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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or
Involuntary Disappearances

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Annex

Graphs showing the development of disappearances for
the period 1974-1986 in countries with more than 100
transmitted cases

INTRODUCTION

1. The seventh report of the Working Group on Enforced or Involuntary Disappearances to the Commission on Human Rights again provides an account of the Group's endeavours during 1986 to contribute to eradicating the odious practice of enforced or involuntary disappearances.
2. The report follows the pattern adopted in the past two years, concentrating on concrete information which the Group received from Governments and the relatives of missing persons, either directly or through their associations or organizations concerned with human rights. As in the past, information on each country situation is reflected as fully and faithfully as possible. It must be stressed, however, that, due to the financial crisis of the United Nations, the length of the report had to be drastically reduced, resulting in a very condensed presentation in which every reported detail could not be included.
3. Financial constraints also forced the Working Group to cancel its June session, traditionally held in New York or in the Latin American region. By authorizing its Chairman to transmit to Governments reports on disappearances accumulated in the first half of 1986, the Group has none the less made every effort to counterbalance as best it could the negative effects which this measure has had on its procedure. The Group was also successful in obtaining the necessary funds to accept an invitation by the Government of Peru for a second visit by two of its members to that country. The report on the visit is contained in addendum 1 to the present report.
4. The format of the graphs showing the development of disappearances over the years in countries with more than 100 transmitted cases has been revised so as to render them more precise and to permit easier comparison with other countries concerned. The second half of 1986 has not been reflected since figures for that period generally were not complete at the time of adoption of the Working Group's report. The graphs are to be found in the annex.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR
INVOLUNTARY DISAPPEARANCES IN 1986

A. Legal framework for the activities of the Working Group

5. The legal framework for the activities of the Working Group has been extensively described in its last two reports.^{1/}

6. At its forty-second session the Commission on Human Rights, in resolution 1986/55 of 13 March 1986, decided to extend for two years, on an experimental basis, the Working Group's mandate, as laid down in Commission resolution 20 (XXXVI), in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and to reconsider the question at its forty-fourth session. The Commission, furthermore, repeated the provisions contained in its resolution 1985/20.

B. Meetings and missions of the Working Group

7. As a consequence of the financial crisis of the United Nations, the Working Group held only two sessions during the period under review instead of the usual three. The nineteenth session of the Working Group, which was scheduled from 16 to 20 June 1986 in New York, had to be deferred and took place at the United Nations Office at Geneva from 25 to 29 August 1986. The customary September session was cancelled and the twentieth session was held at Geneva from 3 to 12 December 1986. Interpretation services for the Group were reduced to five days for the two sessions as compared to a total of 21 in previous years.

8. During its two sessions, the Group held seven meetings with representatives of Governments and nine meetings with representatives of human rights organizations, associations of families of missing persons and relatives or witnesses directly concerned with reports on enforced or involuntary disappearances. As in previous years, the Working Group examined information on enforced or involuntary disappearances received from both Governments and non-governmental sources, decided on the admissibility of cases, their transmission to the Governments concerned as well as their clarification, and considered further the development of its methods of work.

9. In accordance with paragraph 8 of resolution 1986/55 and following an invitation by the Government, two members of the Working Group carried out a second visit to Peru from 3 to 10 October 1986. The report on the visit was considered and approved by the Working Group at its twentieth session and is contained in addendum 1 to the present report.

C. Communications with Governments, non-governmental organizations,
and relatives of missing persons

10. In 1986 the Working Group received some 3,200 reports on enforced or involuntary disappearances and transmitted 1,962 newly reported cases to the Governments concerned. The remaining reports were referred back to the sources because they lacked sufficiently detailed information. The Group also retransmitted to Governments, as appropriate, the summaries of outstanding cases and informed them about clarifications or new information received from the sources.

11. The Group continued to receive many reports of a general nature describing the circumstances or characteristics of disappearances in different countries, including, in some instances, allegations of harassment and threats to members of associations of relatives of missing persons (see also E/CN.4/1986/18, paras. 19-20). As in previous years, the Group noted the latter phenomenon with particular concern and reminded Governments of their responsibility to protect the relatives of disappeared persons from acts of intimidation or persecution. The Group also received numerous petitions from private individuals and organizations expressing support for the adoption of an international instrument on enforced or involuntary disappearances, as proposed by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM).

12. The following organizations, with which the Working Group had contacts during the current year, should be added to the list contained in the last two reports:

Comisión para la Defensa de los Derechos Humanos en Centro América
(CODEHUCA) (Commission for the Defence of Human Rights in Central
America), San José;

International Committee for the Release of Detained and "Disappeared"
Women in Iraq (ICRDDHI), London;

Minnesota Lawyers International Human Rights Committee, (Minneapolis).

13. With regard to information provided in relation to the implementation of General Assembly resolution 33/173, no further replies have been received to the questionnaire circulated by the Working Group in 1985.

D. Methods of Work

14. The Working Group did not introduce any further changes in the methods of work described in its two previous reports. However, in view of the deferral of its nineteenth session to the last week of August, the Group authorized the Chairman to transmit to Governments all cases received between January and June 1986 which met its criteria of admissibility and did not require any special examination at the time when they would normally have been transmitted, had the original schedule of meetings been maintained. This measure was considered necessary in order to avoid unreasonable delays in the transmission of those cases which could not be processed under the urgent action procedure and to give Governments sufficient time to carry out investigations and to inform the Group of the results for inclusion in the present report.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY
DISAPPEARANCES IN VARIOUS COUNTRIES
REVIEWED BY THE WORKING GROUP

A. Instances in which more than 20 reports of enforced
or involuntary disappearances transmitted by the
Working Group to a Government remain outstanding

1. Argentina

Information reviewed and transmitted to the Government

15. The Working Group has recorded its activities in relation to disappearances in Argentina in its last six reports to the Commission.^{1/} During 1986, the Working Group transmitted to the Government 21 newly reported cases, 8 by letter dated 1 July, 9 by letter dated 10 September and 4 by letter dated 18 December 1986. The Working Group also provided the Government with updated information on two previously transmitted cases.

16. By letters dated 10 September and 18 December 1986, the Working Group further communicated to the Government expressions of concern it had received from relatives' organizations about obstacles encountered in returning missing persons' children, found after years of search, to their legitimate families; in three instances, the families in whose care the children had been placed had absconded, with the result that the children had disappeared for a second time.

Information and views received from relatives of missing persons or from
non-governmental organizations

17. The 21 newly reported cases date back to the period 1975-80 and were submitted by the Grandmothers of the Plaza de Mayo. They concern couples or mothers who disappeared with their children or women who were pregnant at the time of their arrest (4 children, 8 pregnant women and 9 adults). The updated cases relate to two missing women whose pregnancy at the time of their arrest had not been previously indicated. In one of the three instances of missing children mentioned above, the Grandmothers reported that the child had disappeared for the first time in 1976 together with her parents and had been found in 1983, registered as the daughter of a member of the State Information Service. Proceedings had been initiated, but the day before a haematogenic test was to have been carried out on the child, the would-be father had absconded with her. According to the Grandmothers, the other two children, born in April 1977 during their mother's captivity, were registered as his own by an Assistant Commissioner of the Federal Police who also absconded with them when the court ordered haematogenic tests. The Grandmothers also reported that another missing child among those on file with the Working Group had been found.

18. Other organizations, such as Relatives of Disappeared Persons and Persons Detained for Political Reasons, expressed their concern about delays in the legal proceedings against persons identified by witnesses as being responsible for enforced or involuntary disappearances in Argentina. This organization criticized, in particular, the fact that the

Minister of Defence had instructed the Attorney-General of the Supreme Council of the Armed Forces to consider military personnel responsible for crimes linked to human rights violations under military governments only when the subordinate had exceeded the orders he received.

Information and views received from the Government

19. The Working Group has received replies from the Government on 14 cases transmitted in 1986. In eight cases, the Government indicated the national courts before which proceedings were under way; six cases had not been reported to the National Commission on the Disappearance of Persons (CONADEP) (see E/CN.4/1986/18, paras. 52-56) and the Government had therefore been unable to submit them to the courts.

20. By note verbale dated 8 October 1986, the Permanent Mission of Argentina to the United Nations Office at Geneva forwarded a request for information from the National Court of Appeal for Federal Criminal and Correctional Offences of the Federal Capital concerning the dates of submission and data on the sources of reports on the disappearance of 22 persons whose cases the Working Group had transmitted to the Government. The Working Group considered this request at its twentieth session and, in accordance with its criteria of discretion, provided the information with regard to four sources who had authorized it to do so.

Statistical summary

I. Outstanding cases	3,368
II. Total number of cases transmitted to the Government by the Working Group	3,414
III. Government responses	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	859
(b) Cases clarified by the Government's responses <u>a/</u>	28
IV. Cases clarified by non-governmental sources	18

a/ Three clarifications concerning missing children born during their mothers' detention had to be deducted from the statistics since their cases had never been transmitted separately.

2. Brazil

21. The Working Group's activities in relation to Brazil are recorded in its last five reports to the Commission.^{1/} By letter dated 22 September 1986, the Working Group transmitted one newly reported case to the Government. The person was reported missing by CLAMOR (Committee for the Defence of Human Rights in the Southern Cone of the Archdiocesan Pastoral Commission on Human Rights and the Underprivileged) and was allegedly abducted in March 1974 while travelling between Uruguaiana and Sao Paulo.

Statistical summary

I. Outstanding cases	45
II. Total number of cases transmitted to the Government by the Working Group	45
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	9
(b) Cases clarified by the Government's responses	0

3. Colombia

Information reviewed and transmitted to the Government

22. The previous activities of the Working Group in relation to Colombia are recorded in its latest report to the Commission.^{1/} In 1986, the Working Group transmitted to the Government of Colombia 351 newly reported cases of disappearances, 144 by letter dated 1 July, 177 by letter dated 18 December and 30 by various cables under the urgent action procedure.

Information and views received from relatives of missing persons and organizations representing relatives of missing persons

23. The great majority of cases were submitted by the Permanent Committee for the Defence of Human Rights (CPDDH). Most of them were reported to have occurred between 1979 and 1986; a few, however, date back to 1976. Seventeen of the cases transmitted under the urgent action procedure were reported by Amnesty International and one case was submitted by a relative. All cases contained information on the place and date of the arrests or abductions and on the persons believed to have carried them out. Most of the arrests reportedly took place in the Departments of Santander, Antioquia, Cauqueta and Valle and were allegedly made by military, police or security agents. By cable dated 25 June 1986, the Permanent Committee, the Committee for Solidarity with Political Prisoners, the Association of Relatives of Disappeared Prisoners and Hernando Hurtado, a member of the Colombian parliament, requested the Working Group to consider carrying out a visit to Colombia in order to ascertain the situation in situ.

24. A representative of the Permanent Committee met the Working Group during its twentieth session. He asserted that official violence was the consequence of a counter-insurgency strategy in which the armed forces had the leading role. Disappearances were part of that strategy, in which military, police and security forces as well as paramilitary groups were involved. He quoted a former Attorney-General as having publicly admitted that State authorities, such as security agents, soldiers and policemen, were accountable for many disappearances and other human rights violations. According to the information collected by the Permanent Committee, the great majority of persons reported missing between 1970 and 1986 were peasants and workers, but also included political and trade union leaders as well as students and teachers. The inquiries made by his organization had led to the conclusion that in most cases military forces or "unidentified forces" were to be held responsible for the disappearances; in a number of cases the police and its security services as well as paramilitary groups had been mentioned as well. Many missing persons had been taken to military, security services or police premises from which they were transferred to unknown places. Reports received from persons who had disappeared for a certain time and succeeded in escaping or were later released provided additional evidence in that regard.

Information and views received from the Government

25. During the period under review, the Working Group concluded the analysis of the information it had received in December 1985 from the Office of the Attorney-General in Colombia (see E/CN.4/1986/18, para. 77). A total of 31 cases previously transmitted to the Government were covered by that information, and in 21 instances the respective case was considered clarified by the Group. By letters dated 7 January, 23 July and 11 August 1986, the Permanent Representative of Colombia to the United Nations Office at Geneva clarified eight further cases which had been transmitted to the Government previously under the urgent action procedure.

26. During its nineteenth session, the Working Group received a member of the Permanent Mission of Colombia to the United Nations Office at Geneva who stated, inter alia, that killings resulting from guerrilla reprisals against former supporters or rivalries among drug dealers frequently led to disappearances which were difficult for the authorities to elucidate. He also said that the Working Group should be very careful with regard to certain complaints received, the object of which was merely to discredit the Government. Cases of human rights violations resulting from excesses by the authorities were very few and were being scrupulously investigated by the Office of the Attorney-General. He added that some of the cases transmitted to his Government by the Group were also being considered by other United Nations bodies and that such duplication of procedures should be avoided. He handed the Group a letter from the Deputy Permanent Representative stating that the Government of Colombia considered inadmissible the acceptance of complaints that failed to comply with the requirements concerning admissibility established by the Optional Protocol to the International Covenant on Civil and Political Rights which, in his Government's view, were applicable by analogy. In a further note verbale the Permanent Mission provided the Group with documentation addressed to the Human Rights Committee on two cases. The Working Group replied, by letter dated 3 September, that its procedure was in no way linked to the criteria of admissibility under the Optional Protocol and that the Group's purely humanitarian efforts to alleviate the anguish and sorrow caused to the relatives of the persons considered

missing, as repeatedly recognized and endorsed by the Commission on Human Rights, differed considerably from the objectives, scope and applicability of the Optional Protocol and thus necessitated a much less formal approach.

27. By letter dated 21 November 1986, the Permanent Representative sent the Working Group the text of resolution 022 adopted by the Office of the Attorney-General on 9 September 1985, calling for the establishment of a State human rights commission to deal with human rights matters in general and, in particular, with questions such as disappearances, allegations of unlawful arrest, treatment of persons held by the authorities and relations between members of indigenous communities and the authorities. The Commission is mandated to hear complaints, request reports and investigations, evaluate their findings, discuss matters raised by its members and seek the co-operation of the appropriate government authorities. It is to be assisted by a Permanent Working Group whose members (officials of the Office of the Attorney-General designated by the Deputy Attorney-General) have been appointed by Decree 114 of 22 October 1985. The Permanent Working Group receives complaints and carries out preliminary investigations; in so doing, it has the power to inspect military premises, criminal tribunals and public or private institutions.

28. By letters dated 8 December 1986, the Deputy-Permanent Representative forwarded to the Working Group his Government's replies relating to 40 cases of disappearances previously transmitted to it. Three additional cases were considered clarified by those replies; seven replies referred to cases already considered clarified and the remainder stated that investigations were continuing or that the cases had been shelved for lack of witnesses or co-operation from relatives. The Deputy-Permanent Representative also forwarded to the Group observations of a general nature made by the Under-Secretary for International Agencies and Conferences of the Ministry of Foreign Affairs. The Government considered inadmissible the transmission of cases which had occurred as far back as 1976 and requested an official decision by the Group establishing a time-limit for the receipt of complaints. Furthermore, complaints had been addressed directly to international bodies and cases which had not been brought to the notice of the national authorities by the complainants had then been transmitted to the Government. It, therefore, requested that future transmissions should indicate which Colombian authorities had been seized of the reported disappearances and which court was conducting the proceedings, since in Colombia disappearances were classified in the Penal Code as abductions.

29. The Working Group, while recognizing the importance of the issue raised by the Colombian Government, replied that, since its inception, the Group had desisted from applying a time limit; at its twentieth session it was unable to take a decision on a possible reversal of that practice, since it considered that the issue deserved further examination. Moreover, the Working Group pointed out that, in examining cases of persons reported to have disappeared, it made every effort to obtain the information requested by the Government from the sources which had submitted the complaints. None the less, in accordance with the procedure applied to all countries, the Group transmits cases on which it has been unable to obtain all the requested details provided they meet the general criteria established by the Working Group for transmission of cases of disappearances to governments.

Statistical summary

I. Outstanding cases	497
II. Total number of cases transmitted to the Government by the Working Group	534
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	79
(b) Cases clarified by the Government's responses <u>a/</u>	32
IV. Cases clarified by non-governmental sources	5

<u>a/</u> Persons at liberty:	3
Persons released:	15
Persons detained:	8
Persons dead:	6.

4. Cyprus

30. The Working Group's activities in relation to Cyprus are recorded in its six earlier reports to the Commission.^{1/} As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus, as appropriate, when requested. It noted with satisfaction that in 1986 the Committee had actively pursued its efforts and had held eight sessions involving 26 meetings.

5. El Salvador

Information reviewed and transmitted to the Government

31. The activities of the Working Group in relation to El Salvador are recorded in its last six reports to the Commission.^{1/} In 1986 the Group transmitted a total of 71 newly reported cases of disappearances to the Government, 8 by letter dated 1 July, 5 by letter dated 10 September, 26 by letter dated 18 December and 32 by various cables under the urgent action procedure.

Information and views received from relatives of missing persons and non-governmental organizations

32. The newly reported disappearances were submitted by Christian Legal Aid (SJC), the (non-governmental) Salvadorian Commission on Human Rights, the Monsignor Oscar Arnulfo Romero Committee of Mothers and Relatives of

Salvadorian Political Prisoners, Disappeared and Assassinated Persons, the Central American Association of Relatives of Disappeared Detainees (ACAFADE) and Amnesty International. Most of the arrests or abductions were reported to have taken place in 1985 and 1986 at the missing person's home or place of work or at a specific public place, such as a market or bus station, mainly in the Department and City of San Salvador. The professions of the missing persons most frequently mentioned were farmer, worker and student. The forces which allegedly carried out the arrests were described as members of the army, air force, national police, national guard, treasury police (Policía de Hacienda), customs police or simply armed men in plain clothes. In many cases, it was reported that habeas corpus petitions presented on behalf of the missing person as well as inquiries addressed to the security services had had no result. With regard to four cases, the sources reported that they were clarified (three persons detained, one person released). On three cases the sources confirmed the clarifications provided by the Government.

33. Several of the above-mentioned organizations and the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) reported that combined police and military forces had searched the offices of human rights organizations located in the area of La Esperanza, San Salvador, on 13 May 1986, and expressed particular concern over the temporary incommunicado detention, ill treatment and harassment of some of their members. ACAFADE and Christian Legal Aid furthermore criticized the methods of investigation used by the (governmental) Commission on Human Rights to establish the whereabouts of missing persons, stating that they were superficial and bureaucratic and that the reported results should not automatically be accepted by the Working Group.

Information and views received from the Government and the (governmental) Commission on Human Rights of El Salvador

34. The Working Group has received written information from the Government and from the (governmental) Commission on Human Rights of El Salvador regarding 17 cases. Four cases were clarified by those replies (three persons detained, one person released). With regard to two cases, the Working Group deferred a decision to its next session when the source will have had sufficient time to respond. The Government further stated that in one case the abduction had not been registered with the (governmental) Commission on Human Rights and that in the remaining cases investigations had given no results.

35. During its nineteenth session, the Working Group heard the Deputy Permanent Representative of El Salvador to the United Nations Office at Geneva who explained his Government's policy of dialogue with the guerrilla movement, one of the principles of which was to allow the participation of all political groups in the democratic process. He also said that, compared with 1980, the number of political assassinations had substantially decreased as a result of the democratic policy of his Government. He explained that the continuing limitation of the right to freedom of expression and the right to a free press was only applied to certain extremist groups. Despite all its efforts, the Government lacked the means to ensure public security and it should be borne in mind that the guerrilla movement was responsible for far more human rights violations than the security forces.

Statistical summary

I. Outstanding cases	2,068
II. Total number of cases transmitted to the Government by the Working Group	2,367
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	369
(b) Cases clarified by the Government's responses <u>a/</u>	283
IV. Cases clarified by non-governmental sources <u>b/</u>	16

a/ Persons in prison: 165
Persons released from detention: 114
Persons officially reported dead: 4.

b/ Persons in prison: 4
Persons released from detention: 10
Persons reported dead: 1
Person at liberty: 1.

6. Guatemala

Information reviewed and transmitted to the Government

36. The Working Group's activities in relation to Guatemala are recorded in its last six reports to the Commission.^{1/} In the course of 1986, the Working Group transmitted to the Government of Guatemala 589 newly reported cases, 43 of which were transmitted by various cables under the urgent action procedure, 53 by letter dated 1 July, 42 by letter dated 10 September and 451 by letter dated 18 December 1986. By its letters dated 1 July and 10 September, the Working Group also retransmitted to the Government 60 cases updated with new information recently received from the sources.

37. The Working Group reviewed all cases of enforced or involuntary disappearances transmitted to the Government since 1980 in order to ensure that the Government had a sufficiently detailed description for each case. Sixty cases were deleted, since the sources had not been able to provide sufficient supplementary information in accordance with the Group's criteria. Six cases which were found to be double entries erroneously transmitted twice were also deleted. By letter dated 17 October 1986, the Government was provided with a revised and updated list of all outstanding cases as of that date.

Information and views received from relatives of missing persons
or from non-governmental organizations

38. The cases transmitted in 1986 were reported by the following organizations: Amnesty International, the Mutual Support Group of Guatemala (GAM), the Guatemalan Commission on Human Rights, the Committee for Justice and Peace in Guatemala, and the Minnesota Lawyers International Human Rights Committee. A few cases were submitted directly by relatives. The Working Group also received information and statements from the Central American Association of Relatives of Disappeared Detainees (ACAFADE) and from the Commission for the Defence of Human Rights in Central America (CODEHUCA).

39. The reports transmitted in 1986 concerned disappearances which occurred during the period 1978-1986, as follows: 2 in 1978, 17 in 1980, 94 in 1981, 139 in 1982, 58 in 1983, 69 in 1984, 86 in 1985 and 122 in 1986. The cases which occurred during the period 1980-1985 reflect similar patterns to those described in E/CN.4/1986/18, paragraph 105. Reports on disappearances which occurred in 1986 indicated, in 47 cases, that the person had been arrested or abducted by a group of men in plain clothes; in 39 of these cases, the men who carried out the abduction were believed to belong to the security forces or to paramilitary groups. In other cases, the security services (49 cases), military personnel (16 cases), the police (6 cases) or "government forces" (4 cases) were held responsible. The sources also reported the clarification of four cases.

40. The organizations asserted that enforced and involuntary disappearances in Guatemala continued to occur with patterns similar to those under previous governments, breeding a climate of insecurity and terror, particularly in rural areas. Most disappearances began with an abduction by unidentified armed men driving vehicles, who broke into houses or other places or blocked roads and operated openly and with total impunity, which implied the responsibility or at least connivance of the Government. According to the organizations, such impunity indicated that clandestine forces, organized and controlled by the armed forces, remained intact and operated freely. This was exemplified by the case of a group of armed men in plain clothes (identified as members of the G-2 Army Intelligence Service) who abducted a teacher. She was later "rescued" by the police, who released her but did not arrest her abductors, although they were with her at the time. She reported that she had been held at Jutipa in Military Camp No.10 where she had seen other persons reported missing.

41. The organizations complained that efforts to investigate the reported violations and seek redress had proved ineffective. Habeas corpus writs submitted on behalf of thousands of disappeared persons had had positive results only in exceptionally few cases. An investigatory commission, which the President had publicly promised to establish, never became operational and judicial inquiries had been delayed by making only one judge responsible for habeas corpus proceedings, involving investigation of thousands of reported disappearances. Moreover, witnesses of arrests or abductions were not given sufficient protection and were therefore afraid to testify. Relatives' organizations also stated that they were continuously subjected to anonymous threats and harassment and reported, in particular, that members of the army had made threatening statements against the President of the Mutual Support Group.

Information and views received from the Government

42. By various communications received during the year, the Government of Guatemala sent the Working Group replies on 10 cases, clarifying 6 of them. By notes verbales dated 15 April and 17 and 21 July 1986, the Government transmitted three press releases issued by it. The first rebutted statements by the President of the Mutual Support Group, published by European newspapers, which, according to the Government, had given a biased picture of the situation in Guatemala as it had radically changed under the new Government and there were considerably fewer political crimes. The second published an interview with the Secretary of the Episcopal Conference of Guatemala who stated that the Mutual Support Group should direct its requests for investigations of disappearances through legal channels and that the solution of specific cases had to be the result of legal analysis. The third contained an appeal by the Supreme Court addressed to all persons concerned to transmit relevant information to the Ninth Criminal Court of First Instance for the purpose of establishing the whereabouts of disappeared persons and announced that a judge would be appointed "with full authority and backing to conduct and complete the necessary investigations in order to establish the whereabouts of the persons concerned".

43. By note verbale dated 31 July 1986, the Government reported that, having dissolved the former secret police (DIT), it would not tolerate the continued operations of paramilitary groups in the country. By note verbale dated 4 November 1986, the Government informed the Working Group of the reply given by the President of Guatemala to the Mutual Support Group, stating that a governmental commission headed by the President of the Republic would be appointed to continue the investigations aimed at establishing the whereabouts of missing persons and would submit a report before the end of 1986.

44. Furthermore, by note verbale dated 6 November 1986, the Government of Guatemala transmitted to the Working Group copies of the following documents: the decree of the Supreme Court acceding to applications for habeas corpus concerning more than 2,000 cases and appointing a judge with broad powers to investigate those cases; a resolution of the Supreme Court transmitting to the above-mentioned judge parts of the third report of the Inter-American Commission on Human Rights on the situation of human rights in Guatemala, in which several cases of disappearances are described; a report by the judge on his activities in habeas corpus proceedings, in particular visits to detention centres and their results (one case clarified, other cases referred to not on the Working Group's files), as well as on the number of such proceedings currently before the courts (2,101); an appeal of the Supreme Court to relatives and other persons to provide the judge with information; and a decree of the Supreme Court establishing a central registry for detentions which would record the names of detainees, the court before which they have been brought, their place of detention and the authorities who ordered the detention, as well as any transfer of detainees.

45. At its nineteenth session the Working Group met the Permanent Representative of Guatemala to the United Nations Office at Geneva who conveyed to the Working Group his Government's commitment to democracy and respect for human rights. He stated that violence had diminished in his country and every effort was being made to prevent crimes being perpetrated by officials. In particular the Government had dismissed

about 200 members of the police force and had taken several measures to clarify the reported disappearances. While admitting that his Government was still facing difficulties, he stressed its determination to make progress in protecting human rights. He expressed regret that the Mutual Support Group had not shown a genuine willingness to co-operate with the Government in the clarification of cases of disappearances, and in particular to provide information to the investigatory judge appointed by the Supreme Court. His Government was also in need of the co-operation and understanding of the international community and was considering the possibility of inviting the Working Group to visit the country.

Statistical summary

I. Outstanding cases	2,630
II. Total number of cases transmitted to the Government by the Working Group	2,679
III. Government responses	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	41
(b) Cases clarified by the Government's responses <u>a/</u>	25
IV. Cases clarified by non-governmental sources <u>b/</u>	24

a/ Persons at liberty: 19
 Persons in prison: 4
 Person found dead: 1
 Person with a suspended sentence: 1.

b/ Persons released: 12
 Persons found dead: 12

7. Guinea

46. The Working Group's previous activities in relation to the Republic of Guinea are recorded in its last four reports to the Commission.^{1/} By letter of 18 December 1986, the Working Group transmitted 20 newly reported cases of disappearances to the Government. It also retransmitted, by letter of 10 September 1986, one case which has remained unclarified since 1981.

47. The 20 newly reported cases were submitted by Amnesty International. Eleven of the missing persons, close supporters or relatives of former President Ahmed Sekou Touré, were arrested in

April 1984 following a coup d'état. They were reportedly detained at Kindia prison where they disappeared after an unsuccessful coup d'état in Conakry in July 1985. Another group of nine persons was arrested after the July 1985 coup and reportedly also disappeared from detention in Kindia prison.

Statistical summary

I. Outstanding cases	21
II. Total number of cases transmitted to the Government by the Working Group	28
III. Government responses	0
IV. Cases clarified by non-governmental sources	7

8. Honduras

Information reviewed and transmitted to the Government

48. The activities of the Working Group in relation to Honduras are recorded in its last six reports to the Commission.^{1/} During 1986, the Working Group transmitted 45 newly reported cases of disappearances to the Government, 20 by letter dated 1 July, 22 by letter dated 10 September and three under the urgent action procedure by cable dated 29 October. The Working Group also informed the Government that six cases had been clarified by the sources, and transmitted to it anew one previously clarified case on the basis of evidence provided by the source to the effect that the Government's reply concerned a different person. Furthermore, by letters dated 19 June and 10 November 1986, the Working Group retransmitted to the Government, at its request, summaries of all outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

49. Nineteen newly reported cases were submitted by the Committee for the Defence of Human Rights in Honduras (CODEH) and by the Commission for the Defence of Human Rights in Central America (CODEHUCA). Twenty-one cases were reported by the National Commission for the Promotion and Protection of Human Rights of Nicaragua which asserted that the missing persons were kidnapped in Nicaragua by counter-revolutionary groups and subsequently transferred to the territory of Honduras. In this connection the National Commission provided the testimony of two persons reported to have been held temporarily by counter-revolutionary groups in places on Honduran territory together with the 21 missing persons. It also reported that one person belonging to a group of missing teachers, whose cases were transmitted on 30 December 1985, had escaped from a camp run by Nicaraguan counter-revolutionary groups in Honduras and had testified that four of her colleagues had been assassinated in that camp and that two others were still detained there at the time of her escape.

50. The Commission for the Defence of Human Rights in Central America reported that the body of a person whose case had been transmitted to the Government under the urgent action procedure had been handed over to the relatives by members of the Honduran security forces. The Central American Association of Relatives of Disappeared Detainees (ACAFUDE) sent the Working Group a copy of a letter addressed to the President of Honduras, in which it requested, inter alia, an extensive and thorough investigation of the fate and whereabouts of 120 persons who had disappeared in Honduras, and the punishment of those responsible.

Information and views received from the Government

51. The Working Group has received no reply from the Government on the cases transmitted or retransmitted in 1986 and is therefore unable to report on the outcome of any investigations which might have been carried out by the authorities.

Statistical summary

I. Outstanding cases	139
II. Total number of cases transmitted to the Government by the Working Group	168
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	73
(b) Cases clarified by the Government responses <u>a/</u>	11
IV. Cases clarified by non-governmental sources <u>b/</u>	18

a/ Persons at liberty: 10
Person before the courts: 1.

b/ Persons at liberty: 12
Persons reported dead: 5
Person escaped from a camp: 1.

9. Indonesia

52. The Working Group's activities in relation to Indonesia are recorded in its last six reports to the Commission.^{1/} In 1986 the Working Group reviewed all cases of enforced or involuntary disappearances transmitted to the Government since 1980. Eleven cases, transmitted in 1980 and 1981, were deleted since the sources had not been able to provide sufficient supplementary information in accordance with the Group's criteria. Revised and updated lists of outstanding cases were transmitted to the Government of Indonesia by letter dated 22 October 1986, and two newly reported cases of disappearance which occurred in 1983 were transmitted on 18 December. The Government has not replied on any of those cases.

53. In November 1986, the International Committee of the Red Cross (ICRC) informed the Working Group that, on the basis of direct requests from the families, it had transmitted 32 reports of disappearances to the Government of Indonesia between 1984 and 1986 and had received responses from the Government on 20 of them. One of those responses concerned a case included in the Working Group's transmission to the Government of 18 October 1985 (see E/CN.4/1986/18, para. 133). ICRC further advised that, among the 23 missing persons whose cases were transmitted by the Working Group on 18 October 1985, 10 had been visited in prison by ICRC delegates in 1986, but their families had submitted no tracing request to ICRC. Since, in accordance with its procedure (see E/CN.4/1985/15, para. 172 and E/CN.4/1986/18, para. 141), ICRC cannot disclose the identity of persons whose whereabouts had been determined to parties other than the requesting families, the Working Group, much to its regret, is not in a position to consider those cases clarified. However, it has again requested the Government to provide it with the names of the detained persons, so that the families might be informed accordingly and the cases deleted from the Group's files.

Statistical summary

I. Outstanding cases	65
II. Total number of cases transmitted to the Government by the Working Group	67
III. Government responses	0
IV. Cases clarified by non-governmental sources	2

10. Iran (Islamic Republic of)

54. The Working Group has dealt with reports of enforced or involuntary disappearances alleged to have occurred in the Islamic Republic of Iran in its last five reports to the Commission.^{1/} In 1986, the Working Group transmitted to the Government of the Islamic Republic of Iran 24 newly reported cases of disappearances, 12 by letter dated 1 July and 12 by letter dated 18 December 1986. By letter dated 10 September 1986, the Working Group retransmitted all outstanding cases to the Government. There has been no response from the Government, however, and the Working Group regrets that once again it cannot report concretely to the Commission on the results of any investigations which might have been carried out.

55. The newly reported cases were submitted by the People's Mojahedin Organization of Iran and the National Council of Resistance of Iran. Most occurred during 1981 or the early part of 1982 and seven concerned women. At the Working Group's nineteenth session a representative of those organizations described the circumstances in which the reported disappearances occurred, alleging in particular that nearly all were arrested by Revolutionary Guards. According to the sources, many were seen in Evin Prison for a time before their disappearance. The representative stressed that there were many more cases of disappearances, but fear of reprisals prevented families from seeking internal remedies.

Statistical summary

I. Outstanding cases	82
II. Total number of cases transmitted to the Government by the Working Group	82
III. Government responses	0

11. Iraq

Information reviewed and transmitted to the Government

56. The activities of the Working Group in relation to Iraq are recorded in its last two reports to the Commission.¹ In 1986, the Working Group transmitted to the Government of Iraq 66 newly reported cases, 38 by letter dated 10 September, 10 by letter dated 26 September and 18 by letter dated 18 December 1986. By letters dated 10 and 26 September, the Group also retransmitted to the Government all other cases which remained unclarified and provided it with a revised and updated list of the 53 members of a well-known Shiite family (see E/CN.4/1986/18, paras. 149-152) who were still reported to be missing (five cases found to be double entries were deleted).

Information and views received from relatives of missing persons or from non-governmental organizations

57. Among the newly reported cases, 46 were submitted by relatives through the Organization of Human Rights in Iraq, a representative of which testified before the Group at its nineteenth and twentieth sessions, as did witnesses. Those reports concerned people who disappeared in various places in Iraq between 1980 and 1984. Many of them were reportedly arrested together with other members of their families, who were later expelled to the Islamic Republic of Iran and are now living in Iranian refugee camps. The missing persons allegedly disappeared in various detention centres, such as the Deportation Prison in Baghdad, Abu Ghraib, Abu Skhair or Nugrat Al Salman Prisons as well as the Babil and Najaf Security Prisons, prior to their relatives' deportation to the Islamic Republic of Iran. Some missing persons were soldiers and were arrested in their military units in Iraq. Four cases concern members of the above-mentioned family which had not been transmitted earlier.

58. Twenty newly reported cases were presented by the International Committee for the Release of Detained and Disappeared Women in Iraq and concerned 16 women and four men who disappeared between 1980 and 1986. Representatives of the Committee met the Group at its nineteenth and twentieth sessions and alleged that many of the missing persons were arrested either because they refused to join the Ba'ath Party or in reprisal against male relatives who had opposed the war with the Islamic Republic of Iran.

59. Both organizations emphasized that relatives of missing persons were generally afraid to file complaints about disappearances with the police or the Judiciary, given the serious threats to which they were subjected. They were even more reluctant, or simply unable, to ask for help from abroad or to approach international bodies such as the Working Group. The Committee also expressed the view that a fact-finding mission would be most useful for investigating the reported disappearances on the spot.

Information and views received from the Government

60. The Group received no reply from the Government on the cases transmitted or retransmitted in 1986 and is, therefore, unable to report on the results of any investigations which might have been carried out by the authorities.

Statistical summary

I. Outstanding cases	143
II. Total number of cases transmitted to the Government by the Working Group	172
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	56
(b) Cases clarified by the Government's responses <u>a/</u>	10
IV. Cases clarified by non-governmental sources <u>b/</u>	19

a/ Persons executed: 10.

b/ Persons executed: 6 (in addition to 10 reported by the Government)
Persons at liberty: 7
Persons released from detention: 5
Death during detention: 1.

12. Lebanon

61. The activities of the Working Group in relation to Lebanon are recorded in its last four reports to the Commission.^{1/} By letter dated 22 September 1986, the Working Group transmitted five newly reported cases to the Government, together with the outstanding reports which have remained unclarified to date.

62. The information on those newly reported cases was provided by the International Centre for Information on Palestinian and Lebanese Prisoners, Deportees and Missing Persons and related to Lebanese or Palestinians who were allegedly abducted between 1982 and 1985 by the "Forces Libanaises" (militia of the Phalangist party) in South Lebanon. The Working Group also continued to receive information from the Committee for the Protection of Democratic Freedoms in Lebanon (acting on behalf of the Committee of Relatives of Detained, Disappeared and Abducted Persons). The International League for Human Rights reported the release of two persons, thus clarifying two cases.

63. By letter and note verbale dated 7 and 13 February 1986 respectively, the Permanent Mission of Lebanon to the United Nations Office at Geneva transmitted its Government's reply to earlier communications from the Working Group, through the Attorney-General of the Court of Cassation, in which the judicial authorities affirmed that they were not holding any persons illegally or without a warrant. Rights of defence were guaranteed to all untried prisoners and the organs of executive power were subject to the authority and supervision of the Public Prosecutor in relation to all matters concerning judicial acts. The reported disappearances involved armed Lebanese and foreign organizations which were temporarily beyond the control of the State and the judicial authorities were conducting the necessary inquiries and investigations in order to ascertain the fate of the missing persons. These and further communications from the Permanent Mission did not, however, contain any reference to, or information on, specific cases transmitted to the Government by the Working Group.

Statistical summary

I. Outstanding cases	243
II. Total number of cases transmitted to the Government by the Working Group	245
III. Government responses relating to cases transmitted by the Working Group	0
IV. Cases clarified by non-governmental sources	2

13. Mexico

Information reviewed and transmitted to the Government

64. The Working Group's activities in relation to Mexico are recorded in its second and fourth to sixth reports to the Commission.^{1/} In 1986, the Working Group transmitted 177 newly reported cases to the Government of Mexico, 6 by letter dated 10 September and 171 by letter dated 18 December 1986, and provided it with further information on four previously transmitted cases. Two other cases which had been considered clarified in 1984 had to be transmitted anew in the light of a rebuttal of the Government's information by the sources. In one case the Government's information allegedly referred to the missing person's brother and in the other it was stated that the missing person had died in a shoot-out one year before his reported disappearance.

65. In accordance with a decision taken at its eighteenth session (see E/CN.4/1986/18, para. 248), the Working Group also sent the Government information received from relatives and from the National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles on 32 cases transmitted in 1981 and 1982. The relatives had expressed the view that the investigations by the authorities on those cases had not been conclusive and provided information which they claim justified further investigations. In that connection, the Government of Mexico was also informed of reports from the sources that one person who disappeared in 1977 had been released and had returned home. The Government had earlier replied that the person had been killed in an armed confrontation and that his body had been exposed for legal identification but that nobody had identified it or asked to receive it for burial.

Information and views received from relatives of missing persons or from non-governmental organizations

66. The newly reported cases were submitted by Amnesty International and by the National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles and they reportedly occurred between 1972 and 1985, although most of them relate to disappearances dating back to the period 1972-1979. The forces held responsible by those organizations for a great majority of the disappearances are the Federal Security Department (Dirección Federal de Seguridad), including a so-called "White Brigade", the Army and the Judicial Police. In some cases, the names of officers who took part in the arrest are mentioned.

67. Both organizations and relatives expressed the view that they were not satisfied with the answers received from the Government. They stressed the fact that one explanation frequently given by the Government, namely that the missing person had died in an armed confrontation with the security forces, was in direct conflict with statements by eye-witnesses that the person had in fact been arrested and taken away by those forces. Furthermore, in none of those cases had the body been returned to the family, documentary evidence of death produced or the place where the body might have been buried indicated.

Information and views received from the Government

68. In a letter dated 10 March 1986, the Government of Mexico stated that, in examining the reports received on 32 cases transmitted in 1981 and 1982, it had found that the information recently transmitted by the Working Group was in fact not new, since the relatives had already given it to the authorities who had based their investigations on it and provided a reply. Therefore, the Government was not in a position to carry out further investigations. By letter dated 3 September 1986, the Working Group replied that, if it was to apply its methods of work consistently, it could not close consideration of those cases. The Group had repeatedly made it clear that it considered a case clarified when a Government informed it where the missing person was, whether that person was alive or dead, and that in a manner which was sufficiently definite so that the acceptance of such information by the families could be reasonably expected. By letter dated 11 September 1986, the Government reiterated its willingness to investigate "any new data" communicated to it.

Statistical summary

I. Outstanding cases	185
II. Total number of cases transmitted to the Government by the Working Group	185
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	8
(b) Cases clarified by the Government's responses	0

14. Nicaragua

69. The Working Group's previous activities in relation to Nicaragua are recorded in its last six reports to the Commission.^{1/} In 1986, the Working Group transmitted to the Government of Nicaragua three newly reported cases of disappearances which occurred in 1983 and 1984, two by letter dated 20 September and one by letter dated 18 December 1986. During the period under review no replies have been received from the Government on the outstanding cases.

70. The Working Group received the newly reported cases from the Nicaraguan Permanent Commission on Human Rights. Two of them refer to young men who allegedly disappeared in December 1984 during their military service. The third case concerns a man arrested in May 1983; according to a fellow inmate, he was detained for 18 days at Las Tejas prison in Matagalpa but was later transferred to an unknown destination.

Statistical summary

I. Outstanding cases	143
II. Total number of cases transmitted to the Government by the Working Group	202
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	157
(b) Cases clarified by the Government's responses	38
IV. Cases clarified by non-governmental sources	21

15. Peru

71. The activities of the Working Group in relation to Peru are recorded in its last two reports to the Commission.^{1/} During 1986, the Working Group transmitted to the Government of Peru 420 newly reported cases of disappearances, 133 by letter dated 1 July, three by letter dated 10 September, 166 by letter dated 18 December 1986 and 118 by various cables under the urgent action procedure. Of those cases, 236 occurred in 1986, 48 of which were later clarified (43 persons were released from prison, four were placed in police custody and one was found dead); 115 of the missing persons were prisoners who disappeared after a riot at El Frontón Prison (see E/CN.4/1987/15/Add.1, para. 28). One case, erroneously considered clarified in 1985, was transmitted anew since the source had drawn the Group's attention to the fact that the Government's reply referred to an earlier imprisonment of the missing person.

72. The files on disappearances in Peru were entirely revised and four cases which occurred in 1985 and had been transmitted twice with some differences in the spelling of the names were deleted from the list. The Government was informed accordingly and was also provided with new information received in 1986 concerning 43 previously transmitted cases. Summaries of all outstanding cases updated as of 30 September 1986, were handed to the Government of Peru by two members of the Working Group during their visit to that country.

73. It will be recalled that in September 1985 the Government invited the Working Group to visit Peru a second time (see E/CN.4/1986/18, paras. 174-175) and in January and during the Working Group's nineteenth session, in August 1986, it renewed that invitation. The visit took place from 3 to 10 October and Mr. Toine van Dongen and Mr. Luis Varela Quirós again represented the Working Group. The report on the visit is contained in E/CN.4/1987/15/Add.1.

74. During 1986, the Working Group received from the Government 51 new responses on cases transmitted to it, which clarified 17 of them. With regard to seven of the cases thus clarified, the Working Group had already received information from the sources indicating that the missing person

had been released. In another eleven cases, the sources confirmed that the electoral registration form provided by the Government (see E/CN.4/1986/18, para. 171) belonged to the missing person. In addition, the Permanent Representative of Peru to the United Nations Office at Geneva informed the Working Group, during its nineteenth session, of several measures taken by the new Government for the observance of human rights in the context of the serious situation created by the violence unleashed by terrorism in his country (see E/CN.4/1987/15/Add.1, paras 4-8). Recognizing that excesses and abuses might have been committed by officials under the psychological pressure of a war-like situation, the Government had initiated serious investigations of all reported violations of human rights and had brought substantiated cases before the courts. The Permanent Representative also expressed his Government's desire to continue co-operating with the Working Group, which was reflected in a constant exchange of information leading to the clarification of many cases.

75. The Working Group also received numerous reports on disappearances and communications of a general nature from relatives and human rights organizations in Peru, which also provided clarifying information on 65 cases. Since the reports and observations submitted by them were explained in greater detail during the visit to Peru, they are reflected in E/CN.4/1987/15/Add.1.

Statistical summary

I. Outstanding cases	1,155
II. Total number of cases transmitted to the Government by the Working Group	1,288
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	127
(b) Cases clarified by the Government's responses <u>a/</u>	48
IV. Cases clarified by non-governmental sources <u>b/</u>	85

a/ Persons detained: 4
 Persons arrested and released: 17
 Persons who obtained a voter's card after the date of their alleged disappearance: 26
 Person found dead: 1.

b/ Persons whose bodies were found and identified: 21
 Persons released from detention: 56
 Persons in prison: 6
 Person wounded in a summary execution and subsequently able to return home: 1
 Person taken to a hospital after his detention: 1

16. Philippines

Information reviewed and transmitted to the Government

76. The Working Group's activities in relation to the Philippines appear in its last six reports to the Commission.^{1/} At the request of the Government of the Philippines, the Working Group retransmitted to it on 21 March 1986 all outstanding cases of disappearances. By cable dated 24 November 1986, it also transmitted one case under the urgent action procedure.

Information and views received from the Government

77. By note verbale dated 15 August 1986, the Permanent Mission of the Philippines informed the Working Group of the creation, on 18 March 1986, of a Presidential Committee on Human Rights which, had been given the task, inter alia, of investigating all cases of disappearances transmitted by the Working Group. The Presidential Committee proposed legislation concerning education for respect for human rights, education of investigatory personnel, requirements for speedy preliminary investigations, the disarming and disbanding of the Integrated Civilian Home Defence Force and other paramilitary units, the banning of secret arrests and searches, secret detention places (safe-houses and incommunicado detention), suspension from office and denial of promotion of those charged with violating human rights while charges are pending, disciplinary measures against the immediate supervisors of those found guilty of violating human rights, increased penalties for denying access of detainees to their families and lawyers (amendment to Republic Act No. 857), denial of benefits to those convicted of violating human rights (amendment to the Probation Law of 1976), increased penalties provided for by article 235 of the revised Penal Code on the maltreatment of prisoners and exemption of those convicted of violating human rights from the provision of the Indeterminate Sentence Law. The Permanent Mission further reported that, on 2 March 1986, the President issued Proclamation No.2 lifting the suspension of habeas corpus throughout the Philippines.

78. By letter dated 19 November 1986, the Permanent Mission of the Philippines to the United Nations Office at Geneva, informed the Working Group that the results of the investigations by the Presidential Committee would be communicated to the forty-third session of the Commission on Human Rights. By letter dated 4 December 1986, the Executive Director of the Presidential Committee on Human Rights sent a list of the names of missing persons which were on file with the Committee, 27 of which concerned cases transmitted by the Working Group. In all of these cases investigations were continuing.

Statistical summary

I. Outstanding cases	371
II. Total number of cases transmitted to the Government by the Working Group	444
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	272
(b) Cases clarified by the Government's responses	70
IV. Cases clarified by non-governmental sources	3

17. Sri Lanka

Information reviewed and transmitted to the Government

79. The Working Group's activities in relation to Sri Lanka are recorded in its last five reports to the Commission.^{1/} In 1986, the Working Group transmitted to the Government of Sri Lanka 129 newly reported cases, of which 14 were transmitted by letter dated 1 July, 5 by letter dated 10 September, 77 by letter dated 18 December 1986 and 33 by various cables under the urgent action procedure.

Information and views received from relatives of missing persons or non-governmental organizations

80. The reports received during 1986 were submitted either by Amnesty International, representatives of which met the Working Group at its twentieth session, or by relatives of the missing persons, sometimes by both. The disappearances were generally reported to have occurred during the period 1984-1986 in the northern and eastern provinces of Sri Lanka, but there was also one reported arrest in Colombo in 1983. In almost all cases the full name of the person, the father's name, the place of residence, the date last seen and the forces which allegedly made the arrests were given. Most allegations of disappearances cited the Army (in the North) and the Special Task Force (in the East) and, in a few instances, members of the "Home Guard" as being responsible. In the majority of cases it was asserted that the arrests were carried out in the presence of witnesses and that the missing persons were taken to police stations or military camps where their detention was later denied. Sometimes, however, officers had acknowledged an arrest or detention, but frequently declared that the detainee had been transferred elsewhere (mostly to army camps). When relatives approached the camps indicated, they were informed that the missing person was not there. Boosa Camp was often named as the camp to which detainees had been transferred, and one person allegedly released from Boosa Camp reported that several men arrested on 2 December 1984 were being held there incommunicado.

It has also been alleged that many of those arrested towards the end of 1984 were taken to Iratperiyakulam Army Camp, and fellow prisoners released one year later confirmed the detention in that camp of five persons reported missing on 29 November 1984 in Vavuniya. In some cases the relatives asserted that officials had denied any knowledge of the arrest even when the relevant incident was witnessed. Habeas corpus was applied for in a very limited number of cases only and in that respect Amnesty International reported that the remedy was generally ineffective because of practical and legal constraints and the restrictive manner in which the courts interpreted their mandate. Intimidation of witnesses who testified in habeas corpus hearings was also alleged.

Information and views received from the Government

81. By letter dated 26 June 1986, the Permanent Representative of Sri Lanka to the United Nations Office at Geneva sent the Working Group the results of his Government's investigation of 59 cases of disappearances, according to which 10 persons had been detained and then released, one was detained pending trial, one was legally imprisoned, two appeared to be voluntarily absent from work and another to have left the country. The Government had no information on the other 44 missing persons, 24 of whom were those reportedly taken on 17 May 1985 in Natpattimunai, Batticaloa (see E/CN.4/1986/18, para. 205). In the same communication the Permanent Representative drew attention to the provisions of Regulation 18 of the Emergency Regulations which stipulated, inter alia, that any police officer, member of the Sri Lankan Army, Navy or Air Force, or any other person authorized by the President might arrest without a warrant any person whom he had reasonable grounds to suspect of being concerned with an offence under any emergency regulation. Any person detained should be handed over within 24 hours to the nearest police station and produced before a magistrate within a reasonable time, not later than 30 days after the arrest. The detention of a person held under that provision, even if he was produced before a magistrate, could not exceed 90 days, except with the authority of a competent court of jurisdiction. No record was normally maintained of persons subjected to a search and released after a short period of detention, usually a few hours. Anyone who successfully avoided recognition as an offender at the time of his arrest would usually go into hiding once he was released, whereas bystanders who had witnessed his apprehension could testify only that he had been arrested.

82. A further letter, dated 26 August 1986, covering affidavits on 187 cases of alleged disappearance, was addressed to the Working Group by the Permanent Representative. In seven cases it was stated that the person had been detained for questioning and then released, but the majority of the affidavits denied any knowledge of the missing person, the deponent stating that, during the relevant period, none of the units under his command had performed any duties at the place on the date specified, and that no other unit of the armed services or police could have performed any duties at that place on the said date without his prior knowledge.

83. At its twentieth session, the Working Group decided to consider clarified the two cases on which the Government reply indicated that the missing persons were detained in prison, and to revert to the other cases at its next session by which date the sources would have had sufficient time to respond. In three cases of persons reported released the relatives have already replied that they are still missing.

84. During its nineteenth session the Working Group met the Permanent Representative who described the difficulties facing the civilian administration when conducting investigations in the area. On receipt of a report of a disappearance, the authorities generally first checked prisons and welfare centres, but it was difficult to obtain any concrete information at welfare centres as they were primarily concerned with providing food and shelter and did not list names. At prisons, detainees who were members of a terrorist organization often gave a false name. There was no means of checking on those who might have moved away from troubled areas to stay elsewhere with relatives or who had even left the country, often illegally. (In his letter of 26 June 1986, the Permanent Representative had indicated that, in December 1985, 50,000 persons had been accommodated in welfare centres, 100,000 were living temporarily with relatives and friends and 126,000 were estimated by the Indian authorities to have left temporarily for the south of India.) The Permanent Representative also mentioned the intercommunal strife following which the bodies of those mortally wounded were disposed of by the members of their own community.

85. At its twentieth session the Working Group received a letter, dated 10 December 1986, from the Permanent Representative, by which the Government of Sri Lanka refuted the allegations made by Amnesty International that relatives of disappeared persons feared repercussions if their identities were disclosed and that applications for habeas corpus were ineffective and expensive. He stressed that the Government had undertaken to guarantee the safety of all persons who filed petitions before the courts.

Statistical summary

I. Outstanding cases	321
II. Total number of cases transmitted to the Government by the Working Group	326
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	212
(b) Cases clarified by the Government's responses	5

18. Uruguay

Information reviewed and transmitted to the Government

86. The Working Group's previous activities in relation to Uruguay are recorded in its last six reports to the Commission.^{1/} By letter dated 10 July 1986, the Working Group transmitted 11 newly reported cases of disappearance to the Government of Uruguay and retransmitted all other cases which remain unclarified. The Government was also informed that two cases of children who had disappeared in Uruguay were considered clarified by information received from the Government (1 case) and the source (1 case), stating that the children had been found.

Information and views received from relatives of missing persons and non-governmental organizations

87. The 11 newly reported cases were submitted by Amnesty International, the Committee for the Defence of Human Rights in the Southern Cone (CLAMOR), the Association of Relatives of Disappeared Uruguayans (AFUDE), the Justice and Peace Service (SERPAJ) of Uruguay and by relatives of missing persons; they all concerned people who disappeared during the period 1973-1981. One of these cases occurred in 1973, nine between 1975 and 1978 and one in 1981. In seven cases the persons were arrested at their domicile in the presence of relatives. In 10 cases there were witnesses to the participation of the army, security forces, police or joint forces in the arrest, abduction and subsequent disappearance of the person concerned, including three cases in which the person was seen in detention centres run by military or security forces.

88. A report received from Amnesty International echoed criticism by Uruguayan human rights organizations and relatives of the fact that the Parliamentary Commission of Inquiry into the Situation of Missing Persons had not been empowered to compel witnesses to testify or to apply sanctions for perjury and, therefore, had been unable to obtain information from military officers implicated in disappearances. The Working Group has also received a communication from the Group of Mothers and Relatives of Missing Uruguayan Detainees, stating that, despite legal action taken before the courts against military and security personnel involved in disappearances, inquiries were being conducted by judges only on the basis of evidence provided by civilian sources, because high-ranking officers were not obliged to appear before the judges and could not be questioned by them. In August 1986, the same organization sent information on the progress of investigations of cases before the Uruguayan courts, drawing attention, in particular, to conflicts of competence between civil and military courts in cases in which there was evidence that military personnel were involved, and expressed the view that a decision on such conflicts should be taken by the Supreme Court without delay. The case of a Uruguayan child who disappeared in Argentina, which had also been transmitted to the Government of Uruguay, was clarified by the Grandmothers of the Plaza de Mayo, who had found him in Argentina and reported the fact to the Working Group.

Information and views received from the Government

89. By note verbale dated 19 February 1986, the Government of Uruguay transmitted the final report of the Parliamentary Commission of Inquiry into the Situation of Missing Persons and the Events Leading Thereto. The Parliamentary Commission drew a number of conclusions, stating, *inter alia*, that it emerged from the evidence of the 164 reports of disappearances, which occurred in the period 1973-1978 (including 8 children), that "there is a definite link between the disappearances which occurred in the two territories (i.e. Argentina and Uruguay), since there is repeated reference to the evidence of the involvement of Uruguayan military personnel (identified in some cases) in the disappearances which took place in Argentina, many of which seem to be linked to disappearances in our country... In the case of adults, the Commission has reached the conclusion that all of them either died as a result of the brutal treatment to which they were subjected or were executed. It is, therefore, a question not only of cases of disappearance of abducted persons but also of brutal assassinations in the most aggravating circumstances... The Commission

cannot conclude that these irregularities are attributable to the decisions of organized bodies. However, there appears to be sound evidence of the involvement of police and military elements who have repeatedly been denounced and whose position is seriously compromised". The findings of the Parliamentary Commission do not refer to specific cases; only with regard to a child, who was found in the hands of an Argentine policeman, does the report provide information clarifying a case.

90. The Permanent Representative of Uruguay to the United Nations Office at Geneva met the Working Group during its nineteenth session and stated that, since a democratic Government had come to power in Uruguay, disappearances had ceased and would not occur in the future provided democracy was preserved. The present Government had taken several measures to put an end to human rights violations, such as an amnesty law covering all political offences, which had permitted the release of political prisoners, the return of exiles and the reintegration of former officials to their posts. Concerning cases of disappearance, a Parliamentary Commission had been established in which all Uruguayan political parties participated. According to the findings of the Commission, a total of 164 Uruguayan nationals had disappeared while military governments were in power; only 32 of them had disappeared in Uruguay, whereas 127 had disappeared in Argentina, 3 in Chile and 2 in Paraguay. The report of the Commission had been transmitted to the Judiciary to initiate proceedings. The conflict of competence between military and civil courts was due to be resolved by the Supreme Court. The Permanent Representative also provided the Group with a list of 20 cases before the Supreme Court. The Working Group requested clarification of the names of the missing persons involved in those proceedings and expressed its wish to receive specific responses, on a case-by-case basis, on all outstanding cases, including the results of the judicial investigations.

Statistical summary

I. Outstanding cases	56
II. Total number of cases transmitted to the Government by the Working Group	64
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	25
(b) Cases clarified by the Government's responses <u>a/</u>	7
IV. Cases clarified by non-governmental sources <u>b/</u>	1

a/ Persons released from detention: 2
Persons arrested and in prison: 4
Child found: 1.

b/ Child found: 1.

B. Instances in which less than 20 reports of enforced or involuntary disappearances transmitted by the Working Group to a Government remain outstanding

1. Afghanistan

91. By letter dated 22 October 1986, the Working Group transmitted four cases of enforced or involuntary disappearances to the Government of Afghanistan. All four cases were reported by a Pakistani citizen and concerned two nephews and two friends who were allegedly abducted in October 1985 by an Afghan army patrol while on a car journey through Pakistani territory.

Statistical summary

I. Outstanding cases	4
II. Total number of cases transmitted to the Government by the Working Group	4
III. Government responses	0

2. Angola

92. The Working Group's activities in relation to Angola are recorded in its last three reports to the Commission.^{1/} By letter dated 10 September 1986, the Working Group retransmitted to the Government, for the fourth time, the five outstanding reports concerning seven missing persons. The Government has again provided no information on those cases and the Group is, therefore, still unable to report on the fate or whereabouts of those missing persons.

Statistical summary

I. Outstanding cases	7 ^{a/}
II. Total number of cases transmitted to the Government by the Working Group	7
III. Government responses	0

^{a/} The five reports received by the Working Group in 1983 refer to the disappearance of seven persons. The figures given in the statistical summary had therefore to be corrected against the figures quoted in previous reports.

3. Bolivia

93. The activities of the Working Group in relation to Bolivia are recorded in its last six reports to the Commission.^{1/} By letter dated 18 December 1986 the Working Group transmitted to the Government one case of a disappearance reported to have occurred in 1980.

94. By letter dated 12 February 1986, the Permanent Representative of Bolivia to the United Nations Office at Geneva reiterated his Government's intention to co-operate with the Working Group. Recalling the visit of two members to Bolivia in 1985, he indicated that "the present constitutional Government will not oppose a second visit by one or more experts to my country, should the Working Group or the Commission on Human Rights deem it convenient". By letters dated 23 May and 21 November 1986, the Permanent Mission of Bolivia informed the Group that the Government had made every effort to shed light on the cases presented by the Working Group, and provided further and more precise information on four cases which the Group had already considered clarified on the basis of previous letters by the Government and the National Commission. The Government further stated that, in the four years since re-establishment of the rule of law in Bolivia, there had not been a single recorded case of an enforced or involuntary disappearance and that such a fact should be duly taken into account by the Working Group with a view to closing the pending Bolivian cases. The Government and the National Commission would continue the investigations with a view to clarifying the unresolved cases and would keep the Working Group informed of their efforts. The Government had, moreover, repudiated enforced or involuntary disappearances as a crime against humanity, had enacted legal provisions for the investigation of cases and was trying one former de facto President, General Luís García Meza, for having been implicated, inter alia, in enforced or involuntary disappearances.

95. The Working Group, while expressing its appreciation for the co-operation received from the Government and for the measures taken to elucidate outstanding cases of disappearances, reiterated its position that the outstanding cases could only be considered closed when it had been informed where the missing person (whether alive or dead) was; furthermore, the information must be sufficiently definite for the family to be reasonably expected to accept it.

96. By letter dated 3 December 1986, the Permanent Mission of Bolivia to the United Nations Office at Geneva informed the Working Group that a person whose case was listed by the Group as clarified on the basis of a reply by the National Commission was in fact still considered missing by the Government. Although a witness had testified to the assassination of the missing person, his body had never been found and the investigations on the case were therefore continuing. In the light of the information provided by the Government, the Group corrected the statistical summary accordingly.

Statistical summary

I. Outstanding cases	13
II. Total number of cases transmitted to the Government by the Working Group	33
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	32
(b) Cases clarified by the Government's responses	20

4. Chile

97. The activities of the Working Group in relation to Chile are recorded in its last six reports to the Commission.^{1/} By letter dated 22 September 1986, the Working Group retransmitted to the Government of Chile the four outstanding cases; no reply thereon has been received to date.

98. By letter dated 15 August 1986, the Permanent Representative of Chile to the United Nations Office at Geneva drew the Working Group's attention to his Government's co-operation with the Special Rapporteur of the Commission on Human Rights and expressed the wish that all communications on matters concerning the Commission should be processed through that channel. The Working Group considered that request at its nineteenth session and subsequently informed the Permanent Representative that, by virtue of its mandate - which was different from that of the Special Rapporteur - and in accordance with its established procedures, as endorsed by the Commission, the Group must seek and receive information directly from Governments. The procedure for dealing with disappearances in all other countries would therefore have to be applied also in relation to Chile.

Statistical summary

I. Outstanding cases	4
II. Total number of cases transmitted to the Government by the Working Group	6 ^{a/}
III. Government responses	0
IV. Cases clarified by non-governmental sources	2

^{a/} At its first session, the Working Group decided that it would be appropriate for the question of enforced or involuntary disappearances in Chile to continue to be part of the mandate of the

(continuation of footnote from previous page)

Special Rapporteur on the situation of human rights in Chile (E/CN.4/1435, para. 42). The Working Group has only dealt with cases of enforced or involuntary disappearances that have occurred and were reported to it since its creation. In his preliminary report to the forty-first session of the General Assembly (A/41/719, para. 94) the Special Rapporteur stated that he trusted that the Government would facilitate the task of investigating the 663 cases of missing detainees which had been brought before the courts, since the uncertainty surrounding such cases caused unnecessary anxiety to their families as well as casting doubt on the conduct of the public authorities.

5. Dominican Republic

99. The Working Group's activities in relation to the Dominican Republic are recorded in its last two reports to the Commission.^{1/} By letter dated 10 September 1986, the Working Group retransmitted the two outstanding cases.

Statistical summary

I. Outstanding cases	2
II. Total number of cases transmitted to the Government by the Working Group	2
III. Government responses	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	1
(b) Cases clarified by the Government's responses	0

6. Ecuador

100. In 1985, the Working Group transmitted to the Government, under the urgent action procedure, a total of five cases of persons reported to have disappeared in Ecuador. The Government clarified four of them and requested additional information with regard to the identity of the fifth person. In 1986, the Working Group provided the requested identity data and transmitted to the Government four further cases, one by letter dated 1 July and three by cables under the urgent action procedure. By letter dated 10 September 1986, the Working Group retransmitted the outstanding cases to the Government. All reports received by the Working Group originated from Amnesty International and one of them was also sent by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM).

101. By letter dated 12 November 1986, the Government replied on four outstanding cases, clarifying two of them. The whereabouts of the remaining two could not be established at that time.

Statistical summary

I. Outstanding cases	3
II. Total number of cases transmitted to the Government by the Working Group	9
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	8
(b) Cases clarified by the Government's responses <u>a/</u>	6
IV. Cases clarified by non-governmental sources	0

a/ Persons detained and duly processed: 2
 Persons arrested and extradited to Peru: 2
 Person dead: 1
 Person living abroad: 1.

7. Ethiopia

102. The activities of the Working Group in relation to Ethiopia are recorded in its last five reports to the Commission.^{1/} By letter dated 22 September 1986, the Working Group transmitted to the Government two newly reported cases of disappearances, submitted by Amnesty International, concerning two former staff members of the Economic Commission for Africa (ECA), one of whom had been on active service with ECA at the time of his arrest. The latter case has already been the subject of repeated United Nations intervention with the Ethiopian authorities who acknowledged the person's detention but for the past few years have not disclosed his whereabouts or fate. At the same time, the Group retransmitted the 17 outstanding cases which had previously been transmitted on several occasions and which remain unclarified.

Statistical summary

I. Outstanding cases	19
II. Total number of cases transmitted to the Government by the Working Group	19
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	2
(b) Cases clarified by the Government's responses	0

8. Haiti

103. The activities of the Working Group in relation to Haiti are recorded in its last two reports to the Commission.^{1/} In reply to a request by the Permanent Mission of Haiti to the United Nations Office at Geneva, the five outstanding cases from previous transmissions were retransmitted on 23 May 1986. By letter dated 18 December 1986, the Working Group transmitted to the Government six newly reported cases and updated information on two previous reports. One further case was transmitted under the urgent action procedure on 3 November 1986.

104. The newly reported cases were submitted by Amnesty International and concerned four persons arrested in 1983, one person arrested in December 1985 and one person arrested in January 1986. The missing persons were allegedly transferred to military establishments, such as the Dessalines barracks, where they disappeared. The missing person referred to under the urgent action procedure is a teacher arrested in September 1986 allegedly by a group of police and army agents.

Statistical summary

I.	Outstanding cases	12
II.	Total number of cases transmitted to the Government by the Working Group	21
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	13
	(b) Cases clarified by the Government's responses	9

9. Morocco

Information reviewed and transmitted to the Government

105. The activities of the Working Group in relation to Morocco are referred to in its last four reports to the Commission.^{1/} In 1986, the Working Group transmitted seven newly reported cases to the Government of Morocco, one by letter dated 1 July and six by letter dated 22 September 1986. By the latter communication the Working Group also transmitted anew the cases of two persons whose detention the Government had acknowledged in June 1983, but whose whereabouts continued to be unknown and who were alleged by the sources to have been held since 1973 in a secret detention centre, presumably in Tazmamart.

Information and views received from relatives of missing persons and from non-governmental organizations

106. The Working Group received the new reports on disappearances from Amnesty International and the Association of Relatives and Friends of Missing Persons in Morocco. The latter organization also provided clarification on one case, asserting that the missing person had been released after several years of detention in a secret detention centre known as Derb Moulay Cherif in Casablanca. Amnesty International and a relative informed the Working Group that another case had been clarified, the missing person having been released after 36 months of detention.

107. Among the newly reported cases, four are connected with the coup d'état of 1971, after which the missing persons were arrested and sentenced to imprisonment for five years (in three cases) and 10 years (in one case). In April 1973, they were reportedly moved from the Central Prison of Kenitra to an unknown location. They should have been released in the meantime, but their fate or whereabouts are still unknown and the sources alleged that they were being held in secret detention at Tazmamart Prison. Of the other three cases, one concerned a student who was reportedly arrested in 1974 in connection with security measures taken for the Eighth Arab Summit Conference and two concerned students reportedly arrested in May 1977 in connection with the question of Western Sahara.

Information and views received from the Government

108. By notes verbales dated 14 and 24 November 1986, the Government informed the Working Group with regard to two cases transmitted in 1985 and two cases transmitted in 1986 that the persons concerned were not listed on any prison register and that investigations by the Office of the Government Attorney to determine their whereabouts had been unsuccessful. Concerning another case the Government replied that the Government Attorney (Procureur général) of the Casablanca Court of Appeal had been directed to conduct investigations, the result of which would be communicated to the Group. The Government also stated that the practice of disappearances was unknown in Morocco, a State subject to the rule of law where any person accused of criminal acts was prosecuted under a standard procedure and was brought before the ordinary courts. In case of emergency, there were only two special jurisdictions, the Special Court and the Military Court, whose competence encompassed only ordinary criminal acts that had no political motivation or justification. Furthermore, Morocco, a liberal democracy with Muslim traditions and imbued with tolerance, had not only ratified the International Covenant on Civil and Political Rights on 3 August 1979, but earlier had proclaimed in its Constitution the right to freedom of conscience and opinion and specified in its Penal Code that illegal imprisonment and acts of violence committed against persons under arrest were criminal offences.

Statistical summary

I.	Outstanding cases	16
II.	Total number of cases transmitted to the Government by the Working Group	20
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	13
	(b) Cases clarified by the Government's responses	0
IV.	Cases clarified by non-governmental sources <u>a/</u>	4

a/ Persons released: 4.

10. Paraguay

109. The activities of the Working Group in relation to Paraguay are recorded in its last five reports to the Commission.^{1/} By letter dated 10 September 1986 the Working Group retransmitted to the Government of Paraguay the 12 outstanding cases which were not considered clarified by the responses provided by the Government in 1985.

110. By note verbale dated 25 August and a letter of 28 October 1986, the Government stated that all necessary information on enforced or involuntary disappearances had been sent to the Working Group. It further endorsed the information previously given and said that it was confident that the data provided was sufficient to consider the outstanding cases clarified. At its twentieth session the Working Group met the Permanent Representative of Paraguay to the United Nations Office at Geneva who stated that the outstanding cases had been thoroughly investigated. On the basis of the explanations given by the Permanent Representative and in the absence of further observations from the source on the Government's replies, the Working Group decided to consider 10 more cases clarified.

Statistical summary

I.	Outstanding cases	2
II.	Total number of cases transmitted to the Government by the Working Group	23
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	23
	(b) Cases clarified by the Government's responses <u>a/</u>	21

a/ Persons arrested or abducted in Argentina: 5
Persons arrested and expelled to Brazil: 4
Persons detained and released: 4
Persons whose transfer to Argentina was witnessed: 2
Persons whose transfer to Uruguay was witnessed: 2
Persons dead: 2
Persons living abroad: 2.

11. Seychelles

11.1. The Working Group's activities in relation to Seychelles are recorded in its sixth report to the Commission.^{1/} By letter dated 10 September 1986, the Working Group retransmitted to the Government the three outstanding cases. In a cable received on 4 July 1986, the Government of Seychelles informed the Working Group that the investigations on those cases were continuing and that any pertinent information resulting therefrom would be forwarded to the Working Group.

Statistical summary

I.	Outstanding cases	3
II.	Total number of cases transmitted to the Government by the Working Group	3
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	3
	(b) Cases clarified by the Government's responses	0

12. Syrian Arab Republic

112. The Working Group's activities in relation to the Syrian Arab Republic are recorded in its last four reports to the Commission.^{1/} By letter dated 10 September 1986, the Working Group retransmitted two outstanding cases to the Government and informed it of a clarification received from the source to the effect that one person had been released from Tadmoor Prison in November 1982 and had been living in Europe since late 1983.

113. In respect of the two outstanding cases, the Government of the Syrian Arab Republic informed the Working Group, by letter dated 5 November 1986, that one of the missing persons was being held in Al-Mazzeah Military Prison for involvement in matters affecting the security of the State, but that it had no information on the other person's fate or whereabouts.

Statistical summary

I.	Outstanding cases	1
II.	Total number of cases transmitted to the Government by the Working Group	3
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	3
	(b) Cases clarified by the Government's responses	1
IV.	Cases clarified by non-governmental sources	1

13. Uganda

114. The Working Group's previous activities in relation to Uganda are recorded in its first, fifth and sixth reports to the Commission.^{1/} By letters dated 10 September and 18 December 1986, the Working Group retransmitted all the outstanding cases, together with one new case reported to have occurred in 1981, which had not previously been included in the list. There has been no response from the Government to either of those communications.

Statistical summary

I.	Outstanding cases	13
II.	Total number of cases transmitted to the Government by the Working Group	19
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	1
	(b) Cases clarified by the Government's responses	1
IV.	Cases clarified by non-governmental sources	5

14. Viet Nam

115. The activities of the Working Group in relation to Viet Nam are recorded in its latest report to the Commission.^{1/} By letter dated 22 September 1986, the Working Group retransmitted three outstanding cases to the Government of Viet Nam, including additional information received concerning one person who allegedly might be held in Camp No. 4, Phan Dang Luu-Gia Dinh. The Government has not provided further information on the whereabouts of the missing persons.

Statistical summary

I.	Outstanding cases	3
II.	Total number of cases transmitted to the Government by the Working Group	7
III.	Government responses:	
	(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	3
	(b) Cases clarified by the Government's responses	0
IV.	Cases clarified by non-governmental sources	4

15. Zaire

116. The activities of the Working Group in relation to Zaire are recorded in its second to fourth and sixth reports to the Commission.^{1/} By letter dated 10 September 1986 the Working Group transmitted to the Government one case submitted by a relative, which reportedly occurred in 1982. The 10 outstanding cases were communicated to the Government representative in charge of all human rights questions at his request on 9 July 1986, and retransmitted to the Permanent Representative of Zaire to the United Nations Office at Geneva by letter of 10 September 1986. The Government has provided no information on the results of further investigations which might have been carried out.

Statistical summary

I. Outstanding cases	11
II. Total number of cases transmitted to the Government by the Working Group	17
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	14
(b) Cases clarified by the Government's responses	6

16. Other countries

117. By letters dated 10 September 1986, the Working Group retransmitted to the Governments of the Central African Republic, Nepal and Togo respectively one case of enforced or involuntary disappearance. The Governments of those three countries have not replied to the Group's communication. However, the case reported to have occurred in Togo was clarified by the source of the information.

118. By letter dated 10 September 1986, the Working Group transmitted one newly reported case of enforced or involuntary disappearance to the Government of Egypt.

III. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES
IN SOUTH AFRICA AND NAMIBIA REVIEWED BY THE WORKING GROUP

119. The Working Group's activities in relation to enforced or involuntary disappearances in South Africa and Namibia are recorded in its last six reports to the Commission.^{1/} By letter dated 10 September 1986, the Working Group retransmitted to the Government of South Africa the seven outstanding cases which had previously been transmitted on several occasions and which remained unclarified. During the period under review the Government has not provided information on any of those cases.

Statistical summary

I. Outstanding cases	7
II. Total number of cases transmitted to the Government by the Working Group	9
III. Government responses:	
(a) Total number of responses received from the Government relating to cases transmitted by the Working Group	9
(b) Cases clarified by the Government's responses	2

IV. CONCLUDING OBSERVATIONS

120. The practice of disappearances persists. At present, the Working Group is reporting on missing persons in as many as 39 different countries. Although in a small number of them the practice is increasing at an alarming rate, in several others it has ceased or significantly diminished. However, many thousands of cases remain as yet unclarified, the fate and whereabouts of the missing persons unknown. Therefore, the question of enforced or involuntary disappearances continues to demand the attention of the Commission on Human Rights.

121. Making people disappear seems to be a convenient tactic for any Government suppressing insurgence or espousing a policy for stifling dissent, for it takes the victim out of the protective precinct of the law. Disappearances may manifest themselves in many ways. In some instances, arrests are brazenly carried out in broad daylight by uniformed men in the presence of witnesses. In others, the victim suddenly vanishes leaving no clue as to the identity of those responsible. There are various shades between these two extremes: a pattern which can increasingly be seen in several countries is that of short-term disappearances, i.e. a person is taken into unacknowledged custody for a number of days or weeks and then released. Yet, whatever form they take, disappearances have one common trait: apart from the punishing treatment to which the victim is subjected, they lead to untold psychological strain for the relatives and friends, often accompanied by social alienation and economic hardship.

122. The enforced disappearance of defence lawyers and human rights advocates at the hands of government agents also appears to be on the increase. The same fate is being suffered by relatives of missing persons, particularly those occupying leading positions in organizations for victims of repression. Many others, if not made to disappear, have been menaced or murdered, their offices ransacked and their meetings dispersed. Those who, with exemplary courage, persevere despite such onslaughts, putting their lives in danger while seeking justice for themselves and others, deserve the respect and protection of the international community.

123. Co-operation between the Working Group and the Governments concerned has substantially improved in the course of time, as the object and purpose of the Group's methods of work came to be better understood. Many Governments have consistently stepped up their dialogue with the Group. Some have granted it the benefit of a visit to the country or hosted sessions of the Group, facilitating the appearance of witnesses from neighbouring countries. Others, however, have consistently failed to respond to the Group's communications. As the Group's ability to clarify cases depends in large part on co-operation by the States concerned, progress in some instances has been elusive.

124. The Working Group has always made it clear to those who come before it that it is not a court of law and hence not called upon to establish the guilt or innocence of individuals in relation to specific allegations, or to incriminate States. Its task is entirely a humanitarian one. In addition to studying the phenomenon of disappearances and analysing the factors of a given situation, the bulk of the Group's time and resources - and that of its staff - is devoted to clarifying individual cases. Its methods of work, developed over 20 consecutive sessions, are geared to just that purpose.

125. Since its establishment in 1980, the Working Group has transmitted almost 14,000 cases to various Governments from among a host of other cases that failed to qualify under its criteria. The number of cases reported has steadily increased. It should, however, be borne in mind that many of the newly reported cases date back several years, which complicates their follow-up. Transmission of cases by telex in 1986 under the urgent action procedure almost doubled in relation to 1985. All this involves careful cross-checking of data, detailed correspondence with sources and Governments, as well as efforts to solve procedural predicaments - at a time when measures to deal with the financial crisis of the United Nations have considerably cut into the Group's ability to cope with a mounting work-load. In particular, the reduction of the Group's support staff has produced a difficult situation. The ensuing backlogs are not fair to the relatives - nor to the Governments concerned, for that matter.

126. By definition, working for the protection of human rights is a long-term enterprise, in which hope must be built on gradual progress. For the Working Group the perspective is no different. It has certainly helped to clarify cases which otherwise remained unsolved. It has probably gone some way towards preventing things from getting worse. It has, in short, made a difference. Unfortunately, much remains to be done.

V. ADOPTION OF THE REPORT

127. At the last meeting of its twentieth session, on 12 December 1986, the present report was adopted and signed by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski (Yugoslavia)
Chairman/Rapporteur

Toine van Dongen (Netherlands)

Jonas K. D. Foli (Ghana)

Agha Hilaly (Pakistan)

Luís Varela Quirós (Costa Rica)

Notes

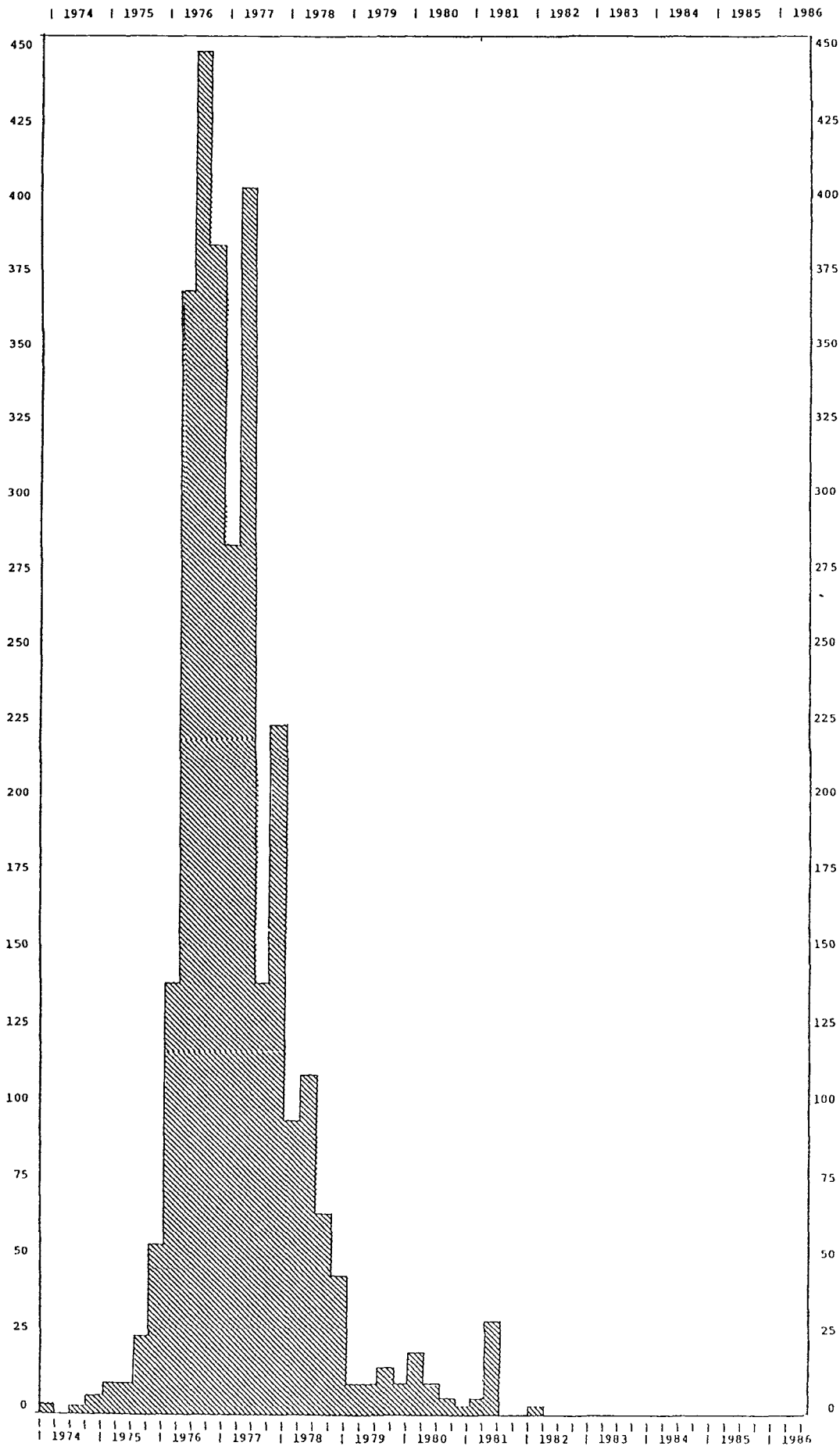
1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the last six reports are as follows:

E/CN.4/1435
E/CN.4/1492
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.

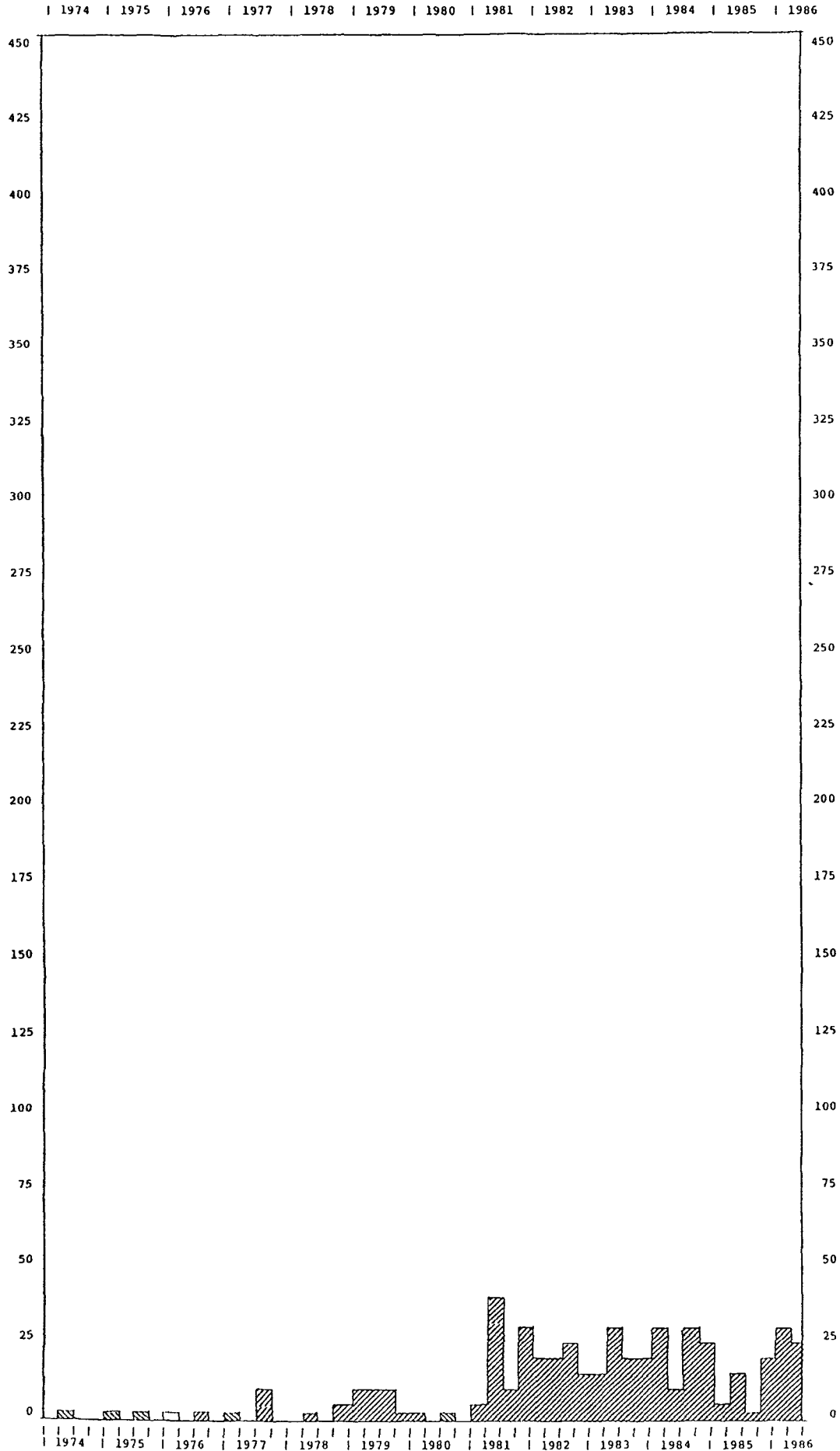
A n n e x

Graphs showing the development of disappearances
for the period 1974 - 1986
in countries with more than 100 transmitted cases

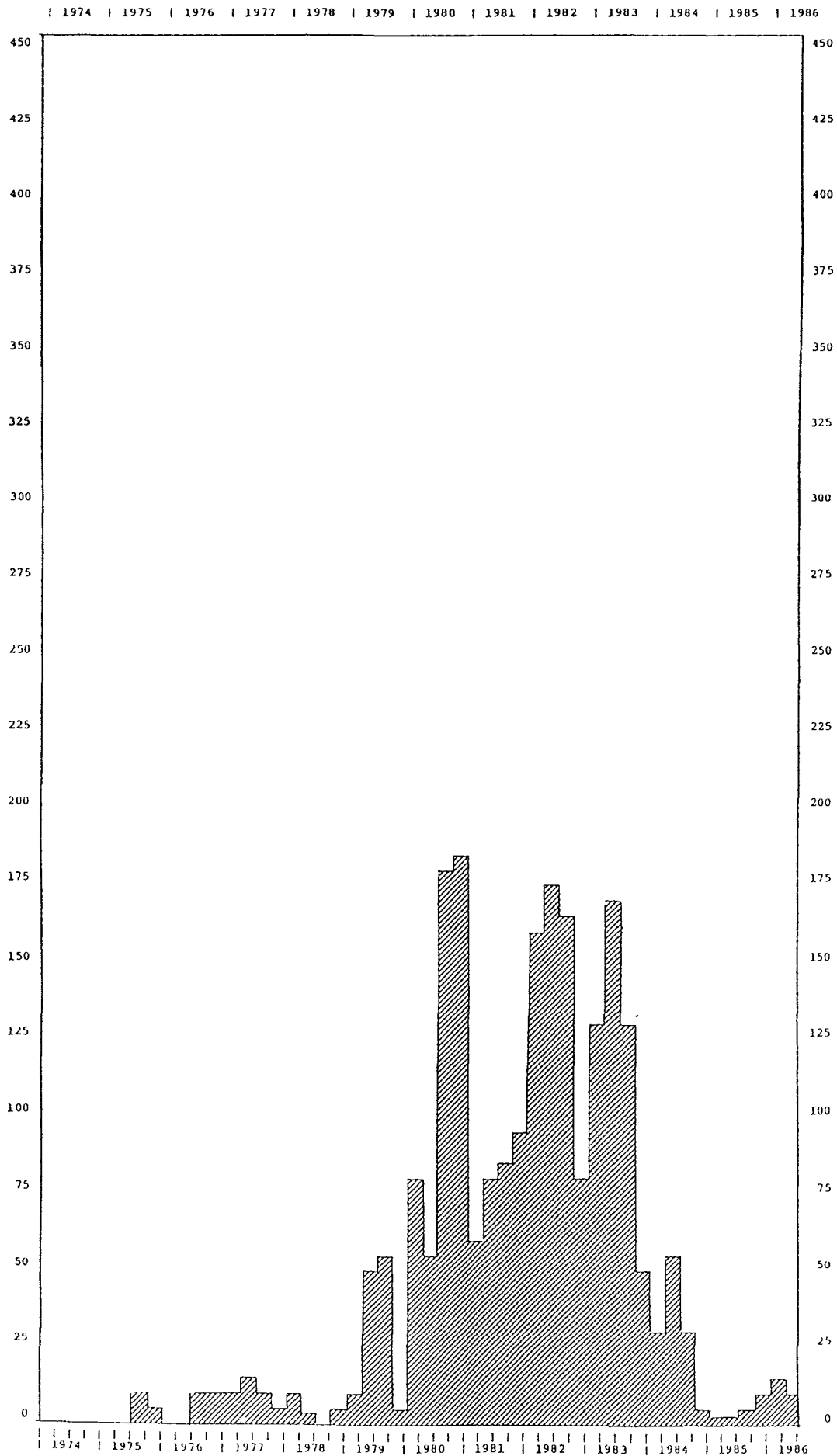
QUARTERLY NUMBER OF DISAPPEARANCES IN ARGENTINA
OVER THE PERIOD 1974 - 1986



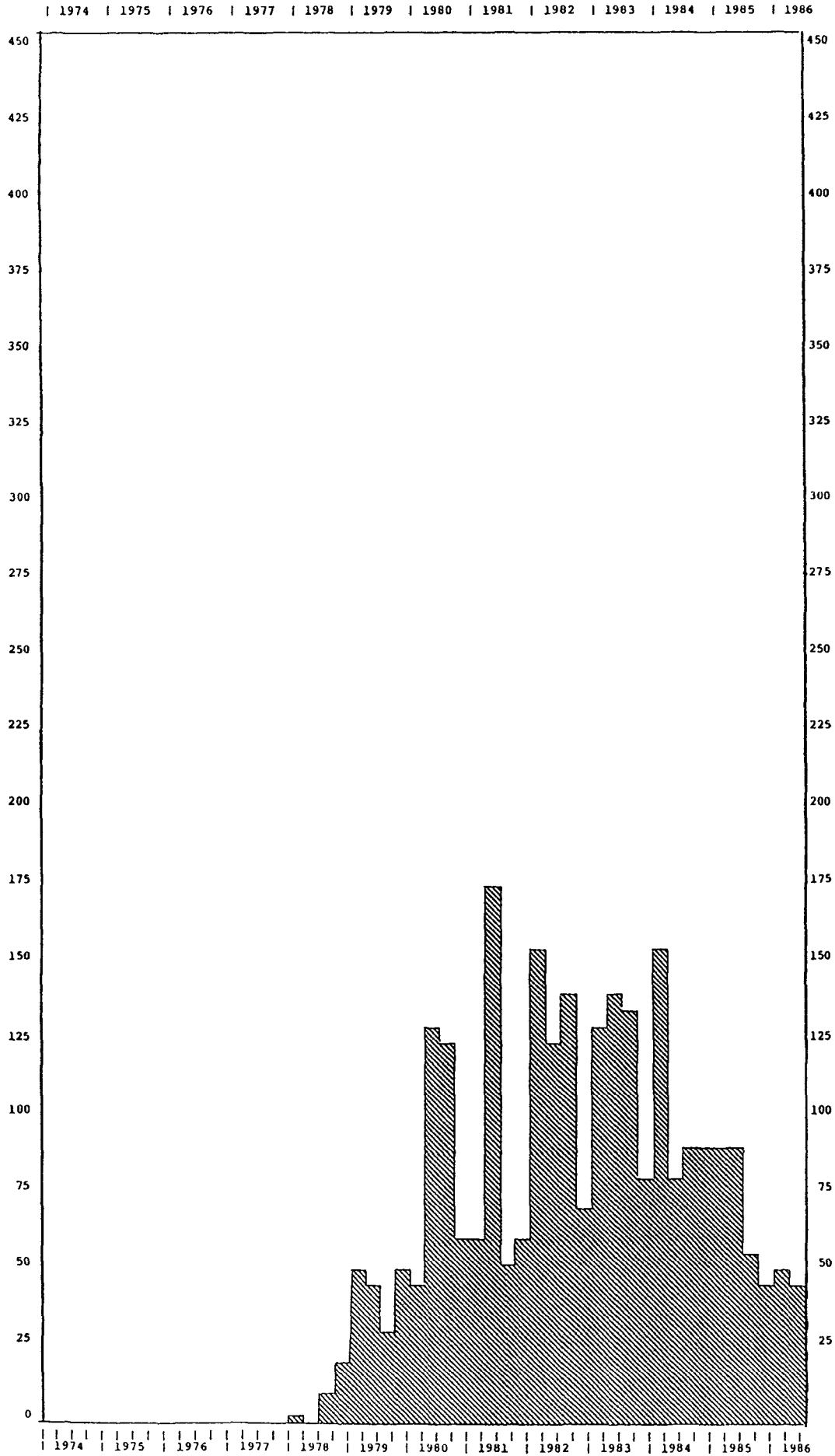
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OVER THE PERIOD 1974 - 1986



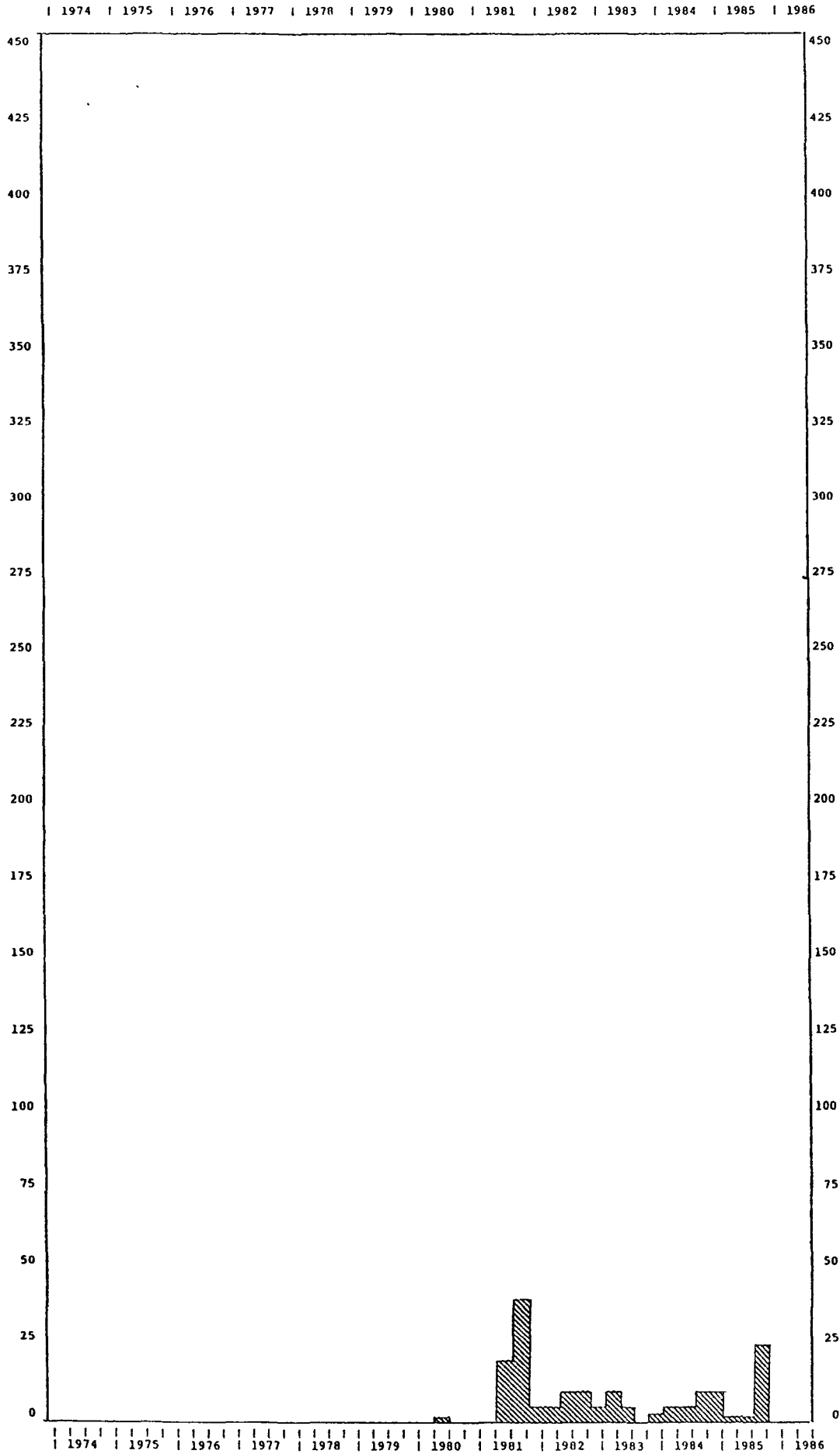
QUARTERLY NUMBER OF DISAPPEARANCES IN EL SALVADOR
OVER THE PERIOD 1974 - 1986



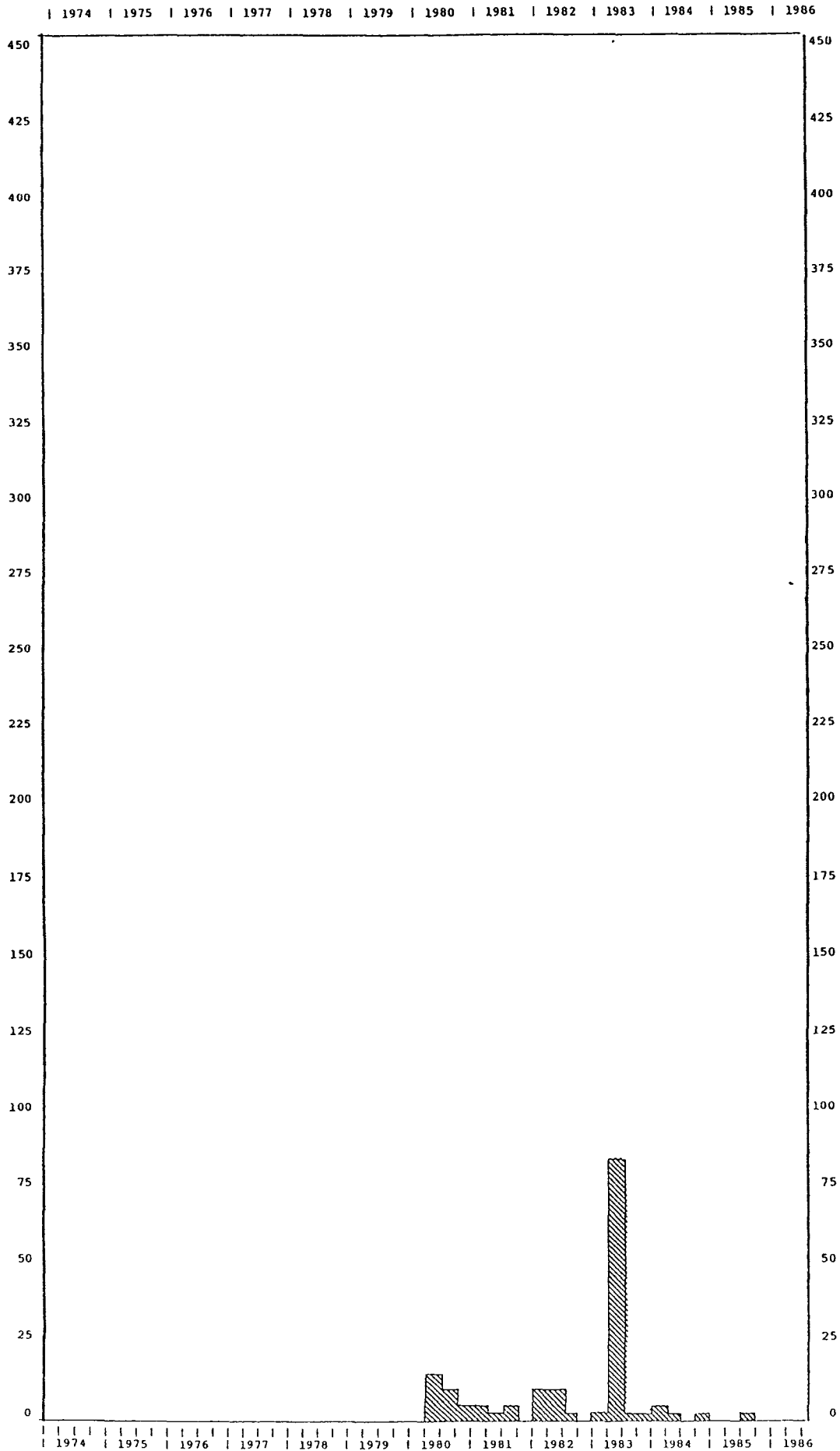
QUARTERLY NUMBER OF DISAPPEARANCES IN GUATEMALA
OVER THE PERIOD 1974 - 1986



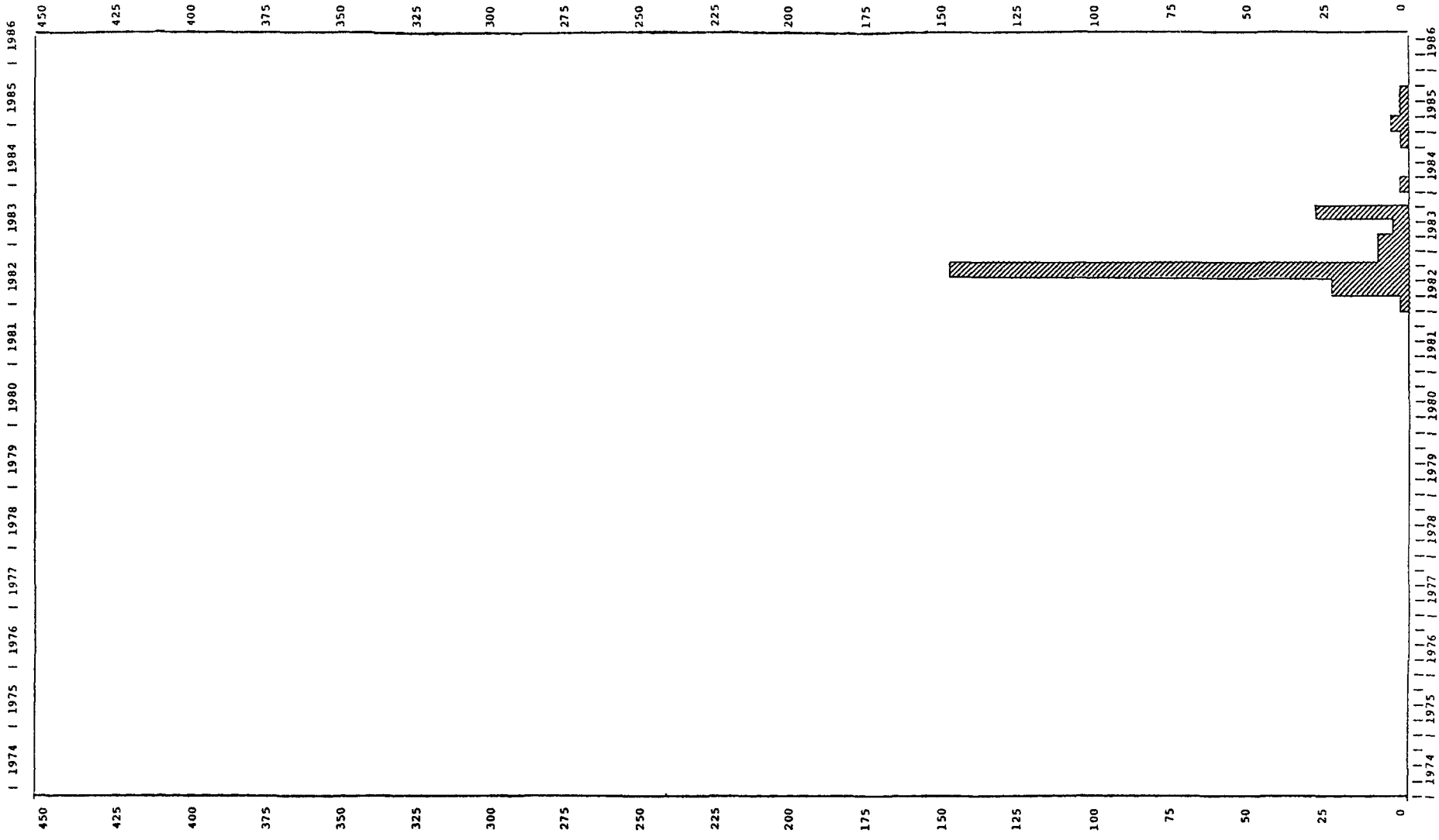
QUARTERLY NUMBER OF DISAPPEARANCES IN HONDURAS
OVER THE PERIOD 1974 - 1986



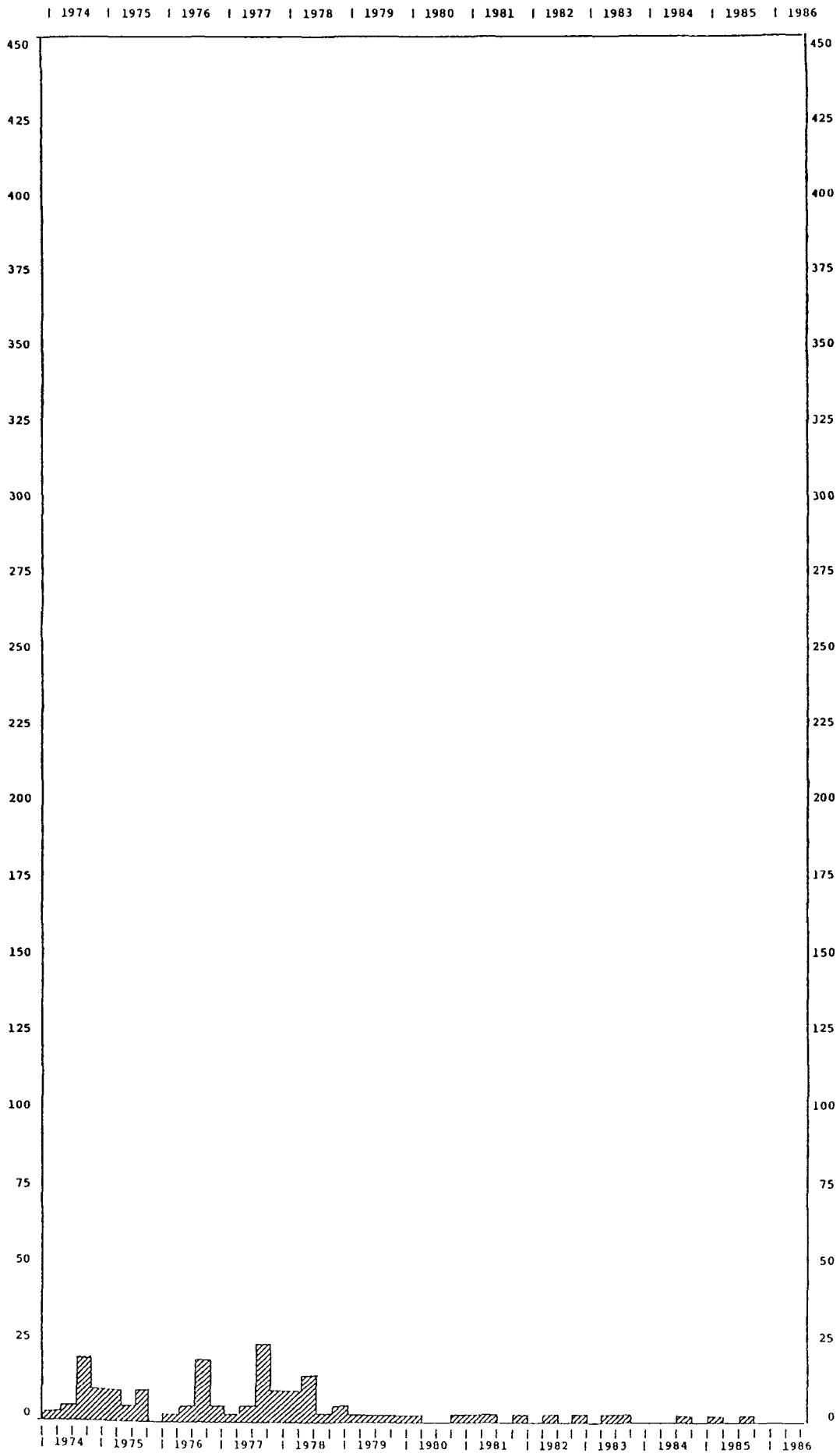
QUARTERLY NUMBER OF DISAPPEARANCES IN IRAQ
OVER THE PERIOD 1974 - 1986



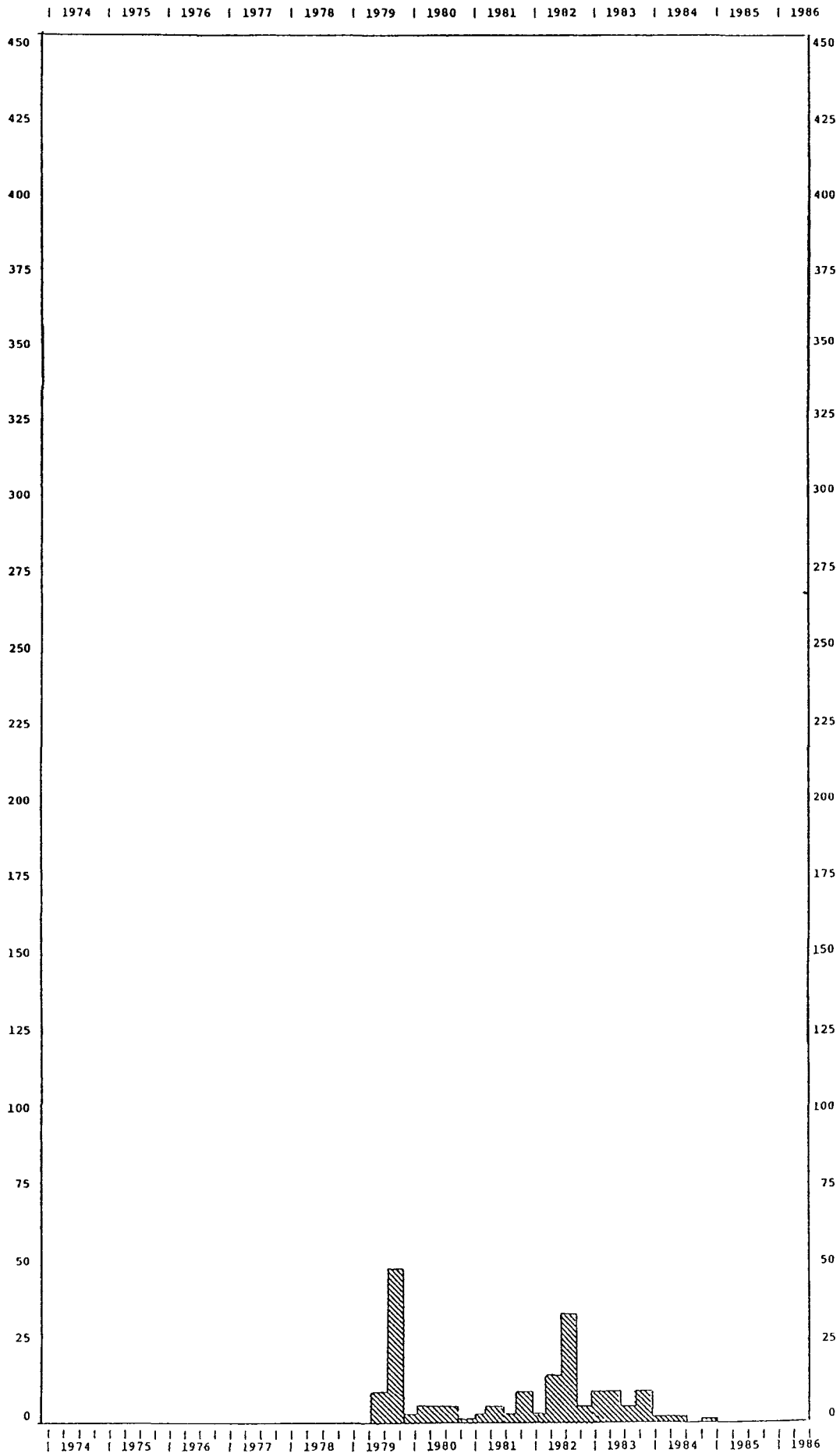
QUARTERLY NUMBER OF DISAPPEARANCES IN LEBANON
OVER THE PERIOD 1974 - 1986



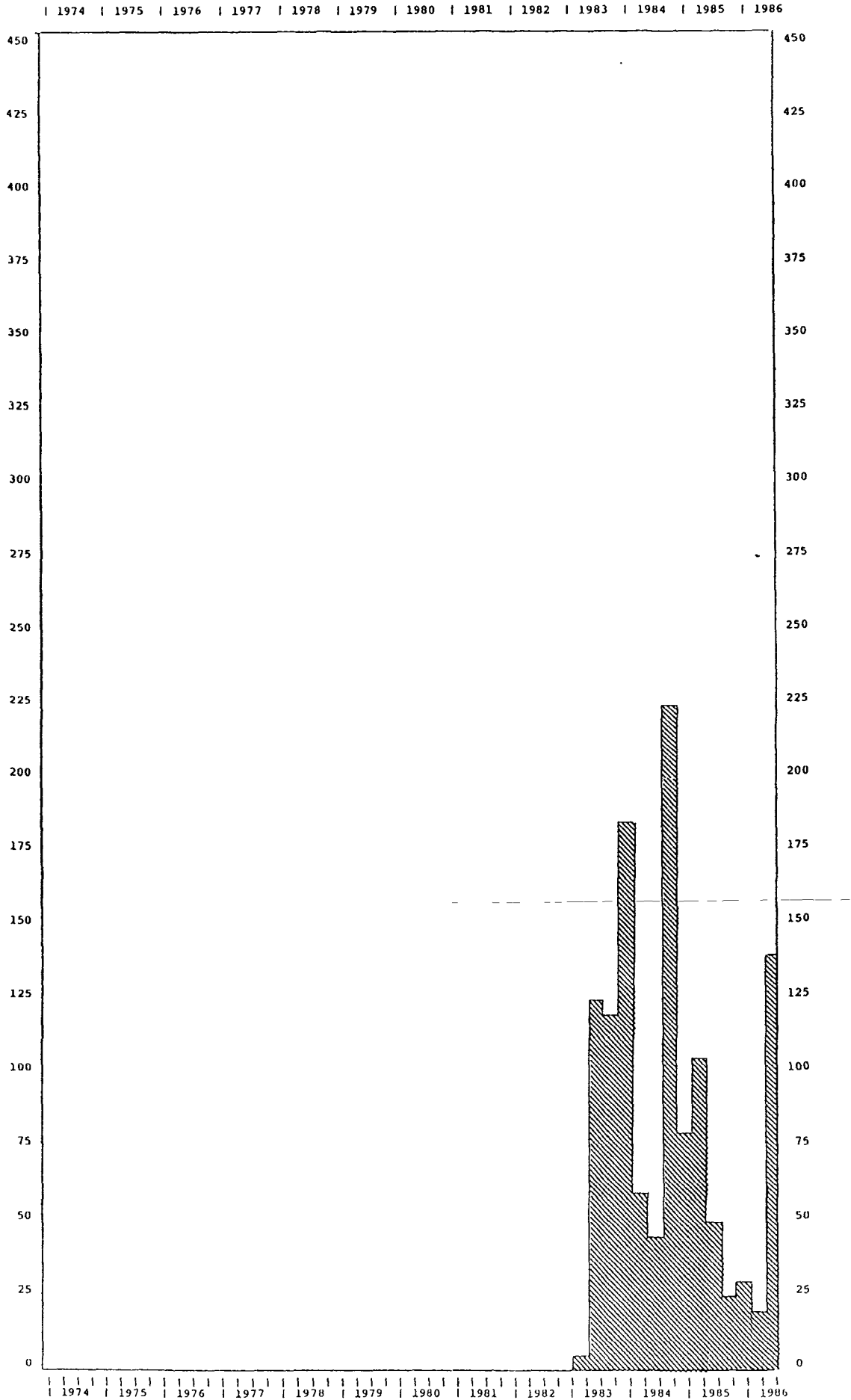
QUARTERLY NUMBER OF DISAPPEARANCES IN MEXICO
OVER THE PERIOD 1974 - 1986



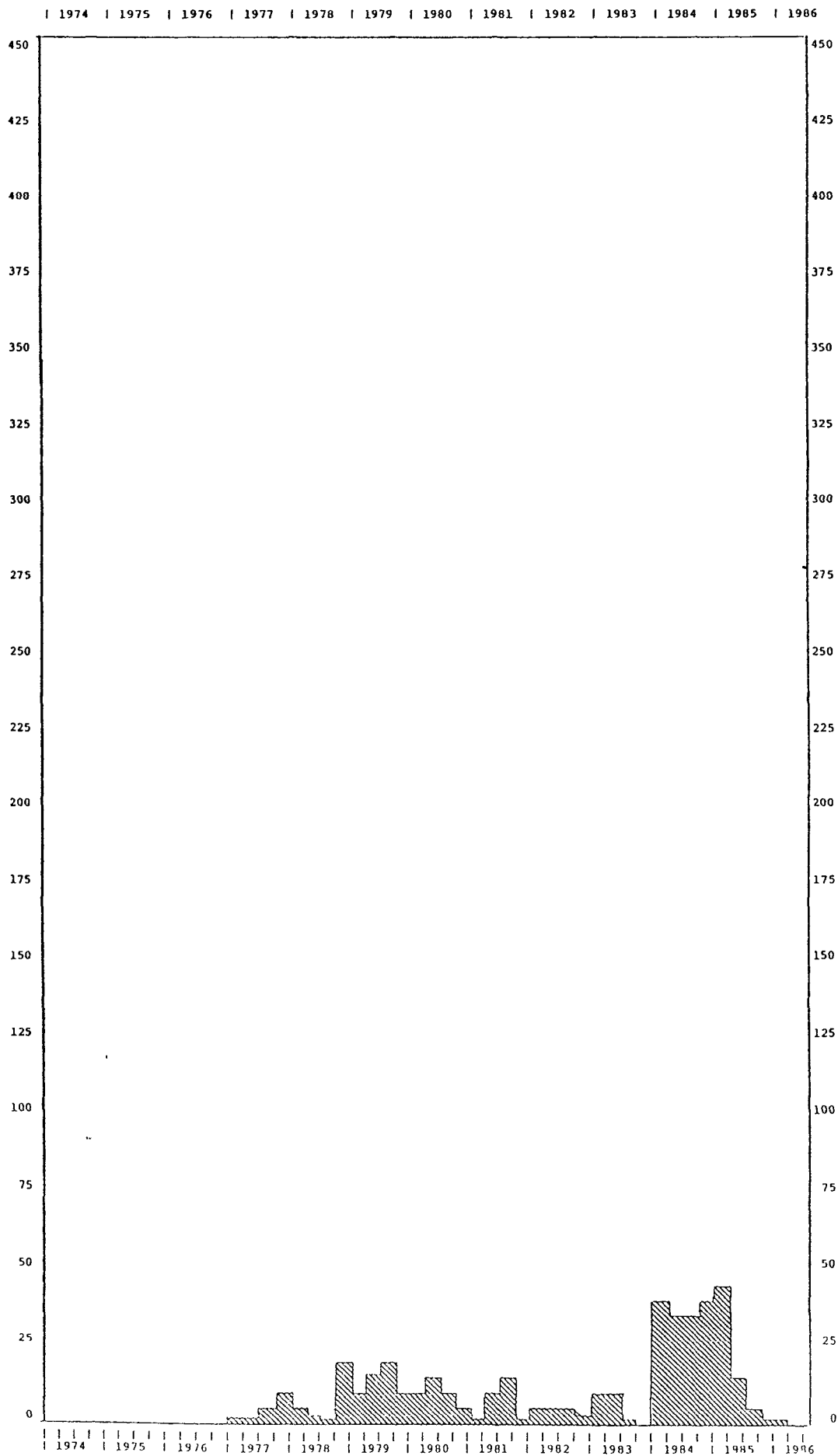
QUARTERLY NUMBER OF DISAPPEARANCES IN NICARAGUA
OVER THE PERIOD 1974 - 1986



QUARTERLY NUMBER OF DISAPPEARANCES IN PERU
OVER THE PERIOD 1974 - 1986



QUARTERLY NUMBER OF DISAPPEARANCES IN PHILIPPINES
OVER THE PERIOD 1974 - 1986



QUARTERLY NUMBER OF DISAPPEARANCES IN SRI LANKA
OVER THE PERIOD 1974 - 1986

