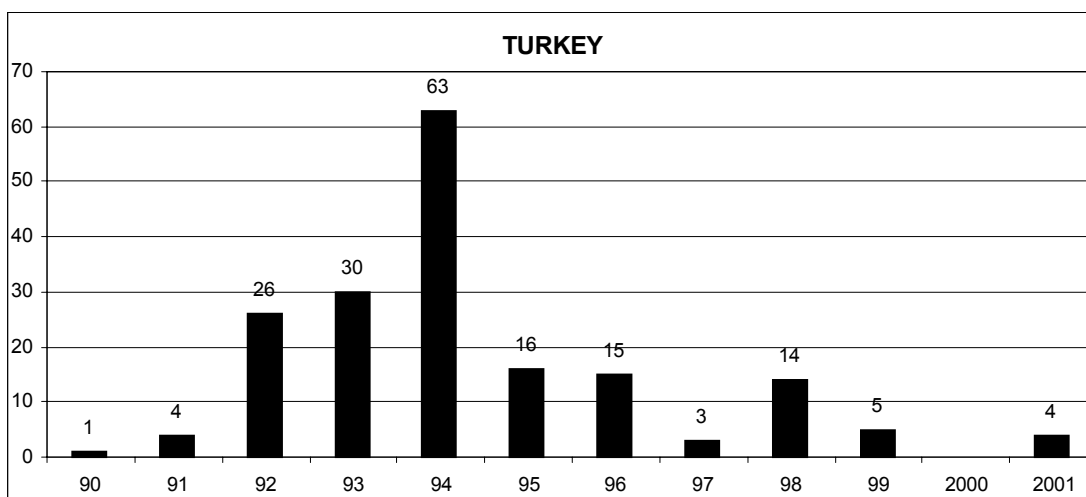
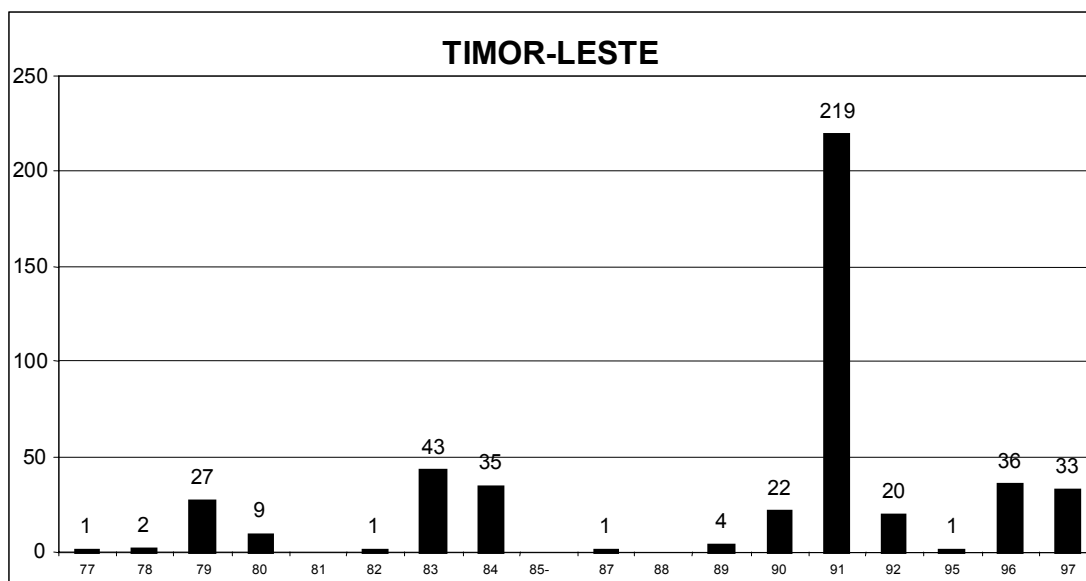
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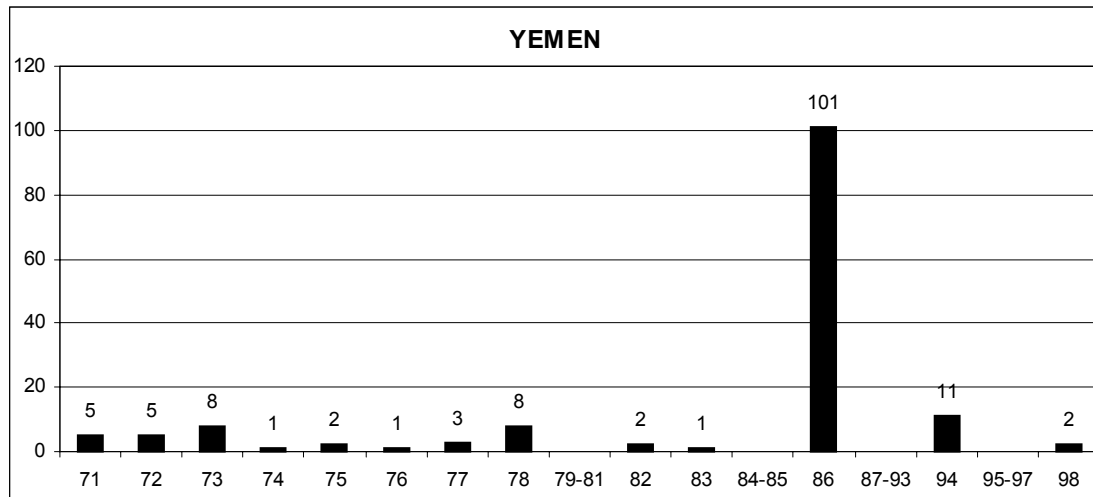


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