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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 1974-1987 in countries with more than 50 transmitted cases.

## INTRODUCTION

1. The Working Group on Enforced or Involuntary Disappearances herewith submits its eighth report to the Commission on Human Rights. The account of the Group's activities during 1987 reflected therein again provides a telling picture of the persistence of the phenomenon world-wide. Indeed the Group concerned itself with the situation in 40 countries; in 14 of them disappearances were reported to have occurred in 1987.

2. In order to enable the Commission clearly to assess the phenomenon and its developments in each country under consideration, the Group has introduced certain changes in the structure of the report. In particular, it was felt that any categorization should be avoided. The somewhat arbitrary distinction between countries with more or less than 20 cases has been abandoned and the country sections are now listed in alphabetical order. Moreover, a new entry has been introduced in the statistical summary indicating at the outset the number of cases which were reported to have occurred during the period under review. This is also highlighted in the accompanying text. The Group felt that such a presentation would improve understanding of the recent situation or the development of the phenomenon in each country, especially in those in which many cases were still being reported years after their actual occurrence.

3. In response to a number of suggestions and critical observations made, the Working Group devoted particular attention to a concise and comprehensive description of its methods of work (see chap. I, sect. D). The Group hopes that the detailed explanations it has thus provided will assist interested parties in better understanding how it operates.

4. The report again contains, in the annex, graphs showing the development of disappearances as reported to the Group since its inception on the basis of the cases that were transmitted to the Government concerned. At the request of some Governments, the group of countries for which graphs are provided has been extended to include all those with more than 50 transmitted cases.

5. Finally, the Commission's attention is drawn to the addendum to the present report which reflects the results of a visit to Guatemala, upon the invitation of that country's Government, carried out by two members on the Working Group's behalf. Following past practice, the country section on Guatemala was maintained and mainly provides information about the latest developments which have been reported since the conclusion of the visit.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR  
INVOLUNTARY DISAPPEARANCES IN 1987

A. Legal framework for the activities of the Working Group

6. The legal framework for the activities of the Working Group has been extensively described in its reports to the Commission on Human Rights at its forty-first and forty-second sessions.<sup>1/</sup>

7. At its forty-second session the Commission on Human Rights, by resolution 1986/55 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. At its forty-third session, the Commission adopted resolution 1987/27 in which it again requested the Working Group to submit to the Commission, at its forty-fourth session, a report on its work, together with its conclusions and recommendations. The Commission furthermore repeated the provisions contained in earlier resolutions, in particular resolution 1985/20.

B. Meetings and missions of the Working Group

8. In 1987 the Working Group held three sessions. The twenty-first session in New York from 4 to 8 May, the twenty-second session in Geneva from 14 to 18 September and the twenty-third session in Geneva from 25 November to 4 December 1987. During those sessions the Group held 13 meetings with representatives of Governments, one meeting with the Chairman of the Committee on Conventions and Recommendations of the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and 15 meetings with representatives of human rights organizations, families of missing persons and relatives or witnesses directly concerned with reports on enforced or involuntary disappearances.

9. In accordance with paragraph 8 of resolution 1987/27 and following an invitation by the Government, two members of the Working Group carried out a visit to Guatemala from 5 to 9 October 1987. The report on the visit was considered and approved by the Working Group at its twenty-third 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 1987 the Working Group received some 3,500 reports on enforced or involuntary disappearances and transmitted 1,094 newly reported cases to the Governments concerned; 261 of these cases were reported to have occurred in 1987 and 215 were processed under the urgent action procedure. The remaining reports were referred back to the sources because they lacked sufficiently detailed information. The Group also reminded Governments of the outstanding cases and, when requested, retransmitted the summaries of those cases to them; it also informed Governments about the clarification of or new information on previously transmitted cases as reported by the sources.

11. During the period under review, the Working Group sent to all its sources lists of cases as yet outstanding submitted by them in the past, together with a request that they ascertain from the families of the persons reported to have disappeared whether in the mean time they had received any news about the fate or whereabouts of their missing relatives. The Working Group felt that such specific inquiries addressed to the families on all outstanding reports might reveal facts which could have been overlooked or situations in which contacts with the relatives might have been interrupted with the passage of time. In this connection, the Working Group reminded all sources that, as a matter of principle, it accepted reports on disappearances from interested organizations on the assumption that they originated from the relatives of the persons reported missing. The Working Group stressed that it was indispensable for the effectiveness of its methods of work that all those submitting reports, directly or indirectly, should remain in contact with the families. The Working Group further reminded the sources of the minimum elements it required for the transmission of cases to Governments (see para. 21) and of the criteria applied for the clarification of cases (see paras. 26 and 27). In this connection it provided the sources with a list of points in addition to the minimum information required, which in the Group's experience were relevant and useful for the investigation of cases.

12. 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. As in previous years, the Group noted the latter phenomenon with particular concern and wishes to emphasize the responsibility of Governments to protect the relatives of disappeared persons from acts of intimidation and persecution. The Group also continued to receive a great number of 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).

13. As in previous years the Working Group received a number of requests that it deal with humanitarian questions which, although related to the phenomenon of disappearances, went beyond its mandate. In several such instances, the Working Group had in the past approached Governments or non-governmental organizations with a view to assisting in the solution of the problems posed or alleviating the concerns expressed. One intervention of that nature during the period under review was made at the request of the Grandmothers of the Plaza de Mayo with regard to the cases of four Argentine children born during the detention of their mothers (who are still missing) and later found in the hands of former military and police personnel who had absconded to Paraguay with the children when Argentine courts had ordered haematogenic tests in order to determine consanguinity with the grandparents. The Representative of Paraguay to the United Nations Office at Geneva informed the Working Group that the alleged adoptive parents had initiated court proceedings in Paraguay with which his Government could not interfere. However, it was expected that at the conclusion of those proceedings the haematogenic tests called for by the grandparents in Argentina would be carried out either in Paraguay or in Argentina, depending on the court's verdict.

14. During the year under review, a number of Governments expressed concern at the fact that cases of disappearances which they considered too old for effective investigation were being referred to them by the Working Group. They consequently felt that it was appropriate for the Working Group itself to impose a time-limit on the cases it received for transmission to Governments. The matter occupied the Working Group at great length but no common position could be adopted owing to different points of view held by its members. The Working Group, therefore, feels duty bound to bring the matter to the Commission for consideration.

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

Centro de Investigación y Educación Popular (CINEP)  
(Centre for Research and Popular Education), Bogotá;

Colombian Human Rights Committee, London;

Comisión Ecueménica de Derechos Humanos  
(Oecumenical Human Rights Commission), Quito;

Comision Permanente de Familiares de Desaparecidos y Asesinados  
(CPFDA),  
(Permanent Committee of Relatives of Disappeared and Assassinated  
Persons), Asunción;

Comité Nicaragüense de Derechos Humanos  
(Nicaraguan Human Rights Committee), Brussels;

Grupo Tortura Nunca Más (GTNM)  
(Torture Never Again Group), São Paulo;

Instituto de Estudios Legales y Sociales del Uruguay  
(Legal and Social Studies Institute), Montevideo;

Instituto de Estudios Políticos para América Latina y Africa (IEPALA),  
(Institute of Studies on Latin America and Africa), Madrid;

Representación Unitaria de la Oposición Guatemalteca (RUOG),  
(United Representation of the Guatemalan Opposition).



D. Methods of work

16. The Working Group's methods of work are based on its mandate as stipulated in Commission on Human Rights resolution 20 (XXXVI) and are specifically geared to its main objective. That objective is to assist families in determining the fate and whereabouts of their missing relatives who, having disappeared, are placed outside the protective precinct of the law. To this end, the Working Group endeavours to establish a channel of communication between the families and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases which the families, directly or indirectly, have brought to the Group's attention, are investigated and the whereabouts of the missing person clarified. The Group's role ends when the fate and whereabouts of the missing person have been clearly established as a result of investigations by the Government or the search by the family, irrespective of whether that person is alive or dead. The Group's approach is strictly non-accusatory. It does not concern itself with the question of determining responsibility for specific cases of disappearance or for other human rights violations which may have occurred in the course of disappearances. In sum, the Group's activity is humanitarian in nature.

17. A typical example of enforced or involuntary disappearance may be described in general terms as follows: a clearly identified person is detained against his will by officials of any branch or level of government or by organized groups or private individuals allegedly acting on behalf or with the support, permission or acquiescence of the Government. These forces then conceal the whereabouts of that person or refuse to disclose his fate or to acknowledge that the person was detained.

18. The Working Group does not deal with situations of international armed conflict, in view of the competence of the International Committee of the Red Cross (ICRC) in such situations, as established by the Geneva Conventions of 12 August 1949 and the Protocols additional thereto.

19. In transmitting cases of disappearances, the Working Group deals exclusively with Governments, basing itself on the principle that Governments must assume responsibility for any violation of human rights on their territory. If, however, disappearances are attributed to terrorist or insurgent movements fighting the Government on its own territory, the Working Group has refrained from processing them. The Group considers that, as a matter of principle, such groups may not be approached with a view to investigating or clarifying disappearances for which they are held responsible.

20. Reports on disappearances are considered admissible by the Working Group when they originate from the family or friends of the missing person. Such reports may, however, be channelled to the Working Group through representatives of the family, Governments, intergovernmental organizations, humanitarian organizations and other reliable sources. They must be submitted in writing with a clear indication of the identity of the sender.

21. In order to enable Governments to carry out meaningful investigations, the Working Group provides them with information containing at least a minimum of basic data. In addition, the Working Group constantly urges the sources of reports to furnish as many details as possible on the identity of

the missing person (if available, identity card numbers) and the circumstances of the disappearance. The Group requires the following minimum elements:

- (a) Full name of the missing person;
- (b) Date of disappearance, i.e., day, month and year of arrest or abduction or day, month and year when the missing person was last seen. When the missing person was last seen in a detention centre, an approximate indication is sufficient (i.e. March or spring 1980);
- (c) Place of arrest or abduction or where the missing person was last seen (at least indication of town or village);
- (d) Parties presumed to have carried out the arrest or abduction or to hold the missing person in unacknowledged detention;
- (e) Steps taken to determine the fate or whereabouts of the missing person or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive.

22. Reported cases of disappearances are placed before the Working Group for detailed examination during its sessions. Those which fulfil the requirements as outlined above are transmitted, upon the Group's specific authorization, to the Governments concerned requesting them to carry out investigations and to inform the Group about their results. The reported cases are communicated by letter from the Group's Chairman to the Government concerned through the Permanent Representative to the United Nations.

23. Cases that occurred within the three months preceding receipt of the report by the Group are transmitted directly to the Ministers for Foreign Affairs by means of a cable. Their transmission can be authorized by the Chairman on the basis of a specific delegation of power given to him by the Group. Cases which occurred prior to the three-month limit but not more than one year before the date of their receipt by the Secretariat, provided that they had some connection with a case which occurred within the three-month period, can be transmitted between sessions by letter upon authorization by the Chairman.

24. At least once a year the Working Group reminds every Government concerned of the cases which have not yet been clarified. Furthermore, at any time during the year, any Government may request the summaries of the outstanding and/or clarified cases which the Working Group has transmitted to it.

25. All replies received from Governments on reports of disappearances are examined by the Working Group and summarized in the Group's annual report to the Commission on Human Rights. The number of cases on which a Government has provided one or several specific replies are listed in the statistical summary concerning each country in the annual report. Any information given on specific cases is forwarded to the sources of those reports who are invited to make observations thereon or to provide additional details on the cases.

26. If the reply clearly indicates where the missing person is (whether alive or dead) and if that information is sufficiently definite for the family to be reasonably expected to accept it, the Working Group considers the case clarified at the session following the receipt of that information. The case is accordingly listed under the heading "Cases clarified by the Government's responses" in the statistical summary of the annual report.

27. If the reply provides definite information on the missing person's fate after the reported date of disappearance, but does not unambiguously specify the person's present whereabouts (for instance that the person was released from prison some time ago or that he is free without stating where), a reply from the source has to be awaited. If the source does not respond within six months of the date on which the Government's reply was communicated to it, the case is considered clarified. If the source contests the Government's information on reasonable grounds, the Government is so informed and invited to comment.

28. If the sources provide well-documented information that a case has erroneously been considered clarified, because the Government's reply referred to a different person, does not correspond to the reported situation or has not reached the source within the six-month period described above, the Working Group transmits the case to the Government anew requesting it to comment. In such instances the respective case is again listed among the outstanding cases and a specific explanation is given in the Group's report to the Commission on Human Rights, describing the above-mentioned errors or discrepancies.

29. Any substantive additional information which the sources submit on an outstanding case is placed before the Working Group and, following its approval, transmitted to the Government concerned. If the additional information received amounts to a clarification of the case, the Government is informed immediately without awaiting the Group's next session. Clarifications by the sources are summarized in the Group's annual report and listed in the statistical summary under the heading "Cases clarified by non-governmental sources".

30. The Working Group retains cases on its files as long as the exact whereabouts of the missing persons have not been determined, in accordance with the criteria outlined in paras. 16, 26 and 27. This principle is not affected by changes of Government in a given country. However, the Working Group accepts the closure of a case on its files when the competent authority specified in the relevant national law pronounces, with the concurrence of the relatives and other interested parties, on the presumption of death of a person reported missing.

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

Afghanistan

31. The Working Group's activities in relation to Afghanistan are recorded in its last report to the Commission.<sup>1/</sup>

32. No cases of disappearances were reported to have occurred in 1987. However, by letters dated 29 May and 16 October 1987 the Working Group reminded the Government of the four outstanding cases of disappearances which date back to 1985 and were transmitted in October 1986. The Government has provided no information on any of those cases and the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1987	0
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	4
IV.	Government responses	0

Angola

Information reviewed and transmitted to the Government

33. The Working Group's activities in relation to Angola are recorded in its last four reports to the Commission.<sup>1/</sup>

34. The Group has received no reports of disappearances occurring in Angola after 1977. However, by letter dated 6 March 1987, the summaries of the seven outstanding cases dating back to 1977 were retransmitted, upon her request, to the Observer for the Republic of Angola at the forty-third session of the Commission. By letters dated 29 May and 15 October 1987, the Working Group again reminded the Government of the outstanding cases. Despite repeated efforts by the Working Group to obtain a reaction from the Government of Angola to the reported disappearances, which were first transmitted to it in 1983, no response whatsoever has been received to date.

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

35. By letter dated 9 September 1987, the mother of two of the missing persons informed the Working Group that she had never succeeded in obtaining any definitive answer from the Government with regard to the fate or whereabouts of her missing children and son-in-law whom she believed to have been executed.

Statistical summary

I.	Cases reported to have occurred in 1987	0
II.	Outstanding cases	7
III.	Total number of cases transmitted to the Government by the Working Group	7
IV.	Government responses	0

Argentina

Information reviewed and transmitted to the Government

36. The Working Group has recorded its activities in relation to disappearances in Argentina in its last seven reports to the Commission.<sup>1/</sup>

37. By letters dated 30 September and 4 December 1987, the Working Group transmitted to the Government six newly reported cases dating back to the period 1975-1977 and provided it with updated information on six cases transmitted previously. As regards the three cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report. In its letter of 4 December 1987, the Working Group also advised the Government that, on the basis of information provided by the sources, it had considered five cases clarified.

38. It should be noted that the Group has received no reports of disappearances occurring in Argentina after December 1983. The Government has continuously co-operated with the Group in investigating earlier cases.

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

39. The six newly transmitted cases were reported to have occurred during the period 1975-1977; they were submitted by the Grandmothers of the Plaza de Mayo. Three of them concern members of the same family (brother, sister and her husband) who were arrested together. The remaining three concern a couple arrested together, and a woman. All three women were pregnant at the time of the arrest and their relatives are also interested in the whereabouts of the children who should have been born in detention.

40. In five cases, the new information provided by the Grandmothers on previously transmitted cases concerned women who were reportedly pregnant at the time of their detention. In the sixth case, the relatives had reportedly found out that the missing person had given birth to a child during her detention and that the baby had been given to a medical doctor in the armed forces. The Grandmothers also advised the Working Group of five clarifications, one concerning a child who had been found after 12 years of disappearance and four concerning the bodies of missing persons which had been found and identified.

41. The Working Group has also received reports of a general nature from Americas Watch, the International Federation of Human Rights, the Mothers and the Grandmothers of the Plaza de Mayo and the Relatives of Disappeared Persons and Persons Detained for Political Reasons. One of the major concerns of these organizations was Act No. 23.521 (so-called "due obedience law"), promulgated in June 1987. According to the above-mentioned sources, the law stipulates that any crime (with the exception of illegal appropriation of children, rape and illegal real estate transfers), committed during the period 1976 to September 1983, by military personnel, security, penitentiary and police forces under the operational control of the armed forces, excluding the highest-ranking officials, is presumed to have been carried out in the exercise of military obedience, any evidence to the contrary being inadmissible, and thus absolves them from penal responsibility. According to the same sources, the Act had the effect of bringing about the termination of criminal proceedings and connected investigations into cases of disappearances. The organizations stated that, as a consequence, the relatives felt that they were currently placed in a situation in which they lacked domestic remedies and that it would be impossible for them to clarify the fate of the missing persons.

Information and views received from the Government

42. By a note verbale dated 6 April 1987, the Government of Argentina informed the Working Group that six cases transmitted in 1986 and one case updated with new information in 1986 had been submitted to different courts (five cases) and to the Supreme Council of the Armed Forces (two cases) for investigation.

43. By a note verbale dated 15 September 1987, the Government provided the Working Group with a list of 2,249 cases which had been submitted for investigation to various courts. The Government also pointed out that, of the total of 3,368 cases transmitted by the Working Group, only 2,624 had been reported to the National Commission on the Disappearance of Persons (CONADEP).

44. At its twenty-third session, the Working Group met a representative of the Government of Argentina who informed it that a commission had been established within the Ministry of Education and Justice to monitor the proceedings of the courts with regard to disappearances and to keep the Working Group informed on the progress made in the investigations. On 30 October 1986, a law had been enacted providing for financial assistance to relatives of the missing persons (wives, children and other dependants up to 21 years old as well as handicapped persons). Another draft law, shortly to be approved by the parliament, would establish a new national registry of persons detained or restricted in their freedom, in which every warrant for the arrest or detention of persons would be recorded, as well as information on the detention itself, including restriction of freedom ordered by the executive during states of emergency. The provisions of that draft law were aimed at preventing any future occurrence of unacknowledged detentions.

45. In relation to Act No. 23.521, the representative of Argentina stated that it had been adopted by the Congress and its constitutionality had been recognized by the Supreme Court. The Government of Argentina had taken important measures demonstrating that it was determined to shed light on the question of disappearances, such as the repeal of an amnesty law enacted by a military Government, the establishment of the National

Commission on the Disappearance of Persons (CONADEP) and the trial of the members of three military juntas and some other high-ranking officers who had been directly involved in disappearances and had been sentenced by the Federal Court of Appeal. In one such case, the court had stated that the events which had occurred in Argentina had followed an organized plan, master-minded down to the last detail by the commanding officers and by the commanders of certain army units who carried absolute responsibility for their jurisdiction and issued orders for detention, received reports on the persons detained and established which persons would never be freed. In its judgement the court had stated that the crimes it had examined were the consequence of a policy decided upon by the commanding officers who were thus responsible for all decisions connected with the fate of the missing persons. Thus Act No. 23.521, which was preceded by four years of investigations and ample information about the repression by the military régime, did not prevent the trial of a considerable number of high-ranking officers who were still subject to criminal prosecution because of their responsibility for violating human rights. The law did not, in any case, extinguish the possibility of initiating actions which might lie before civil courts, nor did it exclude criminal trials in relation to the illegal appropriation of children, rape and real estate transfers obtained by extortion. On the other hand, an officer directly accused of offences connected with disappearances had been released only because the court had found that those offences were no longer punishable, the time-limit for prosecution having passed. However, the Commander who had given the orders to that officer had been sentenced to life imprisonment.

Statistical summary

I.	Cases reported to have occurred in 1987	0
II.	Outstanding cases	3,366
III.	Total number of cases transmitted to the Government by the Working Group	3,417
IV.	Government responses:	
(a)	Number of cases on which the Government has provided one or more specific responses	2,277
(b)	Cases clarified by the Government's responses <u>a/</u>	28
V.	Cases clarified by non-governmental sources <u>b/</u>	23

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a/ Persons released from detention: 10  
Children located by a non-governmental organization: 14  
Persons whose bodies have been located and identified: 4.

b/ Persons released from detention: 7  
Children located: 3  
Persons whose bodies have been located and identified: 13.

Bolivia

Information reviewed and transmitted to the Government

46. The activities of the Working Group in relation to Bolivia are recorded in its last seven reports to the Commission.<sup>1/</sup>

47. By letter dated 4 December 1987, the Working Group, in accordance with its methods of work, transmitted to the Government 15 newly reported cases dating back to the period 1979-1981. In view of the date of transmittal, it must be understood, however, that the Government could not have responded prior to the adoption of the present report by the Working Group. It should also be noted that the Group has received no reports of disappearances occurring in Bolivia since 1982.

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

48. The newly reported cases, which concern 11 men, two women and two teen-age girls, were submitted to the Working Group in November 1987 by the Association of Relatives of Disappeared Detainees and Martyrs for the National Liberation (ASOFAMD). Eleven cases were reported to have occurred in 1979 during the coup d'état of Col. Alberto Natusch Busch and the other four between 1980 and 1981. Most of the persons were said to have been arrested by uniformed men of the army. Inquiries with the authorities and human rights organizations were undertaken for all of them without results.

Information and views received from the Government

49. By a letter dated 12 January 1987, the Government informed the Working Group that investigations would be carried out on one newly reported case which was transmitted in December 1986.

50. By a note verbale dated 23 November 1987, the Permanent Mission of Bolivia to the United Nations Office at Geneva reiterated its Government's intention to continue co-operating with the Working Group in the clarification of cases of enforced or involuntary disappearances which had occurred under previous military Governments. It referred, in particular, to the proceedings pending before the Supreme Court against those implicated in disappearances and other illegal acts which had taken place during the Government of Maj.-Gen. Luis García Meza and stated that such proceedings would probably help to shed light on the fate of the missing persons.



Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	28
III. Total number of cases transmitted to the Government by the Working Group	48
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	33
(b) Cases clarified by the Government's responses <u>a/</u>	20

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a/ Persons released from detention: 18  
Persons officially reported dead: 2.

Brazil

Information and views transmitted to the Government

51. The Working Group's activities in relation to Brazil are recorded in its last seven reports to the Commission.<sup>1/</sup>

52. In 1987 the Working Group transmitted four newly reported cases of disappearances, two by letter dated 30 September and two by cable of 21 October 1987 under the urgent action procedure; the latter two cases were reported to have occurred in 1987 and were subsequently clarified by the Government. By letters dated 29 May and 8 July 1987, the Working Group reminded the Government of the 45 outstanding cases and, at the request of the Permanent Mission of Brazil to the United Nations Office at Geneva, it retransmitted the summaries of these cases, by a letter dated 9 July 1987.

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

53. The newly reported cases were transmitted by the organization Grupo Tortura Nunca Más (GTNM) of Sao Paulo. In one case it was reported that the missing person had been arrested in 1973 in Santiago, Chile, and later handed over to the Brazilian police. The missing person's wife, who had been arrested with him, was released in Chile. According to the reports, her efforts to ascertain her husband's whereabouts from the Brazilian authorities were unsuccessful. In a second case the mother of the person concerned had learned from a newspaper that her son had been arrested in 1967 by agents of the security forces and that he had died in 1972, but she had been unable to obtain confirmation from the authorities. The other two persons were said to have been transferred in September 1987 from a prison in Salvador, Bahia, to an unknown destination, by members of the Polintern from the State of Alagoas, but petitions addressed to the authorities requesting information on their whereabouts have given no result.

Information and views received from the Government

54. By letter dated 5 May 1987, the Permanent Mission of Brazil to the United Nations in New York informed the Working Group that the Council for the Defence of Human Rights, an organ of the Brazilian Ministry of Justice, had decided to reopen the case of a person reported by the Working Group to have disappeared which had been shelved following a decision of the Council in 1971. The Council for the Defence of Human Rights had further decided to keep the case under consideration while it was being examined by civilian and military judicial organs. The Council had also initiated a review of proceedings concerning a group of 85 cases and for that purpose established a commission composed of highly respected and learned members of Brazilian society.

55. By letter dated 17 November 1987, the Permanent Mission to the United Nations Office at Geneva provided further information on the structure and functioning of the Council for the Defence of Human Rights. It informed the Working Group that the Council had published a proclamation on 23 September 1987 requesting all those who knew of any facts serious enough to justify an investigation of the disappearance of persons on allegedly political grounds to submit such information in writing to the Council within 30 days. The Permanent Mission further informed the Group that 142 cases had been brought to the attention of the Council by relatives and organizations active in the field of human rights following the above proclamation.

56. By letters dated 2 and 3 December 1987, the Permanent Mission of Brazil to the United Nations Office at Geneva provided the replies on the two urgent action cases transmitted by the Working Group in 1987, stating that both the persons concerned were under arrest in the prison of Salvador, Bahia, that they were charged with armed robbery and that they had been sentenced to several years of imprisonment by the 7th Criminal Court of Salvador. The 47 remaining cases were covered by the review of proceedings currently undertaken by the Commission of the Council for the Defence of Human Rights.

Statistical summary

I.	Cases reported to have occurred in 1987	2
II.	Outstanding cases	47
III.	Total number of cases transmitted to the Government by the Working Group	49
IV.	Government responses:	
(a)	Number of cases on which the Government has provided one or more specific responses	49
(b)	Cases clarified by the Government's responses <sup>a/</sup>	2

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<sup>a/</sup> Persons in prison: 2.

ChileInformation reviewed and transmitted to the Government

57. The activities of the Working Group in relation to Chile are recorded in its last seven reports to the Commission.<sup>1/</sup>

58. During the period under review, the Working Group transmitted 20 newly reported cases to the Government of Chile, of which five were reported to have occurred in 1987. 13 cases were transmitted by letter dated 16 October, two by letter dated 2 November and five under the urgent action procedure by cable dated 9 October 1987. By letters dated 29 May and 16 October 1987, the Working Group reminded the Government of the outstanding cases transmitted to it previously. No reply has been received to date on any of these cases and the Group is, therefore, still unable to report on the fate or whereabouts of the missing persons.

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

59. The newly reported cases were submitted to the Working Group by Amnesty International, the Vicaria de la Solidaridad, UNESCO and relatives and friends of missing persons. Fifteen cases were reported to have occurred between 1973 and 1976 and concerned a university professor, teachers, students, a film actor and a producer. Five persons were said to have disappeared in September 1987 after having been abducted by forces believed to belong to or to act with the acquiescence of the Government; most of those missing persons were members of the left-wing opposition and at least three had been sought by the police in the past in connection with alleged political activities. Amparo was invoked for all of them without result.

Statistical summary

I. Cases reported to have occurred in 1987	5
II. Outstanding cases	24
III. Total number of cases transmitted to the Government by the Working Group	26 <sup>a/</sup>
IV. Government responses	0
V. Cases clarified by non-governmental sources <sup>b/</sup>	2

<sup>a/</sup> 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 Special Rapporteur on the situation of human rights in Chile (E/CN.4/1435, para. 42). Consequently the Group has only dealt with cases of enforced or involuntary disappearances that were reported to it since its creation. In his preliminary report to the forty-second session of the General Assembly (A/42/556, para. 108), the Special Rapporteur continued to note a lack of progress in the judicial investigations pending on 663 cases of alleged disappearances which had taken place in previous years.

<sup>b/</sup> Person released: 1

Person dead (body found and identified): 1.

Colombia

Information reviewed and transmitted to the Government

60. The previous activities of the Working Group in relation to Colombia are recorded in its last three reports to the Commission.<sup>1/</sup>

61. During the period under review, the Working Group transmitted to the Government of Colombia 42 newly reported cases of disappearances, of which 24 were reported to have occurred in 1987. Ten cases were transmitted by letter dated 29 May, two by letter dated 30 September, six by letter dated 4 December 1987 and 24 by various cables under the urgent action procedure. One case, considered clarified in 1986, was transmitted anew on 4 December 1987, since it was found that the information on which the Group had based its earlier decision concerned the missing person's brother. As regards the cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

62. The Working Group reviewed all cases of enforced or involuntary disappearances transmitted to the Government so far. Twenty-five cases, which had been duplicated due to differences in the spelling of the names by the sources or other errors, were deleted; the Government was advised accordingly. By letters dated 29 May and 30 September 1987, the Government was also reminded of the outstanding cases. It was further informed that the Working Group had considered 34 cases clarified, 20 on the basis of information given by the Government and 14 upon reports from the sources.

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

63. General information on disappearances and other human rights violations was received from the International Federation of Human Rights and the International Association against Torture. The newly reported cases were submitted by relatives, Amnesty International, the Colombian Association of Relatives of Disappeared Detainees (ASFADDES) and the Permanent Committee for the Defence of Human Rights (CPDDDH). They were reported to have occurred between November 1986 and October 1987, with the exception of one case dating back to 1982. All cases contained information on the place and the date of arrest or abduction and on the persons believed to have carried them out. The arrests reportedly took place in various departments and cities such as Tolima, Cali, Valle del Cauca, or the capital Bogotá. They were allegedly made by military, police or security personnel.

64. The sources also reported that 14 cases had been clarified; 13 of the persons concerned, all of them belonging to the Chuiba Indian community in the Department of Chocó, had returned to their homes, after having fled from their villages during an assault by the armed forces; one other person had been released from prison.

65. During its twenty-third session, the Working Group met a representative of the Permanent Committee for the Defence of Human Rights and witnesses. The representative of the organization stated that the

general characteristics of disappearances in Colombia remained the same as described in 1986 (see E/CN.4/1987/15, para. 24). Most disappearances continued to occur in rural areas; however, many families in the countryside were afraid of reprisals and either refrained from reporting the cases to the authorities or gave incomplete testimony. The habeas corpus procedure was hardly known outside the cities, but even in the capital judges were reluctant to accept habeas corpus petitions when they involved the armed forces.

#### Information and views received from the Government

66. At its twenty-first session the Working Group received a delegation from the Government of Colombia composed of the Permanent Representatives of Colombia to the United Nations in New York and the United Nations Office at Geneva, the Under-Secretary for International Organizations in the Ministry of Foreign Affairs and a member of the Attorney-General's office. The delegation submitted to the Working Group a document containing information on the Government's peace policy and on the reforms made in the institutional and legal framework of the country since the President came to office on 7 August 1986. Various institutions had been established, such as the Special Court of Investigation, which was competent to deal with offences against the right to life and personal integrity (Decree No. 950 of 25 April 1987) and the Procuraduría Delegada para la Defensa de los Derechos Humanos (Office of the Attorney-Delegate for the Defence of Human Rights) (Decree No. 30 of 15 November 1986 of the Attorney-General of the Nation), which replaces the former Commission on Human Rights. Other legislation mentioned included Decree No. 0050 of 13 January 1987 which amended articles 454 to 466 of the Code of Criminal Procedure governing the remedy of habeas corpus, providing, inter alia, that habeas corpus petitions could be filed before any criminal judge of the place of detention or before any criminal judge of the nearest municipality, if the arrest had been ordered by the only judge acting in that municipality.

67. The document also described the functions of the Attorney-Delegate for the Defence of Human Rights, which included protection of the right not to be detained arbitrarily or beyond the time-limits authorized by law and in particular the right not to be made to disappear, to be abducted, hidden or unlawfully held incommunicado. The Attorney-Delegate for the Defence of Human Rights also had a mandate to receive criminal complaints, to undertake the necessary investigations and initiate the corresponding judicial procedures. He also received administrative complaints, initiated all preliminary investigations into such complaints and forwarded them to the competent authorities. He had the obligation to inform the Attorney-General of the Nation of all human rights problems in the country and suggested measures that he believed could contribute to the full implementation of the Attorney-General's functions in the field of human rights.

68. The document further contained a list of names of persons whose cases the Government considered clarified and two other lists of cases under investigation. More detailed information on specific cases was provided in subsequent letters from the Permanent Mission of Colombia to the United Nations Office at Geneva and the Under-Secretary for International Organizations.

69. With regard to the Working Group's methods of work, the delegation pointed out that the procedures of special rapporteurs or working groups dealing with human rights violations had been developed on an ad hoc basis. It was, therefore, high time for the parameters constituting international practice in this area to be clearly spelled out. Colombia did not want to conceal human rights violations or to gain impunity, but it would like to see unambiguous procedural rules applied which would enhance the credibility of the Working Group.

70. The Government of Colombia had repeatedly expressed the view that the Working Group, mutatis mutandis, should apply the rules stipulated in the Optional Protocol to the International Covenant on Civil and Political Rights when examining communications alleging disappearances. (The same view was expressed in letters from the Permanent Representative of Colombia to the United Nations Office at Geneva, dated 7 January and 25 June 1987). The Optional Protocol contained universally accepted norms that had shown their efficiency. His Government had not asked that domestic remedies be exhausted, but felt strongly that cases of disappearances should at least be filed with national authorities before being admitted by the Working Group. The Centre for Human Rights should ascertain that the communication was not abusive and conduct the necessary inquiries to determine the credibility of the sources. During that time the Government would be able to conduct its own investigations provided that the relatives had brought the case to the attention of the national authorities. It should further be borne in mind that the Human Rights Committee did not deal with cases which had already been placed before another international body. The multiplicity of investigation procedures was conducive not to the solution of cases but rather to the impunity of the perpetrators. A certain number of non-governmental organizations had abused the Working Group's procedures for the promotion of their political interests and it was characteristic that in 1986 only one case had been directly reported by the relatives. The burden of proof should be carried by those who formulated the allegations and not by the Governments concerned.

71. The specific circumstances prevailing in the countries and regions under consideration had to be taken into account. The Working Group must draw a distinction between totalitarian and democratic Governments, such as his own, since in the latter disappearances were not the result of a Government policy. In his country, disappearances were carried out as acts against the State and the Government was carefully investigating the reported cases and was taking sanctions against those medium- or low-ranking officials who, in violation of the laws and international engagements of Colombia, had become involved in disappearances.

72. The delegation further stated that the accusatory character of the Working Group's report had to be changed. Conditions of equality must also prevail in the procedure applied for clarifications and the Centre for Human Rights, the Working Group and the Governments concerned should, in a tripartite effort, examine how to improve the efficiency of the procedure in that regard.

73. By letters dated 7 January, 20, 30 and 31 March and 24 June 1987, the Government provided replies concerning 83 cases that had been transmitted to it by the Working Group as follows: 27 persons were at liberty; investigations into the alleged disappearance of 18 persons were continuing

(documents on the investigations were provided for 13 of them); in 14 cases the persons had been killed (in two of them investigations into the causes of their death were continuing); in nine cases, no investigation was recorded in the Office of the Attorney-General; seven persons had been released after having spent some time in detention; three persons were detained; two persons had escaped from prison; one person had been released after having collaborated with the Army; one person had been released on bail; and in one case it was stated that the abduction had not been carried out by government officials. The Working Group decided to consider clarified 20 cases referred to in the above replies.

#### Statistical summary

I. Cases reported to have occurred in 1987	24
II. Outstanding cases	481
III. Total number of cases transmitted to the Government by the Working Group	551
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	162
(b) Cases clarified by the Government's responses <u>a/</u>	51
V. Cases clarified by non-governmental sources <u>b/</u>	19

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a/ Persons at liberty: 12  
 Persons released: 16  
 Persons detained: 11  
 Persons dead: 12.

b/ Persons at liberty: 12  
 Persons released: 4  
 Persons detained: 3.

#### Cyprus

74. The Working Group's activities in relation to Cyprus are recorded in its seven earlier reports to the Commission.<sup>1/</sup> As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus, as appropriate, when requested. The Working Group noted with satisfaction that in 1987 the Committee, whose work consisted mainly of investigations in the field, had actively pursued its efforts and had held 9 sessions involving 34 meetings.

Dominican Republic

75. The Working Group's activities in relation to the Dominican Republic are recorded in its last three reports to the Commission.<sup>1/</sup>

76. In 1987 no cases of disappearance were reported to the Group. However, by letters dated 29 May and 15 October 1987, the Working Group reminded the Government of the two outstanding cases which date back to 1984. Again, no information was provided by the Government on those cases and the Working Group is, therefore, unable to report on the fate or whereabouts of those persons.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	2
III. Total number of cases transmitted to the Government by the Working Group	2
IV. Government responses	
(a) Number of cases on which the Government has provided one or more specific responses	1
(b) Cases clarified by the Government's responses	0

Ecuador

Information reviewed and transmitted to the Government

77. The Working Group's activities in relation to Ecuador are recorded in its last report to the Commission on Human Rights.<sup>1/</sup>

78. In 1987 no cases of disappearance were reported to the Working Group. However, by letters dated 29 May and 30 September 1987, the Working Group reminded the Government of the two outstanding cases which date back to 1985, and, at its twenty-third session in December 1987, decided to retransmit updated summaries of those cases containing observations from the sources on replies provided by the Government. It must be understood that the Government, could not respond to those observations prior to the adoption of the present report.

Information received from the Government

79. By a letter dated 6 May 1987, the Permanent Representative of Ecuador to the United Nations in New York provided further information on the two outstanding cases. With regard to one of them he stated that, while there



were no details of the person concerned in the national archives of the Documentation Department, the person was wanted by the Ecuadorian National Police because there was reliable evidence that he was a leader of the "Alfaro Vive, Carajo" movement and an active participant in a number of offences committed by that terrorist group. In the other case, the person had been arrested for her participation in the raid on the Banco El Pacifico, had been brought before the Inspector-General of Police in the Province of Pichincha and had later been released upon the instructions of the Tenth Judge of the Pichincha Criminal Court. However, the dates of detention and release indicated by the Government did not coincide with the reported date of disappearance.

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

80. In September and November 1987, Amnesty International and the Ecuadorian Ecumenical Commission on Human Rights made observations on the Government's replies on the two cases. With regard to the first case the organizations stated that the person concerned was first detained on 20 February 1985 and released after having been subjected to torture; it was also stated that he was again detained on 10 November 1985 together with two other persons, and that they were held incommunicado for 15 days before being transferred to the Esmeralda Barracks, Conocot, Quito, where allegedly they were interrogated under torture. The organizations reported further that, while the two other persons were then taken by the police to the Provisional Detention Centre in Quito, the missing person had never been seen again. With regard to the second case, the organizations informed the Working Group of the testimony of a person who had been arrested with the missing person confirming the date of the arrest as originally reported.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	2
III. Total number of cases transmitted to the Government by the Working Group	9
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	9
(b) Cases clarified by the Government's responses <sup>a/</sup>	7

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

Egypt

81. The Working Group's activities in relation to Egypt are recorded in paragraph 118 of its last report to the Commission.<sup>1/</sup>

82. In 1987 the Working Group received no reports of disappearances occurring in Egypt. However, by a letter dated 15 October 1987, the Working Group reminded the Government of the one outstanding case of disappearance dating back to 1986, on which no reply had yet been received.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	1
III. Total number of cases transmitted to the Government by the Working Group	1
IV. Government responses	0

El SalvadorInformation reviewed and transmitted to the Government

83. The activities of the Working Group in relation to El Salvador are recorded in its last seven reports to the Commission.<sup>1/</sup>

84. During the period under review, the Group transmitted a total of 36 newly reported cases of disappearance to the Government, 24 of which were reported to have occurred in 1987. Six cases were transmitted by letter dated 29 May, four by letter dated 30 September, two by letter dated 4 December 1987 and 24 by various cables under the urgent action procedure. As regards the two cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

85. By letters of 29 May and 30 September 1987, the Government was reminded of the outstanding cases. The Government was also informed that the Group had considered 26 cases clarified, 23 on the basis of replies given by the Government and three by information from the sources. The Working Group further reviewed all cases of enforced or involuntary disappearances which had been transmitted to the Government so far; 11 cases, which had erroneously been transmitted twice, were deleted. The Government was informed of the relevant adjustments by a letter dated 30 September 1987.

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

86. Most of the newly reported disappearances were submitted by Amnesty International and the Central American Association of Relatives of Disappeared Detainees (ACAFUDE). Others were submitted by Christian Legal Aid (SJC), the World Council of Churches (WCC) and the Commission for the Defence of Human Rights in Central America (CODEHUCA). Twenty-four cases were reported to have occurred in 1987, nine in 1986, two in 1985 and one in 1982. The abductions or arrests were said to have taken place at the missing persons' house or residence, on the street or while the persons were *on their way to work, to school or coming from a restaurant; most cases* occurred in the Departments of Usulután and San Salvador. The professions most frequently mentioned were farmer, worker and student. The forces which allegedly carried out the arrest were described as members of the army, national guard, members of the navy, treasury police (Policia de Hacienda), civil defence agents or simply armed men in plainclothes. In many cases habeas corpus petitions were filed; according to the sources, however, those petitions as well as inquiries addressed to the security forces had had no result. The sources also reported that three cases had been clarified (two persons had been released and another had reappeared) and both the source and the Government reported the person's release in 11 cases.

87. During the period under review, several organizations, in particular the Central American Association of Relatives of Disappeared Detainees and the Monsignor Oscar Arnulfo Romero Committee of Mothers and Relatives of Salvadorian Political Prisoners, Disappeared and Assassinated Persons (a member of which met the Working Group during its twenty-second session) drew attention to the adverse effects the civil war had had on the observance of human rights, in particular with regard to the civilian population, and to the mass displacement by the army of people living in the combat area. They also reported that human rights organizations and their members had been accused by the authorities of supporting subversive groups and that some of their members had been arrested and the offices of their organization searched.

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

88. The Working Group has received written information from the Government and from the (governmental) Commission on Human Rights of El Salvador regarding 55 cases. In 23 instances, the Working Group decided to consider the cases clarified on the basis of the replies it had received. (Nineteen persons released from detention, three in prison, one in a psychiatric hospital). In five cases it was reported that the matter was under investigation and in four cases it was stated that there was no trace in the registries indicating that the person concerned had been arrested. In 18 cases, it was reported that the persons concerned had not been detained by any of the security forces, in one other case it was reported that a member of the (governmental) Commission on Human Rights of El Salvador had visited *the premises of the body alleged to have carried out the arrest of the person concerned* and had been told that the arrest had not been carried out by the said body. Four of the Government's replies concerned cases which had been clarified earlier by the Government or the source.

89. By a letter dated 25 February 1987, the Permanent Mission, in reply to the Working Group's request that the Government of El Salvador indicate the measures it had taken in relation to General Assembly resolution 33/173, sent a booklet on the functions and organization of the (governmental) Commission on Human Rights of El Salvador. The functions of the Commission are to protect, supervise and promote human rights, especially those recognized by the Constitution and international agreements. The Commission is established on a permanent basis; it is composed of seven members designated by an Executive Order for an initial mandate of two years. Under chapter III of the Statute, the Commission shall, *inter alia*, receive and transmit complaints, undertake investigations and have access to detention centres, prisons and military premises to locate the whereabouts of detainees. It is also stated that the Commission shall perform its functions through existing organs and in co-operation with the judicial, administrative and security bodies.

Statistical summary

I.	Cases reported to have occurred in 1987	24
II.	Outstanding cases	2,066
III.	Total number of cases transmitted to the Government by the Working Group	2,392
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	420
	(b) Cases clarified by the Government's responses <u>a/</u>	306
V.	Cases clarified by non-governmental sources <u>b/</u>	20

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- a/ Persons in prison: 169  
 Persons released from detention: 133  
 Persons officially reported dead: 4.
- b/ Persons in prison: 5  
 Persons released from detention: 12  
 Persons reported dead: 1  
 Person at liberty: 2.

Ethiopia

Information reviewed and transmitted to the Government

90. The activities of the Working Group in relation to Ethiopia are recorded in its last six reports to the Commission.<sup>1/</sup>

91. By a letter dated 30 September 1987 the Working Group transmitted to the Government eight newly reported cases of disappearance dating back to the years 1985 and 1986. At the same time, as well as by a letter dated 29 May 1987, the Government was reminded of the other 19 cases transmitted in the past which remain unclarified. During the period under review, the Government has not provided responses on any of the outstanding cases. It should further be noted that the Group has received no reports of disappearances occurring in Ethiopia in 1987.

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

92. The eight newly reported cases were received from Amnesty International. They concern political prisoners who have reportedly been detained without charge or trial since 1980 and were removed from Addis Ababa prisons in November 1985 and October 1986, since when they have been missing.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	27
III. Total number of cases transmitted to the Government by the Working Group	27
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	2
(b) Cases clarified by the Government's responses	0

Guatemala

Information reviewed and transmitted to the Government

93. The Working Group's activities in relation to Guatemala are recorded in its last seven reports to the Commission and in addendum 1 to the present report.<sup>1/</sup>

94. In the course of 1987, the Working Group transmitted to the Government of Guatemala 209 newly reported cases, 49 of which were reported to have occurred in the same year. Forty-seven cases were transmitted by a letter dated 29 May, 9 by a letter dated 30 September, 120 by a letter dated 4 December 1987 and 34 under the urgent action procedure. The Working Group also decided to retransmit to the Government 187 cases updated with new information recently received from the sources. As regards the cases transmitted by the Group in December 1987, in accordance with its methods of work it must be understood that the Government could not respond prior to the adoption of the present report.

95. The files on disappearances in Guatemala were revised and nine duplicated cases were deleted. It was also found that four cases clarified in previous years had not been included in the statistics. The Government was informed accordingly.

96. The Government was also informed of 31 cases considered clarified by the Working Group on the basis of information received from the Government and/or the sources. By letters dated 29 May and 30 September 1987, the Government was reminded of all outstanding cases and the relevant summaries were handed to the competent department in the Ministry of Foreign Affairs during the visit to Guatemala by two members of the Working Group.

Information and views received from the Government

97. During 1987, the Government provided the Working Group with replies concerning 62 cases transmitted to it, including 11 cases for which a reply had been given previously. In 35 cases the Government reported that an investigation was being carried out, in 13 cases that the persons reported as missing were unknown to the local authorities, in four cases that the persons were living abroad, in four cases that the persons had been abducted and later released, in one case that the person had been legally detained and released, in four cases that the persons were at liberty and had never been detained and in one case that the person had never been arrested or detained. Five cases were considered clarified on the basis of this information (an additional five had been considered clarified in previous years).

98. By a note verbale dated 23 February 1987, the Government invited the Working Group to visit Guatemala. By a letter dated 12 March 1987, the invitation was accepted by the Chairman on behalf of the Working Group. The visit took place from 5 to 9 October 1987 and Mr. Jonas K.D. Foli and Mr. Luis Varela Quirós represented the Working Group. The report on the visit is contained in document E/CN.4/1988/19/Add. 1.

99. After the visit by two members of the Group to Guatemala, the Government provided the Group with the text of a law entitled "Act of assistance for widows and minor orphans victims of violence in the country", which establishes a fund to provide them with economic assistance. The fund is to receive resources from the general budget and to be administered by an executive body under the supervision of the Ministry of Public Finances.

100. The Working Group also received the text of a governmental agreement (Acuerdo gubernativo No. 971-27) creating the Advisory Commission on Human Rights to the President of the Republic (COPADEH). A description of the Commission's functions is given in paragraph 58 of the addendum to the present report.

101. At its twenty-third session, the Working Group met the Permanent Representative of Guatemala to the United Nations Office at Geneva, who stated that the improvement of the human rights situation in his country had been recognized by the international community. The recent peace efforts made by all Central American countries would further enhance the process. He mentioned the measures taken by Guatemala in terms of new institutions (see E/CN.4/1988/19/Add.1, paras. 9-13 and 58), as well as the economic assistance granted to relatives by the above mentioned law. He also explained that the members of the Advisory Commission on Human Rights had not yet been appointed, due to its recent creation.

Information and views received from relatives of missing persons or from non-governmental organizations after the visit to Guatemala

102. After the visit of two members of the Working Group to Guatemala, the Working Group received information from Americas Watch, Amnesty International, the Guatemalan Commission on Human Rights, the Mutual Support Group (GAM), the Peace and Justice Service of Guatemala and the United Representation of the Guatemalan Opposition (RUOG). These organizations continued to submit cases of disappearances or reports of a general nature related to disappearances. Particular concern was expressed over the fact that many cases of disappearance had occurred in recent months, some of them resulting in assassinations. The organizations gave several examples of disappearances which had occurred in the presence of witnesses in areas where the armed forces and the civil defence exercised almost total control; they reported that some days later the bodies of the missing persons had been found, mutilated and tortured, on roadsides, often far from the place of abduction.

103. Some organizations reported an increase in violence and expressed serious concern over death threats received by relatives of missing persons during recent months. They requested the Working Group to take any possible action for the protection of the life and security of members of relatives' and human rights organizations.

Statistical summary

I. Cases reported to have occurred in 1987	50
II. Outstanding cases	2,795
III. Total number of cases transmitted to the Government by the Working Group	2,879
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	94
(b) Cases clarified by the Government's responses <sup>a/</sup>	30
V. Cases clarified by non-governmental sources <sup>b/</sup>	54

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<sup>a/</sup> Persons detained: 3  
Persons arrested and released: 17  
Persons at liberty: 9  
Person found dead: 1.

<sup>b/</sup> Persons released from detention: 17  
Person in prison: 1  
Persons at liberty: 5  
Persons whose bodies were found and identified: 31.

Guinea

104. The Working Group's previous activities in relation to Guinea are recorded in its last five reports to the Commission.<sup>1/</sup>

105. The Working Group has received no reports of disappearances occurring in Guinea after 1985. However, by letters dated 29 May 1987 and 15 October 1987, the Working Group reminded the Government of the outstanding cases transmitted previously, dating back in one instance to 1972 and in 20 instances to 1985. Once again, the Government has provided no information on any of those cases and the Group is, therefore, still unable to report on the fate or whereabouts of the missing persons.



Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	21
III. Total number of cases transmitted to the Government by the Working Group	28
IV. Government responses	0
V. Cases clarified by non-governmental sources <u>a/</u>	7

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a/ Persons dead: 7.

Haiti

Information reviewed and transmitted to the Government

106. The activities of the Working Group in relation to Haiti are recorded in its last three reports to the Commission.<sup>1/</sup>

107. By cables dated 15 October and 16 November 1987, two new cases reported to have occurred in September 1987 were transmitted to the Government under the urgent action procedure. By letters dated 29 May and 15 October 1987, the Government was reminded of all outstanding cases.

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

108. The newly reported cases were submitted by Amnesty International; one concerned a person allegedly abducted on 24 September 1987 by unidentified men, believed to be members of the security forces, who took him away in a white Toyota with dark windows and no number-plates; the other person was abducted on 20 September 1987 by armed men in civilian clothes, believed to be police agents of the Criminal Research Service.

Information and views received from the Government

109. By a letter dated 11 June 1987, the Government informed the Working Group of a press communiqué issued by the Ministry of Justice on 7 May 1986 declaring that no person who had served the former régime was detained for political reasons in the prisons of the Republic.

Statistical summary

I. Cases reported to have occurred in 1987	2
II. Outstanding cases	14
III. Total number of cases transmitted to the Government by the Working Group	23
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	13
(b) Cases clarified by the Government's responses <sup>a/</sup>	9

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<sup>a/</sup> Persons at liberty: 4  
Persons in prison: 5.

HondurasInformation reviewed and transmitted to the Government

110. The activities of the Working Group in relation to Honduras are recorded in its last seven reports to the Commission.<sup>1/</sup>

111. During the period under review the Working Group transmitted 12 newly reported cases of disappearances to the Government, 10 of which were reported to have occurred in 1987. Eight cases were transmitted by a letter dated 30 September, two by a letter dated 4 December and two under the urgent action procedure by cables dated 1 January and 26 August 1987. (The two urgent action cases were later clarified by the sources.) At its twenty-third session, the Working Group also decided to retransmit to the Government 58 cases with additional information not included in previous transmissions. As regards the cases transmitted by the Group in December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

112. In revising the files it was found that three cases had erroneously been transmitted twice due to a different spelling of the names by the two sources. The duplicated cases were deleted from the list and the Government was informed accordingly. The Government was also informed that the Working Group had considered 11 cases clarified, three on the basis of information from the Government and eight by information provided by the sources. Furthermore, by a letter dated 23 February 1987, the Working Group retransmitted to the Government, at its request, summaries of all outstanding cases and further reminded it of those cases by letters of 29 May and 30 September 1987.

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

113. Eight newly reported cases were submitted by relatives through the Permanent Mission of Nicaragua to the United Nations Office at Geneva. They concern eight young men who were reportedly abducted within Nicaraguan territory in June 1987 by counter-revolutionary groups and subsequently transferred to Honduras. The two urgent action cases were submitted and later clarified by the Commission for the Defence of Human Rights in Central America and by the International Organization against Torture, respectively. The two remaining cases which date back to 1986 were reported by the Committee for the Defence of Human Rights in Honduras (CODEH).

114. The Working Group has also received reports concerning general aspects of the problem of disappearances in Honduras from Americas Watch, Amnesty International, the Commission for the Defence of Human Rights in Central America (CODEHUCA) and the Committee of Relatives of Disappeared Detainees in Honduras (COFADEH), who expressed regret that the report of the Armed Forces Commission on Disappearances published in 1985 had not shed light on the disappearances which had occurred under a previous Government. These organizations asserted that Honduran army commanders had accused Nicaraguan counter-revolutionary forces of being responsible for the disappearance and killing of persons while those same forces had in turn accused the Honduran Army of having committed the crimes. According to the sources, a well organized system of death squads, responsible for killings and disappearances, in which the Nicaraguan counter-revolutionary groups, the Honduran Army and other forces were involved, seemed to persist. Though the number of disappearances had dropped significantly since 1984, new cases had occurred. Various organizations also expressed concern about attempts to discredit human rights organizations and threats against human rights activists.

115. It was also reported that in mid-1987 the Inter-American Commission on Human Rights had decided to submit the cases of two nationals of Honduras and Costa Rica, respectively, who had disappeared in Honduras, to the Inter-American Court of Human Rights. The Court, whose proceedings were observed by one member on the Group's behalf, had not rendered a verdict at the time of the adoption of the present report.

Information and views received from the Government

116. During its twenty-third session the Working Group met representatives of the Government of Honduras who stated that, in recent years, the Government had consolidated the democratic process and established a climate of peace in the country. As a consequence more than 200,000 nationals of neighbouring countries had sought refuge in Honduras. The Government had also accepted the jurisdiction of the Inter-American Court of Human Rights which would shortly pronounce judgement on the responsibility of Honduras in four cases of disappearance which had occurred in 1981 and 1982.

117. The representatives also informed the Working Group of the establishment of an "Inter-institutional Commission for Human Rights" comprising officials from the Ministries of the Interior, Justice and Foreign Affairs, the Supreme Court, the Congress, the Armed Forces and the Office of the Attorney-General. The functions of the Commission included

representation of the State in matters related to human rights, their promotion through the organization of seminars and other activities and their protection, including investigations into the legality of detentions.

Statistical summary

I. Cases reported to have occurred in 1987	10
II. Outstanding cases	137
III. Total number of cases transmitted to the Government by the Working Group	177
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	73
(b) Cases clarified by the Government's responses <u>a/</u>	14
V. Cases clarified by non-governmental sources <u>b/</u>	26

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a/ Persons at liberty: 10  
Persons before the courts 4.

b/ Persons at liberty: 10  
Persons detained and later released: 6  
Refugee forcibly returned to his country of origin: 1  
Persons dead: 8  
Person escaped from a camp: 1.

India

Information reviewed and transmitted to the Government

118. At its twenty-third session, the Working Group decided to transmit to the Government of India 30 cases of disappearances reported to have occurred in May 1987. Since those cases, in accordance with the Group's methods of work, were transmitted as late as 25 November 1987, it must be understood that the Government could not respond prior to the adoption of the present report.

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

119. The information transmitted to the Government was reported by Amnesty International in October 1987 and concerns 30 persons from the Hashimpura area of Meerut who have been missing since the evening of 22 May 1987, when, according to witnesses, they were among several hundred youths and

middle-aged men who were arrested by the Provincial Armed Constabulary (PAC) and taken away in trucks driven by members of PAC. It is alleged by some of those who later escaped from detention that many of the men arrested were shot and their bodies thrown in the Upper Ganga Canal near Muradnagar.

Statistical summary

I. Cases reported to have occurred in 1987	30
II. Outstanding cases	30
III. Total number of cases transmitted to the Government by the Working Group	30
IV. Government responses	0

Indonesia

Information reviewed and transmitted to the Government

120. The Working Group's activities in relation to Indonesia are recorded in its last seven reports to the Commission.<sup>1/</sup>

121. On 30 September 1987, the Working Group transmitted to the Government two newly reported cases of disappearances which date back to 1984 and informed it that seven cases transmitted in the past had been clarified by the source. The Government was also informed that replies it had provided on six cases were considered by the Group as clarifications. At the same time, as well as by a letter dated 29 May 1987, the Government was reminded of the cases transmitted in the past which were still outstanding.

122. It should be noted that the Working Group has received no reports of disappearances occurring after spring 1985.

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

123. By a letter dated 8 September 1987, Amnesty International reported that in September 1984 two brothers had been arrested in Ili Lapa Camp, Lautem, by military personnel, and had been missing since then. In the same communication, Amnesty International advised the Group that 10 persons reported missing in Indonesia had been found to be alive. The information in respect of three of those cases confirmed that already provided by the Government.

Information and views received from the Government

124. By letters dated 12 August and 12 November 1987 the Permanent Representative of Indonesia to the United Nations Office at Geneva sent the Secretariat responses concerning 10 persons whose cases had been transmitted to the Government in 1985. In so doing he stressed that that should not be construed as implying that Indonesia was under any obligation to the Working Group; the Government of Indonesia was bound by and remained committed to observing the understanding with the International Committee of the Red Cross, and that information was sent to the Group rather as an expression of the Government's high regard for the Commission on Human Rights and as a gesture of good faith.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	54
III. Total number of cases transmitted to the Government by the Working Group	69
IV. Government responses	
(a) Number of cases on which the Government has provided one or more specific responses	10
(b) Cases clarified by the Government's responses <u>a/</u>	6
V. Cases clarified by non-governmental sources <u>b/</u>	9 <u>c/</u>

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a/ Detained in prison: 6

b/ Found to be alive: 8  
In prison: 1.

c/ The 3 cases clarified by both the Government and the source are included in IV.(b) only.

Iran (Islamic Republic of)Information reviewed and transmitted to the Government

125. The Working Group's activities in relation to the Islamic Republic of Iran are recorded in its last six reports to the Commission.<sup>1/</sup>

126. By a letter dated 29 May 1987, the Working Group transmitted to the Government of the Islamic Republic of Iran 16 newly reported cases of disappearances dating back to the period 1981-1984. It should be noted that the Group has received no reports of disappearances occurring in the Islamic Republic of Iran since 1985.

127. By letters dated 29 May and 16 October 1987, the Government was reminded of all cases of disappearances transmitted to it in the past which remain unclarified. 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.

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

128. The reports received during 1987 were submitted by the People's Mojahedin of Iran and concerned 16 disappearances which had occurred between June 1981 and September 1984, mostly in Tehran. The arrests of those persons were attributed to Revolutionary Guards (Pasdaran). The organization stated that for months or even years the families had been approaching different authorities such as the Revolutionary Guards, prisons and police, but there had been no reaction or merely a reference to other authorities.

129. During its twenty-first and twenty-third sessions, the Working Group met representatives of the National Council of Resistance of Iran and the People's Mojahedin of Iran, one of whom introduced as a witness a former detainee in an Iranian prison. All stressed the dilemma families were facing in reporting cases of disappearances to international bodies, such as the Working Group. They asserted that relatives had to take considerable risks for themselves and their families, as well as for the missing person, if they decided to report a case to the Group; many of them had been threatened and warned not to pursue the case of the missing person. The organizations mentioned in particular that if the authorities learned of a report indicating that the missing person had been seen in prison, the detainee's life could then be in danger. Sometimes, after a lapse of two years, it was learned that the missing person was being held in a prison at which his detention had been denied many times to his family.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	98
III. Number of cases transmitted to the Government by the Working Group	98
IV. Government responses	0

Iraq

Information reviewed and transmitted to the Government

130. The activities of the Working Group in relation to Iraq are recorded in its last three reports to the Commission.<sup>1/</sup>

131. In 1987, the Working Group transmitted to the Government of Iraq 168 newly reported cases, 119 by a letter dated 29 May 1987, three by a letter dated 18 September and 46 by a letter dated 4 December 1987. As regards the cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report. It should also be noted that the Group has received no reports of disappearances occurring in Iraq in 1987.

132. The Government was further reminded, by a letter dated 29 May 1987, of all outstanding cases, the summaries of which were retransmitted to it by a letter of 18 September 1987. However, the Government has not provided any response on specific cases transmitted to it 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.

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

133. The newly reported cases were submitted by relatives through the Organization of Human Rights in Iraq. A representative of that organization appeared before the Group at each of its three sessions. Most of the reported cases occurred between 1980 and 1986. They concerned persons from different segments of society (civil servants, medical doctors, persons in military service, shopkeepers, students and workers) who had reportedly been arrested by security agents at their residence, place of work or military units. In many of those cases it was reported that family members of the missing persons had also been arrested and subsequently expelled to the Islamic Republic of Iran. In some cases it was asserted that the persons had been arrested either because of their religious practices or because a member of the family had left Iraq to continue studies abroad.

134. Two other newly reported cases were presented by the International Committee for the Release of Detained and Disappeared Women in Iraq, a representative of which met the Group at its twenty-first session. The cases occurred in 1980 and 1981 and concerned one young man whose parents had also disappeared in 1980 and a woman at whose residence several other persons had previously been arrested.

135. Both organizations emphasized that relatives of missing persons were generally subjected to serious threats by the security services and were therefore reluctant to file complaints about disappearances with the police or the judiciary. They asserted that no internal remedies were available to the relatives of missing persons to which they could resort without having to fear for their own safety. For the families who had been expelled to the Islamic Republic of Iran it was totally impossible to receive any information whatsoever from Iraq on the whereabouts of their missing relatives. The view was expressed that a visit by the Working Group to Iraq



and to the expelled persons in the Islamic Republic of Iran would enable it better to assess the difficulties families were facing in the search for their missing relatives.

Information and views received from the Government

136. By letters dated 14 January and 11 June 1987, the Permanent Mission of Iraq to the United Nations Office at Geneva replied to the Group's communications that the allegations contained in the reports on disappearances were false and constituted an attempt by hostile foreign bodies to besmirch Iraq's international reputation; there was no truth in the information contained in those reports, except in the case of some persons who had been sentenced to death in view of their criminal conspiracy to stir up sedition and a spirit of sectarian discrimination (see E/CN.4/1986/18, para. 154). Those persons had also formed a hostile organization, known as the Iraqi Mujahidin Movement, the fundamental objective of which was to overthrow the legitimate constitutional system of government in Iraq. They had also brought weapons and explosives into Iraq from abroad and distributed them among saboteurs for the purpose of creating chaos and sedition and stirring up sectarian bigotry. Moreover, they had been involved in espionage activities and, accordingly, were guilty of high treason towards their country.

137. It should further be noted that the Iraqi Constitution and legislation contained safeguards that ensured respect for human freedom and dignity and those principles were emphasized in law enforcement and other standing regulations. In transmitting its reply, the Permanent Mission emphasized that it should be regarded as final and conclusive.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	311
III. Total number of cases transmitted to the Government by the Working Group	340
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	56
(b) Cases clarified by the Government's responses <u>a/</u>	10
V. Cases clarified by non-governmental sources <u>b/</u>	19

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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

Person died during detention: 1.

Kenya

Information reviewed and transmitted to the Government

138. By cables dated 12 and 22 January and 27 April 1987, the Working Group transmitted to the Government, under the urgent action procedure, three cases of enforced or involuntary disappearances, two of which were reported to have occurred in 1986 and one in 1987. Two cases were subsequently clarified. By letters dated 29 May and 16 October 1987, the Working Group reminded the Government of the one outstanding case.

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

139. The three reports received during 1987 were submitted by Amnesty International and concerned persons who were all allegedly arrested by the police. Later the source informed the Working Group that one person had been released, and that was also reported by the Government. In early February, the Government and the source simultaneously informed the Working Group that one of the others had been imprisoned for 15 months, having been convicted of neglecting to report the publication of a seditious document by an anti-government organization.

Information and views received from the Government

140. By communications dated 2 and 3 February 1987, the Permanent Representative of Kenya to the United Nations Office at Geneva informed the Working Group of the two clarifications reported also by the source. On 25 November 1987, he further advised the Group that the third person reported missing had been released after investigations on a suspected murder charge. The Group decided to apply the six-month rule (see para. 27) to this case.

Statistical summary

I. Cases reported to have occurred in 1987	1
II. Outstanding cases	1
III. Number of cases transmitted to the Government by the Working Group	3
IV. Government responses	
(a) Number of cases on which the Government has provided one or more specific responses	3
(b) Cases clarified by the Government's responses	1
V. Cases clarified by non-governmental sources	1 <sup>a/</sup>

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<sup>a/</sup> This is the case which was first clarified by the source.

Lebanon

Information reviewed and transmitted to the Government

141. The activities of the Working Group in relation to Lebanon are recorded in its last five reports to the Commission.<sup>1/</sup>

142. By a letter dated 29 May 1987, the Working Group transmitted one new case to the Government which was reported to have occurred in 1987. At the same time, as well as by a letter dated 15 October 1987, the Government was reminded of the other outstanding cases. However, the Government has not provided any response on specific cases transmitted to it 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.

143. Revising the list of outstanding cases, the Working Group noticed a duplication due to differences in the spelling of the name. It adjusted its statistics and informed the Government accordingly.

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

144. The information on the newly reported case was submitted by the former wife of the missing person, a professor at the American University in Beirut, who was taken by four armed men wearing the uniform of Beirut City Police in January 1987 on the University Campus together with three other professors. The disappearance has been reported to the Beirut Police, the administration of the Beirut University College, the Red Cross and Amnesty International, but the person's fate or whereabouts remain unknown.

Information and views received from the Government

145. By a note verbale dated 21 January 1987, the Permanent Mission of Lebanon to the United Nations Office at Geneva reiterated the reply given by its Government through the Attorney-General of the Court of Cassation on 13 February 1986 to earlier communications from the Working Group. The judicial authorities affirmed therein 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 the 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 State's control and the judicial authorities were conducting the necessary inquiries and investigations in order to ascertain the fate of the missing persons. The Government did not, however, provide information on specific cases transmitted to it by the Working Group.

Statistical summary

I. Cases reported to have occurred in 1987	1
II. Outstanding cases	243
III. Total number of cases transmitted to the Government by the Working Group	245
IV. Government responses relating to cases transmitted by the Working Group	0
V. Cases clarified by non-governmental sources <u>a/</u>	2

a/ Persons released: 2.

MexicoInformation reviewed and transmitted to the Government

146. The activities of the Working Group in relation to Mexico are recorded in its second and fourth to seventh reports to the Commission.1/

147. By a letter dated 29 May 1987, the Working Group transmitted 10 newly reported cases, one of which was reported to have occurred in 1987, to the Government of Mexico and provided it with further information on three previously transmitted cases. The Government was also informed that one case, in which the body of the missing person was found and identified by his relatives, had been considered clarified.

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

148. The newly reported cases were submitted by Amnesty International and by the Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles (CDPPDEP), which also provided further information on previously transmitted cases. The new reports refer to persons who allegedly disappeared in 1977 (three cases), 1981 (four cases) 1982 (two cases) and 1987 (one case). Police and security services were reportedly responsible in eight cases, armed forces in one case and the military police in one case.

149. Amnesty International expressed concern that a number of cases transmitted to the Government had not yet been thoroughly investigated although detailed information and documentation had been provided. Amnesty International also questioned whether the Attorney-General or the courts had carried out all necessary investigatory measures, such as interrogation of witnesses and police forces, verification of records of detention in military barracks and detention centres of the security services, forensic examination of the causes of death, etc.

150. The Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles sent the Working Group information concerning 55 persons who had been missing for different periods in past years and had later been found in prison or released. Only one of those cases had been transmitted by the Working Group to the Government and was considered clarified (this case is not included in the statistics, as it belongs to the group of cases referred to in document E/CN.4/1986/18, para. 248).

151. Upon learning of the replies provided by the Government of Mexico on all outstanding cases, the Committee commented on the Government's statement that it was impossible to undertake further investigations on certain cases because the relatives had not provided new elements of information. It asserted that the relatives had submitted abundant information containing, inter alia, the names of witnesses and in some cases the names of the forces and individuals alleged to have carried out the arrest of the missing person. However, the evidence provided, including various affidavits and other written documents, had not been fully considered in the investigations. In November 1987, the Committee stated that the relatives did not consider most of the replies provided by the Mexican Government satisfactory and that they insisted on the need for a full investigation of the allegations made. In relation to one case concerning which the Government had advised the Group that the person was dead and his body identified, the Government's reply was accepted by the organization. In another case, concerning which the Government had reported that the person had been serving a sentence since 1972, the Committee stated that he had been released prior to his reported disappearance in 1975.

#### Information and views received from the Government

152. By a letter dated 9 January 1987, the Permanent Representative of Mexico to the United Nations Office at Geneva informed the Working Group that a review of the records held by the Permanent Mission had shown that 76 of the reports transmitted by the Working Group in December 1986 appeared in a list of 314 cases on which exhaustive investigations had been conducted, the results of which had been communicated to the Division of Human Rights in 1980; the information supplied on the 76 cases added nothing to the information previously communicated. Regarding the remaining cases, the majority of the alleged disappearances related to the period between 1972 and 1980 and the scanty information provided, so many years later, would make the relevant investigations difficult.

153. By a letter dated 21 April 1987, the Under-Secretary for Foreign Affairs referred to all 185 outstanding cases listed in the most recent report to the Commission on Human Rights (E/CN.4/1987/15), expressing surprise that the Working Group had retransmitted cases that had been considered clarified as far back as 1983, when the Group had closed its consideration of the cases of Mexico (see E/CN.4/1983/14, para. 80). The Government could not accept the practice of reopening cases on which satisfactory information had already been provided and felt that the submission of new cases should be accompanied by sufficient supporting documentation to enable the competent authorities to carry out the necessary investigations. In the same letter, the Under-Secretary for Foreign Affairs reiterated or for the first time provided replies on all 185 outstanding cases listed in the statistical summary of the Group's latest report as follows: in 62 cases the investigations had been unsuccessful because the disappearance had occurred during a period of widespread violence in the

State of Guerrero; in 23 cases the investigations had been unsuccessful because the missing person had no criminal record so that further information would be needed; in 54 cases the person had been killed in an armed confrontation with public forces, with rival groups or persons connected with crime, for either political or private reasons; in seven cases the person had reportedly been executed by members of his own group; in 22 cases the security forces were in no way responsible for the disappearance and the case could be linked to common crime or political rivalry; in four cases the Government provided police records of the person's activities prior to his/her disappearance indicating that the person's whereabouts were unknown to the authorities; in three cases the person had escaped from prison or from detention by the police and he/she was now believed to have gone underground; in six cases the person had been wounded in an armed confrontation with public forces or identified individuals on the date of his/her alleged disappearance but the person's present whereabouts were unknown; in one case the missing person had reportedly been abducted and a suspect was being prosecuted; in another case the person was dead and his body had been identified by his relatives; in a further case the person was alive and at liberty and in yet another case the person was serving a sentence in an official prison.

154. After having examined the points raised by the Government of Mexico in its letter of 21 April 1987 and reiterated by a representative of the Government who met the Working Group at its twenty-first session, the Group, by a letter of 25 May 1987, replied that 177 cases included in the statistical summary of the Group's latest report to the Commission on Human Rights (E/CN.4/1987/15) had been formally transmitted to the Government for the first time in 1986. Ninety-five cases on which the Government had provided information in 1980 could not be considered clarified, since the whereabouts of the missing persons were reportedly still unknown. The Group considered a case clarified when the Government's reply indicated clearly where the missing person was (whether alive or dead), and when that information was sufficiently definite for the family to be reasonably expected to accept it. The Group had never closed the consideration of the case of Mexico as such; however, in 1982 it had decided that it would not propose to take any further action on a group of 73 cases formally transmitted earlier, on the understanding that any other information which might be forthcoming would be communicated by the Government to the families and the Group. Those cases had therefore not been included in the statistical summary in the Group's reports since 1983. The Group intended to inform the Government of Mexico in due course of any future developments of its views on the matter. The Working Group was in no position to judge the veracity of the information it received but must base its work on the purely humanitarian objective of assisting the families of those who had disappeared to determine the whereabouts of their missing relatives. Furthermore, it was the Group's constant endeavour to provide Governments with as much information as possible on alleged cases of disappearance with a view to enabling them to carry out meaningful investigations.

155. By a note verbale dated 14 September 1987, the Permanent Mission of Mexico to the United Nations Office at Geneva transmitted a letter from its Government, in which it replied to the above-mentioned letter from the Working Group stating that, although the Working Group had "formally" taken up certain cases in 1986 only, it had known the results of the investigations carried out by the Government since 1980, and no new and reliable information justifying the reopening of those cases had been transmitted. It was also essential that the Group should set a time-limit

and clearly specify how far back in time its consideration of cases could go, because the Government could not start conducting investigations into cases which allegedly occurred two decades previously. With regard to the clarification of cases, the Government stated that cases in which the person had not been found did not mean that the Government had not made every possible effort; the relatives of the alleged victims could not always be expected to agree with the replies, because there might always be reasons for disagreement. The Government was surprised that the good faith with which the Working Group received and accepted complaints submitted by individuals and non-governmental organizations, which were often full of incorrect and even biased information, was lacking when the Working Group received and considered information provided by the Government. The Government of Mexico could not accept the practice of reopening cases, and it considered that the submission of new cases to the Working Group should be governed by procedural rules which clearly established the requirement that reliable evidence had to be produced to enable the competent authorities to carry out the necessary investigations and made it compulsory for complainants to prove that they had applied to the Working Group only after having exhausted local remedies.

156. By a letter dated 4 December 1987, the Working Group advised the Government that it had duly taken into account the above observations in the description of its methods of work as contained in Chapter I section D of the present report.

#### Statistical summary

I.	Cases reported to have occurred in 1987	1
II.	Outstanding cases	194
III.	Total number of cases transmitted to the Government by the Working Group	195
IV.	Government responses:	
(a)	Number of cases on which the Government has provided one or more specific responses	189
(b)	Cases clarified by the Government's responses <sup>a/</sup>	1

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<sup>a/</sup> Person whose body was identified: 1.

Morocco

157. The activities of the Working Group in relation to Morocco are referred to in its last five reports to the Commission.<sup>1/</sup>

158. In 1987 the Working Group has received no newly reported cases of disappearance. By a letter dated 9 April 1987, the Working Group retransmitted to the Permanent Mission of Morocco to the United Nations Office at Geneva, upon its request, the outstanding cases dating back to the period 1971 to 1977 of which the Government was again reminded by letters dated 29 May and 15 October 1987. However no replies additional to those already received in previous years were given by the Government and the Working Group regrets therefore that it cannot report to the Commission on the results of any further investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1987	0
II.	Outstanding cases	16
III.	Total number of cases transmitted to the Government by the Working Group	20
IV.	Government responses:	
(a)	Number of cases on which the Government has provided one or more specific responses	13
(b)	Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources <sup>a/</sup>	4

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<sup>a/</sup> Persons released: 4.

Nepal

Information reviewed and transmitted to the Government

159. The Working Group's activities in relation to Nepal are recorded in paragraph 117 of its last report to the Commission.<sup>1/</sup>

160. By a letter dated 30 September 1987, the Working Group transmitted to the Government four new cases of disappearance which were reported to have occurred in 1985. So far no response has been received from the Government on any of those cases. It should be noted that no cases were reported to have occurred in 1987.

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

161. In January 1987, Amnesty International communicated to the Working Group that the one person earlier reported missing in Nepal had been located in prison and on 11 March 1987 further advised the Group that he had been released.



162. In September 1987, Amnesty International submitted the four newly reported cases which concern four men who disappeared from police custody in 1985. According to the organization, three of those missing had been mentioned in a police report in connection with bomb explosions in June 1985. Subsequent to habeas corpus petitions with the Supreme Court in respect of three of the missing persons, the authorities were said to have stated that one person had been arrested and then released and that the police had denied the arrest of one of the others. Regarding the third case, it was asserted that the petitioner himself had been detained for five days until, allegedly under threat, he withdrew his petition.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	4
III. Total number of cases transmitted to the Government by the Working Group	5
IV. Government responses	0
V. Cases clarified by non-governmental sources <u>a/</u>	1

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a/ Person released from detention: 1.

Nicaragua

Information reviewed and transmitted to the Government

163. The activities of the Working Group in relation to Nicaragua are recorded in its last seven reports to the Commission.<sup>1/</sup>

164. By a letter dated 4 December 1987, the Working Group transmitted to the Government of Nicaragua 13 newly reported cases of disappearances which occurred in 1985 and 1986 and retransmitted a case on which updated information had been submitted by the source. As regards the cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report. It should further be noted that the Group has received no reports of disappearances occurring in Nicaragua in 1987.

165. The Working Group considered 48 previously transmitted cases clarified under the six-month rule (see para 27), on the basis of information provided by the Government. In revising its list of outstanding cases, the Working Group deleted one case which contained contradictory information and also corrected the statistics with regard to two cases clarified at the same time by the Government and the source which had been erroneously recorded twice.

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

166. The cases transmitted in 1987 were reported by the Nicaraguan Commission on Human Rights (Brussels). The reports indicated that five persons were arrested in 1985 and eight in 1986 either by the army (six cases) or by State security forces (seven cases).

167. No comments were received from the sources on replies by the Government concerning 48 cases to which the six-month rule (see para. 27) was applied. However, commenting on one reply by the Government that the missing person had been executed, that person's wife stated that she would never consider her husband's case clarified until his body had been located and identified. In accordance with its criteria as explained in chapter I, section D of the present report, the Working Group continues to consider this case outstanding.

Information received from the Government

168. A representative of the Government of Nicaragua met the Working Group at its twenty-first session. The representative stated that, in considering a number of cases alleged to have occurred in Nicaragua, the Working Group had failed to take into account the extremely difficult circumstances resulting from the war of aggression imposed by the United States Government, which had been condemned by the International Court of Justice. That should be taken into account since most of the disappearances had occurred in war zones. The officials in charge of the investigation of cases in such areas risked their lives. Furthermore, the displacement of entire villages to more secure parts of the country, the undocumented migration of numerous persons and the enlistment of some citizens in the ranks of counter-revolutionary groups constituted serious obstacles to the investigation of cases. The Working Group kept on its lists cases which had occurred during a previous régime or immediately after the current Government had assumed office, when it did not yet exercise full control over the entire territory of the country. Furthermore, many of those cases had been examined by the Inter-American Commission on Human Rights.

169. During that meeting, as well as by letters dated 6 April, 4 August and 18 September 1987, the Government gave replies on 117 individual cases. (For 105 of them responses containing similar information had been received in the past.) It stated that 52 cases had been solved during the in situ investigation carried out by the Inter-American Commission in Nicaragua on 15 June 1983. Another group of 30 cases was still being investigated by the Commission, which was the competent body to consider those cases because it had preceded the Working Group in their reception and transmission. (By a letter dated 30 September 1987, the Working Group reiterated its position that, irrespective of other procedures resorted to by the relatives, it could concern itself with those cases due to the purely humanitarian nature of its mandate.) In 21 of those cases relatives themselves had stated that they believed that the missing person in question was dead.

170. The Government further informed the Working Group that 12 persons had enlisted in mercenary groups, two had been kidnapped by those groups, ten had died or been killed in different circumstances described in the reply, one was serving a sentence, two had been released from prison, one had escaped from prison and his whereabouts were unknown, and 11 had never been detained according to the relevant prison records.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	109
III. Total number of cases transmitted to the Government by the Working Group	214
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	169
(b) Cases clarified by Government's responses <sup>a/</sup>	86
V. Cases clarified by non-governmental sources <sup>b/</sup>	19

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- <sup>a/</sup> Persons at liberty: 16  
Persons in prison: 7  
Person escaped from prison: 1  
Persons dead: 37  
Salvadorian fishermen not detained in the country: 11  
Persons who joined counter-revolutionary forces: 12  
Persons abducted by counter-revolutionary forces: 2.
- <sup>b/</sup> Persons executed or killed in armed confrontation: 11  
Persons at liberty: 4  
Persons in prison: 2  
Person living abroad: 1  
Person who joined a rebel group: 1.

Paraguay

Information reviewed and transmitted to the Government

171. The activities of the Working Group in relation to Paraguay are recorded in its last six reports to the Commission.<sup>1/</sup>

172. It should be noted that the Group has received no reports of disappearances occurring in Paraguay after 1977. However, by a letter dated 4 December 1987, in accordance with its methods of work, the Working Group transmitted to the Government anew one case considered clarified in 1985, on the basis of recent observations by the relatives contesting the findings of the Government's investigations. In this regard, it must be understood that the Government could not respond prior to the adoption of the present report.

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

173. During 1987, the Working Group received observations from the Permanent Commission of Relatives of Disappeared and Assassinated Persons (CPFDA) concerning the above-mentioned case which had been reported in the

past by another source and was later considered clarified on the basis of information provided by the Government to the effect that the person had been killed in an armed confrontation. CPFDA forwarded to the Working Group a presentation, giving a more detailed description of the case, filed by the mother of the missing person with the Supreme Court of Paraguay, in which she requested that her son's disappearance be investigated on the basis of that circumstantial evidence. On the basis of that evidence, she rejected the reply earlier provided by the Government. CPFDA further reported that the request for an investigation had been denied by the Supreme Court on the grounds of limitation.

#### Information received from the Government

174. By a letter dated 25 September 1987, the Permanent Representative of Paraguay to the United Nations Office at Geneva informed the Working Group that proceedings had been initiated by the Attorney-General of Paraguay to request a judge to declare the presumed death of two persons whose disappearance remained unclarified in the lists of the Working Group. Copies of the proceedings were attached to the note verbale.

175. The Permanent Representative of Paraguay to the United Nations Office at Geneva met the Working Group at its twenty-third session and gave further explanations on the above-mentioned proceedings which, in accordance with article 64 of the Paraguayan Civil Code, could be initiated ex officio. He emphasized that the presumption of death did not, however, preclude the right of the relatives to request the reopening of the case with a view to investigating the disappearance of the person; thus the rights of the relatives were fully protected.

#### Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	3
III. Total number of cases transmitted to the Government by the Working Group	23
VI. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	23
(b) Cases clarified by the Government's responses <u>a/</u>	20

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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  
 Person dead: 1  
 Persons living abroad: 2.

Peru

Information reviewed and transmitted to the Government

176. The activities of the Working Group in relation to Peru are recorded in its last three reports to the Commission.<sup>1/</sup>

177. During the period under review, the Working Group transmitted to the Government of Peru 118 newly reported cases of disappearances, 79 of which were reported to have occurred in 1987. Two cases were transmitted by letter dated 29 May, 6 by letter dated 30 September, 19 by letter dated 4 December 1987 and 91 by various cables under the urgent action procedure. By the same letters, the Group retransmitted to the Government a total of 104 cases updated with new information received from the sources. Observations made by relatives on replies provided by the Government were also communicated to it. As regards the cases transmitted by the Group in December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

178. By letters dated 29 May and 30 September 1987, the Government was reminded of the outstanding cases. At the same time and by letter of 4 December 1987, the Working Group advised the Government that 59 cases had been considered clarified, 29 on the basis of replies from the Government, and 30 on the basis of information from the sources.

179. The files on disappearances in Peru were revised and it was found that three cases clarified by the sources had not been included in the statistics. In addition, nine cases which were found to have been transmitted twice to the Government were deleted. The statistics were adjusted and the Government was informed accordingly.

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

180. The newly reported cases were submitted by Amnesty International, the Episcopal Social Action Commission (CEAS), the Human Rights Association (APRODEH), the National Association of Relatives of Abducted and Disappeared Detainees in the Zones under State of Emergency in Peru (ANFASEP) and the National Commission on Human Rights (CONADEH). They reportedly occurred between 1983 and 1987 (one in 1983, 12 in 1984, three in 1985, 23 in 1986 and 79 in 1987). For a great majority of the cases, the authors report that armed forces in uniform carried out the arrest and that the persons were believed to be held in military barracks.

181. Reports received from Peruvian human rights organizations assert that, in quantitative terms, enforced or involuntary disappearances have substantially declined - by almost 80 per cent compared with the situation in 1983 and 1984. However, they remain part of the anti-subversive strategy of the armed forces. The features of the reported cases remain similar to those of the past: arrest or abduction of the missing persons from their homes or in street chases by heavily armed men with their faces covered. In remote communities, according to the reports, indigenous peasants were arrested by uniformed military forces.

182. The above-mentioned human rights organizations further reported that in the past year and a half the practice had become more selective. A number of the abducted persons had been freed after having been held incommunicado in military barracks or had been transferred to the Criminal Investigations Department; it could be assumed that those persons' "innocence" had been established, while those who remained missing had been regarded as "guilty". It was alleged by the reporting organizations that the armed forces had thus arrogated to themselves the right to detain any citizen whom they suspected of belonging to or co-operating with terrorist movements, to determine "guilt" or "innocence" and to "punish" or "acquit" those abducted.

183. The Working Group was also informed of statements from persons who had been freed indicating that they had been held incommunicado for weeks or months in barracks, where they had often been subjected to cruel or inhuman treatment. Many of them asserted that they had shared their secret captivity with other persons who were still missing.

184. In one of the testimonies received, a female witness asserts that she was abducted together with her son-in-law on 30 September 1986 in Maynay, Huanta, Ayacucho, by a member of a paramilitary organization (name provided) and two other men who were subsequently identified as members of the recruiting office in Huanta. She and her son-in-law were taken to the Castropampa Barracks in Huanta, where they were reportedly ill-treated and on the following day they were moved to the "Los Cabitos" barracks in Ayacucho. At "Los Cabitos" the witness shared a 5 by 6 metre cell with four men (three of whom she cited by name); two of the men are still missing; the fourth man whose name she did not remember reportedly died as a result of torture some days before she was freed. On 8 October 1986, when two members of the Working Group visited Ayacucho (see E.CN.4/1987/15/Add.1), the witness and nine other detainees were removed from the barracks in small tanks at 10 a.m. and brought back at 4 p.m. On 1 December 1986, the witness was freed, together with her son-in-law. They were left on the highway to Huanta. The three men she accuses of having carried out the abduction are currently being tried in Huanta, on the basis of a complaint filed by relatives during the incommunicado detention of the witness.

185. As regards investigation into cases of disappearances, the organizations asserted that all records relating to cases of disappearances under the previous Government had been shelved for lack of evidence and, for investigations to be reopened, relatives were obliged to present new information and witnesses, who in most cases were not prepared to testify without sound guarantees for their safety from the civilian authorities. According to the organizations, the scope of investigations in cases of disappearances which had occurred in recent months was limited, consisting mainly in formalities: an official letter was sent to the military authorities and if a negative answer was received the investigation came to a halt. It was emphasized that the prosecutors should attempt to question those freed from barracks, since in many cases such persons had witnessed the secret detention of others.

186. According to the reporting organizations, the judiciary remained on the sidelines in cases of enforced disappearance; the judges were not exercising their legal authority to initiate an investigation ex officio when they had knowledge of an offence, but always waited for the Public Prosecutor to lodge a complaint. The initial shortcomings in the use of

habeas corpus had been overcome. The judiciary now accepted such applications in the case of abductions, solitary confinement, the denial of the right to a defence counsel and torture, even under a state of emergency. However, the organizations stated that, in view of the continuing lack of co-operation by the armed forces and the denial of access to barracks for judges, the results obtained were still unsatisfactory; yet in no case had the judges lodged complaints against the military authorities for obstructing the administration of justice.

Information and views received from the Government

187. During the period under review, the Working Group has received from the Government letters dated 1, 2 and 8 April, 6 and 7 May and 6 July 1987, containing replies on 43 cases (for three of them similar information had been provided in previous letters). The contents of these replies are as follows: in 30 cases the persons were detained and later released; in four cases the persons are in prison under judicial process; in five cases the persons were never detained or imprisoned; two cases are under investigation and in two cases the persons registered on the Electoral Roll after the date of their alleged disappearance. Regarding the last two cases, the sources requested that a copy of the electoral form be provided to them in order to determine whether it belonged to the missing persons. Twenty-nine of those cases were considered clarified by the Working Group on the basis of the information provided by the Government; four of them had previously been clarified by the sources.

188. The Permanent Representative of Peru to the United Nations Office at Geneva met the Working Group at its twenty-third session and stated that his Government had adopted a number of measures aimed at promoting and protecting human rights and also at providing a permanent solution for the problem of terrorism in his country, such as the establishment of the National Council on Human Rights (see E/CN.4/1987/15/Add.1 para. 7). He explained the economic initiatives taken by his Government designed to benefit the poorest areas and the destruction caused by terrorist activities which constituted an obstacle for development. His Government was determined to fight terrorism strictly within the country's constitutional and legal norms; any excesses which might have been committed by officials were taken to the courts. The Attorney-General (Fiscal de la Nación) co-operated with the Human Rights Commission of the Chamber of Representatives with a view to inquiring into all reports on disappearances, arbitrary detentions and other violations of human rights. Furthermore, the Senate had recently approved a draft law excluding from military jurisdiction those acts committed by military and police personnel not strictly linked to their service which could constitute the crimes of genocide, torture, clandestine detention, disappearance of persons, homicide in aggravated circumstances and sexual abuse. He also mentioned the promulgation of Act No. 24700 which introduced modifications to the penal procedure making it more expedient, so that administrative delays did not affect innocent people erroneously accused of terrorist activities.

Statistical summary

I. Cases reported to have occurred in 1987	79
II. Outstanding cases	1,203
III. Total number of cases transmitted to the Government by the Working Group	1,395
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	167
(b) Cases clarified by the Government's responses <u>a/</u>	77
V. Cases clarified by non-governmental sources <u>b/</u>	115

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a/ Persons detained: 6  
 Persons arrested and released: 41  
 Persons who obtained a voter's card after the date of their alleged disappearance: 29  
 Person found dead: 1.

b/ Persons whose bodies were found and identified: 26  
 Persons released from detention: 76  
 Persons in prison: 9  
 Person wounded in a summary execution and subsequently able to return home: 1  
 Person taken to a hospital after detention: 1  
 Person at liberty: 1  
 Person in military service: 1.

PhilippinesInformation reviewed and transmitted to the Government

189. The Working Group's activities in relation to the Philippines are recorded in its previous reports to the Commission.<sup>1/</sup>

190. In 1987 the Working Group transmitted seven new cases to the Government of the Philippines, six of which were reported to have occurred in 1987. One case was transmitted by a letter dated 29 May and six were transmitted by cables dated 29 May, 7 July and 3 and 28 August 1987 under the urgent action procedure. At the request of the Permanent Mission of the Philippines to the United Nations Office at Geneva, the Working Group retransmitted, on 22 July and 5 November 1987, the summaries of all outstanding cases of disappearances. The Government was also informed that three cases had been clarified by the sources.



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

191. All the cases transmitted to the Government in 1987 were reported by Amnesty International, one of them as having occurred in 1986 and the other six, transmitted under the urgent action procedure, in the first half of 1987. In three cases it was reported that the persons had been arrested together by agents of the Kabankalan police force and that witnesses saw them being taken away in a police car towards Kabankalan police station. Amnesty International later advised the Group that two of the missing persons had been found assassinated. In two cases the persons concerned were reported to have been arrested by combined forces of the Civilian Home Defence Force (CHDF) and different Infantry Battalions. According to subsequent information from the source, one detainee was released 10 days later. In another case the arrest was said to have been carried out by members of the Civilian Home Defence Forces (CHDF), four of whom were identified by a neighbour as being members of the Regional Security Action Company (RSAC). In another, the abduction was reportedly carried out by men in civilian clothes believed to be members of the Western Police District (WPD) and the person was taken away in a car without number-plates.

Information and views received from the Government

192. The Permanent Representative of the Philippines to the United Nations attended the twenty-first session of the Working Group and assured the Group of his Government's continuing co-operation. Subsequently, by a letter dated 22 June 1987, the Permanent Mission of the Philippines to the United Nations Office at Geneva transmitted to the Working Group the 1986 annual report of the Presidential Committee on Human Rights (see E/CN.4/1987/15, para 77). It also transmitted Executive Order No.163 dated 5 May 1987 declaring effective the creation of the Commission on Human Rights of the Philippines, as provided for in the 1987 Constitution, which replaces the Presidential Committee on Human Rights.

193. The Commission is composed of five members including the Chairman with a mandate of five years and all are appointed by the President of the Philippines; a majority of them must be members of the Philippines bar. The functions of the Commission are, inter alia, to investigate, on its own initiative or on the basis of a complaint, all forms of human rights violations involving civil and political rights, to visit prisons and detention centres and to monitor the Government's compliance with international treaty obligations on human rights.

194. By a letter dated 23 February 1987, the Permanent Mission of the Philippines to the United Nations Office at Geneva replied, in relation to a case transmitted in 1986, that the whereabouts of the person concerned could not be established.

195. By a cable dated 16 July and a letter dated 7 August 1987, the Permanent Mission of the Philippines to the United Nations Office at Geneva informed the Working Group, with regard to six cases transmitted under the urgent action procedure in 1987, that the Government of the Philippines was doing its best to solve them. By a letter dated 7 September 1987, the Permanent Mission informed the Working Group that investigations on another case were continuing.

196. By letter dated 17 September 1987, the Permanent Mission of the Philippines to the United Nations Office at Geneva informed the Group that, according to a report of the Commission on Human Rights of the Philippines, of the outstanding cases transmitted by the Group to the Government thus far, only six had occurred under the present Government and only 40 of the cases had been filed with the Commission. In the same letter, the Permanent Mission stated, with regard to 31 outstanding cases, that investigations were continuing.

197. During its twenty-third session, the Working Group met the Permanent Representative of the Philippines to the United Nations Office at Geneva, who stated her Government's determination to prevent further disappearances and to continue the investigations into the outstanding cases, although the latter task became increasingly difficult with the passage of time. The investigations were carried out by the Commission on Human Rights with the active support of the Integrated National Police and the Department of Justice. The Working Group would be advised of any further progress made in the investigations. The Permanent Representative also informed the Working Group that a human rights training programme for all military and police units at various levels had been launched and that special action committees had been established at military headquarters to act promptly on issues and complaints related to human rights violations.

#### Statistical summary

I. Cases reported to have occurred in 1987	6
II. Outstanding cases	377
III. Total number of cases transmitted to the Government by the Working Group	451
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	310
(b) Cases clarified by the Government's responses <u>a/</u>	70
V. Cases clarified by non-governmental sources <u>b/</u>	4 <u>c/</u>

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a/ Persons at liberty: 7  
 Persons arrested and detained 4  
 Persons released: 43  
 Persons dead: 16.

b/ Persons assassinated: 2  
 Persons released: 2.

c/ Two additional clarifications received from non-governmental sources were simultaneously provided by the Government and are included under IV (b).

Seychelles

198. The Working Group's activities in relation to Seychelles are recorded in its previous reports to the Commission.<sup>1/</sup>

199. During the period under review the Working Group has received no reports on disappearances in Seychelles. However, by letters dated 29 May and 15 October 1987, the Working Group reminded the Government of the three outstanding cases dating back to 1977 and 1984. No further information was received on the investigations into those cases, about which the Government had informed the Group by a cable dated 4 July 1986. The Group is therefore unable to report on the result of the investigations.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	3
III. Total number of cases transmitted to the Government by the Working Group	3
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	3
(b) Cases clarified by the Government's responses	0

Sri LankaInformation reviewed and transmitted to the Government

200. The Working Group's activities in relation to Sri Lanka are recorded in its last six reports to the Commission.<sup>1/</sup>

201. During the period under review, the Working Group transmitted to the Government of Sri Lanka 367 newly-reported cases of disappearance, of which 28 were reported to have occurred in 1987; 150 cases were transmitted by a letter dated 26 June, 181 by a letter dated 30 September, 14 by a letter dated 4 December 1987 and, under the urgent action procedure, 3 by a letter dated 27 March 1987 and 19 by various cables. On 4 December 1987, five of the cases previously considered clarified were transmitted to the Government anew following receipt of further pertinent information from the sources. By communications dated 26 June, 30 September and 4 December 1987, the Working Group also retransmitted 70 cases updated with new information received from the sources and at the same time informed the Government that six cases had been found to be duplications. The Government was advised that new information had revealed that another case was not a genuine disappearance and that it had consequently been deleted from the Working Group's list. As regards the cases transmitted by the Group on 4 December 1987, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

202. By letters dated 26 June and 30 September 1987, the Government was informed that 19 cases were now considered clarified, 13 under the six-month rule (see para. 27) on the basis of information provided by the Government in 1986 and six on information provided by the source. (Five of the cases clarified were transmitted to the Government anew as explained in para. 201.) At the same time the Government was reminded of the other cases of disappearance transmitted to it in the past which remained unclarified.

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

203. The reports received during 1987 originated from Amnesty International, Citizens' Committees in Sri Lanka and/or relatives of the missing persons. Some cases were submitted by both Amnesty International and the Citizens' Committees, as well as by the relatives. Among those reported to have disappeared are four women and 10 children, whose average age is nine years (the youngest being three). Most of the disappearances were said to have occurred in the Eastern Province of Sri Lanka between May 1984 and the end of 1986; 28 persons were reported to have disappeared in 1987, all of them during the first six months.

204. As in the past, most reports cited military personnel and members of the Special Task Forces as being responsible for the arrests and subsequent disappearances. According to the sources, the authorities generally refused to acknowledge the arrest, despite statements, in some instances, from fellow prisoners on their release that they had seen the missing persons in specific army camps. In a number of cases the authorities were reported to have stated that the detainee would be released after interrogation, but later to have denied that he had ever been arrested. In several instances families were able to visit their relative in prison for some days following the arrest and then were told that he had been released.

205. By communications dated 19 January, 18 May and 2 and 9 September 1987, Amnesty International informed the Working Group that one person had been shot by security forces, three persons had been released and another was detained in Welikade Prison, Colombo. (The Government had earlier replied that one of those released had never been detained.)

206. In a letter dated 2 September 1987, forwarding a copy of its recent report on disappearances in Sri Lanka, Amnesty International emphasized the link between torture and disappearances in the Eastern Province, citing testimonies of former detainees. Amnesty International therefore believes that many of the "disappeared" may have died as a result of torture. According to the organization, habeas corpus proceedings were invoked in very few instances and in no case produced any positive result; none the less, with regard to one of those cases, which had been dismissed earlier by the Colombo Magistrate and the Court of Appeal on the basis that there was no conclusive proof, the Supreme Court had now quashed the previous findings and ordered the Magistrate to hold a full inquiry.

Information and views received from the Government

207. By a letter dated 6 January 1987, the Permanent Representative of Sri Lanka to the United Nations Office at Geneva, referring to one case, informed the Working Group that, following a judicial inquiry held in the High Court of Colombo, the Judge had concluded that it could not be said

with any degree of certainty that the missing officiating clergyman had been among those who had died during the shooting which had taken place around his church on 5 January 1986; he could have been one of those who had escaped by the motor boat which was heard speeding away from the nearby beach.

208. By a letter dated 27 November 1987, the Permanent Representative informed the Working Group that, since the Group's last report to the Commission, certain developments had had a major bearing on the security situation in Sri Lanka. As a consequence of the Indo-Sri Lankan Agreement of 29 July 1987, an amendment to the Constitution and a Provincial Councils Bill had been passed by Parliament in an effort to resolve outstanding ethnic problems, and the Agreement was being implemented despite the subsequent violence unleashed by one militant group which had raised to around 400,000 the number of persons forced out of their homes. Unstable conditions had prevented completion of inquiries into earlier allegations of disappearances. Under the Agreement, the Government had, inter alia, set in motion a general amnesty for those held in custody under the Prevention of Terrorism Act and other emergency laws and the majority had already been released. Available particulars would be given to the authorities engaged in relief and other operations in the reported areas of residence of the persons concerned.

209. The Permanent Representative further stated that Sri Lanka had intensified co-operation with the United Nations High Commissioner for Refugees (UNHCR), ICRC and the League of Red Cross and Red Crescent Societies, all of which had been helping in the Government's rehabilitation efforts. Those endeavours would also eventually lead to progress in investigations.

210. He wished to emphasize that it was incorrect that sources dared not make representations or give information out of fear of reprisal and stated that as many as 286 habeas corpus applications had been filed and were now pending before the courts. He reiterated previous statements that many of those reported to have disappeared were thought to be currently living unacknowledged outside Sri Lanka. A few might have changed their names to provide cover for involvement in illegal actions, such as narcotics trafficking.

211. The Permanent Representative went on to state that there was justifiable apprehension that some of those reported to have disappeared were in fact dead. Many had died in clashes between rival militant groups and between militant groups and security forces. However, with the return of effective civilian authority to the northern and eastern sections of the country, the Government hoped to release resources and personnel for better organized and more intensive work in the tracing of those reported to have disappeared. Moreover, in preparation for the forthcoming Provincial Council elections, the annual revision of electoral lists would commence in January 1988 with a thorough house-to-house enumeration of all persons throughout the island.

212. In conclusion, the Permanent Representative wished to assure the Working Group that the Government of Sri Lanka would continue to co-operate with and assist the Working Group so that it might effectively carry out its mandate.

Statistical summary

I. Cases reported to have occurred in 1987	28
II. Outstanding cases	667
III. Total number of cases transmitted to the Government by the Working Group	686
IV. Government responses	
(a) Number of cases on which the Government has provided one or more specific responses	213
(b) Cases clarified by the Government's responses <u>a/</u>	14
V. Cases clarified by non-governmental sources <u>b/</u>	5

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a/ Persons released: 11  
Persons detained: 3.

b/ Persons released: 3  
Person detained: 1  
Person died in custody: 1.

Syrian Arab Republic

Information reviewed and transmitted to the Government

213. The Working Group's activities in relation to the Syrian Arab Republic are recorded in its last five reports to the Commission.<sup>1/</sup>

214. In 1987 the Working Group did not transmit any newly reported cases to the Government. However, by letters dated 29 May and 16 October 1987, the Working Group reminded it of the one outstanding case dating back to 1980.

Information and views received from the Government

215. By a letter dated 27 October 1987, the Permanent Representative to the United Nations Office at Geneva reiterated his earlier response that the competent authorities had no information concerning the outstanding case as the missing person had not been detained by them.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	1
III. Total number of cases transmitted to the Government by the Working Group	3
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	3
(b) Cases clarified by the Government's responses <u>a/</u>	1
V. Cases clarified by non-governmental sources <u>b/</u>	1

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a/ Person detained: 1.

b/ Person released: 1.

Uganda

216. The Working Group's previous activities in relation to Uganda are recorded in its first and fifth to seventh reports to the Commission.<sup>1/</sup>

217. In 1987 the Working Group has received no reports of disappearances in Uganda. By letters dated 29 May and 16 October 1987, the Working Group reminded the Government of the 13 outstanding cases dating back to the period 1981 to 1985. However, the Government has again provided no information and the Group is therefore still unable to report on the results of any investigations which might have been carried out.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	13
III. Number of cases transmitted to the Government by the Working Group	19
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	1
(b) Cases clarified by the Government's responses <u>a/</u>	1
V. Cases clarified by non-governmental sources <u>b/</u>	5

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a/ Person released: 1.

b/ Persons released: 3  
    Person who died in detention: 1  
    Person detained: 1.

Uruguay

Information reviewed and transmitted to the Government

218. The activities of the Working Group in relation to Uruguay are recorded in its last seven reports to the Commission.<sup>1/</sup>

219. It should be noted that the Group has received no reports of disappearances occurring in Uruguay after 1982. However, by letters dated 29 May and 30 September 1987, the Working Group reminded the Government of the outstanding cases of disappearances dating back to the period 1973 to 1982 and, at the request of the Permanent Mission at Geneva, retransmitted the summaries of those cases on 20 October 1987. The Working Group also informed the Government that there were 57 outstanding cases and not 56, as erroneously indicated in previous reports.

220. By a letter dated 4 December 1987, the Working Group, in accordance with its methods of work, retransmitted to the Government four cases updated with new information recently received from the source. In this regard it must be understood that the Government could not respond prior to the adoption of the present report.

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

221. The Working Group received updated information on four cases from the Justice and Peace Service of Uruguay. It also received several reports from human rights and relatives' organizations relating to the process of investigations into the fate of persons who disappeared in Uruguay. The Uruguayan Institute of Legal and Social Studies and the Peace and Justice Service reported, *inter alia*, that the Parliamentary Commission of Inquiry into the Situation of Missing Persons (see E/CN.4/1986/18, para. 219 and E/CN.4/1987/15, paras. 88-89), despite its limited powers, had reached important conclusions, particularly regarding the evident and well proven participation of Uruguayan military and police personnel in disappearances in both Uruguay and Argentina.

222. All the background material, testimony and evidence gathered by the Commission had been forwarded by the parliament to the ordinary (civil) courts, with a view to ascertaining the whereabouts of the missing persons and, where appropriate, punishing those guilty. However, military courts had claimed jurisdiction from the civil courts in all cases involving military and police officers, which had brought the proceedings to a standstill until the Supreme Court had decided that under the Uruguayan Constitution the civil courts were competent. As a consequence, the civil courts had summoned a number of military officers who had, however, refused to appear. According to the reports, it was against that background that Act. No. 15.848 had been passed, which provided that criminal proceedings would no longer be instituted in respect of offences committed before 1 March 1985 by military and police personnel. That provision was considered by the reporting organizations to be similar in effect to an amnesty. They stated that the families of disappeared persons thus found themselves in a situation without legal remedy, and without any possibility whatsoever of discovering what had happened to their missing relatives; the families had therefore brought actions of unconstitutionality in respect of that law before the Supreme Court of Justice. The organizations reported



further that a citizens' movement had been formed with the object of quashing Act No. 15.848 by means of a referendum, as provided for in article 79 of the Uruguayan Constitution.

Information and views received from the Government

223. By a note verbale dated 23 January 1987, the Permanent Mission of Uruguay transmitted the text of Act. No. 15.848 of 22 December 1986. Article 1 of the law provides that:

"As a logical outcome of the agreement concluded between the political parties and the armed forces in August 1984, and for the purpose of completing the transition to full constitutional rule, the exercise of punitive action by the State has lapsed in respect of crimes committed up to 1 March 1985 by military and police officers and related personnel for political reasons or in carrying out their functions or actions ordered by the leaders in power during the period in question".

Article 2 excludes from the provision in article 1 cases in which an initiating order was issued by the date on which the Act was promulgated and any offences committed for the purpose of obtaining economic gain. Article 3 obliges the judge hearing the complaint to ask the Executive Power to inform him, within 30 days of receiving the communication, whether it considers that the act under investigation is covered by article 1 of the Act. If the Executive Power so communicates, the judge shall order the case to be closed and filed. Article 4 provides that the judges shall transmit to the Executive Power evidence related to complaints submitted to them in reference to actions concerning persons alleged to have been detained in military or police operations and to have gone missing, and minors allegedly abducted in similar circumstances. The Executive Power shall immediately order inquiries for the purpose of clarifying the facts in such cases. Within 120 days of communication of the complaint by the judge, the Executive Power shall advise the complainants of the results of these inquiries and communicate to them the information collected.

224. By a note verbale dated 16 September 1987, the Government informed the Working Group that, in accordance with article 4 of Act. No. 15.848, the Executive Power had entrusted the task of investigating cases of disappeared adults to the military attorney and cases of disappeared children to the Consejo del Niño (Children's Council).

225. The Permanent Representative of Uruguay to the United Nations Office at Geneva met the Working Group at its twenty-third session and stressed that, since 1 March 1985, Uruguay had had a democratic Government whose policy it was to respect the rule of law and all guarantees enshrined in the Constitution. Not only had no human rights violations occurred in Uruguay after 1 March 1985, but the Government had also assumed the State's responsibilities with regard to violations committed under previous military Governments. The Parliamentary Commission of Inquiry into the Situation of Missing Persons had clearly established that, although disappearances had occurred in Uruguay, there had never been an organized practice or policy encouraging such violations of human rights. Among the 57 outstanding cases of disappearances transmitted by the Working Group, there were 30 in which the arrest had taken place in Argentina and, despite the well-known fact that during certain periods before March 1985 Uruguayan military personnel had operated in certain places in Argentina, such activity had never been part of a government policy.

226. The Permanent Representative of Uruguay also provided information on the provisions of Act No. 15.848 of 22 December 1986, which are described in paragraph 223. In relation to the Working Group's report, he stated that the layout should show with greater clarity that disappearances in Uruguay had only occurred under previous military Governments and should include a graph which clearly illustrated that fact.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	57
III. Total number of cases transmitted to the Government by the Working Group	65
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	25
(b) Cases clarified by the Government's responses <u>a/</u>	7
V. Cases clarified by non-governmental sources <u>b/</u>	1

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

b/ Child found: 1.

Viet Nam

Information reviewed and transmitted to the Government

227. The activities of the Working Group in relation to Viet Nam are recorded in its two last reports to the Commission.1/

228. In 1987 the Working Group has received no reports of disappearances in Viet Nam. However, by letters dated 29 May and 15 October 1987, the Government was reminded of the outstanding cases which date back to 1984.

Information and views received from the Government

229. By a letter dated 31 August 1987, the Permanent Representative of Viet Nam to the United Nations at Geneva informed the Chairman of the Working Group that of the three persons still considered by the Group to have disappeared, one was not detained; the other two had been arrested for recent activities in breach of the laws in force in Viet Nam and would be tried in due course. The Working Group decided to apply the six-month rule (see para. 27) to the latter two cases.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	3
III. Total number of cases transmitted to the Government by the Working Group	7
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	3
(b) Cases clarified by the Government's responses	0
V. Cases clarified by non-governmental sources <u>a/</u>	4

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a/ Persons released: 4.

Zaire

Information reviewed and transmitted to the Government

230. The activities of the Working Group in relation to Zaire are recorded in its second to fourth and sixth and seventh reports to the Commission.<sup>1/</sup>

231. In 1987 the Working Group has received no reports of disappearances occurring in Zaire. However, by letters dated 29 May and 15 October 1987, the Working Group reminded the Government of the outstanding cases dating back to the years 1975 to 1979 and, at the request of the Permanent Mission of Zaire to the United Nations Office at Geneva, retransmitted them by a letter dated 26 August 1987.

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

232. In August 1987 the brother of one missing person informed the Working Group that he had never succeeded in obtaining any definitive answer from the Government with regard to the fate or whereabouts of his missing brother whom he believed was dead.

Information and views received from the Government

233. By a communication received on 3 December 1987, the Permanent Mission of Zaire to the United Nations Office at Geneva forwarded a message from the Department of Citizen's Rights and Liberties stating that all 11 persons reported missing were going peacefully about their business in Kinshasa and other cities of the country. Since its creation on 31 October 1986, the Department had received 1,990 complaints, none of them relating, however, to the 11 cases of disappearance transmitted by the Working Group, which implied that the problem of those 11 cases no longer existed at that time.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	11
III. Total number of cases transmitted to the Government by the Working Group	17
IV. Government responses:	
(a) Number of cases on which the the Government has provided one or more specific responses	17
(b) Cases clarified by the Government's responses <u>a/</u>	6

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a/ Persons at liberty: 6.

Zimbabwe

234. At its last session in 1987 the Working Group, in accordance with its methods of work, decided to transmit to the Government, one case of disappearance reported to have occurred in Zimbabwe in 1985. The case concerns a person who was reportedly arrested by four men (two of them in police uniform) while attending a church service, and taken away in a police vehicle. It must be understood, however, that the Government did not have sufficient time, prior to the adoption of the present report by the Working Group, to respond, since the case was transmitted by letter dated 26 November 1987.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	1
III. Total number of cases transmitted to the Government by the Working Group	1
IV. Government responses	0

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

Information reviewed and transmitted to the Government of South Africa

235. The Working Group's activities in relation to enforced or involuntary disappearances in South Africa and Namibia are recorded in its last seven reports to the Commission.<sup>1/</sup>

236. It should be noted that the Working Group has received no reports of disappearances occurring in South Africa and Namibia after 1982. However, by letters dated 29 May and 15 October 1987, the Government of South Africa was reminded of the cases not yet clarified which date back to the period 1976-1982.

Information and views received from the Government of South Africa

237. By a letter dated 30 April 1987, the Permanent Representative of South Africa to the United Nations Office at Geneva stated that, regarding the seven cases considered to be outstanding, his Government had no information other than that already furnished to the Working Group. Since all the cases had been investigated and all the facts the authorities were able to obtain had been forwarded to the Group, the Government considered them closed and would not reply to future inquiries in that regard.

238. The Permanent Representative also asked why his country had been allotted a separate chapter in the Working Group's report.

239. The Working Group decided, in accordance with its methods of work as described in chapter I, section D, to continue to consider the seven cases outstanding. The Group further decided to maintain the separate chapter on South Africa and Namibia in view of the explanations given in section IV of the Working Group's first report to the Commission (E/CN.4/1435). The Permanent Representative was so advised.

Statistical summary

I. Cases reported to have occurred in 1987	0
II. Outstanding cases	7
III. Total number of cases transmitted to the Government by the Working Group	9
IV. Government responses:	
(a) Number of cases on which the Government has provided one or more specific responses	9
(b) Cases clarified by the Government's responses	2

#### IV. CONCLUSIONS AND RECOMMENDATIONS

240. In the last eight years the Group has approached some 45 Governments with a total of over 15,000 cases. In 1987 the Group has processed some 261 cases reported to have occurred in 14 countries during that year alone. By comparison, the number of clarifications is rather modest. Between 7 and 8 per cent of all cases processed by the Group have eventually been clarified. For those cases in which the Group had acted within three months of the disappearance, clarifications total about 25 per cent. Both the continued occurrence of the phenomenon and the mounting case-load of unresolved disappearances are reasons for the Commission to give this question its unstinting attention.

241. In accordance with resolution 20 (XXXVI) and subsequent resolutions of the Commission on Human Rights, the Working Group is expected to present annual reports to the Commission on its activities, together with its conclusions and recommendations. In an effort better to assist the Commission in its consideration of the question of disappearances, this year the Working Group has devoted much time to reviewing the presentation of facts in its reports. It was intimated in various quarters that this particular aspect of the report merited the Group's special attention. A number of Governments suggested that the Group should make a distinction between situations of disappearances under a military régime and those where an elected Government was in power. Others proposed that situations which were clearly a matter of the past should be treated differently from those in which disappearances still occurred.

242. After carefully weighing the arguments, the Group felt that it could hardly be expected to enter, even implicitly, into the intrinsic merits of any given system of government. Moreover, in its experience, civil government did not imply the absence of disappearances. As for separating situations in which people were currently disappearing from those where the phenomenon stopped some time ago, the Group felt such a distinction would essentially detract from the need to bring past cases to light and would not be fair to those whose agony over the loss of a relative or friend did not subside with the mere passage of time.

243. Furthermore, the Working Group has devoted time to a comprehensive exercise of introspection, evaluating the methods of work it has developed over the past eight years. It hopes that the description given at the beginning of the present report will make its work more transparent to all concerned, dispel existing misunderstandings about the objectives and reasons for its decisions and further enhance the dialogue it has established with many Governments and non-governmental organizations.

244. It should be recalled that the Working Group is not a court of law and that therefore the standards of due process to be met by prosecutors and to be applied by judges in criminal cases do not come into play. Nevertheless, there are basic norms of equity, such as equality of opportunity, below which no human rights machinery should descend. The Group is well aware of the need to ensure for example, that, in hearing Governments and non-governmental organizations, these principles should be appropriately heeded.

245. It has often been intimated to the Working Group that in carrying out its mandate it has concerned itself with disappearances more in one particular region than in others. Although understandable, this is not a valid criticism. Previous reports have stressed that, when it comes to the consideration of cases, the Group is entirely dependent on cases being drawn to its attention. In accordance with its methods of work, the Group must consider any report of a disappearance that is submitted to it, and process further any cases which qualify under the Group's criteria of admissibility. The Group is not in a position actively to seek fresh information itself with regard to one country or another, or to concentrate on one region rather than another.

246. In many countries where there is a regular flow of information on missing persons, it is often found that the human rights infrastructure - in terms of non-governmental organizations, national commissions, citizens committees, etc. - is well-established and that public opinion is well-informed. Therefore, the Group reiterates the importance of fostering greater awareness of its object and purpose as well as of its modus operandi. Groups of relatives of missing persons or human rights organizations might seek to establish a working relationship with it. Enhanced publicity might prevent erroneous ideas about what the Group was set up to do from taking root and avoid false expectations about what it can achieve. As a result, a more diversified flow of information might reach the Working Group from all corners of the globe. Some of the geographical imbalance which has inevitably crept into the Group's output might then be remedied. The Commission may wish, therefore, to request the Secretary-General to pay particular attention to the Working Group as part of the envisaged stepping up of information activities in the field of human rights.

247. The Working Group is of the view that the need to insist on the investigation of all cases of disappearances lies at the very heart of its mandate. It does so exclusively bearing in mind the interest of those who have lost a spouse, a parent or a child and who will suffer anguish and bitterness as long as they cannot be assured of the fate or whereabouts of their loved ones. A Government, regardless of whether the disappearance took place during or before its administration, owes these relatives an answer. In helping them seek such an answer, the Group is not interested in establishing who the perpetrator was in a given case of disappearance or in determining responsibility with regard to a specific allegation. In this respect its purview differs fundamentally from that of many human rights organizations. The Group is of course aware that in some countries clarification of a case and prosecution of those responsible go hand in hand. It is submitted, however, that they need not be inextricably linked under all circumstances.

248. For the first time in history, an international judicial body has been asked to sit in judgement on cases of disappearances. This is the Inter-American Court of Human Rights in San José which is about to conclude consideration of three cases that allegedly occurred on Honduran territory. Given their nature, the Court may be expected to pronounce itself on a number of interesting ramifications of the phenomenon of disappearances. The Court's verdict, therefore, may well be helpful for the Working Group, and indeed for the Commission on Human Rights, in studying questions of enforced or involuntary disappearances.

249. It has been the Group's experience, that many Governments faced with disappearances on their territory, or trying to cope with their aftermath, would greatly appreciate assistance from the United Nations. Particularly during visits by members of the Working Group, it was found that measures, such as training of military or police officers, could substantially improve the prospect of promoting and protecting human rights. The Working Group has therefore learned with satisfaction of the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, from which such activities may be financed in the future.

250. In 1986, at its own suggestion, the Working Group's mandate was extended by the Commission for two years instead of one, as had previously been the practice, while maintaining the Group's annual reporting cycle. This decision has enabled the Working Group better to plan its activities, particularly as regards the most efficient use of its scarce financial resources.

251. In addition to the recommendations made to the Commission in previous reports, the Working Group would like to recommend that:

- (a) The Secretary-General be encouraged in his current efforts to improve the public information activities on the human rights programme, having regard also to the purpose and objectives of the Working Group;
- (b) Further consideration be given to the possibility of drafting an international instrument on enforced or involuntary disappearances;
- (c) The mandate of the Working Group be extended for two years, on the understanding that its annual reporting cycle will be maintained.



V. ADOPTION OF THE REPORT

252. At the last meeting of its twenty-third session, on 4 December 1987, the present report was adopted and signed by the members of the Working Group on Enforced or Involuntary Disappearances.

Ivan Tosevski Chairman/Rapporteur	(Yugoslavia)
Toine van Dongen	(Netherlands)
Jonas K. D. Foli	(Ghana)
Agha Hilaly	(Pakistan)
Luís Varela Quirós	(Costa Rica)

Note

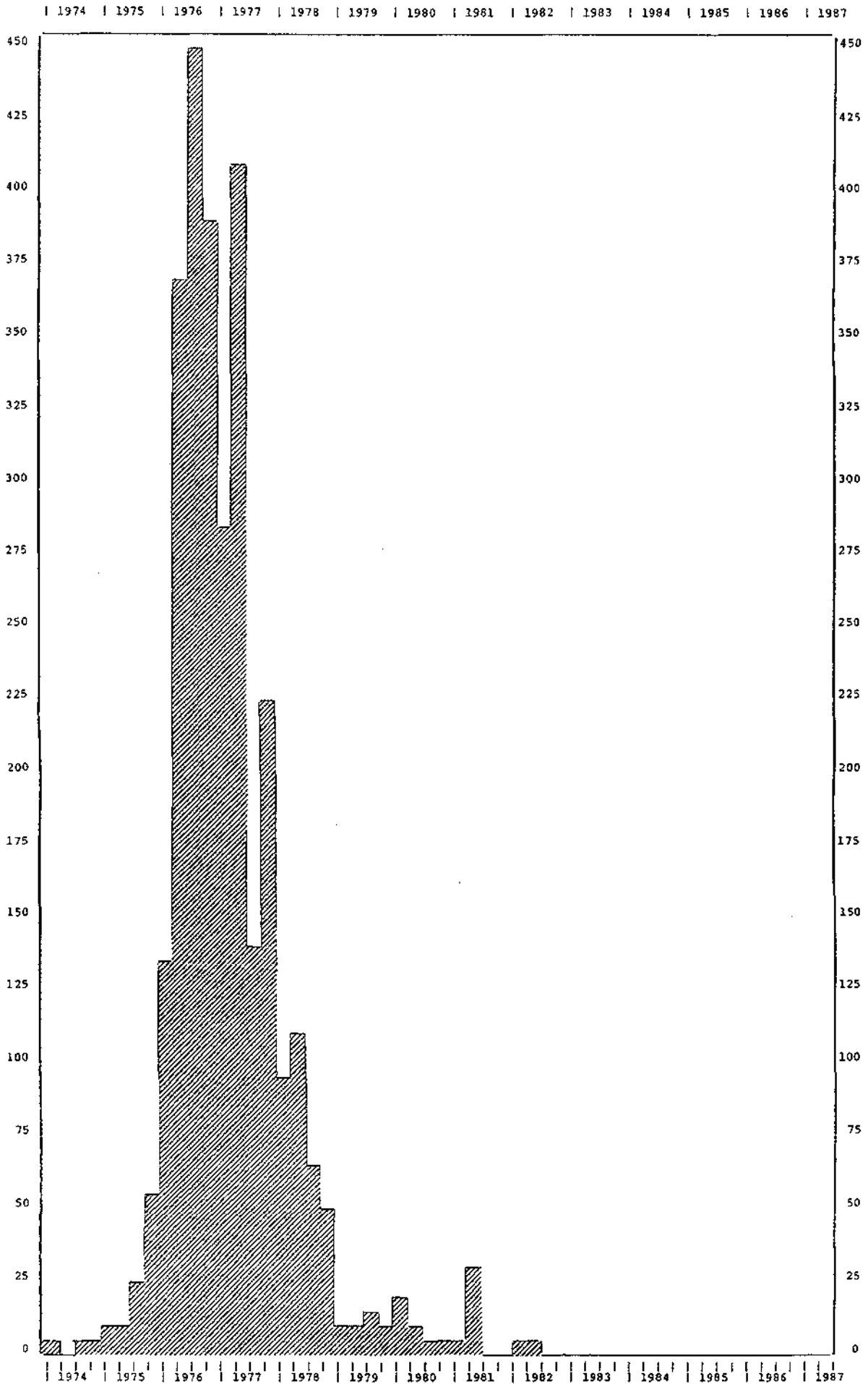
1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the last seven reports are as follows:

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  
E/CN.4/1987/15 and Add. 1.

A n n e x

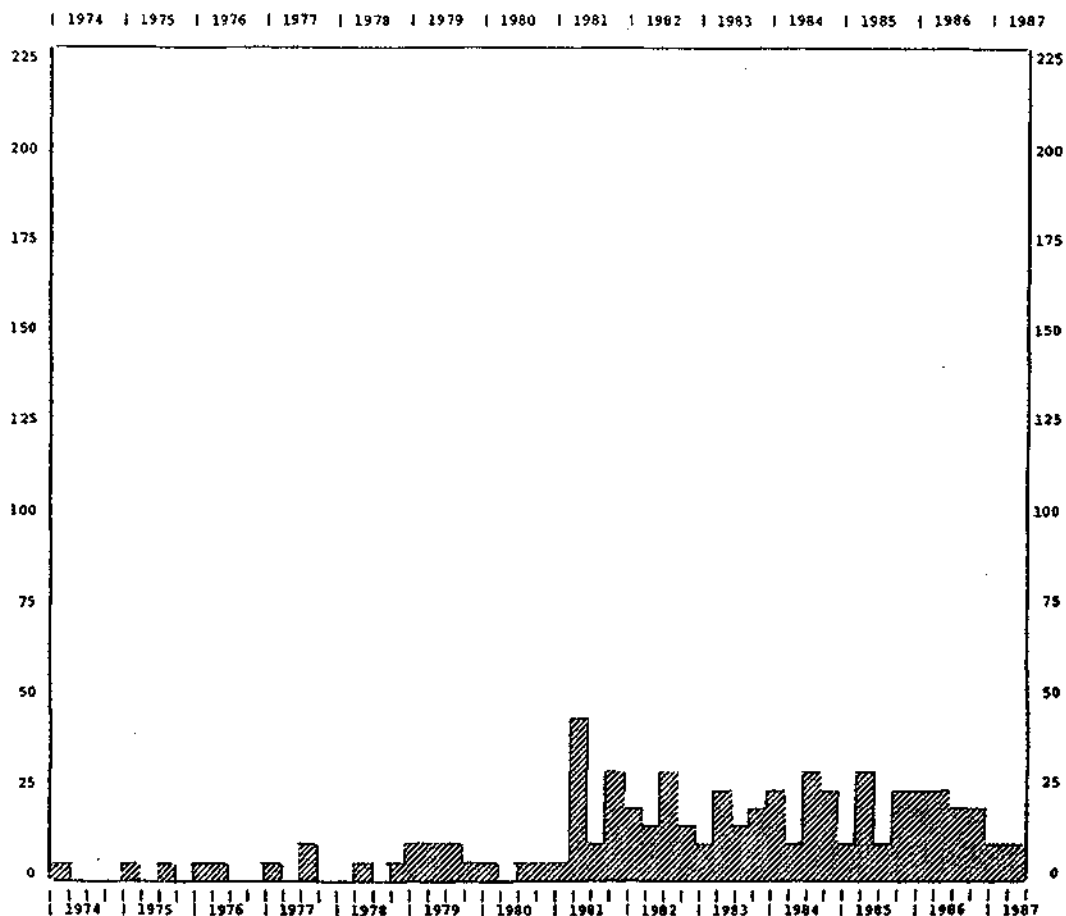
GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES  
FOR THE PERIOD 1974-1987  
IN COUNTRIES WITH MORE THAN 50 TRANSMITTED CASES

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OVER THE PERIOD 1974 - 1987

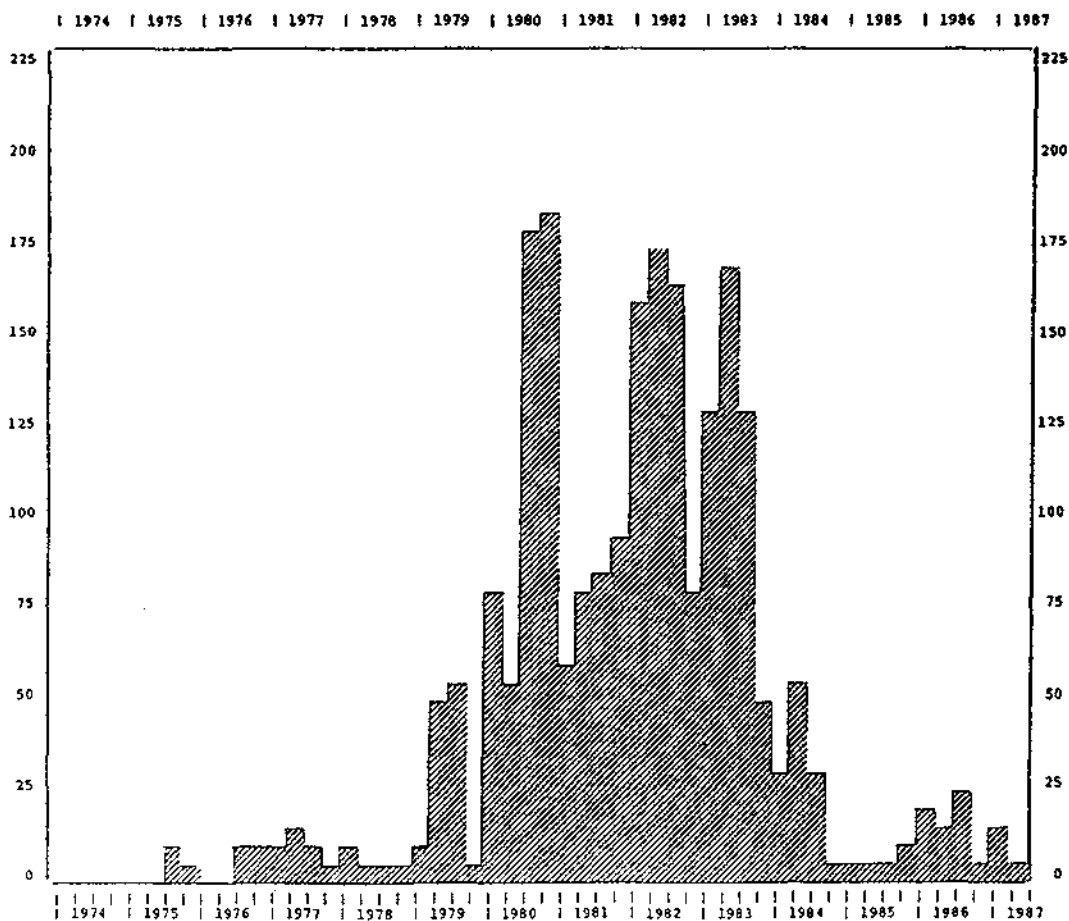


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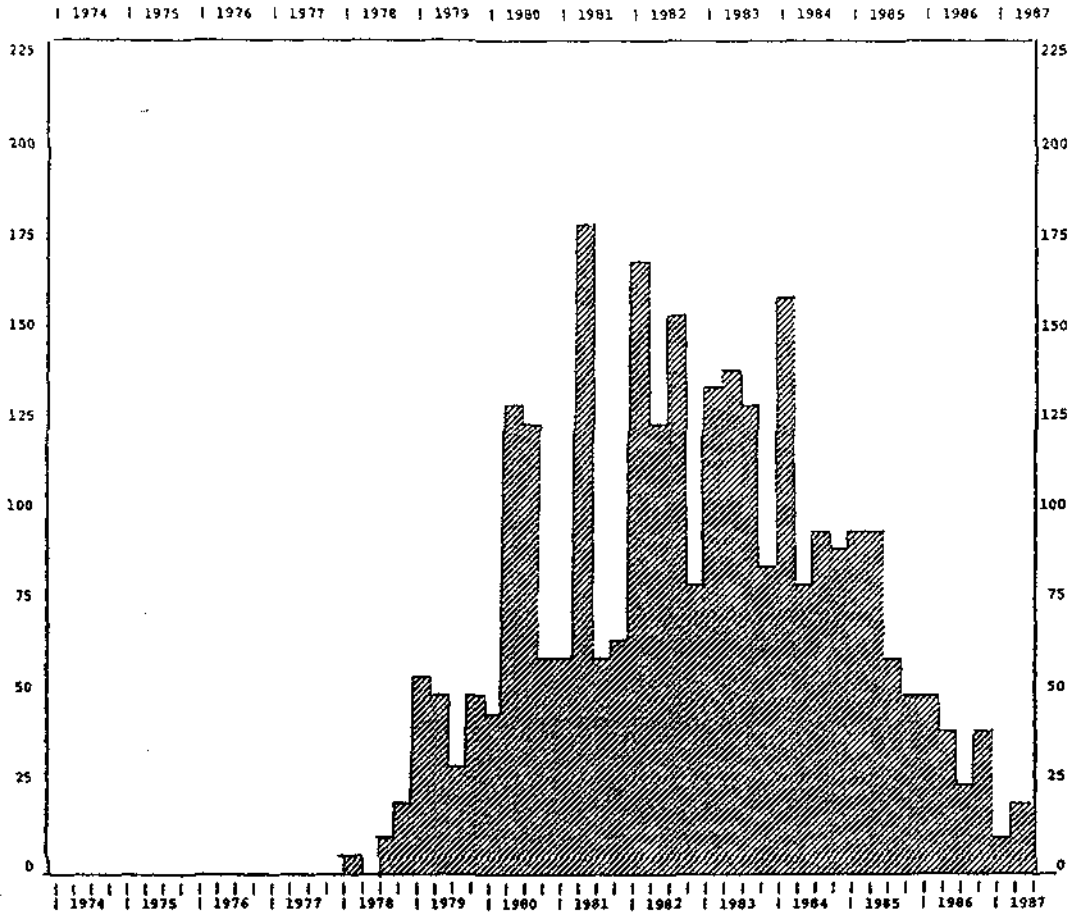
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page 3



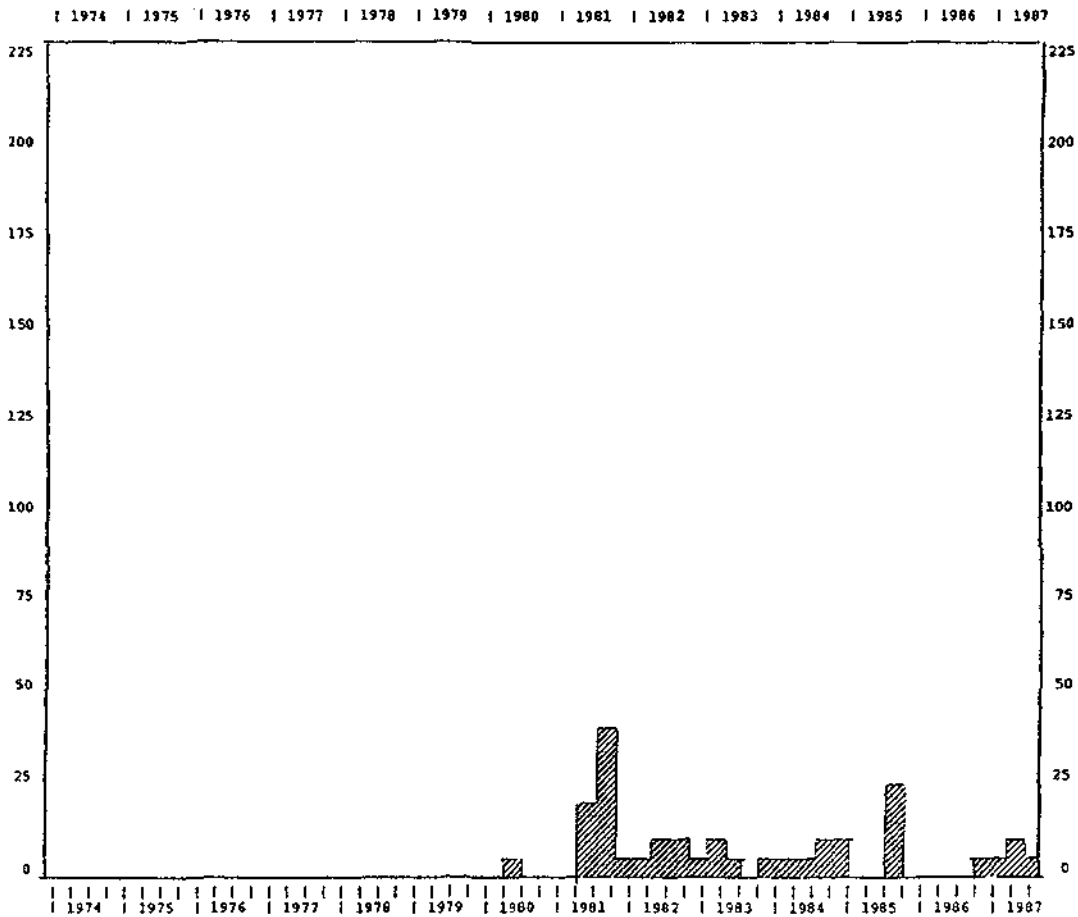
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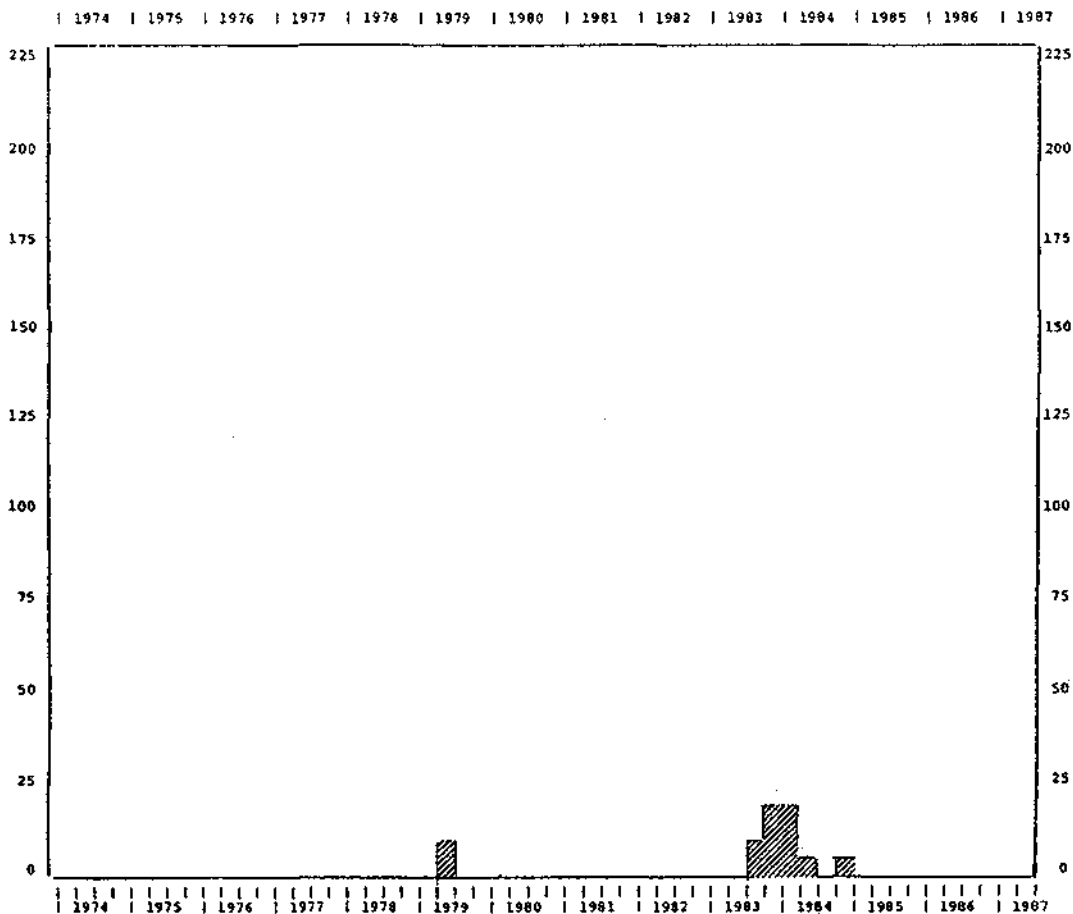


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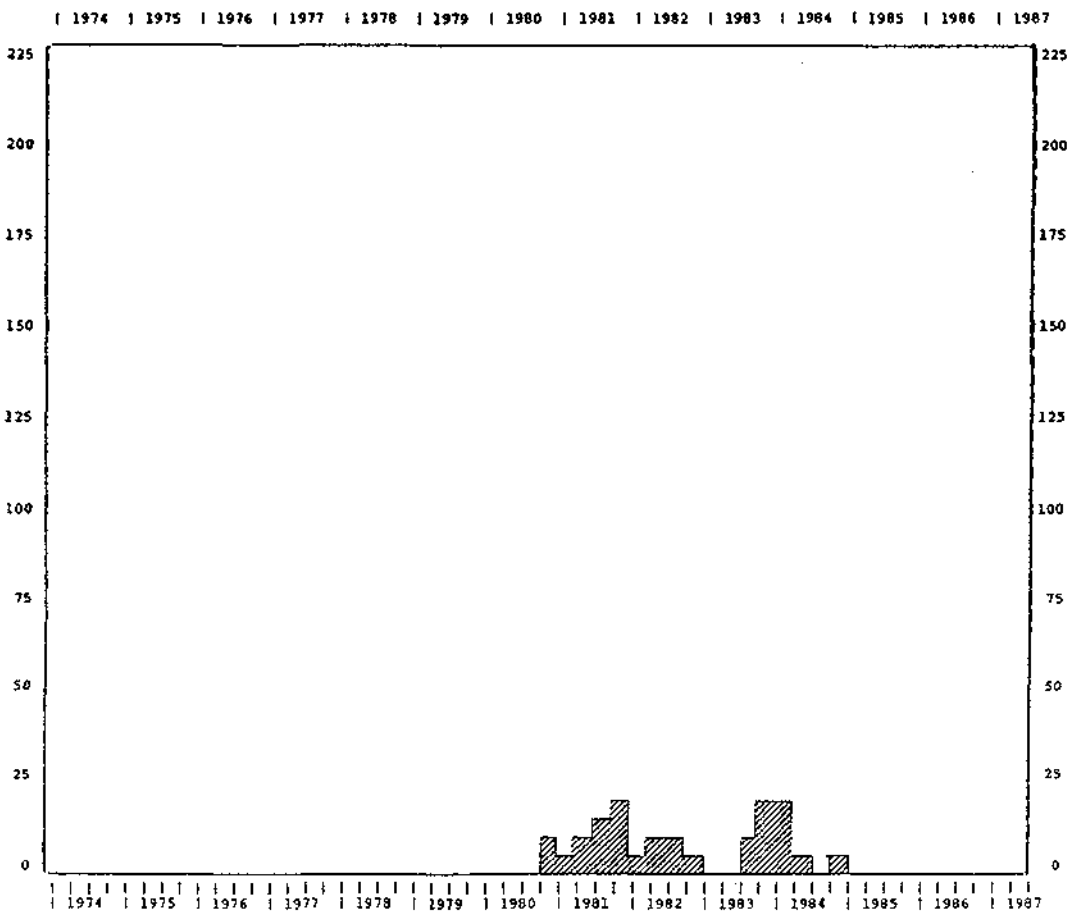


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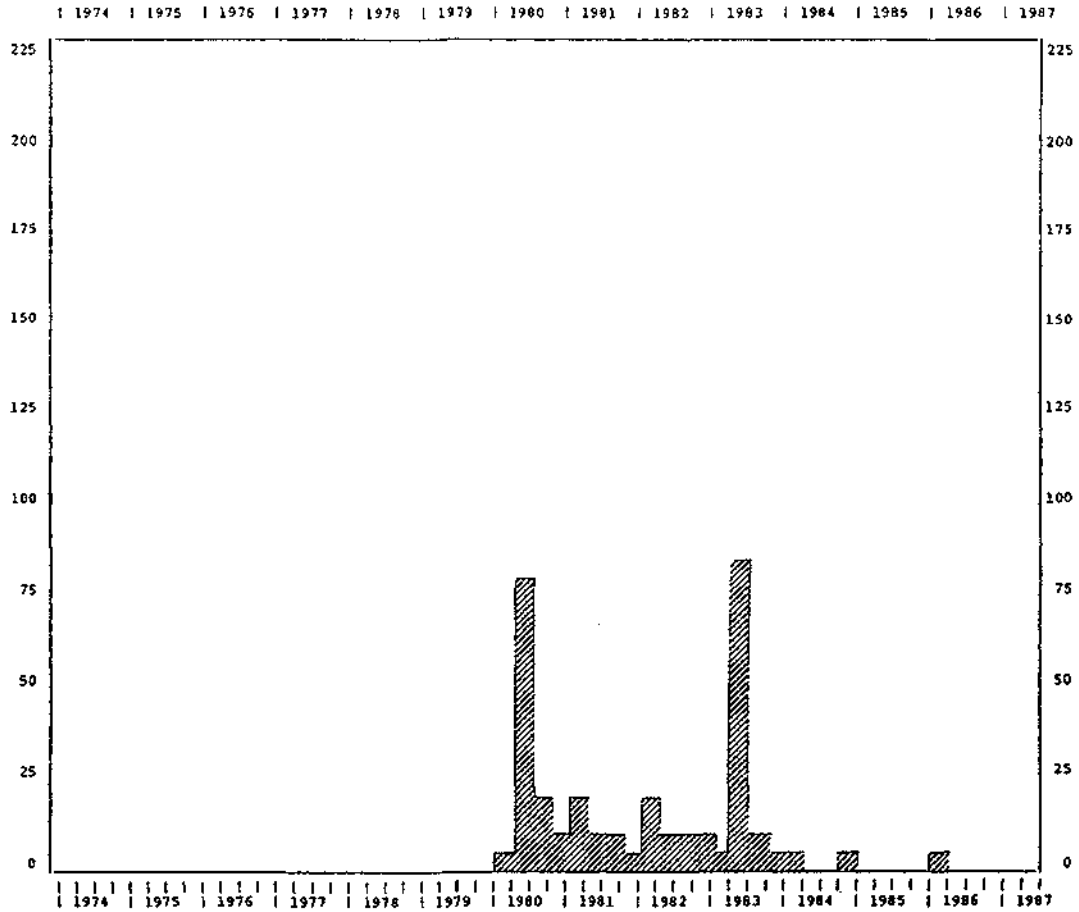
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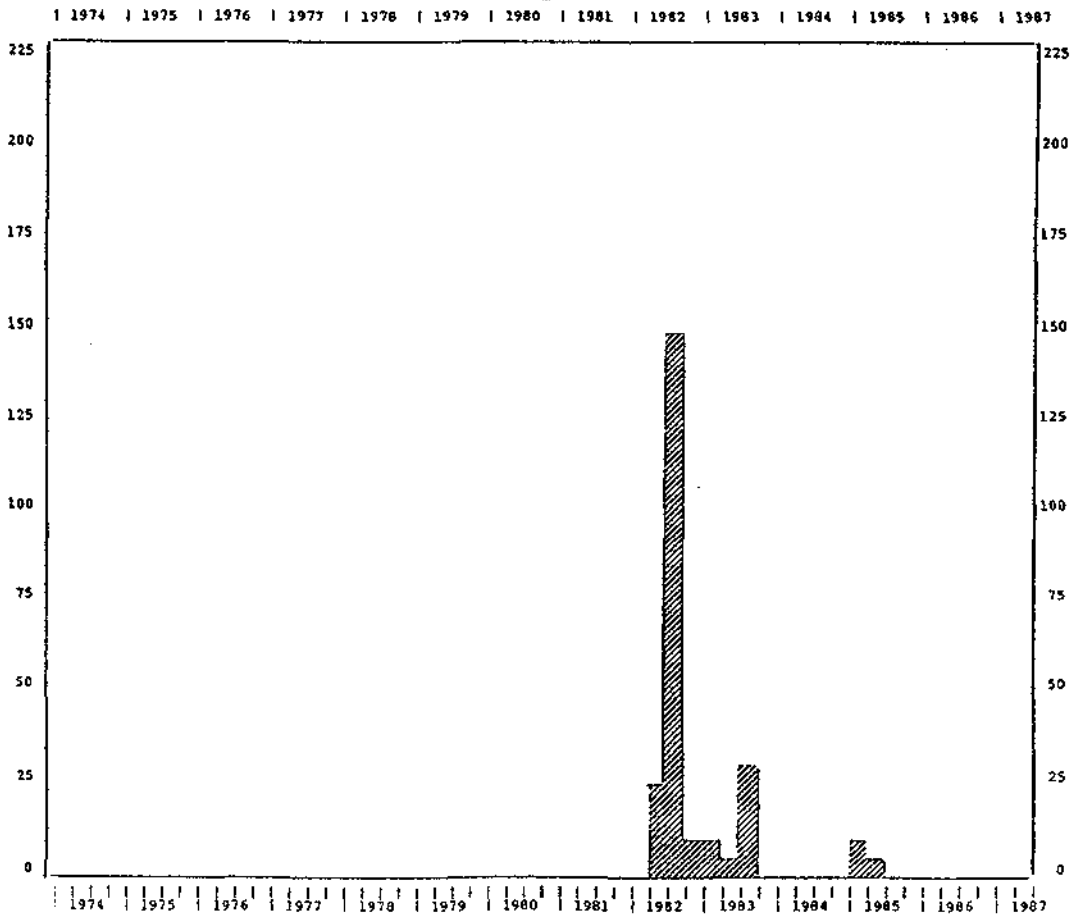
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OVER THE PERIOD 1974 - 1987



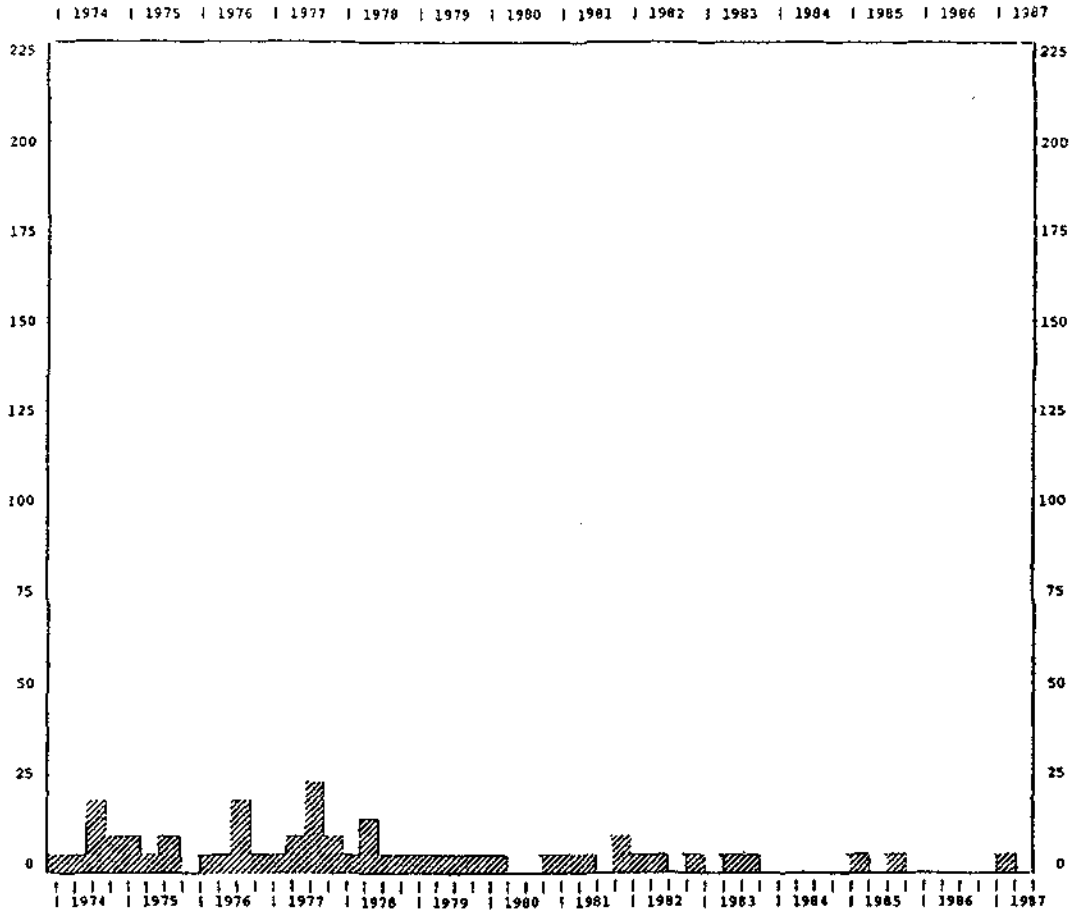
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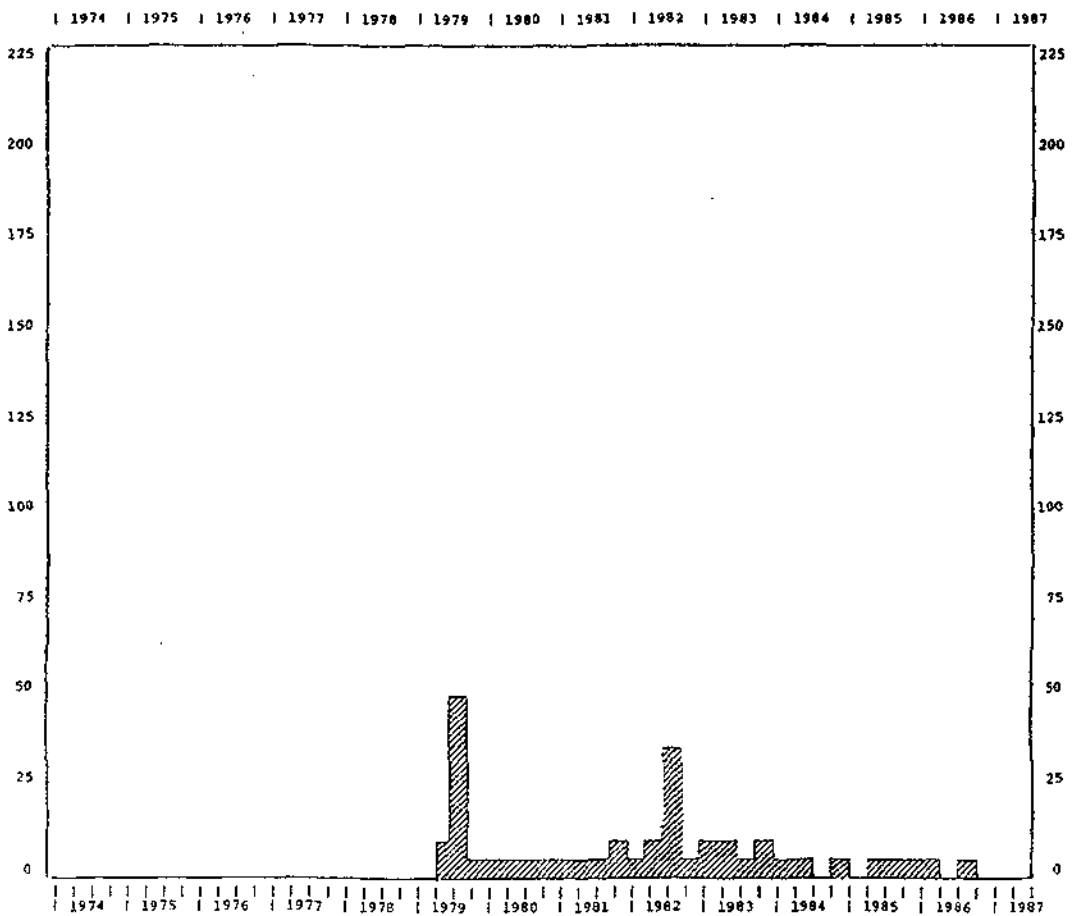
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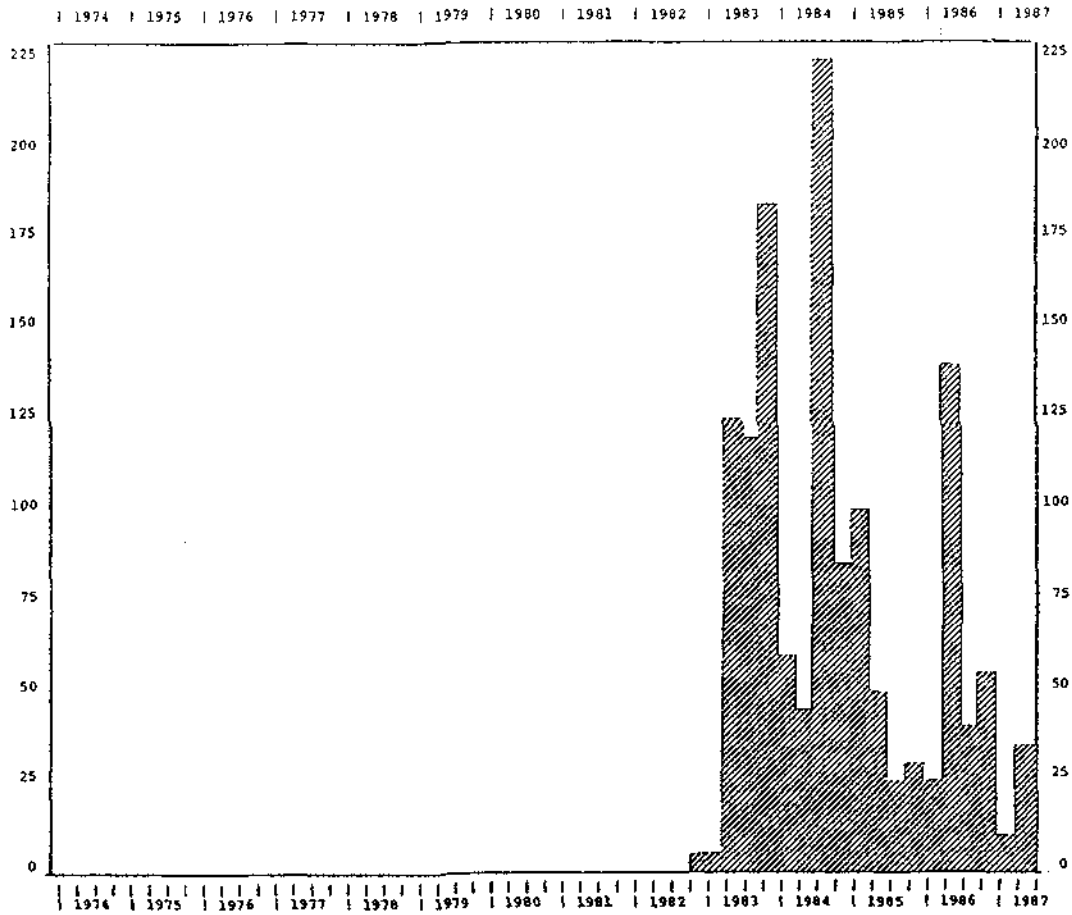


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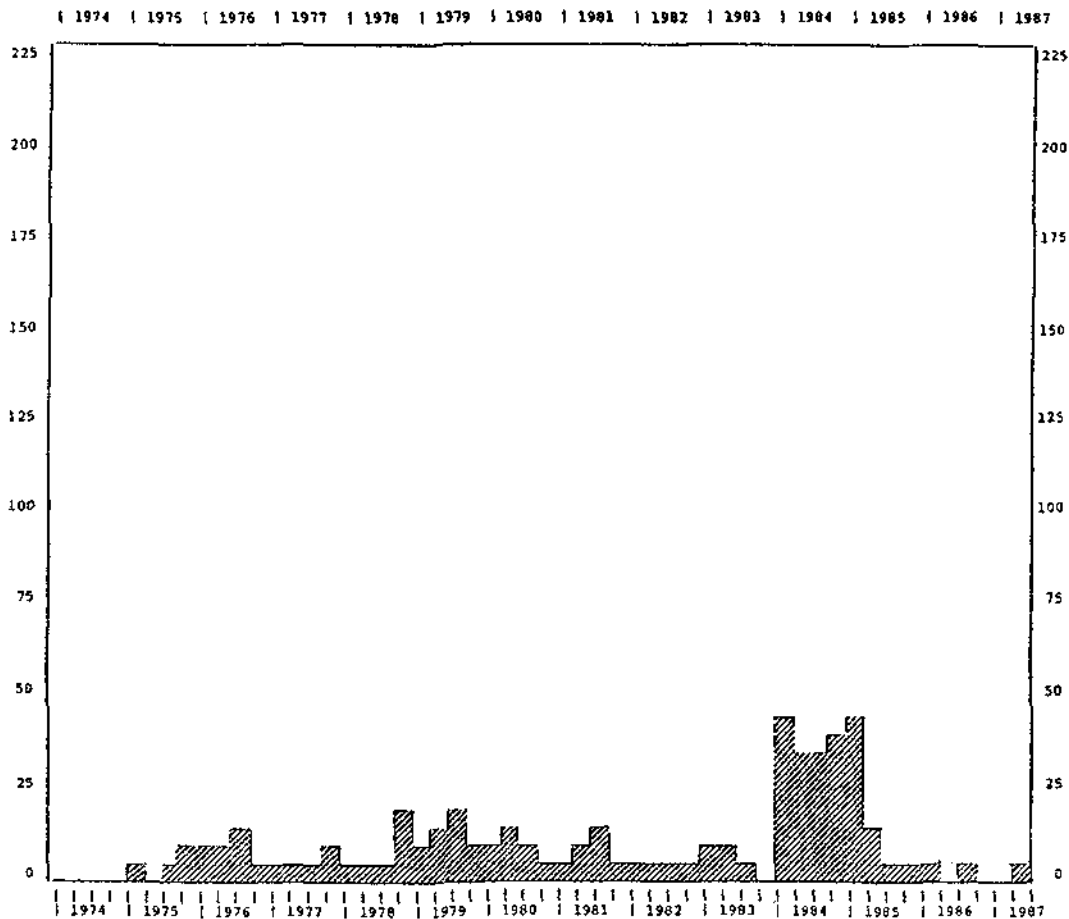




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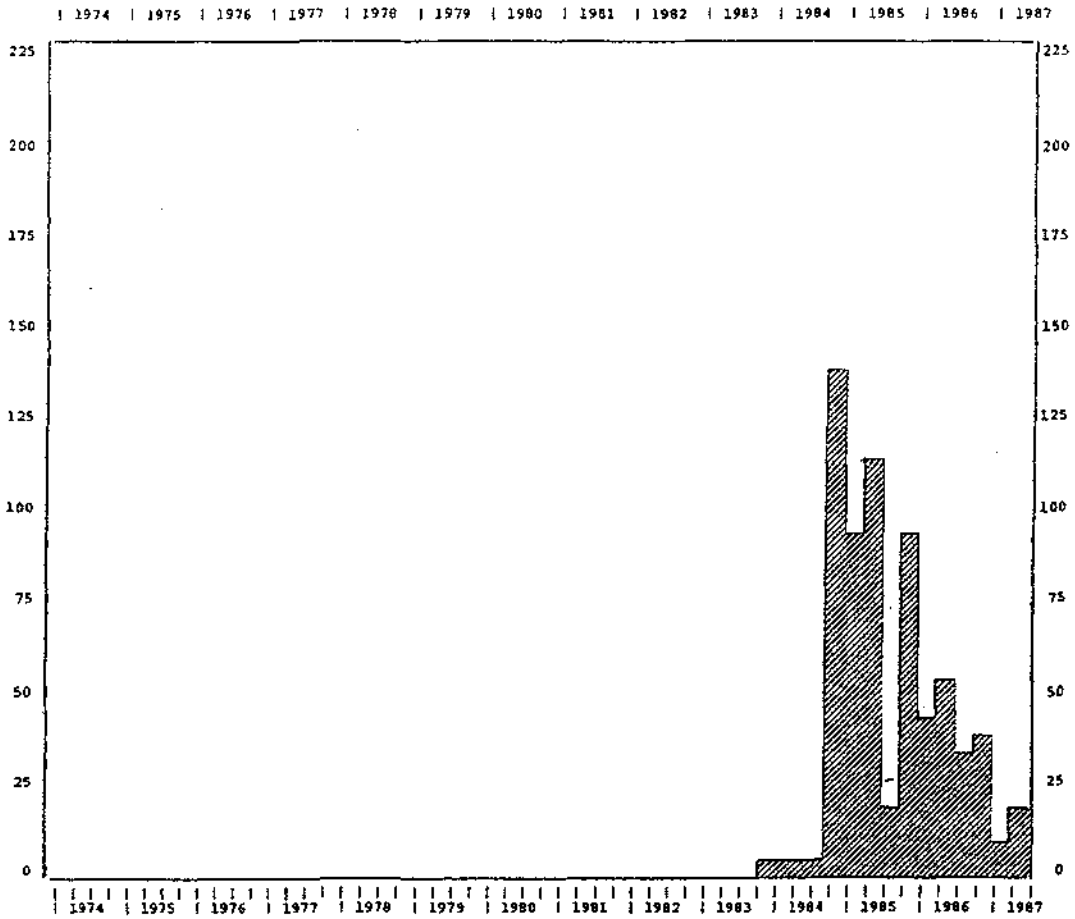


QUARTERLY NUMBER OF DISAPPEARANCES IN PHILIPPINES  
OVER THE PERIOD 1974 - 1987



QUARTERLY NUMBER OF DISAPPEARANCES IN SRI LANKA  
OVER THE PERIOD 1974 - 1987

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QUARTERLY NUMBER OF DISAPPEARANCES IN URUGUAY  
OVER THE PERIOD 1974 - 1987

