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

**Question of enforced or involuntary disappearances**

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

## Summary

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

The first relates to the phenomenon of disappearance, which persists in a number of States. In 2003, the Working Group transmitted 234 new cases of disappearance in 22 States, 43 of which allegedly occurred in 2003. The total number of new cases transmitted represents an almost twofold increase from the previous year, but this is due in large measure to attempts by the secretariat to begin to address a backlog of unprocessed cases. As in previous years, the Working Group has used an urgent action procedure for 43 cases that allegedly occurred within three months preceding the receipt of the report by the Group.

The total number of cases transmitted by the Working Group to Governments since the Group's inception is now 50,135. The total number of cases under active consideration, as they have not yet been clarified or discontinued, stands at 41,934. Over the past five years, the Working Group has been able to clarify 5,300 cases. In 2003, 79 States remained on the Working Group's list of countries with unclarified cases of alleged disappearance.

The second basic element of the phenomenon of enforced disappearance relates to the clarification process. In 2003, the Working Group was able to clarify 837 cases; 98 per cent of them have been clarified upon information provided by the Governments that was not contested by the sources. The Working Group has received concrete assistance and strong cooperation from a number of Governments, notably Algeria, Argentina, Chile, China, Morocco, Tunisia, Uruguay and Yemen. The Working Group, nevertheless, remains gravely concerned that, of the 79 countries with outstanding cases, some Governments (namely Burundi, Cambodia, Guinea, Israel, Mozambique, Namibia, Seychelles and Togo), have never replied to its requests for information or its reminders. Without the cooperation of Governments, thousands of cases of disappearance will remain unclarified.

In the past, the Working Group had expressed great concern over the complete failure of Iraq to cooperate in the investigations of enforced and involuntary disappearances within that State. Given that Iraq represents the largest single collection of unresolved cases reported to the Working Group (16,386) this matter is especially troubling. During the year, the Working Group wrote to Kofi Annan, Secretary-General of the United Nations, and Paul Bremer, Administrator of the Coalition Provisional Authority in Iraq, to express the Group's deep concern that evidence, such as mass graves and official documentation, related to past disappearances could be in the process of being destroyed. At the same time, the Working Group drew the attention of the United Nations and the occupying authority to the importance of preserving all material evidence related to past disappearances. The Acting High Commissioner for Human Rights, Bertrand Ramcharan, in a letter addressed to the Working Group, shared our concern.

The Working Group regrets that the phenomenon of enforced disappearances continues to occur in many different States. While in the past the phenomenon was mainly associated with the State policies of authoritarian regimes, nowadays it occurs in the context of much more

complex situations of internal conflict or tensions generating violence, humanitarian crisis, and human rights violations including enforced disappearances. This is the dramatic situation in countries like Colombia and Nepal where the prevention of disappearances has direct connection with the solution of internal conflicts.

While dealing with internal conflicts, the Working Group is troubled that Africa has been most racked by armed conflicts over the last decade but at the same time is the region with supposedly the fewest reported cases of enforced or involuntary disappearances. The Working Group suspects that it is dealing with an underreported phenomenon of disappearances. Underreporting may be due to a combination of factors, including weaknesses of civil society groups, absence of local human rights non-governmental organizations and lack of encouragement and support, including financial support, from their counterparts in the North. The Working Group considers that the United Nations and its local offices in relevant countries might consider certain initiatives to encourage and support non-governmental organizations and the implementation of certain educational and developmental programmes may remove such barriers as absence of postal facilities and lack of information regarding the Working Group and its mandate.

An increasing number of reports sent to the Working Group concerns alleged cases of enforced disappearances occurring prior to the adoption of the Universal Declaration of Human Rights and even before the establishment of the United Nations itself. The Working Group considers that the core of its mandate is to serve as a channel of communication between relatives of disappeared persons (or non-governmental organizations) and Governments. The very old cases that occurred before the founding of the United Nations may fall beyond the Group's practical capabilities for achieving clarification. Such cases have the potential of opening up a floodgate of cases of disappearances for which the Working Group, as presently constituted, has neither the means nor capacity to handle and pursue.

The Working Group continues to labour in the shadow of a mountain of backlogged cases. At the time of writing, the backlog of information to be processed prior to its consideration by the Working Group concerns over 8,330 cases, of which 2,960 comprise reports of disappearances; some 5,170 represent replies from Governments, and over 200 are observations submitted by the sources. In addition, standard reminders have not been sent to eight Governments (Algeria, China, Indonesia, the Islamic Republic of Iran, Nicaragua, Peru, Sri Lanka and Timor-Leste), and past decisions in respect of 8,747 cases are yet to be conveyed to the Governments of Indonesia, the Islamic Republic of Iran, Sri Lanka and Timor-Leste. As the backlog has a distorting effect upon the accurate representation of statistical information on the Working Group's cases, the figures reflected in the present report are still being reviewed for accuracy, a process that began last year.

Under pressure of the backlog, the Working Group was moved to consider whether it would have to modify its established methods of work. The Working Group is strongly of the view that the core mandate remains valid: serving as a channel of communication between distraught family and friends of the disappeared and Governments. This is a necessary role that is not filled elsewhere in the global or regional systems of human rights protection. What is

more, the Working Group can point to concrete results. Some lives are saved, and in many other cases the sad fate of a disappeared person becomes known. The Working Group does not believe that it would be wise, or even morally acceptable, to give up on its mandate because of the backlog.

Recognizing that the secretariat of the Office of the High Commissioner for Human Rights is understaffed and overburdened, the Working Group again pleads with States to provide greater financial support for special human rights mechanisms, including the Working Group. The staff available to the Working Group has performed admirably despite the severe pressures of work and the totally inadequate level of staffing available.

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## Introduction

1. The primary task of the Working Group on Enforced or Involuntary Disappearances (the Working Group) is to clarify the fate or whereabouts of persons who are reported to have disappeared. According to its well-established methods of work, the Working Group serves as a channel of communication. It connects sources of information on alleged disappearances - typically family members or non-governmental organizations - with Governments. The core mandate of the Working Group was stipulated in Commission on Human Rights resolution 20 (XXXVI), and has been developed by the Commission in subsequent resolutions. The Working Group's role ends when the fate or whereabouts of the missing person has been established as a result of investigations by the Government or the family, irrespective of whether that person is alive or dead. The Working Group does not establish criminal liability or declare State responsibility; its mandate is essentially humanitarian.
2. The crime of enforced disappearance, as defined in the Declaration on the Protection of All Persons from Enforced Disappearance<sup>1</sup> is a continuous crime until the fate or whereabouts of the disappeared person becomes known. For that reason, a disappearance remains under active consideration by the Working Group until the case is clarified. Once received from a source, a case is transmitted to a Government with a request for a response. It is common for the Working Group to facilitate successive exchanges of information between the source and the Government. Any Governmental reply containing detailed information on the fate or whereabouts of the disappeared person is transmitted to the source. If the source does not respond within six months of the date on which the reply was communicated to it, or if it contests the Government's information on grounds that are considered to be unreasonable by the Working Group, the case is considered clarified.
3. Disappearances are a persistent global phenomenon, not limited to specific regions. Although the mandate of the Working Group was initially inspired by the need to address the legacy of disappearances arising from authoritarian rule in Latin America, the more common pattern today is for large-scale disappearances to occur in States suffering from violent civil conflict. This pattern is reflected in the contemporary experience of Colombia, Nepal, the Russian Federation, and some parts of India.
4. Aside from its core mandate, the Working Group has been entrusted by the Commission with the task of monitoring States' progress in fulfilling obligations derived from the Declaration. Severe human resource constraints affecting its available staff have hampered the ability of the Working Group to accomplish this task. However, the Working Group has taken full account of the Declaration in adopting observations on individual countries. Country-specific observations are included in this report for all States with more than 100 outstanding cases of alleged disappearance.
5. During the period under review, the Working Group transmitted 234 new cases of disappearance in 22 countries, 43 of which allegedly occurred in 2003. The total number of new cases transmitted represents an almost two-fold increase over the previous year, but this is due in large measure to attempts by the secretariat to begin to address a backlog of unprocessed cases. As in previous years, the Working Group has used an urgent action procedure for 43 cases that allegedly occurred within three months preceding the receipt of the report by the Group. During 2003, the Working Group clarified 837 cases of enforced disappearance.

6. A number of Governments of countries with large numbers of unresolved cases have not communicated on a regular basis with the Working Group. At its sixty-ninth session, the Working Group therefore extended a special invitation to the Governments of those countries which have more than 1,000 outstanding cases to meet with the Group during its seventieth session. The countries concerned were Algeria, Argentina, El Salvador and Peru. Iraq was not included in the list because of the vacuum in government authority. In this connection, the Working Group decided to request a legal opinion from the United Nations Office for Legal Affairs on the manner in which to proceed in its communications to that country with regard to the 16,386 unresolved cases and in the eventuality of receiving newly reported cases occurring in the country. Of the four countries, only Algeria and Argentina requested meetings with the Working Group. These meetings were held and the Governments concerned provided significant additional information.

7. The total number of cases transmitted by the Working Group to Governments since the Group's inception is now 50,135. The total number of cases under active consideration, as they have not yet been clarified or discontinued, stands at 41,934. Over the past five years, the Working Group has been able to clarify 5,300 cases. In 2003, 79 States remained on the Working Group's list of States with unclarified cases of alleged disappearance.

8. The Working Group continues to labour in the shadow of a mountain of backlogged cases. At the time of writing, the backlog of information to be processed prior to its consideration by the Working Group concerns over 8,330 cases, of which 2,960 comprise reports of disappearances; some 5,170 represent replies from Governments, and over 200 are observations submitted by the sources. Standard reminders have not been sent to eight Governments (Algeria, China, Indonesia, the Islamic Republic of Iran, Nicaragua, Peru, Sri Lanka and Timor-Leste). In addition, past decisions of the Working Group in respect of 8,747 cases are yet to be conveyed to the Governments of Indonesia, the Islamic Republic of Iran, Sri Lanka and Timor-Leste. As the backlog has a distorting effect upon the accurate representation of statistical information on the Working Group's cases, the figures reflected in the present report are still being reviewed for accuracy, a process that began last year.

9. Under pressure of the backlog, the Working Group was moved to consider whether it would have to modify its established methods of work. The Working Group is strongly of the view that the core mandate remains valid: serving as a channel of communication between distraught family and friends of the disappeared and Governments. This is a necessary role that is not filled elsewhere in the global or regional systems of human rights protection. What is more, the Working Group can point to concrete results. Some lives are saved, and in many other cases the sad fate of a disappeared person becomes known. The Working Group does not believe that it would be wise, or even morally acceptable, to give up on its mandate because of the backlog.

10. Recognizing that the secretariat of the Office of the United Nations High Commissioner for Human Rights is understaffed and overburdened, the Working Group again pleads with States to provide greater financial support for special human rights mechanisms, including the Working Group. The staff available to the Working Group has performed admirably despite the severe pressures of work and the totally inadequate level of staffing available.

11. The present report of the Working Group is submitted pursuant to Commission on Human Rights resolution 2003/38.<sup>2</sup> As in the past, the report reflects only communications or cases examined prior to the last day of the third annual session of the Working Group, namely 19 November 2003. Those responses from Governments received after that date will be reflected in the next report of the Working Group, as also will the urgent action cases which may have to be dealt with between the last day of its session and the end of the year. In respect of newly reported cases and general allegations transmitted by the Working Group after 15 September 2003, in accordance with its methods of work, it must be understood that the Government concerned could not respond prior to the adoption of the present report.

## **I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 2003**

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

12. The Working Group held three sessions in 2003. The sixty-ninth session was held in Geneva from 22 to 25 April, the seventieth session was held in Geneva from 11 to 15 August and the seventy-first session was held in Geneva from 10 to 19 November.

13. The Working Group continues to apply Commission on Human Rights decision 2000/109, adopted on 26 April 2000, on enhancing the effectiveness of the mechanisms of the Commission, that a turnover of its membership be accomplished in incremental steps over a three-year transition period. In accordance with this decision, Agha Hilaly (Pakistan) and Jonas Foli (Ghana) resigned in 2000, and were replaced by Anuar Zainal Abidin (Malaysia) and J. 'Bayo Adekanye (Nigeria). Manfred Nowak (Austria) resigned in 2001 and was replaced by Stephen Toope (Canada). Anuar Zainal Abidin (Malaysia) resigned in May 2003 and was replaced by Saied Rajaie Khorasani (Islamic Republic of Iran). Ivan Tosevski (The former Yugoslav Republic of Macedonia) resigned in October 2003.

14. During its 2003 sessions, the Working Group met with representatives of the Governments of Algeria, Argentina, Brazil, Chile, Democratic People's Republic of Korea, Equatorial Guinea, Guatemala, Japan, Morocco and Spain. The Group also met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearance.

15. On 9 September 2003, the Government of Argentina invited the Working Group to visit that country.

16. On 26 September 2001, the Government of Colombia reiterated its invitation of 30 March 1995 to the Working Group to visit the country. On 4 November 2002, the Government informed that owing to a change of Government, there was a need to initiate new steps with a view to such a visit taking place. On 8 November 2002 and, again, on 25 April 2003, the Working Group reiterated its interest and is awaiting a response from the Government of Colombia.

17. By letter dated 19 November 1997, the Government of the Islamic Republic of Iran invited the Working Group to visit that country and the Working Group accepted the invitation. However, due to the sudden illness of its Chairman, the Working Group decided to postpone the visit, which was scheduled to take place from 11 to 18 June 2003. Alternate dates of mutual convenience are being sought for the conduct of the visit.

18. The Government of Algeria has not yet responded to the interest expressed by the Working Group, in August 2000, to visit the country. To date the Working Group has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

## **B. Communications**

19. During the period under review, the Working Group transmitted 234 new cases of enforced or involuntary disappearance to the Governments of Afghanistan, Algeria, Brazil, China, Colombia, Democratic Republic of the Congo, Equatorial Guinea, India, Indonesia, Iran, Japan, Lebanon, Libyan Arab Jamahiriya, Mexico, Nepal, the Philippines, the Russian Federation, Rwanda, Spain, Sri Lanka and the Syrian Arab Republic, as well as to the Coalition Provisional Authority in Iraq.

20. Forty-three of these cases were sent by the Working Group under the urgent action procedure to the Governments of Afghanistan, Colombia, Equatorial Guinea, India, Indonesia, Mexico, Nepal, the Russian Federation, Rwanda and Sri Lanka. Of the newly reported cases, 43 allegedly occurred in 2003, and relate to Afghanistan, Colombia, Equatorial Guinea, India, Indonesia, Mexico, Nepal, the Russian Federation, Rwanda and Sri Lanka. During the same period, the Working Group clarified 837 cases in the following countries: Argentina, China, Guatemala, Honduras, India, Mexico, Morocco, Nepal, Pakistan, the Russian Federation, Sri Lanka, Tunisia, Turkey, Uzbekistan and Yemen.

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

## **C. Comments on the draft international convention on the protection of all persons from enforced disappearance**

22. The Working Group on Enforced or Involuntary Disappearances (the Working Group) welcomes the efforts of the Intersessional open-ended Working Group (ISWG) to elaborate a legally binding instrument on enforced disappearances. As was clearly established in the report of Mr. Manfred Nowak (E/CN.4/2002/71, 8 January 2002), important gaps exist in the current framework of protection against enforced and involuntary disappearances. The process of elaborating a draft convention appears to be making substantial progress on questions of definition and on the refinement of substantive obligations.

23. The Working Group only recently received reports from the ISWG, and is not in a position to offer detailed commentary at its seventy-first session. At this stage, the Working Group does not intend to offer specific proposals to the ISWG as it would not be appropriate to do so, given that the Working Group has not participated in ISWG discussions.

24. The Working Group notes with satisfaction that the draft convention and subsequent discussions among States and non-governmental organizations in the ISWG reflect many of the recommendations that the Working Group has for successive years submitted to the Commission on Human Rights. In particular, many States now recognize the need for: (a) clear national criminal law addressing disappearances; (b) strict limitations on amnesty; (c) the creation of mechanisms of compensation and satisfaction and (d) specific actions to address the plight of children.

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

25. This chapter covers only those countries in respect of which the Working Group received new information during the period under review. No new information was received concerning Bolivia, Burundi, Cambodia, Chad, Dominican Republic, Ethiopia, Greece, Guinea, Haiti, Israel, Malaysia, Mauritania, Mozambique, Namibia, Nicaragua, Nigeria, Peru, Seychelles, the Sudan, Timor-Leste, Togo, or Yugoslavia (see previous reports of the Working Group, E/CN.4/2002/79 and E/CN.4/2003/70).

### **Afghanistan**

26. During the period under review, the Working Group transmitted 1 new case of disappearance to the Government of Afghanistan. This case reportedly occurred in 2003 and was sent under the urgent action procedure.

27. The 2 cases of disappearance reported to the Working Group in the past concerned a Jordanian journalist who allegedly disappeared in 1989 in Jalalabad, Nangarhar Province and an American citizen of Afghan origin who allegedly disappeared in 1993.

28. The newly reported case concerns a prominent elder of the "Kuchi tribe" in eastern Afghanistan, who was allegedly arrested by the United States military forces on his way to a meeting with President Karzai regarding a tribal dispute. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of the United States of America. (See also section on the United States of America, paragraphs 303-306.)

29. During the period under review, no new information was received from the Government concerning the 3 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

## Algeria

30. During the period under review, the Working Group transmitted 56 new cases of disappearance to the Government of Algeria. At the same time, the Working Group retransmitted 2 cases with new information from the source. Regarding the 56 cases transmitted after 15 September 2003, in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

31. The majority of the 1,121<sup>3</sup> cases reported to the Working Group in the past, occurred between 1993 and 1997, throughout the country, and concerned workers, peasants, farmers, traders, technicians, students, medical doctors, journalists, university professors, civil servants, as well as a member of the Parliament. Whereas most of the victims had no particular political activity, a number of the persons concerned were reportedly members or sympathizers of the Islamic Salvation Front (FIS). The disappearances were attributed to the army, the security services, the gendarmerie, the police, civil defence forces, or the militia.

32. The newly reported cases reportedly occurred between 1994 and 1998 in various parts of the country and involved persons of all ages, and from various professional backgrounds, including peasants, small commercial traders and public employees. Most of the disappearances reportedly occurred following arrest at home or at work and were allegedly carried out by members of the army, the security services, the gendarmerie, the police and civil defence forces.

33. The Working Group called the Government's attention to the harassment and intimidation to which seven women, relatives of disappeared persons, were subjected by the security services and the police in the governorate of Oran. Such acts were reportedly a direct consequence of their participation in a weekly rally in front of the law courts and an interview given by one of the women to a journalist from a local daily.

34. Concern was expressed by non-governmental organizations about the reported refusal of the authorities to recognize the true nature of the problem of the disappeared, to whom they allegedly continue to refer to as "missing" persons. Reportedly, while the authorities acknowledge the receipt of thousands of complaints from families alleging that relatives have disappeared following arrest by the security forces or State-armed militias, the complaints are generally not accepted as well-founded. Furthermore, it was alleged that, although the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) had proposed the creation of a national commission of inquiry to establish the truth about each of the disappearance cases and to compensate families of victims, there has been no reaction by the authorities so far.

35. During the period under review, the Working Group met with representatives of the Government of Algeria and engaged in an exchange of views with regard to the outstanding cases. Regarding the question of disappeared persons, which was the subject of a specific recommendation by CNCPPDH, the President of the Republic had emphasized that "the issue cannot be objectively addressed in isolation from the historical background, for Algerian society has been faced with bloody terrorism and barbarity without parallel anywhere in the world". To date, the authorities had dealt with the issue of disappeared persons under ordinary legislative

and regulatory provisions. Aware of the human dimension of the issue, the President had decided to entrust an ad hoc mechanism attached to CNCPPDH with the temporary task of addressing the issue. The President specified that the proposed mechanism should be perceived neither as a commission of inquiry nor as a substitute for the competent administrative and legal authorities but rather as a management centre and point of contact between the authorities and the families of the missing persons. The representatives also provided detailed information on the judicial treatment of cases involving allegations of disappearances.

36. During the period under review, the Government provided information on 21 outstanding cases: in 14 cases, investigations were carried out but the persons concerned had not been located. In 3 cases, investigations were in progress. In 3 other cases, the persons concerned were being sought by security services for their involvement in acts of terrorism. In 1 case, the person had been released after investigations, however information on the exact whereabouts of the person was not provided.

37. Of the 16 cases clarified by the Working Group, 9 were clarified on the basis of information provided by the Government and 7 on the basis of information provided by the source. During the period under review, given the severe human resource constraints, the secretariat of the Working Group was not able to send reminders to the Government of Algeria, in respect of the 1,105 outstanding cases. The Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

38. The Working Group expresses its thanks to the Government of Algeria for the information that it has submitted during this year. However, the Working Group expresses deep concern that there have been no clarifications of the more than 1,100 outstanding cases during the period under review. Moreover, 56 new cases have been transmitted to the Government of Algeria.

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

### **Argentina**

40. During the period under review, no new cases of disappearance were transmitted to the Government of Argentina. During the same period, the Working Group retransmitted to the Government 1 case with new information from the source. At the same time, the Working Group clarified 5 cases on the basis of information provided by the source. In 4 cases, the persons had been found alive and their identities confirmed through DNA testing. In 1 case, the remains of the person concerned had been found and identified.

41. The vast majority of the 3,462<sup>4</sup> reported cases of disappearance transmitted in the past occurred between 1975 and 1978 under the military Government, in the context of its campaign against left-wing guerrillas and their alleged sympathizers. One case concerned the then 20-day-old infant son of an Uruguayan refugee, who was reportedly taken away from his

mother in 1976 in Argentina when she was arrested during a joint operation by the Argentine and Uruguayan police forces. (See also section on Uruguay, paragraphs 307-311.) Two cases occurred in 2000 and concerned persons allegedly arrested in the city of Mendoza by members of the local police investigation office (*Dirección de Investigaciones de la Policía*). Seven other cases concerned persons who were allegedly detained by the police in 2002, following a demonstration.

42. During the period under review, the Government provided information on 8 outstanding cases. In 7 cases, the Government was in the process of gathering further information. In 1 case concerning an Uruguayan worker arrested by the Uruguayan security forces in 1976 in Buenos Aires, the Government submitted detailed information on the inquiry conducted by the *Comisión nacional sobre desaparición forzada de Argentina (CONADEP)*, as well as documentation gathered by the *Comisión investigadora de Uruguay, Comisión Investigadora sobre la Situación de las Personas Desaparecidas y Hechos* and the *Cámara de representantes de Uruguay*. The Government informed that any additional information that might become available from the judicial authorities would be transmitted to the Working Group.

43. During the period under review, the National Commission for Peace of Uruguay also provided information on 106 cases concerning 90 citizens of Uruguay, 15 Argentinian nationals and 1 citizen of Paraguay, who disappeared between 1975 and 1978 in Argentina. In the case concerning the person, who was a 20-day-old infant at the time of his disappearance, he had been located and his identity confirmed in judicial proceedings. The Working Group decided to apply the six-month rule to this case. In 35 cases, the persons concerned had been held in detention centres in Argentina (*Automotores Orletti, Base Grupo Operativo O.T. 18, Campo de Mayo, Club Atlético, Pozo Banfield, Pozo Quilmes, Escuela de Mecánica de la Armada-ESMA, Hospital Militar Central*). In 39 cases, the persons concerned had been transferred to secret detention centres in Argentina (*Automotores Orletti, Base Grupo Operativo O.T. 18, Club Atlético, Córdoba - Unidad Penitenciaria de la Plata, el Banco, el Olimpo, el Palomar, El Vesubio, Pozo Banfield, Pozo Quilmes*), and executed. In 19 cases, the persons concerned had been illegally detained. In 7 cases, the persons concerned had died and had been buried in an unmarked tomb in a cemetery in the province of Buenos Aires. In 4 cases, the persons concerned had been detained in Uruguay and transferred to secret detention centres in Argentina. In 1 case, the person concerned had been detained in Argentina and transferred to a secret detention centre in Uruguay. The information concerning these 105 cases was not sufficient to apply the six-month rule or to consider the cases clarified. Of the 106 cases to which the National Commission for Peace of Uruguay submitted replies, 32 concerned women; 13 of these women had been pregnant or had been detained with their children at the time of their disappearance.

44. During the period under review, the Working Group met with representatives of the Government of Argentina and engaged in an exchange of views with regard to the clarification of outstanding cases. The representatives informed the Working Group of the steps taken by the Government to combat impunity, which was a priority issue. With regard to measures taken by the Government on the clarification of past cases, the representatives described the efforts of the *Comisión nacional sobre desaparición forzada de Argentina (CONADEP)* and the results

achieved so far. The representatives stated that the Government would welcome a visit of the Working Group with a view to assisting in the clarification of past cases. Subsequently, the Government of Argentina confirmed in writing that it would be pleased to receive the visit of the Working Group.

45. Of the 83 cases clarified by the Working Group, 43 were clarified on the basis of information provided by the Government and 40 on the basis of information provided by the source. In respect of the 3,379 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

46. Despite some cooperation received from the Argentinian authorities, the Working Group continues to be gravely concerned that over 3,000 outstanding cases remain unelucidated more than 20 years after the alleged disappearances.

### **Bangladesh**

47. During the period under review, no new cases of disappearance were transmitted to the Government of Bangladesh. The Working Group retransmitted the 1 outstanding case with new information from the source.

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

49. The Government had previously informed the Working Group that relatives and neighbours had denied that she had been abducted by armed forces personnel. Subsequent investigations had reportedly revealed that she had left the country voluntarily and was residing at an address provided in India. Based on this information, the Working Group had decided to apply the six-month rule to the case (see previous report, E/CN.4/2003/70). However, during the period under review, the relatives informed the Working Group that the person concerned had not left the country. They also provided the Working Group with the names of the alleged perpetrators, including those of army personnel who were allegedly involved in the abduction. The Working Group, therefore, decided to consider the case as outstanding.

### **Belarus**

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

51. The 3 reported cases of disappearance occurred in 1999 and concerned a former member of the Supreme Soviet and member of an opposition political party who was reportedly abducted together with a former Minister for Internal Affairs who had been actively involved in the presidential campaign of an opposition leader.

52. During the period under review, the Government provided information on the 3 outstanding cases. Law enforcement authorities were reportedly pursuing their investigations, and the Public Prosecutor's office had resumed criminal investigations after having suspended them. The Government assured that all possible efforts were being made to enquire into the facts of the cases but denied any involvement in the disappearances.

53. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Brazil**

54. During the period under review, the Working Group transmitted 2 new cases of disappearance to the Government of Brazil.

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

56. The 2 newly reported cases concerned a police officer from the Paulista police station in Pernambuco State, who was allegedly abducted by the military police in 2001 and a farmer from Itabaiana, Paraíba State, who, prior to his disappearance in 2002, was reportedly threatened by a police officer for testifying before the State Parliamentary Commission of Inquiry into rural violence and rural militias.

57. During the period under review, the Working Group met with representatives of the Government of Brazil and engaged in an exchange of views with regard to the outstanding cases. The representatives provided information on the Special Commission established by Act No. 9.140 in 1995 to examine new cases of disappearance. The Act recognizes the "political disappearances" listed in the Act as deaths having occurred under custody of the State. In August 2002, the Act was amended to broaden its scope and to examine cases occurring after the adoption of the Amnesty Act, while granting an additional 120 days for the submission of new requests for compensation. The Commission was expected to submit draft legislation that will broaden its mandate to include deaths occurring during demonstrations and suicides resulting from torture. Subsequently, the Government transmitted to the Working Group a report on the activities of the Special Commission.

58. During the period under review, the Government provided information on 8 outstanding cases. In 1 case, the person had died and the family had filed a legal action (*acción de declaratoria de ausencia*) to obtain official recognition of the death. The Working Group decided to apply the six-month rule to this case. In respect of the newly reported case concerning the farmer, four suspects had been arrested and an order for the detention of a police officer issued. In 2 cases, the family had either decided not to seek compensation through the

Special Commission or had rejected the offer. In 2 other cases, inquiries had failed to produce sufficient evidence against the alleged perpetrators. In another 2 cases, the authorities had found no further evidence on the whereabouts of the disappeared persons.

59. Of the 49 cases clarified by the Working Group, 45 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. In respect of the 10 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Burkina Faso**

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

61. The 3 cases of disappearance reported to the Working Group involved two soldiers and a university professor allegedly arrested in 1989, together with 27 other persons, on charges of having participated in a conspiracy against the Government.

62. With regard to allegations that there is a climate of impunity prevailing in the country (E/CN.4/2003/70) and the failure of the authorities to bring to justice members of the presidential security guard suspected of serious violations, the Government replied that the matter in question was the death of a journalist and described the steps taken by the competent authorities to bring the perpetrators to justice.

63. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Cameroon**

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

65. Of the 18 cases reported to the Working Group, 6 occurred in 1992 and included five youths aged 13 to 17 who were reportedly taken into police custody at the time of the arrest of the leaders of the Cameroon Anglophone Movement and over 40 peasants taken into custody following a peaceful demonstration. Three other cases occurred in 1999 and concerned members of the Southern Cameroon National Council who were allegedly detained by members of the Mbango National Gendarmerie Brigade. Nine cases involved adolescents who were allegedly arrested by security forces in 2001 on suspicion of theft of a neighbour's cooking gas cylinder and transferred to a detention facility in Bonanjo-Douala belonging to the Operational Command.

66. With regard to allegations about an increase in the number of enforced disappearances since January 2002 attributed to the *Commandement opérationnel* (Operational Command or CO), a special security force established in 2000 to combat armed robbery in Douala and Yaounde (E/CN.4/2003/70), the Government replied that a Commission of Inquiry had been set up to investigate these allegations, and that its conclusions would be communicated to the Working Group in due course.

67. In the past, the Working Group clarified 4 cases on the basis of information provided by the Government. In respect of the 14 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### Chile

68. During the period under review, no new cases of disappearance were transmitted to the Government of Chile. During the same period, the Working Group retransmitted 1 case with new information from the source.

69. The vast majority of the 908<sup>5</sup> reported cases of disappearance occurred between 1973 and 1976 under the military Government and concerned political opponents of the military dictatorship from various social strata, most of them activists in Chilean left-wing parties. The disappearances were attributed to members of the army, the air force, the *carabineros* and persons acting with the acquiescence of the authorities.

70. The Working Group called the Government's attention to the alleged harassment and intimidation of eight staff members of the Forensic Service's Identification Unit, who were reportedly dismissed for having exposed irregularities in the service. In addition, others had been allegedly threatened with dismissal or non-renewal of contracts for criticizing or disagreeing with senior management of the Forensic Service. All these persons are reported to have exposed serious shortcomings in such areas as the methodology used in identifying bodies, the hiring of unqualified staff and the concealment of information by the managers of the service. These shortcomings could have the effect of ensuring impunity.

71. The Government provided information on the establishment of the National Commission on Truth and Reconciliation for the human rights violations that had taken place in the State between 11 September 1973 and 11 March 1990. The Government also established a specialized unit within the Ministry of Interior, known as the Programme for the continuation of Act No. 19.123 (Human Rights Programme), which continues to provide social and legal assistance to the families of victims. The Government informed of its intention to compensate the victims of violations committed during the military dictatorship. The Government continues to initiate and pursue judicial investigations to combat impunity for perpetrators. In addition, efforts have been made to identify places where persons have been illegally buried and excavations have been made to locate the remains of victims who disappeared while in detention.

72. During the period under review, the Government informed that, according to its records, some 307 judicial proceedings involving some 690 victims of enforced disappearances were in progress. Some of these proceedings concerned 236 agents who were on trial for crimes committed against 374 victims. The Government also provided information on the 844 outstanding cases. During the period under review, the Working Group was able to consider the replies in respect of 167 outstanding cases. In 20 cases, the Government provided death certificates of the persons concerned. In 4 cases, the Government informed that the persons had been found dead and the remains returned to the families. The Working Group decided to apply the six-month rule to these 24 cases. The Government further informed that in 7 cases, the persons concerned had been executed. In 129 cases, judicial proceedings against the alleged perpetrators were in progress. In 5 cases, no records had been found and in 2 cases, the persons had not disappeared.

73. During the period under review, the Working Group received information from the Government of Uruguay on 5 outstanding cases. The cases concerned citizens of Uruguay who were allegedly arrested in Chile by the armed forces or intelligence services of Chile. The Government informed that the suspicion had been partially confirmed by official reports from institutions in Chile.

74. During the period under review, the Working Group met with representatives of the Government of Chile and engaged in a broad ranging exchange of views with regard to the clarification of outstanding cases. In particular, the Working Group sought information from the Government of Chile concerning the methods by which compensation to the families of victims is calculated.

75. Of the 68 cases clarified by the Working Group, 45 were clarified on the basis of information provided by the Government and 23 on the basis of information provided by the source. In respect of the 840 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

76. The Working Group expresses its appreciation to the Government of Chile for its cooperation during the year 2003, which could lead to the clarification of many cases. However, more specific information is still required to enable the clarification of more than 800 cases.

### **China**

77. During the period under review, 1 new case of disappearance was transmitted by the Working Group to the Government of China. At the same time, the Working Group retransmitted one case with new information from the source. During the period under review, the Working Group clarified 5 cases on the basis of information provided by the Government that the persons concerned were either serving prison sentences or in a re-education through labour facility, at the addresses provided. In 4 of these cases, no observations were received from the source. In 1 case, the source confirmed the information provided by the Government. Four cases were subject to late clarification given the severe human resources constraints. The secretariat was unable to inform the families of the Working Group's decisions, taken in 1999 and 2002, that it would apply the six-month rule to these cases.

78. Most of the 108 cases of disappearance reported in the past are said to have occurred between 1988 and 1990, or between 1995 and 1996. The majority of these cases concerned Tibetans, 19 of them monks who were allegedly arrested in Nepal and handed over to the Chinese authorities. Twelve cases concerned Falun Gong practitioners who were allegedly arrested or abducted in 2000 and 2001 by police, security services or local administrative officials. One case involved an autistic boy who reportedly disappeared in 2000 after having been questioned by Hong Kong immigration officers. One other case concerned a Chinese citizen, residing in the United States of America, who was allegedly detained in 2002 by persons belonging to the Ministry of Public Security.

79. The newly reported case concerns a woman, a Falun Gong practitioner, who was allegedly arrested in 2002 by the police and kept in confinement at a detention centre in Shijiazhuang City, Hebei Province.

80. During the period under review, the Government provided information on 8 outstanding cases. In 3 cases, the persons concerned were either serving a prison sentence, in custody, or in a re-education through labour facility, at the address that was provided. In another case, the person had died in detention and the ashes had been returned to the family. The Working Group decided to apply the six-month rule to these 4 cases. In respect of 2 other cases, the Government asked to be provided with further details. In 2 cases, investigations were still in progress.

81. Of the 74 cases clarified by the Working Group, 65 were clarified on the basis of information provided by the Government and 9 on the basis of information provided by the source. In a majority of cases clarified on the basis of information provided by the Government, the persons concerned were living at liberty at the address that was provided. During the period under review, given the severe human resource constraints, the secretariat of the Working Group was not able to send reminders to the Government of China in respect of the 34 outstanding cases. The Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### Colombia

82. During the period under review, the Working Group transmitted 25 new cases of disappearance to the Government of Colombia, of which 5 occurred in 2003 and sent under the urgent action procedure.

83. The majority of the 1,128 cases of disappearance reported in the past occurred since 1981, in particular in those regions where the level of violence was highest. In a large number of these cases, those responsible were allegedly members of paramilitary groups whose actions were believed to be undertaken with the complicity or acquiescence of members of the security forces. Those abducted included members of trade unions, peasants and community workers.

84. Most of the 25 newly reported cases occurred between September 1997 and May 2003. In 13 cases, the persons concerned were allegedly abducted by members of paramilitary groups, including the *Autodefensas Unidas de Colombia* (AUC). In 5 cases, the persons concerned were allegedly detained by the police or security forces. In 7 cases, the persons concerned were reportedly detained by army personnel, 3 of them during *Operación Orion* in the Medellín. In most cases, the abductions are reported to have occurred when the persons concerned were travelling, primarily in the departments of Antioquia (Medellín), Santander, Tolima, Cesar, Meta and Cundinamarca. The victims include members of trade unions, the Colombian Communist Party, *Union Patriótica*, and *FARC EP*, the president of *Madre Tierra* and the secretary of *ANFIBIA* (both environmental organizations), farmers or agricultural workers, and individuals belonging to the liberal professions. Among the victims are three women.

85. The Working Group called the Government's attention to the harassment and intimidation to which five women, relatives of disappeared persons, were subjected by paramilitary groups in the city of Medellin and in the Barrancabermeja and Magdalena Medio areas. Such acts were reportedly a direct consequence of their involvement in the *Asociación de Familiares de Detenidos-Desaparecidos de Colombia (ASFADDES)* and the *Organización Femenina Popular (OFP)*. With regard to the allegation concerning acts of intimidation against a member of *ASFADDES*, the Government replied that it had not been able to carry out a risk study since it had not been possible to locate the person, despite messages left at the headquarters of the organization.

86. Concern was expressed by several non-governmental organizations about a draft constitutional reform bill reported to have been put forward by the Government on 23 April 2003, which involved proposed amendments to articles 15, 28 and 250 of the Constitution of Colombia. According to the information received, the draft reform, if approved, would grant police-like powers to the military forces and would allow the authorities to intercept communications and make arrests without the necessity of obtaining a court order beforehand. It is also alleged that paramilitary groups are expanding their control over the country. Among those most at risk are reportedly persons belonging to trade unions and other organizations, such as those representing women, lawyers and human rights activists.

87. During the period under review, the Government provided information on 50 outstanding cases. In 6 cases, the Government transmitted copies of death certificates; in one of these cases, copies of the autopsy and forensic reports, as well as information about the person who had identified the body were provided. The Working Group decided to apply the six-month rule to these 6 cases. In 17 cases, the Government provided details on investigations being conducted by judicial or administrative authorities. In 10 cases, investigations had been suspended or closed by the judicial authorities due to lack of information from complainants or relatives. In 17 other cases, the Government asked that the complainants provide further information on the circumstances surrounding the alleged disappearance. Colombian authorities had requested that the Working Group be informed of their concern over "the absence of complaints under domestic legislation by the victim's relatives in the various cases" and said that they "would like to know to which authority, if any, complaints have been submitted, so that any judicial proceedings undertaken can be traced". Moreover, the relevant government office had pointed out that "progress in investigations into offences against personal autonomy and other legally protected rights is often dependent on the cooperation provided by relatives and others close to the victims".

88. Of the 261 cases clarified by the Working Group, 199 were clarified on the basis of information provided by the Government and 62 on the basis of information provided by the source. In respect of the 892 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

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

Nonetheless, the Working Group remains deeply concerned about the continuing internal conflict regarding the overall human rights situation, which includes escalation of violence and disappearances. During the period under review, an increased number of disappearances have been reported to the Working Group.

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

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

91. During the period under review, no new cases of disappearance were transmitted to the Government of the Democratic People's Republic of Korea.

92. The 1 case reported in the past, concerned a Japanese national who was allegedly abducted in Japan in 1977 by security agents of the Democratic People's Republic of Korea, and was last seen in that country. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of Japan. Also in keeping with its methods of work, the Working Group sent copies of 8 other cases that allegedly occurred in Japan, Spain, and the United Kingdom of Great Britain and Northern Ireland, to the Government of the Democratic People's Republic of Korea (see sections on Japan, paragraphs 166-173, Spain, paragraphs 259-267, and the United Kingdom of Great Britain and Northern Ireland, paragraphs 297-302).

93. During the period under review, the Government of the Democratic People's Republic of Korea provided information on the 1 outstanding case. The person concerned had been found dead, and the Government of Japan had been provided with information on the exact place of burial, as well as with a copy of the death certificate. Moreover, the necessary facilities and material had been provided to the Government of Japan's fact-finding mission to allow it to visit the burial site, identify the remains and ascertain the cause of death. The Government also reiterated its position on the "abduction issue". On two previous occasions, the Government had provided the Working Group with information on the background, circumstances and essence of the issue and on efforts to settle the problem from the viewpoint of humanitarianism. The Government's stand was that the issue was a matter to be settled bilaterally. In adopting the Pyongyang Declaration in September 2002, both Governments had agreed to address the Government of Japan's alleged past crimes against the Korean people during its military occupation of the countries, the issue of the "missing" Japanese, as well as other pending issues. The Government viewed the Pyongyang Declaration as an important political document - a cornerstone for normalization and improvement of relations between the two countries. The Government informed that, as part of its efforts to implement the Declaration, it had provided the Government of Japan with all the necessary explanations, including information on the living environment of "abductees", cause of death, and punishment against those held responsible. The Government of Japan had been provided with copies of all relevant materials, including marriage certificates. The Government was of the opinion that the Government of Japan was utilizing the abduction issue to evade its responsibility in implementing the Declaration, to avoid apologizing and paying compensation for the crimes committed during the colonial occupation of the Korean Peninsula, and to win internal popularity. The stance of the Government on settling long-standing issues between the two countries and improving bilateral relations had remained unchanged.

94. During the same period, the Working Group met for the first time with the representatives of the Government of the Democratic People's Republic of Korea who engage in an exchange of views on the outstanding case. The representative of the Democratic People's Republic of Korea reiterated the Government's stand on the issue that it should be resolved within the bilateral framework provided for by the Pyongyang Declaration adopted by the two States.

95. During the period under review, the Government of Japan also provided information on the outstanding case. The Government stated that the information provided by the Government of the Democratic People's Republic of Korea was extremely unreliable. For instance, in the patient death record, the word "hospitalization" had been replaced with "death". Moreover, the "cause of death" and "age at time of death" were said to be profoundly unnatural. Moreover, there was reportedly a lack of evidence to physically prove that the death had occurred. The Government also reiterated its policy on the abduction issue. (See section on Japan, paragraphs 166-173.)

96. In respect of 1 outstanding case, the Working Group is unable to report on the fate or whereabouts of the disappeared person.

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

97. During the period under review, the Working Group transmitted 1 new case to the Government of the Democratic Republic of the Congo. This case was transmitted after 15 September 2003; in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

98. The majority of the 48<sup>6</sup> cases reported in the past concern, on the one hand, persons suspected either of being members of the guerrilla group, *Parti de la révolution populaire*, or political activists who disappeared between 1975 and 1985, and, on the other hand, Rwandan refugees who disappeared in 1998. Other cases included a journalist who was allegedly abducted in 1993 by members of the *Division spéciale présidentielle* and the civil guard; four men who were allegedly arrested in 1994 by soldiers; two villagers who were reportedly arrested in 1996 by members of the Zairian Armed Forces; a man said to have been arrested in 1996 by members of the Service for Action and Military Intelligence (*Service d'actions et de renseignements militaires*); a professor who was allegedly arrested by members of the Rwandan Patriotic Army (see also section on Rwanda, paragraphs 249-253) and a clergyman.

99. The newly reported case concerns a commander of a battalion of the armed forces stationed at the Lower Congo, who was allegedly arrested in 1998 by a military delegation from Kinshasa; it is believed that the disappearance is linked to a military rebellion that occurred a few weeks earlier in the Province of Lower Congo.

100. Of the 9 cases clarified by the Working Group, 6 were clarified on the basis of information provided by the Government and 3 on the basis of information provided by the source. No new information was received from the Government concerning the 39 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Ecuador**

101. During the period under review, no new cases of disappearance were transmitted to the Government of Ecuador. During the same period, the Working Group retransmitted 1 case with new information from the source.

102. The majority of the 23 reported cases of disappearance occurred between 1985 and 1992 in Quito, Guayaquil and Esmeraldas and concern persons who were allegedly arrested by members of the Criminal Investigation Service of the National Police. Three of these cases concerned children, one concerned a Colombian citizen who was reportedly detained by the army in Portoviejo city on charges of arms-trafficking and 1 concerned a student who was allegedly abducted by members of the security forces in 2001.

103. Of the 15 cases clarified by the Working Group, 11 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. No new information was received from the Government concerning the 8 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Egypt**

104. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Egypt. During the same period, the Working Group retransmitted 3 cases with new information from the source.

105. Many of the 20 reported cases of disappearance occurred between 1988 and 1994, and included alleged sympathizers of Islamic militant groups, students, a trader, a doctor, and 3 citizens of the Libyan Arab Jamahiriya. The disappearances allegedly took place when there was a renewal in the state of emergency, giving rise to a climate of impunity in the country. Two other cases concerned Egyptian citizens arrested in 1995 and 1996, by members of the State Security Investigation Department. A 1998 case concerned a farmer who was allegedly arrested by the police, together with a lawyer and brought to a detention centre.

106. During the period under review, the Government informed that in respect of 12 outstanding cases, there was no new information on the whereabouts of the persons concerned, whether in the country or abroad, nor were they being sought.

107. Of the 8 cases clarified by the Working Group, 7 were clarified on the basis of information provided by the Government and 1 on the basis of information provided by the source. In respect of the 12 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **El Salvador**

108. During the period under review, no new cases of disappearance were transmitted to the Government of El Salvador.

109. The majority of the 2,661<sup>7</sup> reported cases of disappearance occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many people disappeared following arrest by uniformed soldiers or police, or were abducted in death-squad style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions of this kind were, in some cases, subsequently recognized as detentions, thus giving rise to allegations of links with the security forces.

110. During the period under review, concern was expressed by non-governmental organizations about the alleged failure of the authorities to investigate disappearances that occurred during the internal conflict which took place between 1980 and 1991, to identify those responsible and bring them to justice, or to compensate families of victims. Allegedly, the Attorney-General's Office had not acted on decisions of the Constitutional Division of the Supreme Court in relation to writs of habeas corpus filed by families of disappeared children. The Court had urged the Office to take the necessary measures, in line with its constitutional powers, to fully establish the condition and whereabouts of the person concerned with the aim of safeguarding his/her fundamental right to physical freedom.

111. Of the 391 cases clarified by the Working Group, 318 were clarified on the basis of information provided by the Government and 73 on the basis of information provided by the source. No new information was received from the Government concerning the 2,270 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

112. The Working Group is deeply concerned that no substantial progress has been made to clarify the more than 2,000 outstanding cases, and that no information has been received from the Government for many years. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

113. The Working Group urges the Government to work with relatives to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration which entitles the victims and relatives to compensation.

### **Equatorial Guinea**

114. During the period under review, the Working Group transmitted 1 new case to the Government of Equatorial Guinea, which reportedly occurred in 2003 and was sent under the urgent action procedure. The case was transmitted after 15 September 2003; in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

115. The 3 previously reported cases of disappearance concerned members of opposition political parties who were reportedly arrested in Malabo in 1993.

116. The newly reported case concerned a pastor of the Assembly of God who was allegedly arrested by police officers while he was conducting service at his church in Malabo.

117. During the period under review, concern was expressed to the Working Group about the alleged incommunicado detention of persons suspected of having links with the *Fuerza Democrática Republicana*, an opposition party with no recognized legal status.

118. During the period under review, the Working Group met with the representative of the Government of Equatorial Guinea and engaged in an exchange of views on the methods of work of the Working Group and the procedure for the clarification of outstanding cases. The Government also provided information on the 3 outstanding cases. Allegedly, in 2 cases, the persons had been dismissed as a central government official and had subsequently gone abroad to seek employment; in 1 other case, the person had left the country for personal reasons.

119. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Eritrea**

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

121. The 54 cases reported to the Working Group occurred in 1998 and concerned Ethiopian nationals who were reported to have been arrested by the Eritrean police in front of the Ethiopian embassy in Asmara.

122. Concern was expressed by non-governmental organizations about alleged “secret incommunicado detention” of a number of journalists, government critics and supporters of dissidents. Reportedly, none of them had been brought to court or formally charged with an offence, despite the existence of constitutional provisions requiring that detainees be charged before a court or released within 48 hours. Concern was also expressed about difficulties in locating persons who had disappeared owing to the alleged intimidation of lawyers who, as a result, fear filing habeas corpus actions.

123. During the period under review, no new information was received from the Government concerning the 54 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Guatemala**

124. During the period under review, no new cases of disappearance were transmitted to the Government of Guatemala. During the same period, the Working Group clarified 22 cases on the basis of information provided by the Government, on which no observations were received from the source: in 21 cases, the persons concerned were living at liberty at the address provided, and in 1 case, the person had died and a copy of the death certificate was transmitted.

125. The majority of the 3,152<sup>8</sup> cases reported to the Working Group occurred between 1979 and 1986, mainly under the military regime and in the context of the Government’s fight against the *Unidad Revolucionaria Nacional Guatemalteca* (URNG). On 29 December 1996, the

Government of Guatemala and URNG signed the Agreement on a Firm and Lasting Peace, in Guatemala City, thus completing the negotiating process between the two parties. A recent case concerned a 14-year-old boy who was reported by the police to have died, after he was allegedly run over by a police patrol in 2002 in Chiquimula.

126. Concern was expressed by non-governmental organizations about a reported increase in threats and intimidation, surveillance, house break-ins and burglaries, particularly against those involved in the clarification of past violations and in the fight against impunity. Allegedly, the *Patrullas de Autodefensa Civil* (PAC), linked to the armed forces, is responsible for attacks against organizations such as the *Fundación de Antropología Forense de Guatemala* (FAFG), *Casa Alianza*, the Association for the Advancement of Social Science (AVANCSO), and *Auxiliatura de la Procuraduría de Derechos Humanos* in Escuintla. Moreover, the Government had allegedly failed to comply with recommendations of the *Comisión para el Esclarecimiento Histórico* concerning the excavation of secret burial places.

127. With regard to the allegation about an increase in threats and intimidation, the Government of Guatemala provided information on the various measures that were to be taken for the protection of the members of the Association for the Advancement of Social Sciences (AVANCSO), *Casa Alianza*, the *Fundación de Antropología Forense de Guatemala* (FAFG). Judicial investigations had also been initiated regarding the attacks against *Casa Alianza*. With regard to the attacks against the *Auxiliatura de la Procuraduría de Derechos Humanos* in Escuintla, the Government informed that the staff of this Procuraduría had never been attacked or under threat.

128. During the period under review, the Working Group met with representatives of the Government of Guatemala and engaged in an exchange of views on the outstanding cases. The representatives provided information on the measures taken by a special unit established to conduct investigations into the reported disappearance of persons, as well as on the obstacles encountered in conducting investigations. In this regard, they solicited the advice and support of the Working Group and informed that the Government would welcome a visit of the Group to the country.

129. During the period under review, the Government provided information on 5 outstanding cases. In 2 cases, the official records in the civil registry concerning the persons contained entries that post-dated their alleged disappearance: identity cards had been renewed (a procedure which can only be conducted in person) and marriages had been registered. The Working Group applied the six-month rule to these 2 cases. In 3 other cases, either the full name of the person or the identity card numbers were missing, making it difficult to locate these persons.

130. Of the 254 cases clarified by the Working Group, 175 were clarified on the basis of information provided by the Government and 79 on the basis of information provided by the source. In respect of the 2,898 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

**Observations**

131. The Working Group wishes to express its appreciation to the Government of Guatemala for its cooperation during the period under review.

132. The Working Group, nonetheless, expresses the hope that the Government will continue to take steps to clarify the outstanding cases.

**Honduras**

133. During the period under review, no new cases of disappearance were transmitted to the Government of Honduras. During the same period, the Working Group retransmitted 7 cases with new information from the source. At the same time, the Working Group clarified 3 cases on the basis of information provided by the source that the persons concerned had been found dead and, in 2 cases, compensation had been granted.

134. The majority of the 202 reported cases occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people perceived as ideological enemies and took them to clandestine detention centres. Four cases reportedly occurred in 1983 and concerned leaders of the Revolutionary Party of Central American Workers-Honduras (PRTC-H), including a Jesuit priest, who were allegedly captured by the Honduran Army. Two of these persons were reportedly citizens of the United States. Allegedly, the United States army and Central Intelligence Agency (CIA) personnel may have helped the Honduran army in the Olancho operation, in which, according to the Honduran Army, these persons had been killed. A report of the Inspector-General of the Central Intelligence Agency relating to the organization's activities in Honduras in the 1980s also allegedly contains references to their having been summarily executed by Honduran army officers after interrogation. (See also section on the United States of America, paragraphs 303-306.)

135. Of the 73 cases clarified by the Working Group, 30 were clarified on the basis of information provided by the Government and 43 on the basis of information provided by the source. No new information was received from the Government concerning the 129 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

**Observations**

136. The Working Group is deeply concerned that it has not received any information from the Government of Honduras in 2003 regarding 129 outstanding cases.

**India**

137. During the period under review, the Working Group transmitted 26 new cases of disappearance to the Government of India; of which 4 occurred in 2003; 8 were sent under the urgent action procedure. At the same time, the Working Group retransmitted 1 case with new information from the source. During the same period, the Working Group clarified 7 cases on the basis of information provided by the Government on which no observations were received from the source: the persons concerned had been released and were living or working at the

addresses provided. Regarding the 4 cases transmitted after 15 September 2003, in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

138. The majority of the 347<sup>9</sup> cases transmitted to the Government in the past occurred between 1983 and 2000, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. They were primarily attributed to the police authorities, the army and paramilitary groups. The disappearances were allegedly related to wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public Security Act, which allow for both preventive and prolonged detention in the absence of normal safeguards available under the criminal codes. The victims have included shopkeepers, a lawyer, journalists, human rights activists and students. In 2002, a member of the Movement to Save the Narmada river was reportedly arrested by the police. In accordance with its methods of work, the Working Group sent to the Government copies of 3 other cases concerning members of the *Akhil Bharatiya Nepali Ekta Samaj* (All India Nepalese Unit Society) attending a meeting of the India-Nepal People's Solidarity Organization in New Delhi, who were reportedly arrested by the Indian Special Branch Police and handed over to Nepali Security officials. (See section on Nepal, paragraphs 221-228.)

139. A majority of the newly reported cases occurred in the Punjab and Kashmir regions between 1991 and 2003, and included two children aged 13 and 16 years, a religious leader, a musician, a businessman, and two students. One case occurred in Assam and concerns a farmer. The disappearances were attributed to the Indian Army, Punjabi police, border security forces, the special task force, and a joint group of the Punjabi police and the Special Operations Group.

140. Concern was expressed to the Working Group about the impunity reportedly enjoyed by security agents in Jammu and Kashmir and about laws such as the Armed Forces Act, the Disturbed Areas Act and the Prevention of Terrorism Act, which are said to give them excessive powers. For instance, it is alleged that section 6 of the Armed Forces Special Powers Act (AFSPA) establishes that no legal proceeding can be brought against any member of the armed forces acting under the AFSPA without the permission of the Central Government. Concern was also expressed about the alleged assimilation into the police force of the Special Operations Group, an elite volunteer force to which a large number of disappearances are attributed.

141. During the period under review, the Government provided information on 36 outstanding cases. In 2 cases, the persons had been released; in another case, the person was alive and residing at the address provided. The Working Group decided to apply the six-month rule to these 3 cases. In 1 other case, compensation had been paid to the family but the person had not been located; in 2 cases, the persons had been released; in 6 cases, investigations were continuing; in 4 cases, investigations were completed, but no evidence had been found as to the whereabouts of the persons concerned and, in another case, the person had never been apprehended. In respect of 16 cases, the Government informed that, given the federal nature of the Indian constitution, references to the State Governments are legally mandatory and require thorough examination and that the results would be transmitted as soon as they are received. In 3 cases, the Government requests the Working Group to review its decision and to clarify the cases on the basis of information previously provided by the Government.

142. Of the 57 cases clarified by the Working Group, 47 were clarified on the basis of information provided by the Government and 10 on the basis of information provided by the source. In respect of the 312 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

143. While expressing its appreciation to the Government of India for the information provided during the course of the year and for its efforts to investigate cases of disappearance, the Working Group is concerned about the growing number of cases brought to its attention and the few clarifications.

144. The federal structure of the State neither impedes nor diminishes the international obligations of the Government to ensure that State authorities fulfil the obligations under the Declaration.

### **Indonesia**

145. During the period under review, 3 new cases were transmitted by the Working Group to the Government of Indonesia, all of which reportedly occurred in 2003 and were sent under the urgent action procedure.

146. The majority of the 145 cases of disappearance reported in the past allegedly occurred in 1992 and between 1998 and 2000 in East Timor, Jakarta and Aceh; a large number concerned students involved in anti-government demonstrations in East Timor, Jakarta and Sumatra, among them the leader of the Indonesian Students Solidarity for Democracy. Five other cases occurred in 2002 in Aceh, of which 3 concerned trade unionists and one, the head of the Aceh Besar District Branch of the "Information Centre for a Referendum in Aceh" (SIRA). These disappearances were attributed to the Special Forces Command (KOPASSUS), Kostrad and the police. In 2002, the Working Group decided, in accordance with its methods of work, to address all future communications in respect of 454 cases, of which 378 are still outstanding, to the Government of Timor-Leste. At the same time, the Working Group decided to send copies of these cases to the Government of Indonesia. During the period under review, given the severe human resource constraints, the secretariat of the Working Group was not able to implement this decision.

147. The 3 new cases reportedly occurred in Aceh. Two cases concerned students who were reportedly abducted by the Special Armed Forces Intelligence during a demonstration against the establishment of a mobile brigade office in the area. The other case concerned the head of the production unit of TVR1 Studio at Gue Gajah who was allegedly arrested at his workplace by members of the Indonesia Armed Forces.

148. In the past, the Working Group clarified 3 cases on the basis of information provided by the Government. During the period under review, the secretariat of the Working Group could not send reminders to the Government of Indonesia, in respect of the 145 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

149. The Working Group is concerned about the new cases that continue to occur in Indonesia, particularly the increasing number of cases in Aceh.

150. The Working Group encourages the Governments of Indonesia and Timor-Leste to cooperate fully in clarifying cases that occurred on the territory of the then East Timor.

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

151. During the period under review, the Working Group transmitted 4 new cases of disappearance to the Government of the Islamic Republic of Iran. These cases were transmitted after 15 September 2003; in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

152. The majority of the 517 cases of disappearance reported in the past occurred between 1981 and 1989. Some of those concerned were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. Other cases included a writer who was allegedly detained in 1998 at the airport in Tehran as he was leaving the country to visit his family abroad; four students who were allegedly detained during demonstrations in Tehran in July 1999; and a 70-year-old freelance journalist and manager of a cultural centre in Tehran who allegedly disappeared in 2002.

153. The newly reported cases concerned four persons who were last seen in prisons by fellow prisoners in 1983 or 1988. In all cases, the detentions were attributed to the *Komitehs* of the Islamic Revolution.

154. Of the 16 cases clarified by the Working Group, 13 were clarified on the basis of information provided by the Government and 3 on the basis of information provided by the source. During the period under review, given the severe human resource constraints, the secretariat of the Working Group was not able to send reminders to the Government of Iran in respect of the 501 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

155. The Working Group remains deeply concerned that little has been done to clarify the more than 500 outstanding cases and that no information has been received from the Government during 2003 regarding these cases.

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

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\* In accordance with the practice of the Working Group, Saied Rajaie Khorasani did not participate in the decisions relating to this section of the report.

## Iraq

157. During the period under review, the Working Group transmitted 2 new cases of disappearance to the Administrator of the Coalition Provisional Authority in Iraq.<sup>10</sup> These cases were transmitted after 15 September 2003; in accordance with the Working Group's methods of work, it must be understood that the Authority could not respond prior to the adoption of the present report. (See section on the United States of America, paragraphs 303-306.)

158. The majority of the 16,514 previously reported cases of disappearance concerned persons of the Kurdish ethnic group who disappeared in 1988, in the context of the so-called "operation Anfal", when the Government had allegedly implemented a programme of destruction of villages and towns throughout Iraqi Kurdistan. A significant number of cases concerned Shi'ah Muslims who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran. Other cases occurred in the aftermath of the March 1991 uprising by Arab Shi'ah Muslims in the south and by Kurds in the north. Earlier cases took place in 1983, when Iraqi forces allegedly arrested a large number of Kurds from the Barzani clan, near Arbil. Some 30 cases which reportedly occurred in 1996 concern members of the Yazidi community who were allegedly arrested during a wave of mass arrests in Mosul by members of the security forces. Other cases involved Shi'ah Muslims who were reportedly detained in Karbala in 1996, as they were about to begin a pilgrimage.

159. The newly reported cases concern two men who were allegedly arrested by the security police in 1992 in Basrah, southern Iraq.

160. Concern was expressed by non-governmental organizations about evidence related to past disappearances such as mass graves and documentation, which may be in the process of being destroyed or interfered with, following the occupation of Iraq by the allied forces under the leadership of the United States of America. In this connection, the Working Group wrote to the Administrator of the Coalition Provisional Authority in Iraq,<sup>11</sup> expressing the Group's deep concern and requesting information on the measures being taken by the Authority to safeguard evidence to permit future investigations, and to locate and identify the remains of persons who may have disappeared. The Working Group asked the Authority to provide it with the names of persons buried in mass graves or any other information that can contribute toward locating the persons on its files. These allegations were transmitted recently to the Administrator of the Coalition Provisional Authority which has not yet had an opportunity to respond. (See section on United States of America, paragraphs 303-306.)

161. At the same time, the Working Group wrote to the Secretary-General of the United Nations expressing the Working Group's deep concern about the above matters and drew attention to the importance of preserving all material evidence relating to past disappearances. The Working Group assured the Secretary-General of its support for any efforts by the United Nations aimed at clarifying the fate or whereabouts of the disappeared persons. The Group informed the Secretary-General of its decision to place at his disposal a list of persons reported to have disappeared in Iraq. During the period under review, the Acting High Commissioner for Human Rights replied to the letter, assuring that the Organization fully shared the Working Group's concern that the preservation of all material evidence relating

to past disappearances in Iraq is of great importance. He also expressed appreciation for the Working Group's support to United Nations' overall efforts aimed at tackling the outstanding cases reported to it, including through the sharing of a list of persons reported to have disappeared in Iraq.

162. Of the 130 cases clarified by the Working Group, 107 were clarified on the basis of information provided by the Government and 23 on the basis of information provided by the source. In respect of the 16,384 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

163. Iraq remains the country with the highest number of disappearances reported to the Working Group.

164. The Working Group is deeply concerned that evidence, such as mass graves and official documentation, related to past disappearances may be in the process of being destroyed or interfered with. The Working Group hopes that it will receive from the Coalition Provisional Authority in Iraq information concerning the measures taken to safeguard the evidence to permit future investigations and to locate and identify the remains of persons who may have disappeared, some of whom may have been previously identified to the Working Group.

165. The Working Group still expects to receive from the Coalition Provisional Authority, names of persons whose bodies are found in mass graves or any other information that can contribute toward the clarification of cases in the files of the Working Group.

### **Japan**

166. During the period under review, the Working Group transmitted 1 new case to the Government of Japan.

167. The 4 cases reported in the past concerned Japanese nationals who were allegedly abducted in Japan by secret agents of the Democratic People's Republic of Korea in the years 1977-1980. In accordance with its methods of work, the Working Group sent copies of the cases to the Government of the Democratic People's Republic of Korea. (See also section on Democratic People's Republic of Korea, paragraphs 91-96.)

168. The newly reported case concerned a citizen of Japan who was allegedly abducted in 1978 in the Nigata Prefecture by secret agents of the Democratic People's Republic of Korea. In accordance with the Working Group's methods of work, a copy of the case was sent to the Government of the Democratic People's Republic of Korea. (See also section on the Democratic People's Republic of Korea, paragraphs 91-96.)

169. During the period under review, the Government of Japan provided information on the 5 outstanding cases. With regard to the newly reported case, the Government of Japan informed that it was evident from the testimony of the disappeared woman's daughter, who had

recently returned from the Democratic People's Republic of Korea, that they had been abducted together by agents of the Democratic People's Republic of Korea. In 4 other cases, the Government stated that the information provided by the Government of the Democratic People's Republic of Korea was extremely unreliable. Reportedly, the death certificates for the persons concerned had all been issued by the same hospital, even though their addresses and place of death had differed. Moreover, many of the death certificates are said to have had the same format and identical seals. In addition, the "cause of death" and "age at time of death" were said to be profoundly unnatural. There was reportedly also a lack of physical evidence to prove that the death had occurred. The Government of Japan also stated that the policy of the Government was to make efforts to obtain confirmation on the whereabouts of the persons concerned through bilateral negotiations with the Democratic People's Republic of Korea, but that no cooperation on the part of the Democratic People's Republic of Korea had been attained and no progress had been made in the past year. The Government, therefore, requested the Working Group to urge a sincere response from the Government of the Democratic People's Republic of Korea to confirm the whereabouts of the abductees.

170. During the same period, the Working Group also met with representatives of the Government of Japan and engaged in an exchange of views with regard to the outstanding cases. The Working Group also held a joint meeting with representatives of the Government and the relatives of 4 persons who had allegedly been abducted by agents of the Democratic People's Republic of Korea. The representatives explained the circumstances surrounding the reported disappearances and reiterated the written information previously submitted to the Working Group.

171. During the period under review, information was also provided by the Government of the Democratic People's Republic of Korea on the 5 outstanding cases. In 4 cases, in response to the Working Group's request for information on the exact place of burial of the persons concerned, the Government replied that the necessary facilities and material had been provided to the Government of Japan's fact-finding mission to allow it to visit the burial site, identify the remains and ascertain the cause of death. Copies of death certificates had also been provided. With regard to the newly reported case, the Government replied that it had nothing to do with the disappearance. "In view of the well-known fact that the Japanese authorities and right-wing reactionaries are attempting to unreasonably link any issue of missing whenever it occurs in Japan to the Democratic People's Republic of Korea, we categorically reject and condemn their far-fetched assertion." The Government also reiterated its position on the abduction issue. (See section on the Democratic People's Republic of Korea, paragraphs 91-96.)

172. The Working Group also met with representatives of the Government of the Democratic People's Republic of Korea, who reiterated that the Government's stand on the issue was that it should be resolved within the bilateral framework provided for by the Pyongyang Declaration adopted by the two countries.

173. In respect of the 5 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Kuwait**

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

175. The 1 reported case of disappearance concerned a person described by the source as a “*bedoun*” of Palestinian origin, bearing a Jordanian passport, who was allegedly arrested after the retreat of the Iraqi forces from Kuwait in 1991 and detained by the Kuwaiti Secret Police. His family was reportedly not allowed to renew its residency status in Kuwait and had obtained refugee status in Australia.

176. During the period under review, the Government of Kuwait informed that the Department of Public Prosecutions had appointed a public attorney to follow up the case. It also stated that the person is not a “*bedoun*”, a term that signifies a person without a nationality, but a Jordanian citizen. During the same period, the Working Group pursued its exchanges with the family of the person concerned regarding facilitating a meeting between members of the family and possible witnesses, on the one hand, and representatives of the competent Kuwaiti authorities, on the other, with a view to arriving at a clarification of the case.

### **Lao People’s Democratic Republic**

177. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Lao People’s Democratic Republic.

178. Of the 6 cases reported to the Working Group, 5 occurred in 1999 and concerned members of the Lao Students Movement for Democracy who were allegedly arrested by the police during a demonstration in Vientiane. Another case concerned the leader of a group of repatriates who was last seen in 1993 with a high official of the Department of the Interior.

179. During the period under review, the Government provided information on the 6 outstanding cases. In 2 cases, the persons had been arrested, tried by a court of law and sentenced to 10 years imprisonment for treason. In 3 cases, the Government denied having arrested the persons concerned. In 1 other case, the Government reiterated earlier replies that the movement of Thai and Laotian populations across the border occurred both legally and illegally, and that it was difficult for the authorities to control all activities of their citizens along the 1,600 kilometre-long border between the two countries. The information was not enough to apply the six-month rule to these cases or to consider them clarified.

180. In respect of the 6 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Lebanon**

181. During the period under review, the Working Group transmitted 7 new cases of disappearance to the Government of Lebanon.

182. The majority of the 314<sup>12</sup> cases reported in the past occurred in 1982 and 1983 in the context of the Lebanese civil war. The forces allegedly responsible were described as members of the Phalangist militia, the Lebanese army or its security forces. In some cases, the Israeli

army was reported to have been involved, acting together with one or other of these forces. A number of cases concerned persons who were reportedly arrested at the Sabra and Chatila refugee camps in September 1982. Some of the cases involved foreign nationals allegedly abducted in Beirut in 1984, 1985 and 1987. A few cases concerned persons who were allegedly arrested between 1976 and 2000 by the Syrian army or security services at checkpoints, or abducted by the Hezbollah, and transferred to the Syrian Arab Republic. In accordance with its methods of work, the Working Group sent copies of these cases to the Government of the Syrian Arab Republic. (See also section on the Syrian Arab Republic, paragraphs 276-281.)

183. Of the newly reported cases, 5 occurred in the period between 1981 and 1985, and 2 in 1990 and 1991. In 1 case, the person was allegedly abducted by the Hezbollah and transferred to the Syrian Intelligence Service. In the 6 other cases, the persons concerned were allegedly abducted by the Syrian army or the Syrian Intelligence Service. In accordance with the Working Group's methods of work, copies of these cases were sent to the Government of the Syrian Arab Republic. (See also section on the Syrian Arab Republic, paragraphs 276-281.)

184. Concern was expressed by non-governmental organizations about the alleged failure of the Government of Lebanon to disclose the findings of a Government commission of inquiry that had been established in February 2001. It is thought that the Commission had at its disposal evidence indicating that some of the persons reported to have disappeared were alive in Syrian detention centres.

185. During the period under review, the Government provided information on 3 outstanding cases. An official commission of inquiry that was established on the cases of disappearance had not yet terminated its work and continues to receive information from the families. Any information received would be communicated to the Working Group at a later stage.

186. Of the 8 cases clarified by the Working Group, 2 were clarified on the basis of information provided by the Government and 6 on the basis of information provided by the source. In respect of the 313 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

187. The Working Group, while understanding the difficult situation in Lebanon, remains deeply concerned that only 2 out of 313 cases have been clarified by the Government.

188. It wishes to remind the Government of its obligation under article 2 of the Declaration not to practise, permit or tolerate enforced disappearances.

### **Libyan Arab Jamahiriya**

189. During the period under review, the Working Group transmitted 1 new case of disappearance to the Government of the Libyan Arab Jamahiriya.

190. Of the 4 cases reported in the past, there were two Palestinian nationals who were allegedly arrested in 1996, 1 in a Palestinian camp near Salloum and the other in Tubruk, on suspicion of having links with a religious opposition movement. One case concerned a Sudanese

translator at the International Centre of Research of the Green Book in Tripoli who reportedly disappeared in 1993. Another case involved a Lebanese citizen who was reportedly abducted in Tripoli in 1978 while he was accompanying a Shi'ite Muslim scholar visiting the country.

191. The newly reported case concerned a businessman who was allegedly arrested by the security forces during a mass arrest in 1989, and last seen at the Abu-Salim Prison in Tripoli.

192. In the past, the Working Group clarified 1 case on the basis of information provided by the source. No new information was received from the Government with regard to the 4 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### Mexico

193. During the period under review, the Working Group transmitted 5 new cases of disappearance to the Government of Mexico, all of which occurred in 2003; 4 were sent under the urgent action procedure. At the same time, the Working Group retransmitted 3 cases with new information from the source. During the same period, 3 cases were clarified by the Working Group on the basis of information provided by the source. In 2 of the cases, both of which were sent under the urgent action procedure in 2003, the persons had been released after being illegally detained in a hotel under a system known as *arraigo*. In the other case, the person had been found alive. Regarding the 2 cases transmitted after 15 September 2003, in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

194. The majority of the 372 cases reported in the past occurred between 1974 and 1981. Ninety-eight of those cases took place in the context of rural guerrilla warfare in the State of Guerrero. Eighty-nine cases occurred between 1994 and 1997, 22 in 1995, primarily in the States of Chiapas and Veracruz. Most of those concerned were members of Indian, peasant and political organizations. In most cases, the disappearances were attributed to the Federal Investigation Agency (former Federal Judicial Police), the Preventive Federal Police, the armed and security forces and the army.

195. The newly reported cases concerned a member of the *Organizacion de Pueblos Indigenas Zapotecos* (OPIZ), who was allegedly abducted by paramilitary forces in Oaxaca during preparations for a meeting with the Loxichas indigenous community; two men who were allegedly arrested in the State of Chiapas by members of the *Procuraduria General de Justicia del Estado* (PGJE) and held illegally in a hotel under a system known as *arraigo*; an officer belonging to the *Secretaria de Seguridad Publica del Distrito Federal* who was reportedly arrested by the police in Delegacion Iztapalapa Mexico and a member of the Democratic Revolution Party who was allegedly abducted in the State of Guerrero by agents of the *Agencia Federal de Investigaciones*.

196. The Working Group called the attention of the Government to the alleged harassment and intimidation to which 10 men, indigenous Zapotecos from the Municipality of San Agustin Loxicha, Oaxaca, were subjected by the Mexican Federal Army for their involvement in a three-day sit-in in the main square in Oaxaca to protest against the disappearances of indigenous Zapotecos. The Group also called the Government's attention to the reported harassment and

intimidation by military personnel of relatives of a soldier of the Mexican Army, who was said to have disappeared. Allegedly, demands had been made on the family to publicly declare that he was in the United States of America, and to drop their request for an investigation into the disappearance. The attention of the Government was also drawn to another case of alleged harassment and intimidation by agents of the judicial police of an ex-judicial police officer detained in the Social Rehabilitation Centre (CERESO) at Acapulco, Guerrero. He was allegedly asked to withdraw his complaint against officers of the judicial police who had allegedly participated in enforced disappearances. The ex-officer, reportedly, claimed that he knew the location of 2 clandestine cemeteries which had been used for the burial of victims of disappearances. With regard to this case, the Government replied that, in response to the request made by the Inter-American Commission on Human Rights on 13 November 2001, it had taken the following protective measures: placement of the ex-officer in a special dormitory, controlled access, escort by a guard whenever he leaves the dormitory and medical supervision.

197. During the period under review, non-governmental organizations welcomed as a first step to end impunity, the decision of the Supreme Court to treat forced disappearances as an ongoing crime until the victim is released. Traditionally, the judiciary had ruled that such cases were not prosecutable once the period after the person was abducted exceeds the statute of limitations. The ruling, it is stated, brings Mexico in line with international law that categorizes forced disappearance as a crime of such magnitude that it should not be bound by the statute of limitations.

198. During the period under review, the Government of Mexico provided information on the various measures it had taken to tackle and ultimately resolve the legislative and other problems that have impeded the direct and systematic application of international norms in the area of enforced disappearances. One difficulty was that not all the principles existing in international law had been incorporated into Mexican legislation or reflected in the reform of the Penal Code and the Federal Criminal Procedure Code. In this connection, the Government provided information on a proposal to reform article 133 of the Mexican Constitution, which had been formulated in the context of the round-table discussions between civil society and an inter-ministerial commission that would make application of international human rights treaties obligatory for all the authorities and judges in the country, even where their provisions conflicted with federal legislation or the Constitution. The proposal had been adopted in the round-table discussions and it is intended to be submitted to Congress for approval.

199. In response to the request of the Working Group concerning the Office of the Special Prosecutor for social and political movements of the past, the Government provided documented information on the three programmes of work elaborated by the Office to carry out its prosecution role. These programmes would ensure that not only victims of disappearances but also anyone having suffered harm as a result of any unlawful act committed against individuals linked to social and political movements of the past, have greater access to justice.

200. During the period under review, the Government also provided information on 29 outstanding cases. In respect of the 2 cases concerning the mother and her infant daughter, the Ministry of Defence had found no evidence of the involvement of military personnel in their disappearance. Before conducting the pre-trial investigation, the complainants had received telephone calls from persons who told them that the mother and her daughter were not detained.

In most of the cases, investigations by the competent authorities and the National Human Rights Commission are in progress. The Working Group has received information regarding almost 200 cases that it has not been able to consider as they have not been processed.

201. Of the 154 cases clarified by the Working Group, 133 were clarified on the basis of information provided by the Government and 21 on the basis of information provided by the source. In the past, the Working Group discontinued 16 cases. In respect of the 205 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

202. The Working Group expresses its appreciation to the Government of Mexico for the cooperation that it received during the period under review.

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

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

### **Morocco**

205. During the period under review, no new cases were transmitted by the Working Group to the Government of Morocco. During the same period, the Working Group retransmitted 3 cases with new information from the source. At the same time, the Working Group clarified 7 cases on the basis of information provided by the Government, on which no observations were received from the source. In 3 cases, copies of the death certificate and/or documents relating to payment of compensation were transmitted to the Working Group. In 4 cases, the current residential or workplace addresses were provided.

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

207. The Working Group called the Government's attention to the alleged harassment and intimidation to which a group of former disappeared persons and relatives of disappeared Saharawis were subjected by the Moroccan police at the Casablanca airport as they were about to board a flight to Geneva to attend the fifty-ninth session of the Commission on Human Rights. Such acts were reportedly a direct consequence of their involvement in the Coordinating

Committee for Saharawi Families and the Sahara section of the Forum for Truth and Justice. It was alleged that they were arrested at the airport and their passports confiscated. They were reportedly released immediately, without having their passports and travel documents returned to them.

208. With regard to the allegation, the Government replied that the airport services had prevented the group of Moroccan nationals from travelling to Geneva, “where they intended to take part in activities hostile to the territorial integrity of the Kingdom of Morocco”. None of these nationals had been placed in detention or subjected to intimidation or reprisals. The confiscation of their passports was “a precautionary measure ...” The Government stated that the authorities had acted in accordance with the national legislation in force, which was consistent with the provisions of international human rights instruments. The Penal Code penalizes the communication of information or the maintenance of relations with foreign parties likely to be prejudicial to the image of the Kingdom of Morocco or to its territorial integrity. The Press and Public Liberties Code, for its part, sets criminal sanctions for any production, publication or dissemination or seditious documentation.

209. Concern was expressed by non-governmental organizations that the Arbitration Commission for the compensation of victims of enforced disappearances and arbitrary detention, created within the Human Rights Advisory Board (*Conseil Consultatif des droits de l'Homme - CCDH*), was not an appropriate tool for combating impunity or promoting the right to know the truth. Allegedly, the compensation process is discriminatory, with a Saharawi receiving considerably less than a Moroccan citizen. Moreover, there is allegedly no mechanism to appeal against decisions taken by the Commission. Concern was also expressed about what was described as a new phenomenon of “short-term” disappearances, occurring within the framework of anti-terrorist activities, for which elements of the *Direction de la Surveillance du Territoire* are, allegedly, responsible. This has reportedly been affecting members of the Islamist moderate party, Justice and Development Party (PJD).

210. With regard to the allegation of discriminatory compensation by the Arbitration Commission, the Government replied that the allegation was completely erroneous. In conformity with its internal rules of procedure, this independent body, comprised of eminent judges and lawyers, had consistently rendered judgements on the basis of the principles of justice and equity. For this purpose, it takes into account criteria such as the length, place and condition of detention, as well as the physical, moral and material consequences of such detention.

211. During the period under review, the Working Group met with representatives of the Government of Morocco and engaged in an exchange of views with regard to the outstanding cases. The representatives provided detailed information on the functioning of the Human Rights Advisory Board (*Conseil Consultatif des droits de l'Homme - CCDH*), as well as on the investigations conducted on individual cases.

212. The Working Group also met with representatives of a non-governmental organization from Morocco and engaged in an exchange of views on the mandate and functioning of the Human Rights Advisory Board (CCDH). The representatives alleged that the amount of compensation awarded to the families of victims was inadequate, and that the Commission for

Equity and Reconciliation lacked independence from the political system. They expressed concern about what they described as a significant increase in abductions recently and the considerable power wielded by the security forces.

213. During the period under review, the Government also provided information on 49 outstanding cases. In 3 cases, copies of death certificates, autopsy reports and documentation relating to compensation was provided. In 6 cases, the persons were free and their current addresses were provided. In 1 case, the person had been arrested and information on the place of detention was provided. In 2 other cases, the persons had died in a military operation and their names appeared on an official list of the International Committee of the Red Cross. The Working Group decided to apply the six-month rule to these 12 cases, of which 3 cases were clarified during the period under review. In respect of 15 other cases, the Government informed that the persons concerned had died, some of natural causes and others in a traffic accident, during military operations, or in unknown circumstances. In 3 cases, the persons had either left the country or joined the Polisario Front. In 2 cases, the persons were in prison. In 17 cases, the authorities had not been able to identify the person concerned. In order to facilitate investigations by the competent authorities, the Government expressed the desire to obtain more precise information on the persons presumed to have disappeared, particularly the names of the parents and the tribe and clan to which they belong.

214. Of the 141 cases clarified by the Working Group, 95 were clarified on the basis of information provided by the Government and 46 on the basis of information provided by the source. In respect of 108 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

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

216. However, the Working Group is very concerned about the 108 outstanding cases and expresses the hope that the process of cooperation will continue.

### **Myanmar**

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

218. The outstanding case concerns a citizen of France, a militant of the Karen National Union (KNU) residing on the Thai-Myanmar border who had allegedly disappeared in 2001 after crossing the border into Myanmar with his companion. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of Thailand. (See also section on Thailand, paragraphs 286-289.)

219. During the period under review, the Government informed that enquiries had been conducted into the whereabouts of the French national, following the request of the French Embassy in Yangon. These had revealed that the person had neither entered nor disappeared on

Myanmar territory. The National Human Rights Commission was unable to proceed with the investigations owing to insufficient information on the matter. The Government asked that more information be provided to enable the conduct of further investigations.

220. In the past, the Working Group clarified 2 cases on the basis of information provided by the Government. In respect of 1 outstanding case, the Working Group is unable to report on the fate or whereabouts of the disappeared person.

### Nepal

221. During the period under review, the Working Group transmitted 31 new cases to the Government of Nepal, of which 18 occurred in 2003 and 15 were sent under the urgent action procedure. Regarding the 20 cases transmitted after 15 September 2003, in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report. During the same period, the Working Group retransmitted 1 case with new information from the source. At the same time, the Working Group clarified 4 cases on the basis of information provided by the source. In 2 cases, the persons had been found in police detention and had been visited by the family or lawyer. In the 2 other cases, the persons had been released.

222. The majority of the 136 cases reported in the past allegedly occurred between 1998 and 2002, in the context of counter-insurgency operations launched by security forces against members and supporters of the Communist Party of Nepal (CPN-Maoist), which declared a "people's war" in February 1996. During a first phase, the disappearances occurred in 1998 in the context of police operations. As security operations intensified, the number of cases reported increased during 1999 and 2001, particularly after November 2001, in the context of joint security forces operations following the declaration of a state of emergency and the deployment of the army. The victims include the Chairman of the Gorkha District Bar Association, a member of the Forum for the Protection of Human Rights, a member of the Nepal Bar Association, and 16 members of the All Nepal National Free Students Union (ANNFSU). Three cases concern members of the *Akhil Bharatiya Nepali Ekta Samaj* (All India Nepalese Unit Society) who were reportedly arrested by the Indian Special Branch Police and handed over to Nepali security officials at the border, in Nepalgunj. In accordance with the Working Group's methods of work, copies of the cases were sent to the Government of India. (See also section on India, paragraphs 137-144.)

223. The 31 newly reported cases occurred in 2002 and 2003. The majority of the cases occurred either during the months of June and July 2002, whilst a state of emergency was in force, or between August and September 2003, after the collapse of a ceasefire that had been in force from January to August 2003. The disappearances were attributed to security force personnel in plain clothes, the armed forces and the police. Of the new cases, 9 were students, mostly from Kathmandu, of whom 6 were members of the All Nepal National Independent Student's Union (Revolutionary), an organization declared restricted after the nationwide emergency was imposed; one concerns the Acting President of the *Nepal Bidhyarthi Sangh* (Nepal Student Union). Two other cases concerned teachers, among them a member of the Central Committee of Nepal Teachers Organization (NTO), and the chairperson of a district committee of the same organization. Other cases concerned a member of the Central Committee

of *Lyamha Pucha*, a youth organization, who was also Committee Secretary of the Blood Donor's Club; a ward level coordinator of the *Rastrabadi Milan Kendra* (Coordination Centre for Nationalists); the Secretary of Raniyapur Village Development Committee (VDC); a member of the Central Committee of the Madheshi Liberation Front, an organization representing certain sections of the Terai community in southern Nepal and a member of the Nepal Bar Association. Victims also included eight businessmen, three farmers, two workers, a writer and a government employee. Among the disappeared persons were four women, including a Central Committee member of the Women's Association (Revolutionary).

224. Concern was expressed by non-governmental organizations about what was described as a significant increase in enforced disappearances, after a state of emergency was imposed in November 2001. The increase is reportedly due to denial of access to justice for the victims, to an ineffective judiciary, failure to protect victims, witnesses and human rights defenders and an increased climate of impunity for the perpetrators. It is alleged that over 3,000 detainees are being illegally confined for prolonged periods without appearing before a court or judicial authority. Allegedly, lawyers filing writs of habeas corpus or taking up the defence of detainees in unacknowledged detention are also detained, and sometimes held incommunicado. Human rights defenders, journalists, and medical professionals are allegedly subjected to threats and reprisals, which encourage self-censorship and deter complaints being made. A recent Supreme Court decision had reportedly ruled that non-governmental organizations do not have locus standi to file habeas corpus. It was also alleged that judicial decisions were not implemented by the executive. Allegations were also received about the reported ineffectiveness of the National Human Rights Commission due to the lack of support from the State. Allegedly, the Commission has only been able to investigate 9 out of the 1,000 cases before it, and even then its findings had not received due consideration by the authorities nor had follow-up ensued. Lastly, concern was expressed at what was described as the lack of provision for accountability for the disappeared in the code of conduct signed in January 2003 by the Government and the Maoist rebels.

225. During the period under review, the Government provided information on 22 outstanding cases. In 1 case, the person concerned was detained in the Rasuwa jail, under the Public Security Act. The Working Group decided to apply the six-month rule to this case. In 19 other cases, the persons concerned had been released. In 2 cases, the persons had been killed in an exchange of fire with the police. In 21 other cases the persons had been released (19) or killed (2). The information was not sufficient to apply the six-month rule to these cases or to consider them clarified.

226. Of the 30 cases clarified by the Working Group, 3 were clarified on the basis of information provided by the Government and 27 on the basis of information provided by the source. In respect of the 117 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

227. Nepal recorded the highest number of new cases (31) during the period under review. Last year, the Working Group expressed alarm about the number of new cases occurring in Nepal. This year the situation has only worsened.

228. The Working Group, therefore, urges the Government of Nepal to undertake all necessary actions to prevent further disappearances, to clarify outstanding cases, and to bring the perpetrators to justice.

### **Pakistan**

229. During the period under review, no new cases were transmitted by the Working Group to the Government of Pakistan. During the same period, the Working Group clarified 1 case on the basis of information provided by the Government on which no observations were received from the source: the person concerned had been released and residing at the address provided.

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

231. Of the 8 cases clarified by the Working Group, 4 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. In respect of the 75 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Paraguay**

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

233. The 23 cases of disappearance reported to the Working Group occurred between 1975 and 1977 under the Government of President Alfredo Stroessner. Several of the disappeared persons were members of the Communist Party, including its Secretary-General. Although disappearances took place in the capital, Asunción, the majority of the cases affected the rural population and were carried out in the districts of San José, Santa Helena, Piribebuy, and Santa Rosa.

234. During the period under review, the Government informed that the enforced disappearance of persons is considered a punishable offence under the penal code of the country. In recent years, best efforts had been made to fulfil State obligations to conduct investigations and to bring the perpetrators to justice. These were reflected in court judgements that constitute important jurisprudence in the matter of sanctions against State agents found responsible for grave human rights violations during the military dictatorship. Moreover, on 6 October 2003, Act No. 2.225 was proclaimed by the executive power, establishing a "Truth and Justice Commission" to investigate acts constituting grave violations of human rights committed by the State between May 1954 and the date the Act was promulgated, as well as to recommend measures to prevent the repetition of the acts perpetrated during the years of the dictatorship.

235. During the period under review, the Government provided information on 3 outstanding cases. In all cases, legal proceedings had been initiated concerning the presumption of death, but the files had either been archived or had disappeared. Moreover, legal proceedings against President Stroessner and associates were said to be in the preparatory stage. In no case had relatives sought compensation in the ordinary civil courts or submitted requests to the office of the Ombudsman pursuant to Act No. 383/96. With regard to one of these cases, the Government informed that the Inter-American Commission on Human Rights had decided to admit the case.

236. In the past, the Working Group clarified 20 cases on the basis of information provided by the Government. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Philippines**

237. During the period under review, the Working Group transmitted 20 new cases of disappearance to the Government of the Philippines.

238. The majority of the 668 cases of disappearance reported in the past occurred throughout the country in the late 1970s and early 1980s in the context of the Government's anti-insurgency campaign. The arrests were allegedly carried out by armed men belonging to the Philippine Army, other identified military organizations or police units such as the Philippine Constabulary, the Central Intelligence Unit, the military police and other organizations. Those concerned include farmers, students, social and health workers, members of Church groups, lawyers, journalists and economists. Since 1980, reported cases of disappearance concerned young men living in rural and urban areas who participated in legally constituted organizations which, according to the military authorities, were fronts for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were members of KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers. Despite the peace talks initiated by the Government with several opposition movements, disappearances continued to occur in the 1990s, mainly in the context of military operations against NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

239. The 20 newly reported cases concerned mostly farmers, 4 of whom were suspected of being sympathizers of the NPA. Most of the persons were allegedly abducted by armed men believed to belong to the 16th, 29th, 44th and 62nd Infantry Battalions of the Armed Forces of the Philippines based in the Provinces of Laguna, Agusan del Norte, Agusan del Sur and Zamboanga del Norte. Other cases from the Provinces of Camarines Norte, Zamboanga del Sur, Masbate, Surigao del Sur, and Sorsogon concern victims who were also allegedly abducted by the armed forces, 60th constabulary company, the police, agents of the Intelligence Service Unit (ISU) and airborne troops.

240. Of the 157 cases clarified by the Working Group, 124 were clarified on the basis of information provided by the Government and 33 on the basis of information provided by the source. No new information was received from the Government in respect of the 531 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

241. The Working Group is deeply concerned that the Government has not provided any new information to clarify the more than 500 outstanding cases. Indeed, for a number of years, the Working Group has received no information at all from the Government of the Philippines.

242. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

## **Russian Federation**

243. During the period under review, the Working Group transmitted 41 new cases to the Government of the Russian Federation; 4 cases occurred in 2003 and were sent under the urgent action procedure. During the same period, the Working Group clarified 1 case on the basis of information provided by the source that the person concerned had been released. Regarding the 1 case transmitted after 15 September 2003, in accordance with the Working Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

244. The majority of the 223 cases reported in the past concern persons of ethnic Ingush origin who allegedly disappeared in 1992, in the context of the fighting between ethnic Ossetians and the Ingush. Of the other cases, many are reported to have occurred in the Chechen Republic, the majority since 1994, in the context of the conflict between Government and rebel forces. The disappearances were attributed to Russian military forces.

245. The newly reported cases occurred after 2000 in the Chechen Republic, 13 in Grozny, 6 in the Urus-Martan district, 4 each in the Kurchaloy, Chiri-Yurt and Alleroy districts 3 in the Argun district, 2 each in the Tsotsin-Yurt, and Samashki districts and 1 each in the Karpinski Kurgan, Shali and Novie Atagi districts. All disappearances were attributed to the Russian Army. The persons reported to have disappeared included three women.

246. During the period under review, the Government provided information on 9 outstanding cases. In 2 cases, no criminal proceedings had been instituted since no report had been filed, and no further information was available on the whereabouts of the persons concerned. In 3 cases, criminal proceedings had been suspended or closed due to the lack of sufficient information concerning the perpetrators. In 3 other cases, the decision to suspend proceedings had been set aside or overruled and pre-trial investigations had begun. In another case, the person had been taken into custody and released on the same day. During the same period, the Working Group also received information from the Government on 28 outstanding cases. However, owing to the late reception of the translation during the course of its third annual session, the Working Group was unable to consider the content of the reply prior to the adoption of the present Report.

247. The Working Group clarified 2 cases, on the basis of information provided by the source. In respect of 261 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## Observations

248. The Working Group expresses its appreciation to the Government of the Russian Federation for the cooperation that it received during 2003. However, it is gravely concerned about the new cases that continue to occur in the Russian Federation, and that only 2 of the more than 200 cases reported to it have been clarified. In this connection, the Group would like to remind the Government that all persons deprived of liberty shall be held in an officially recognized place of detention and have prompt access to family members, legal counsel and judicial authorities, in accordance with articles 9 and 10 of the Declaration. In addition, the Government has an obligation, under articles 13 and 14, to carry out prompt, thorough and impartial investigations into alleged cases of enforced disappearance and to bring the perpetrators to justice.

## Rwanda

249. During the period under review, the Working Group transmitted 1 new case to the Government of Rwanda, which occurred in 2003 and was sent under the urgent action procedure.

250. Most of the 22 cases transmitted in the past occurred between 1990 and 1996. Of these, 5 cases occurred in 1990 and 1991 in the north of the country in the context of the ethnic conflict between Tutsis and Hutus. Those reported to have disappeared included students who were suspected of supporting the Rwandese Popular Front, the mayor of Nyabikenke, a journalist, a mechanic and a factory manager. One case concerned a citizen of the Democratic Republic of the Congo who was allegedly arrested at the border between Rwanda and Uganda. The disappearances were attributed to the armed forces, the *Gendarmerie nationale* and the Rwandese Patriotic Army. Other cases involved 18 Rwandan refugees and a professor who reportedly disappeared in the then Zaire, now the Democratic Republic of the Congo. In accordance with the methods of work of the Working Group, copies of these cases were sent to the Government of Rwanda. (See section on the Democratic Republic of the Congo, paragraphs 97-100.)

251. The newly reported case concerned a member of the National Assembly of Transition of Rwanda and the political party *Mouvement Démocratique Républicain (MDR)* who was last seen in Kigali, and whose car was later found abandoned near the Ugandan border. It is alleged that the Rwandan Intelligence Service was responsible for the disappearance. Reportedly, a parliamentary report on the MDR, published in March 2003, accuses him and 46 others of belonging to a group propagating an ideology of ethnic discrimination and division.

252. During the period under review, the Government provided information on the newly reported case: the National Police had launched an inquiry into the disappearance. The Government denied the allegation that the intelligence service had been involved due to the person's implication in the parliamentary report. He had not been identified in the report as a leader of the MDR campaign and many others who held greater responsibility within the Party continued to live freely in the country.

253. In the past, the Working Group clarified 2 cases on the basis of information provided by the source. In respect of the 21 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Saudi Arabia**

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

255. The 3 previously reported cases of disappearance concerned a businessman who was reportedly arrested by Jordanian security forces in Amman in 1991 and later handed over to Saudi Arabian authorities; a lecturer at King Saud University, whose house was allegedly searched by security service officers after his disappearance, his bank account frozen and his wife and children prevented from leaving the country and a contractor, a citizen of Pakistan, who was allegedly abducted by a government secret service agency in Jeddah in 1997.

256. Concern was expressed by non-governmental organizations about the alleged arrest and “secret” detention, within the framework of measures to combat terrorism, of a number of religious activists and government critics. These allegations were transmitted only recently to the Government, which has not yet had an opportunity to respond.

257. During the period under review, the Government provided information on the 2 outstanding cases. In the case of the university lecturer, there was no evidence that an official authority or third party had been involved in the disappearance. Reportedly, the man’s wife and children had confirmed that they saw no reason for his disappearance, and the wife had affirmed that she was fully satisfied that the State had not been involved in the disappearance. In the case of the Pakistani national, the Government informed that even the minimum elements needed to locate a person were lacking and asked to be provided with further details on the case. However, with the little information that had been made available to the Government, it had been able to ascertain that the person had neither been arrested nor detained nor sentenced to a prison term. The information provided was not enough to apply the six-month rule to these cases or to consider them clarified.

258. In the past, the Working Group clarified 1 case on the basis of information provided by the Government. In respect of the 2 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Spain**

259. During the period under review, the Working Group transmitted 1 new case of disappearance to the Government of Spain. At the same time, the Working Group retransmitted 1 case with new information from the source. The case was transmitted after 15 September 2003, in accordance with the Working Group’s methods of work, and therefore it must be understood that the Government could not respond prior to the adoption of the present report.

260. Of the 4 cases reported in the past, 2 concerned members of the Guerrilla Group of the East Coast and Aragon (*Agrupación Guerrillera de Levante y Aragón*, or AGLA) who were allegedly persecuted by the Guardia Civil and disappeared in 1947 and 1949. Two other cases concerned Japanese nationals who were allegedly kidnapped in Spain in 1980 by secret agents of the Democratic People’s Republic of Korea. In accordance with the Working Group’s

methods of work, copies of the cases were sent to the Government of the Democratic People's Republic of Korea. (See also section on the Democratic People's Republic of Korea, paragraphs 91-96.)

261. The newly reported case concerns a farmer, who belonged to the guerrilla group *Federacion de Guerrilas Astur-Galaico Leonesas, 2DA, Agrupacion de Orense*, whose disappearance in 1950 in Avila was attributed to the Guardia Civil.

262. During the period under review, the Government of Spain replied to the Working Group in respect of 4 outstanding cases. In the 2 cases concerning Japanese nationals, the Government was perplexed at the flagrant contradiction between on the one hand the Working Group's decision to transmit the cases and, on the other, its previous decision with regard to similar cases (E/CN.4/2002/79, para. 15). At the time, the Working Group had had doubts about their admissibility and, after having given careful consideration to the replies provided by concerned Governments, it had decided "that there was insufficient information to pursue their consideration any further". In 2 other cases, the Government considered that, if the Working Group's core mandate was to serve as a "channel of communication" between the families of the disappeared and concerned Governments, then the mandate was not relevant to these cases. Those channels were open in Spain, as were all those necessary to gain access to competent authorities for any administrative or legal action. The Government stated that no steps had been taken by the relatives before any judicial authority, except before the Ombudsman. In respect of 1 of these cases, the Government stated that since his name "may be on the list of rebels executed by the Guardia Civil", presumption of death could be accredited in accordance with the Group's methods of work, which would justify considering the case clarified.

263. With regard to the Japanese citizens, the Working Group explained to the Government of Spain that, in accordance with its methods of work, the Working Group is obliged to notify and to classify the case in the country where the supposed disappearance took place. A copy is sent to the Government whose agents are alleged to have been responsible for the act. The Working Group decided not to admit the cases in 2001. However, the public recognition of their existence by the Government of the Democratic People's Republic of Korea in the Pyongyang Declaration (September 2002), had allowed the Group to admit the cases at its sixty-eighth session in November 2002.

264. The Working Group met with the representatives of the Government of Spain and engaged in an exchange of views with regard to the outstanding cases and the methods of work of the Working Group.

265. During the period under review, the Government of the Democratic People's Republic of Korea provided information on 2 outstanding cases. In response to the Working Group's request for information on the exact place of burial of the persons concerned, the Government informed that the necessary facilities and material had been provided to the Government of Japan's fact-finding mission to facilitate its visit to the burial site, identification of the remains and ascertainment of the cause of death. Copies of death certificates had also been provided. The Working Group also met with the representatives of the Government of the Democratic People's

Republic of Korea, who reiterated that the Government's stand on the issue is that it should be resolved within the bilateral framework provided for by the Pyongyang Declaration adopted by the two countries. (See section on the Democratic People's Republic of Korea, paragraphs 91-96.)

266. The Government of Japan also provided information on 2 outstanding cases. The Government stated that the information provided by the Government of the Democratic People's Republic of Korea was extremely unreliable. Reportedly, the death certificates for the persons concerned had all been issued by the same hospital, even though their addresses and place of death had differed. Moreover, many of the death certificates are said to have had the same format and identical seals. In addition, the "cause of death" and "age at time of death" were said to be profoundly unnatural when compared to that for ordinary human beings. There was reportedly also a lack of physical evidence to prove that the death had occurred. During the same period, the Working Group also met with the representatives of the Government of Japan and engaged in an exchange of views with regard to the outstanding cases. (See section on Japan, paragraphs 166-173.)

267. In respect of the 4 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Sri Lanka**

268. During the period under review, the Working Group transmitted 1 new case of disappearance to the Government of Sri Lanka, which occurred in 2003 and was sent under the urgent action procedure. At the same time, the Working Group clarified 875<sup>13</sup> cases on the basis of information provided by the Government on which no observations were received from the source. In all these cases, death certificates had been issued and/or compensation granted or was in the process of being granted.

269. The 12,297 cases reported in the past are alleged to have occurred in the context of 2 major sources of conflict in that country: the confrontation between Tamil militants and Government forces in the north and north-east of the country and that between the People's Liberation Front (JVP) and Government forces in the south. Between 1987 and 1990, the disappearances occurred mainly in the southern and central provinces and coincided with extreme violence on the part of both security forces and the JVP. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have been confined primarily to the eastern and north-eastern provinces of the country.

270. The newly reported case concerns a man who was allegedly arrested by police officers and last seen by his parents at the Watthegama Police Station in the Kandy District.

271. The Working Group undertook 3 field missions to Sri Lanka, in 1991, 1992 and 1999. The recommendation to the Government was the establishment of an independent body with the task of investigating all cases of disappearance which had occurred since 1995 and to accelerate its efforts to bring the perpetrators to justice. The Working Group also recommended the setting up of a central register of detainees as provided for in article 10 (3) of the Declaration. It also pointed out that all families of disappeared persons should receive the same amount of

compensation and that the procedure for issuing death certificates in cases of disappearances should be applied in an equal and non-discriminatory manner. The Working Group further noted that the Prevention of Terrorism Act and the Emergency Regulations have not been abolished or harmonized with internationally accepted standards of human rights and recommended that the prohibition of enforced disappearance be included as a fundamental right in the Constitution of Sri Lanka.

272. According to its records, the Government has so far provided information in respect of a total of 11,654 outstanding cases. The Working Group has so far considered the replies relating to 8,151 outstanding cases. In 53 cases, the Government informed that death certificates had been issued, compensation granted, or was in the process of being granted. The Working Group decided to apply the six-month rule to these cases. In 3,847 cases, the Government informed that it had not been possible to establish the whereabouts of the persons concerned inasmuch as the addresses provided were incorrect or unclear or because the family had left the area; no person by the name had disappeared from the address provided; cases were pending in courts of law; family members had not requested or had declined death certificates or compensation; the persons were reported to be alive or the disappearance had not been reported to a government.

273. Of the 4,803 cases clarified by the Working Group, 4,764 were clarified on the basis of information provided by the Government and 39 on the basis of information provided by the source. At the current stage of the processing exercise, however, it must be borne in mind that the statistical figures indicated in the present section as well as in the statistical tables annexed to the present report in respect of the number of cases reported to the Working Group, cases that have been clarified and those still outstanding, reflect only an estimate and are, as such, subject to change.

### **Observations**

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

275. It wishes to remind the Government of its obligation under article 2 of the Declaration not to practice, permit or tolerate enforced disappearances.

### **Syrian Arab Republic**

276. During the period under review, 3 new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic.

277. Most of the 36 cases of disappearance reported in the past occurred between 1980 and 1994. The security forces or military intelligence were allegedly responsible for these cases. Among the victims were students, medical doctors, military personnel and an artist. Eight cases concerned Lebanese citizens, 3 concerned Jordanian nationals and 1 concerned another Palestinian. In the past, concern was expressed to the Working Group about the whereabouts of both Lebanese citizens and Palestinians who were reported to have disappeared in Lebanon, a circumstance for which the Government of the Syrian Arab Republic was allegedly responsible. (See section on Lebanon, paragraphs 181-188.)

278. The newly reported cases occurred between 1980 and 1986. They concerned Lebanese nationals who were allegedly abducted in Lebanon, 2 of whom were last seen in the Mazze detention centre in the Syrian Arab Republic. In 1 case, the person was allegedly abducted at the international airport in Damascus. All cases were attributed to the Syrian intelligence service. During the period under review, in accordance with its methods of work, the Working Group also sent to the Government of the Syrian Arab Republic copies of 5 cases concerning Lebanese nationals who were reportedly abducted by the Hezbollah and transferred to the Syrian intelligence service between 1981 and 1985. (See section on Lebanon, paragraphs 181-188.)

279. Concern was expressed by non-governmental organizations about the alleged repatriation in "relative secrecy" of bodies of Lebanese citizens, presumed to have disappeared in Syrian prisons or detention centres. Concern was also expressed at the alleged claim by Syrian authorities that there were no Lebanese prisoners or detainees in the Syrian Arab Republic.

280. During the period under review, the Government provided information on 11 outstanding cases. In 1 case concerning a Lebanese national, the person had died in prison and the body had been returned to the family. In the case of 2 Palestinians with Jordanian nationality, a mother and daughter, they had been taken hostage by the *Sabri al-banna* group, pending the return of her son who had fled, and been killed when he failed to return. In 1 case, a Lebanese artist, the person concerned had been arrested for his involvement in the Sabra and Chatila massacres, and for his failure to do his military service, and sentenced to 15 years' imprisonment. He was currently serving his sentence. In 7 cases involving 3 Syrian nationals, 3 Lebanese citizens, and 1 Jordanian national, the competent authorities had no information on the persons concerned. The information was not enough to apply the six-month rule to these cases or to consider them clarified.

281. Of the 24 cases clarified by the Working Group, 11 were clarified on the basis of information provided by the Government and 13 on the basis of information provided by the source. In respect of the 15 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Tajikistan**

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

283. Of the 8 cases reported to the Working Group, 6 occurred between late 1992 and July 1993 in Dushanbe and concern, among others, a member of parliament from the Garm region and his brother, a physician who had actively participated in the opposition demonstrations of April and May of 1992, a student and a driver. Two other cases concern brothers of Badakhshani ethnic origin. One of the brothers whose whereabouts are still unknown, was reportedly a member of the last parliament of the former Soviet Union and an influential member of Badakhshani community. The disappearances were attributed to the police, personnel of the Ministry of Defence, and the People's Front of Tajikistan.

284. During the period under review, the Government of Tajikistan informed that, in respect of the 6 outstanding cases, it had not been possible to determine those responsible for the crime, but that investigations were still in progress.

285. In the past, the Working Group clarified 2 cases on the basis of information provided by the source. In respect of the 6 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Thailand**

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

287. Of the 34 reported cases, 33 occurred in 1992; 31 concerned persons who allegedly disappeared during a crackdown by security forces on demonstrations in Bangkok, in the aftermath of the appointment of a new Prime Minister. Two cases concerned citizens of Myanmar who were allegedly arrested on suspicion of being illegal immigrants. The 1 other case occurred in 1991 and concerned the President of the Labour Congress of Thailand, who reportedly disappeared from his union office in Bangkok, 3 days after organizing a protest rally. Another case concerned a French national, a militant of the Karen National Union (KNU) residing on the Thai-Myanmar border, who allegedly disappeared in 2001 after crossing the border into Myanmar. In accordance with the methods of work of the Working Group, a copy of the case was sent to the Government of Thailand. (See section on Myanmar, paragraphs 217-220.)

288. During the period under review, the Government provided the Working Group with information about a meeting between the armed forces and the “Independent Committee to Conduct Investigations on Disappeared Persons and to provide Assistance to Victims of the 1992 Democracy Uprising Incident”, which was established in 2001. The meeting had concluded that coordination in advance was preferred if any investigation is to be conducted within military premises. During the same period, the Working Group also received information from the Government about the latest results of the investigation conducted by the Independent Committee. Owing to its late reception during the course of its third annual session, the Working Group was unable to consider the reply prior to adoption of the present Report.

289. In respect of 34 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Turkey**

290. During the period under review, the Working Group transmitted no new cases of disappearance to the Government of Turkey. During the same period, the Working Group clarified 4 cases on the basis of information provided by the Government. In 2 cases, the bodies of the persons concerned had been found and identified by the relatives and copies of the death certificates had been provided. Subsequently, this information was confirmed by the source. In 2 other cases, the persons concerned had been arrested by order of a competent court on grounds of belonging to the Kurdistan Workers’ Party (PKK) and were currently in Sanliurfa prison. No observations were received from the source in these 2 cases.

291. The majority of the 181 reported cases were alleged to have occurred in south-eastern Turkey, in areas where a state of emergency was in force, and concerned members of the Kurdish minority, in particular alleged members or supporters of the Kurdistan Workers' Party (PKK). Three recent cases of disappearance, which reportedly occurred in 2001, concerned members of the legal People's Democratic Party (HADEP), of whom 1 is the head of the Silopi district branch and the other his secretary. Another case that reportedly occurred in 2002 concerned a welder who was allegedly detained by members of the gendarmerie despite a judicial order that he be remanded to prison.

292. Of the 89 cases clarified by the Working Group, 41 were clarified on the basis of information provided by the Government and 48 on the basis of information provided by the source. In respect of the 92 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Ukraine**

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

294. Of the 4 cases reported to the Working Group, 3 concern two brothers and a friend who were allegedly arrested by members of the security forces in 1995 in Crimea.

295. During the period under review, the Government reported on the findings of a special inquiry conducted by the competent authorities in respect of the 3 outstanding cases concerning persons who had allegedly been abducted together. It was reported that they had links with members of organized criminal gangs in the Crimea; investigations into the crimes were being monitored by the Principal Administration of the Ministry of Internal Affairs of the Autonomous Republic of Crimea. The Government informed the Working Group that the authorities are continuing their investigations to ascertain the whereabouts of the disappeared persons.

296. In the past, the Working Group clarified 1 case on the basis of information provided by the Government. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

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

297. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the United Kingdom of Great Britain and Northern Ireland. During the same period, the Working Group retransmitted 1 case with new information from the source.

298. The 1 reported case of disappearance concerns a Japanese national who had allegedly been abducted in 1983 from the United Kingdom of Great Britain and Northern Ireland by secret agents of the Democratic People's Republic of Korea. In accordance with its methods of work, the Working Group sent a copy of the case to the Government of the Democratic People's Republic of Korea. (See also section on the Democratic People's Republic of Korea, paragraphs 91-96.)

299. During the period under review, with regard to the 1 outstanding case, the Government provided the main findings of a full investigation into the disappearance conducted by the United Kingdom Anti Terrorist Branch. The Government recalled 2 key points. Firstly, the evidence collected led the Government of the United Kingdom of Great Britain and Northern Ireland to believe that the person had left the country voluntarily in 1983. At the time, she had informed her employers that she was travelling to Copenhagen, Denmark. Secondly, the authorities of the Democratic People's Republic of Korea had admitted the abduction. The Government considered that its involvement in the case should be closed.

300. During the same period, the Government of the Democratic People's Republic of Korea also provided information on the 1 outstanding case. In response to the Working Group's request for information on the exact place of burial of the persons concerned, the Government informed that the necessary facilities and material had been provided to the Government of Japan's fact-finding mission to allow it to visit the burial site, identify the remains and ascertain the cause of death. Copies of death certificates had also been provided. The Working Group met with the representatives of the Government of the Democratic People's Republic of Korea, who reiterated that the Government's stand on the issue is that it should be resolved within the bilateral framework provided for by the Pyongyang Declaration adopted by the two countries. (See section on the Democratic People's Republic of Korea, paragraphs 91-96.)

301. The Government of Japan also provided information on the outstanding case. The information provided by the Government of the Democratic People's Republic of Korea was reportedly extremely unreliable. Allegedly, the death certificates had all been issued by the same hospital, even though the addresses of the persons concerned and place of death had differed. Moreover, many of the death certificates are said to have had the same format and identical seals. In addition, the "cause of death" and "age at time of death" were said to be profoundly unnatural. There was reportedly also a lack of evidence to physically prove that the death had occurred. The Working Group also met with the representatives of the Government of Japan and engaged in an exchange of views with regard to the outstanding cases. (See section on Japan, paragraphs 166-173.)

302. In respect of the 1 outstanding case, the Working Group is unable to report on the fate or whereabouts of the disappeared person.

### **United States of America**

303. The 1 reported case of disappearance transmitted in the past, occurred in 2002, and concerned a telecommunications engineer, a citizen of Canada, suspected of having links to al-Qa'idah, who was reportedly detained by United States Immigration and Natural Service (INS) officials at New York's Kennedy Airport while in transit to Montreal from Tunisia. Other cases concerned three persons, including two United States citizens, among them a Jesuit priest, who had reportedly disappeared in Honduras in 1983. Allegedly, the United States army or CIA personnel may have helped the Honduran army in the operation during which the citizens reportedly disappeared. (See section on Honduras, paragraphs 133-136.) One other case concerned a United States citizen, who had reportedly disappeared in 2001 near the Israeli settlement of Ofrah on territory under the Palestine Authority. The Israeli Defence Forces (IDF) were allegedly responsible for his disappearance.

(See sections on Palestinian Authority and Israel, E/CN.4/2002/79.) In accordance with its methods of work, the Working Group sent copies of these 4 cases to the Government of the United States of America.

304. Concern was expressed by non-governmental organizations about evidence related to past disappearances such as mass graves and documentation that may be in the process of being destroyed or interfered with, following the occupation of Iraq by the allied forces under the leadership of the United States of America. In this connection, the Working Group wrote to the Administrator of the Coalition Provisional Authority in Iraq,<sup>14</sup> expressing its deep concern and requesting information on the measures being taken by the Authority to safeguard evidence in order to permit future investigations, and to locate and identify the remains of persons who may have disappeared. The Working Group asked the Authority to provide it with the names of persons buried in mass graves or any other information that can contribute toward locating the persons on its files. These allegations were only recently transmitted to the Administrator of the Coalition Provisional Authority which has not yet had an opportunity to respond. (See also section on Iraq, paragraphs 157-165.)

305. During the period under review, the Working Group transmitted 2 new cases of disappearance that occurred in 1992 in Iraq to the Administrator of the Coalition Provisional Authority in Iraq.<sup>15</sup> These cases were transmitted after 15 September 2003 and, in accordance with the Working Group's methods of work, it must be understood that the Authority could not respond prior to the adoption of the present report. (See section on Iraq, paragraphs 157-165.) During the same period, in accordance with its methods of work, the Working Group sent to the Government of the United States of America a copy of 1 case concerning a prominent elder of the "Kuchi tribe" in eastern Afghanistan, who was allegedly arrested in 2003 by the United States military forces. (See also section on Afghanistan, paragraphs 26-29.)

306. During the period under review, no new information was received from the Government on the 1 outstanding case. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared person.

### Uruguay

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

308. The majority of the 31 reported cases of disappearance occurred between 1975 and 1978 under the military Government, in the context of its war against alleged subversion. It should be noted that the Working Group has received no reports of disappearances in Uruguay after 1982. One of the cases concerned the son of a Uruguayan refugee in Argentina who reportedly disappeared in 1976 in Argentina; the 20-day-old infant was allegedly taken away from the mother when she was arrested during a joint operation by the Argentine and Uruguayan police forces. Members of the Uruguayan police who had allegedly participated in the joint operation were reported to be still living at liberty in Uruguay. (See also section on Argentina, paragraphs 40-46.)

309. During the period under review, the Government provided information on 23 outstanding cases. In 21 cases, the persons had been held in secret detention centres in Uruguay, located in military compounds and had died as a result of torture; one of these persons had died in an unofficial detention centre in Argentina. In another case, the person concerned was alive and residing in Argentina, but her daughter was not willing to provide the Government with the mother's address. In 1 other case, the complaint had not been confirmed owing to a lack of evidence. According to the final report of the Uruguayan Commission for Peace, which was subsequently transmitted to the Working Group, in 21 cases the persons concerned had died in the Department of Montevideo and their bodies had been buried within the military compound. In 1 case, the person's remains were buried in a forest area between Interbalnearia road and the coast. The information was not enough to apply the six-month rule to these cases or to consider them clarified.

310. Furthermore, during the period under review, the Uruguayan Commission for Peace provided information on 106 outstanding cases of disappearances that occurred in Argentina. (See section on Argentina, paragraphs 40-46.)

311. Of the 8 cases clarified by the Working Group, 7 were clarified on the basis of information provided by the Government and 1 on the basis of the information provided by the source. In respect of the 23 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Uzbekistan**

312. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan. During the same period, the Working Group retransmitted 1 case with new information from the source. At the same time, the Working Group clarified 2 cases. One case was clarified on the basis of information provided by the Government, on which no observations were received from the source: the person concerned had been released and was residing at the address provided. One other case was clarified on the basis of information provided by the source to the effect that the person had been found. The case occurred in 2000 and concerns the Chairman of the State company Uzkhleboproduct.

313. Of the 10 outstanding cases, 2 concerned an Islamic religious leader and his assistant who were reportedly detained in 1995 by the National Security Service in Tashkent as they were waiting to board an international flight; another concerned the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992.

314. During the period under review, the Government provided information on 4 outstanding cases. In all cases, judicial proceedings had been suspended owing to lack of evidence. In 1 of the cases, the person was reportedly involved in a terrorist act and previously indicted in absentia for this crime. Efforts were continuing to establish the whereabouts of these persons.

315. Of the 2 cases clarified by the Working Group, 1 was clarified on the basis of information provided by the Government and 1 on the basis of information provided by the source. In respect of the 10 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### Venezuela

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

317. Of the 14 cases reported to the Working Group, 3 concerned student leaders who had reportedly been intercepted by security forces in 1991; 1 concerned a businessman arrested by the police in 1991; another concerned a 14-year-old girl who was allegedly abducted in 1993 following a military raid on her house in the peasant community of 5 de julio, municipality of Catatumbo, State of Zulia and one other concerned a person who was allegedly detained in 1995 in the vicinity of Puerto Ayacucho, State of Amazona, by members of the navy infantry.

318. During the period under review, the Government provided information on 9 outstanding cases. In 3 cases, the records could not be found and the matter was entrusted to a State prosecutor. In 6 other cases, judicial proceedings were in progress.

319. In the past, the Working Group clarified 4 cases on the basis of information provided by the Government. In respect of the 10 outstanding cases, the Group is unable to report on the fate or whereabouts of the disappeared persons.

### Yemen

320. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Yemen. During the same period, the Working Group clarified 56 cases on the basis of information provided by the Government on which no observations were received from the source: in all cases, compensation had been provided to the families of the persons concerned by the General Institute for the Support of Martyrs' Families, by the Pensions and Social Security Department of the Ministry of Defence or by the Pensions and Social Security Department of Ministry of the Interior.

321. The majority of the 150 reported cases of disappearance occurred in 1986 in the context of the fighting that took place in the former People's Democratic Republic of Yemen. Many others occurred in the context of the 1994 civil war.

322. Following its field mission to Yemen in 1998, the Working Group recommended that the Government consider establishing a special task force of the Supreme National Committee on Human Rights. The Group recommended that the task force further develop procedures in order to take the necessary legal steps for the clarification of all cases.

323. During the period under review, the Working Group considered the information provided by the Government in 2002, which it had been unable to reflect in its previous report. The Government described the steps it had taken to clarify the outstanding cases and to implement the measures agreed upon between the Government and the Working Group. A special task force, established for the purpose of resolving the remaining legal issues with the families, had contacted the families and made the necessary provisions with regard to their status. The Government had, inter alia, provided that a victim of the 1986 events would be considered a

martyr and that the family would receive a monthly stipend. In cases where the missing person was not a Government employee, the family would receive a stipend through the Ministry of Social Affairs and Labour. The Government provided that no exceptions would be made in the payment of compensation to families who could prove that a relative had disappeared during the 1986 events. Thus, in 56 cases, the families of the persons concerned had received compensation. The Working Group decided to apply the six-month rule to these cases, which were subsequently clarified. In 18 other cases, the Government informed that, although the persons concerned had been identified as victims of the 1986 events, their names were not on the list held by the Supreme National Committee for Human Rights as persons whose families were receiving assistance. In 3 cases, the Ministry of Information was identified as the institution that had rendered assistance to the family. In 14 cases, exhaustive investigations had been conducted on the alleged disappearance, but no information had become available on the case since "no date was provided when it was reported".

324. Of the 57 cases clarified by the Working Group, 56 were clarified on the basis of the information provided by the Government and 1 on the basis of information provided by the source. In respect of 93 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Zimbabwe**

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

326. Of the 3 reported cases of disappearance, 2 occurred in 1986 and concerned a mother and her 2-month-old infant, who were allegedly abducted by persons believed to belong to the Zimbabwe African National Patriotic Front (ZANU-PF) and were last seen at the home of the Chairman of ZANU-PF. Another case occurred in 2000 and concerned a polling officer for the opposition Movement for Democratic Change who was allegedly abducted in Bulawayo.

327. During the period under review, the Government provided information on the 3 outstanding cases. In the 2 cases concerning the mother and child, the Government informed that concerted efforts were under way to locate the records pertaining to the investigation of the case. The present occupant at the address from where the two were allegedly kidnapped had said that she had no recollection of the missing persons having resided there. Moreover, the officers identified by the source as having been involved had no immediate recollection of the incident, which had occurred some 16 years ago. In respect of 1 other case, the Government informed that it had been established that the person concerned had been kidnapped and presumed dead. Four persons had been arrested in this connection, charged with murder and acquitted by the High Court.

328. In respect of the 3 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

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

#### **Tunisia**

329. During the period under review, the Working Group clarified the only outstanding case of disappearance transmitted to the Government of Tunisia, on the basis of information provided by the Government and on which no observations were received from the source. The person concerned, a former teacher who was allegedly arrested in 2002 on charges of belonging to an unauthorized Islamist movement, has been released and his current address was provided.

### **IV. CONCLUSIONS AND RECOMMENDATIONS**

330. In 2003, the Working Group transmitted 234 cases to 21 Governments, as well as to the Administrator of the Coalition Provisional Authority in Iraq, of which 43 are reported to have occurred during the year. In the same period, the Working Group was able to clarify 837 cases; 98 per cent of them were clarified upon information provided by the Governments that was not contested by the sources. The Working Group has received concrete assistance and strong cooperation from a number of Governments, notably Algeria, Argentina, Chile, China, Morocco, Tunisia, Uruguay and Yemen. The Working Group, nevertheless, remains gravely concerned that, of the 79 States with outstanding cases, some Governments (Burundi, Cambodia, Guinea, Israel, Mozambique, Namibia, Seychelles, Togo), have never replied to its requests for information or its reminders. Without the cooperation of Governments, thousands of cases of disappearance will remain unclarified.

331. In the past, the Working Group had expressed great concern over the complete failure of Iraq to cooperate in the investigations of enforced and involuntary disappearances within that State. Given that Iraq represents the largest single collection of unresolved cases reported to the Working Group (16,386) this matter is especially troubling. During the year, the Working Group wrote to the Secretary-General of the United Nations, Kofi Annan, and to the Administrator of the Coalition Provisional Authority in Iraq, Paul Bremer, to express the Group's deep concern that evidence, such as mass graves and official documentation, related to past disappearances could be in the process of being destroyed. At the same time, the Working Group drew the attention of the United Nations and the occupying authority to the importance of preserving all material evidence related to past disappearances. The Acting High Commissioner for Human Rights, Bertrand Ramcharan, in a letter addressed to the Working Group, shared the Working Group's concern.

332. The Working Group regrets that the phenomenon of enforced disappearances continues to occur in many different States. While in the past the phenomenon was mainly associated with the State policies of authoritarian regimes, nowadays it occurs in the context of much more complex situations of internal conflict or tensions generating violence, humanitarian crisis, and human rights violations including enforced disappearances. This is the dramatic situation in States like Colombia and Nepal where the prevention of disappearances has direct connection with the solution of internal conflicts.

333. While dealing with internal conflicts, the Working Group is troubled that Africa has been most racked by armed conflicts over the last decade but at the same time is the region with supposedly the fewest reported cases of enforced or involuntary disappearances. The Working Group suspects that it is dealing with an underreported phenomenon of disappearances. Underreporting may be due to a combination of factors including weaknesses of civil society groups, absence of local human rights non-governmental organizations, and lack of encouragement and support, including financial support, from counterparts in the North. The Working Group considers that the United Nations and its local offices in relevant countries might consider certain initiatives to encourage and support non-governmental organizations and the implementation of certain educational and developmental programmes may remove such barriers as absence of postal facilities and lack of information regarding the Working Group and its mandate.

334. An increasing number of reports sent to the Working Group concerns alleged cases of enforced disappearances occurring prior to the adoption of the Universal Declaration on Human Rights and even before the establishment of the United Nations itself. The Working Group considers that the core of its mandate is to serve as a channel of communication between relatives of disappeared persons (or non-governmental organizations) and Governments. The very old cases that occurred before the founding of the United Nations may fall beyond the Group's practical capabilities for achieving clarification. Such cases have the potential of opening up a floodgate of cases of disappearances for which the Working Group, as presently constituted, has neither the means nor capacity to handle and pursue.

335. When Governments take steps to create and support specific bodies and institutions charged with addressing disappearances, experience has demonstrated that they have highly positive results. For instance, the establishment of investigating bodies or truth commissions are concrete actions that may lead to the clarification of cases and to the implementation of compensation policies for victims. These are strongly encouraged and supported by the Working Group.

336. Nonetheless, effective preventive measures are crucial. Among them the Group highlights the following: accessible and updated registries of detainees; guaranteed access to appropriate information and to places of detention for relatives and lawyers of persons deprived of their liberty; ensuring that persons are brought before a judicial authority promptly following detention; bringing to justice all persons accused of having committed acts of enforced disappearances, guaranteeing their trial only by competent civilian courts and ensuring that they do not benefit from any special amnesty law or other similar measures likely to provide exemption from criminal proceedings or sanctions and providing redress and adequate compensation to victims and their families.

337. These preventive measures are already provided for in the Declaration on the Protection of All Persons from Enforced Disappearance of 1992 and the Inter-American Convention on Forced Disappearance of Persons of 1994. In this regard, the Working Group again expresses its support for the steps taken to prepare a draft convention on disappearance.

338. The preventive measures listed above are not aimed only at democratizing the structures of governance and erecting human rights as the cornerstone of public policy. An essential component of the measures is also aimed at eradicating the culture of impunity for the perpetrators of enforced or involuntary disappearances found to exist in many States. The Working Group therefore wishes to stress again the importance of ending impunity for the perpetrators of enforced or involuntary disappearances. This must be understood as a crucial step, not only in the pursuit of justice but also, in effective prevention.

339. Of course, in many cases where enforced disappearances arise from conditions of internal conflict, including underreported cases from Africa, the way to an enduring and sustainable solution is for the international community to take concerted action aimed at tackling the root causes that give rise to such internal situations. The Working Group is convinced that well-thought-out policies and actions directed at breaking the vicious cycle of increasing poverty giving rise to conflict are among the essential preventive measures to consider in this regard.

340. Over the past years, the Working Group has repeatedly drawn attention to the increasingly difficult circumstances in which the secretariat is called upon to function. Severe constraints in staff resources available to the Working Group have profoundly affected the implementation of its mandate, impeding timely consideration of new cases and delaying the analyses of replies provided by Governments and comments submitted by the sources. During its last session, the Working Group received assurances from the Office of the High Commissioner for Human Rights that additional human resources would soon be made available to it. According to the Office, the Working Group's secretariat, which is currently composed of the Secretary of the Working Group, a half-time Professional staff member, a data entry operator and a secretary, would be reinforced by two new Professional staff and another data entry operator. The Working Group hopes that these new staff members can be recruited without delay.

## V. ADOPTION OF THE REPORT

341. At the 13th meeting of its seventy-first session, on 18 November 2003, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Diego García Sayán (Chairman-Rapporteur)	(Peru)
J. 'Bayo Adekanye	(Nigeria)
Stephen Toope	(Canada)
Saied Rajaie Khorasani	(Iran)

## Notes

<sup>1</sup> General Assembly resolution 47/133 of 18 December 1992. Hereinafter referred to as the “Declaration”.

<sup>2</sup> Since its creation in 1980, the Working Group has submitted a report annually to the Commission on Human Rights, starting at the Commission’s thirty-seventh session. The document symbols of the previous 22 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Add.1 and Corr.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Add.1 and Corr.1 and 2; E/CN.4/1995/36; E/CN.4/1996/38; E/CN.4/1997/34; E/CN.4/1998/43; E/CN.4/1999/62 and Add.1 and 2; E/CN.4/2000/64 and Corr.1 and 2 and Add.1; E/CN.4/2001/68, E/CN.4/2002/79 and the relevant addenda and corrigenda, and E/CN.4/2003/70 and Corr.1 and Corr.2. The relevant resolution of the Commission adopted at its fifty-ninth session is resolution 2003/38.

<sup>3</sup> The figures continue to be reviewed for accuracy. During the period under review, the Working Group decided to delete from its files the duplicate of one case, as well as a case transmitted by error.

<sup>4</sup> Figures continue to be reviewed for accuracy.

<sup>5</sup> The Working Group decided to delete duplicates in respect of 4 cases on its files. The Group thanks the Government of Chile for its cooperation in correcting these records.

<sup>6</sup> Three cases, previously registered by error under the Democratic Republic of the Congo, were deleted.

<sup>7</sup> Figures continue to be reviewed for accuracy.

<sup>8</sup> Figures continue to be reviewed for accuracy.

<sup>9</sup> During the period under review, the Working Group decided to delete from its files the duplicates of 4 cases, as well as a case transmitted by error.

<sup>10</sup> In accordance with legal advice, dated 14 May 2003, received from the Assistant-Secretary-General for Legal Affairs of the United Nations.

<sup>11</sup> In accordance with legal advice, dated 14 May 2003, received from the Assistant-Secretary-General for Legal Affairs of the United Nations.

<sup>12</sup> One case concerning a person who was reportedly last seen in the Syrian Arab Republic, which was also registered under that country, was deleted from the file under Lebanon. The figures continue to be reviewed for accuracy.

<sup>13</sup> In its previous report, the Working Group reported that 1,234 cases had been clarified. Upon verification, however, it was found that, in respect of 359 cases, the replies had been sent in duplicate.

<sup>14</sup> In accordance with legal advice, dated 14 May 2003, received from the Assistant-Secretary-General for Legal Affairs of the United Nations.

<sup>15</sup> In accordance with legal advice, dated 14 May 2003, received from the Assistant-Secretary-General for Legal Affairs of the United Nations.

## ANNEXES

### Annex I

#### Decisions on individual cases taken by the Working Group during 2003

Countries	Cases which allegedly occurred in 2003	Cases transmitted to the Government during 2003		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Afghanistan	1	1	0	0	0	0
Algeria	0	0	56	0	0	0
Argentina	0	0	0	0	5	0
Brazil	0	0	2	0	0	0
China	0	0	1	5	0	0
Colombia	5	5	20	0	0	0
Democratic Republic of the Congo	0	0	1	0	0	0
Equatorial Guinea	1	1	0	0	0	0
Guatemala	0	0	0	22	0	0
Honduras	0	0	0	0	3	0
India	4	8	18	7	0	0
Indonesia	3	3	0	0	0	0
Iran	0	0	4	0	0	0
Iraq	0	0	2	0	0	0
Japan	0	0	1	0	0	0
Lebanon	0	0	7	0	0	0
Libya	0	0	1	0	0	0
Mexico	5	4	1	0	3	0
Morocco	0	0	0	7	0	0
Nepal	18	15	16	0	4	0
Pakistan	0	0	0	1	0	0
Philippines	0	0	20	0	0	0
Russia	4	4	37	0	1	0
Rwanda	1	1	0	0	0	0
Spain	0	0	1	0	0	0
Sri Lanka	1	1	0	875	0	0
Syria	0	0	3	0	0	0
Tunisia	0	0	0	1	0	0
Turkey	0	0	0	4	0	0
Uzbekistan	0	0	0	1	1	0
Yemen	0	0	0	56	0	0

## Annex II

### Statistical summary:

#### Cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2003

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Afghanistan	3	-	3	-	-	-	-	-	-	-
Algeria	1 177	18	1 161	16	9	7	7	2	7	-
Angola	7	1	-	-	7	-	-	-	7	-
Argentina	3 462	772	3 379	746	43	40	54	-	29	-
Bangladesh	1	1	1	1	-	-	-	-	-	-
Bahrain	1	-	-	-	-	1	-	1	-	-
Belarus	3	-	3	-	-	-	-	-	-	-
Bolivia	48	3	28	3	19	1	19	-	1	-
Brazil	59	4	10	-	45	4	1	-	48	-
Bulgaria	3	-	-	-	3	-	-	-	3	-
Burkina Faso	3	-	3	-	-	-	-	-	-	-
Burundi	53	-	52	-	-	1	1	-	-	-
Cambodia	2	-	2	-	-	-	-	-	-	-
Cameroon	18	-	14	-	4	-	4	-	-	-
Chad	13	-	12	-	1	-	-	-	1	-
Chile	908	65	840	65	45	23	2	-	66	-
China	108	7	34	4	65	9	43	31	1	-
Colombia	1 153	105	892	81	199	62	157	24	80	-
Congo	34	1	34	1	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Democratic People's Republic of Korea	1	1	1	1	-	-	-	-	-	-

**Annex II (continued)**

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Democratic Republic of the Congo	49	11	40	11	6	3	9	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-
Dominican Republic	4	-	2	-	2	-	2	-	-	-
Ecuador	23	2	8	-	11	4	6	4	5	-
Egypt	20	-	12	-	7	1	1	7	-	-
El Salvador	2 661	332	2 270	295	318	73	196	175	20	-
Equatorial Guinea	4	-	4	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-
Ethiopia	115	2	111	1	3	1	1	1	-	-
Gambia	1	-	-	-	-	1	-	-	-	-
Greece	3	-	3	-	-	-	-	-	-	-
Guatemala	3 152	387	2 898	378	175	79	185	6	63	-
Guinea	28	-	21	-	-	7	-	-	7	-
Haiti	48	1	38	1	9	1	1	4	5	-
Honduras	202	34	129	21	30	43	54	8	11	-
India	373	12	316	10	47	10	29	7	21	-
Indonesia	148	2	145	2	3	-	3	-	-	-
Iran	521	99	505	99	13	3	5	2	9	-
Iraq	16 516	2 311	16 386	2 294	107	23	115	6	9	-
Israel	3	-	2	-	-	1	-	-	-	-

**Annex II (continued)**

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Japan	5	3	5	3	-	-	-	-	-	-
Jordan	2	-	2	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-
Lao People's Democratic Republic	6	-	6	-	-	-	-	-	-	-
Lebanon	321	19	313	19	2	6	7	1	-	-
Libyan Arab Jamahiriya	5	-	4	-	-	1	1	-	-	-
Malaysia	2	-	1	-	-	1	-	1	-	-
Mauritania	1	-	1	-	-	-	-	-	-	-
Mexico	377	27	207	17	133	21	76	17	61	16
Morocco	249	28	108	10	95	46	121	1	19	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	3	1	1	-	2	-	1	1	-	-
Namibia	1	-	1	-	-	-	-	-	-	-
Nepal	167	20	137	17	3	27	25	5	-	-
Nicaragua <sup>a</sup>	234	4	103	2	112	19	45	11	75	-
Nigeria	6	-	1	1	5	-	5	-	-	-
Pakistan	83	2	75	2	4	4	6	2	-	-
Paraguay	23	-	3	-	20	-	19	-	1	-

**Annex II (continued)**

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non- governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Peru <sup>b</sup>	3 006	311	2 368	236	253	385	450	85	103	-
Philippines	688	81	531	61	124	33	103	19	29	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation	264	15	262	11	-	2	2	-	-	-
Rwanda	23	2	21	2	-	2	1	1	-	-
Saudi Arabia	3	-	2	-	1	-	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6
Spain	5	-	5	-	-	-	-	-	-	-
Sri Lanka	12 298	148	7 495	135	4 764	39	97	24	4 841	-
Sudan <sup>c</sup>	268	35	65	4	200	3	203	-	-	-
Syrian Arab Republic	39	3	15	3	11	13	16	4	4	-
Tajikistan	8	-	6	-	-	2	1	-	1	-
Thailand	34	-	34	-	-	-	-	-	-	-
Timor-Leste	501	36	425	28	58	18	51	23	2	-
Togo	11	2	10	2	-	1	1	-	-	-
Tunisia	16	1	-	-	12	4	-	15	-	-
Turkey	181	11	92	4	41	48	55	21	13	-
Turkmenistan	2	-	-	-	2	-	-	2	-	-
Uganda	61	34	54	32	2	5	2	5	-	-

**Annex II (continued)**

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Ukraine	4	2	3	2	1	-	-	-	1	-
United Arab Emirates	1	-	-	-	1	-	1	-	-	-
United Kingdom	1	1	1	1	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-
United States of America	1	0	1	0	-	-	-	-	-	-
Uruguay	31	7	23	4	7	1	4	4	-	-
Uzbekistan	12	-	10	-	1	1	2	-	-	-
Venezuela	14	2	10	1	4	-	1	-	3	-
Yemen	150	-	93	-	56	1	57	-	-	-
Yugoslavia	16	-	15	-	1	-	-	1	-	-
Zambia	1	1	-	-	-	1	-	1	-	-
Zimbabwe	3	-	3	-	-	-	-	-	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-

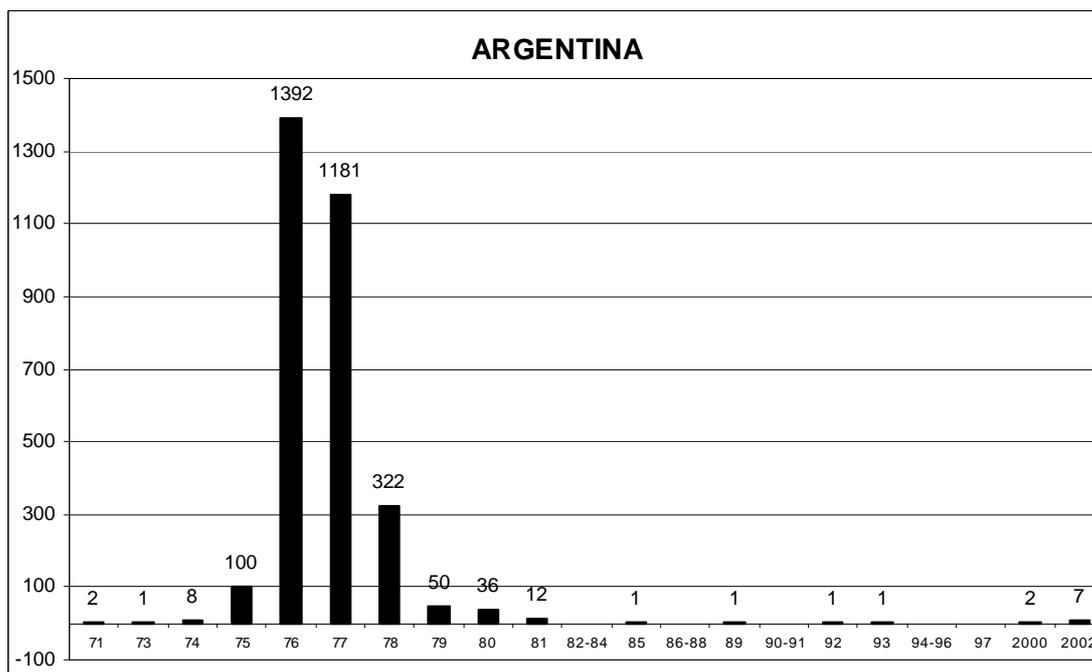
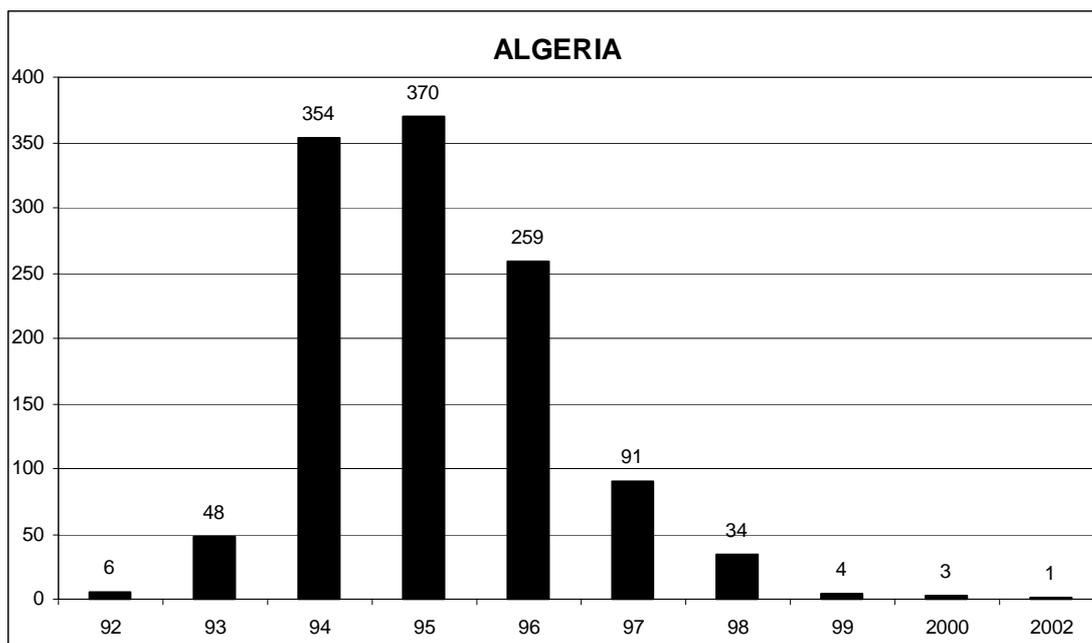
<sup>a</sup> Figures continue to be reviewed for accuracy.

<sup>b</sup> Figures continue to be reviewed for accuracy.

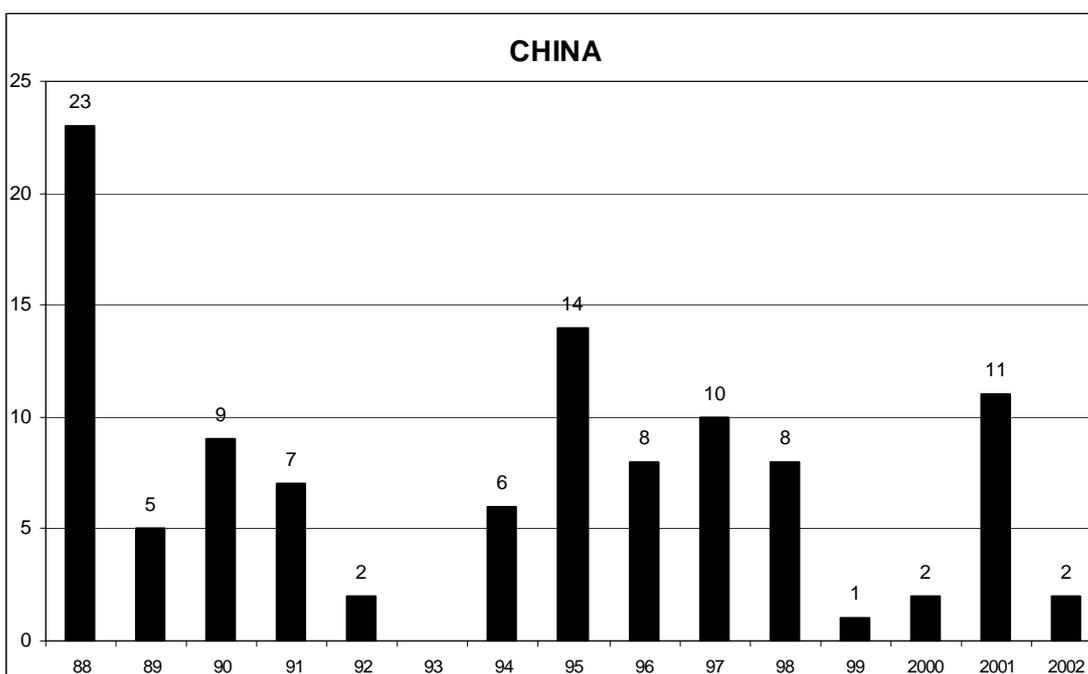
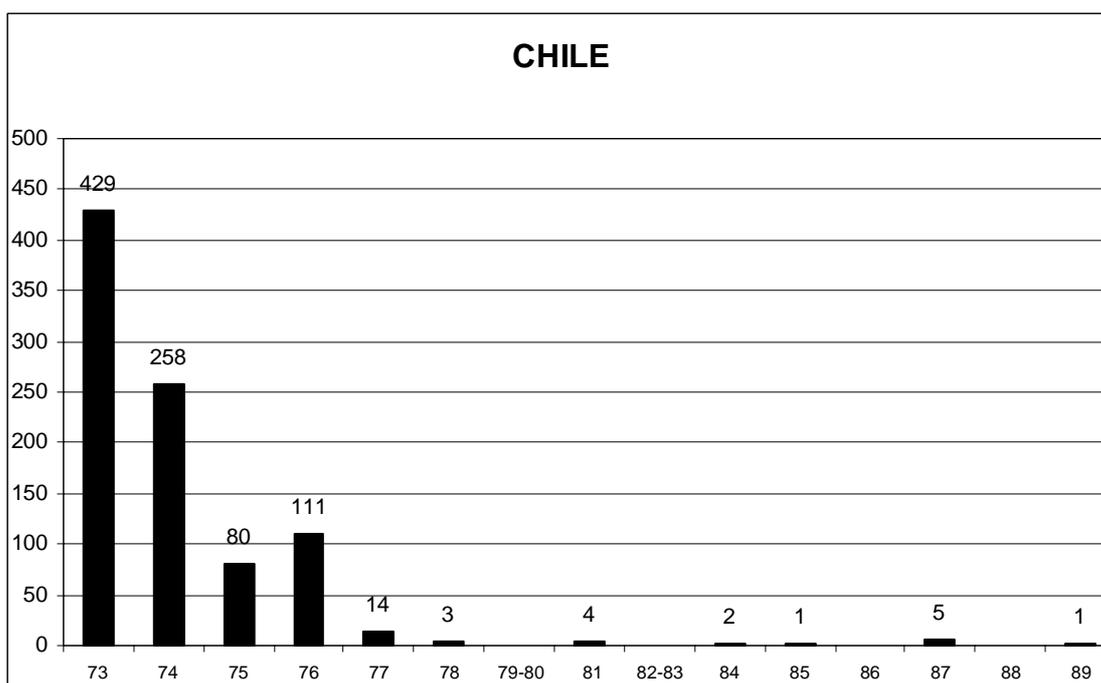
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### **Annex III**

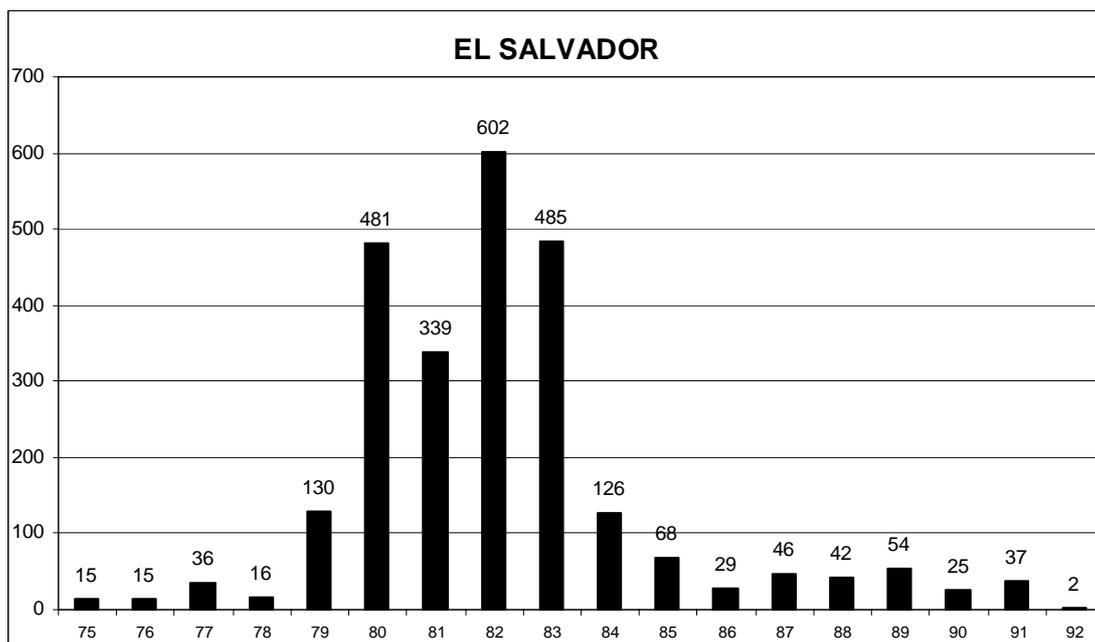
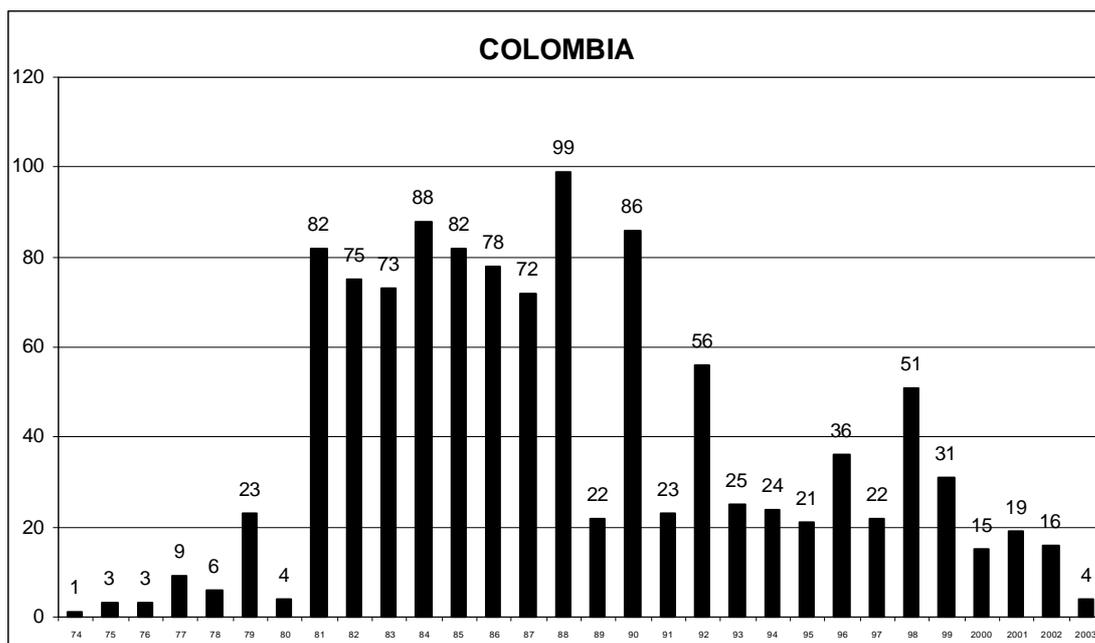
**Graphs showing the development of disappearances in countries with more than  
100 transmitted cases during the period 1971-2003**



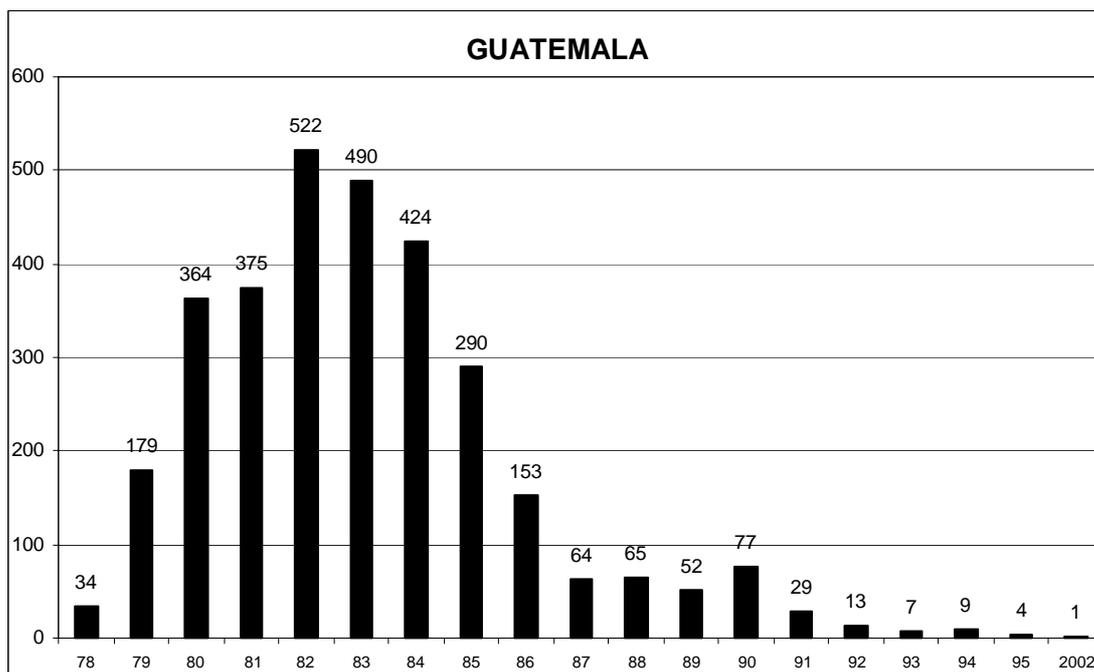
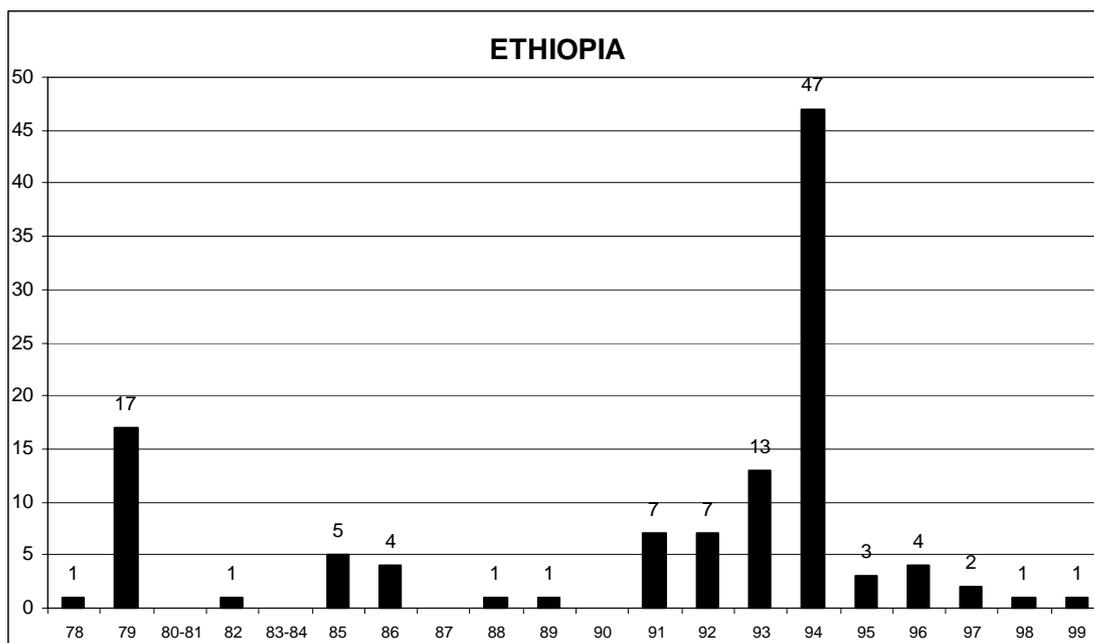
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



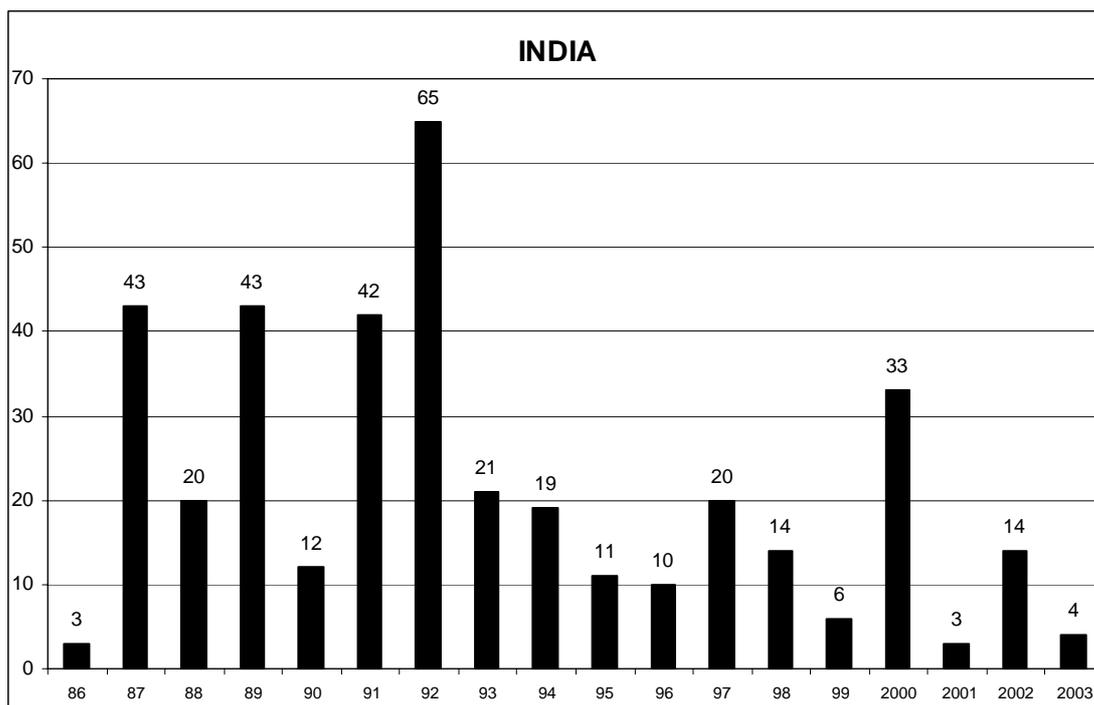
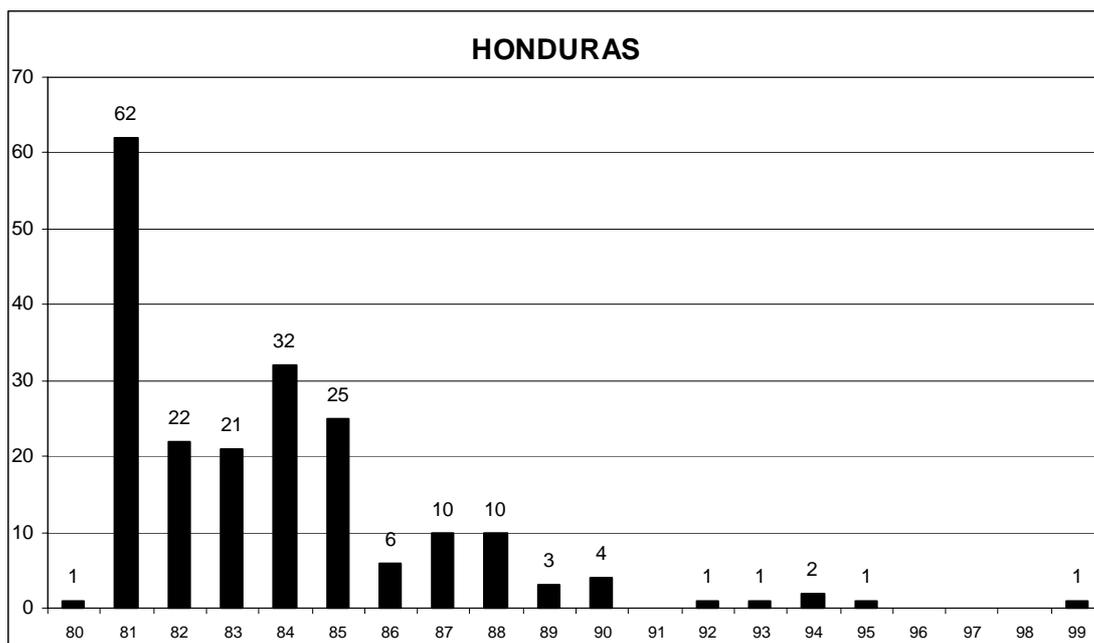
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



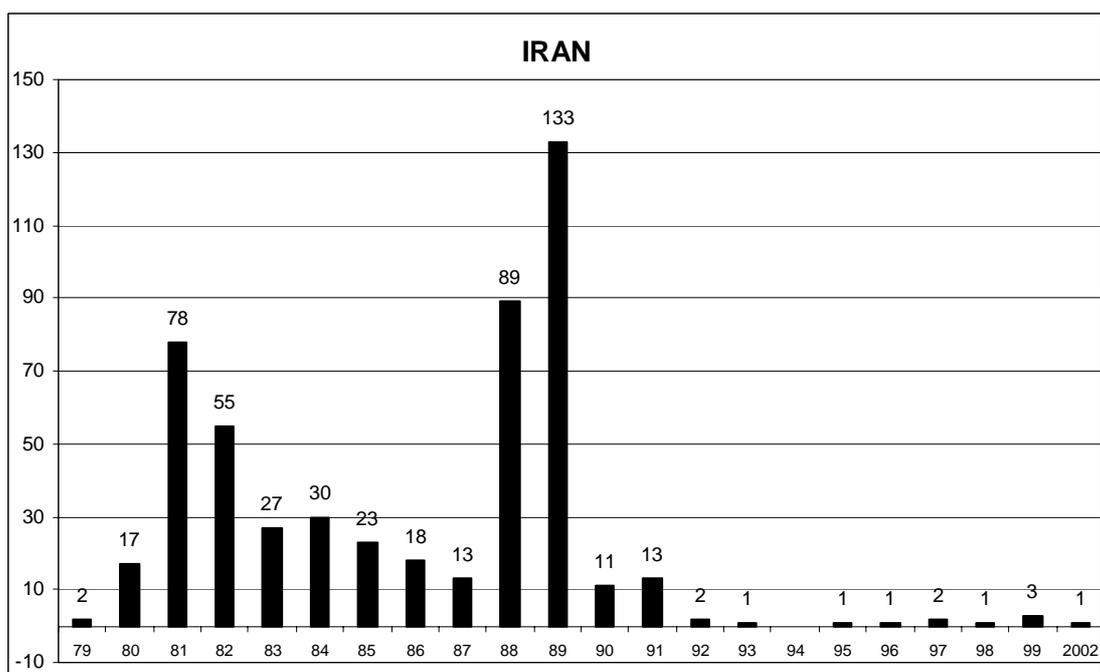
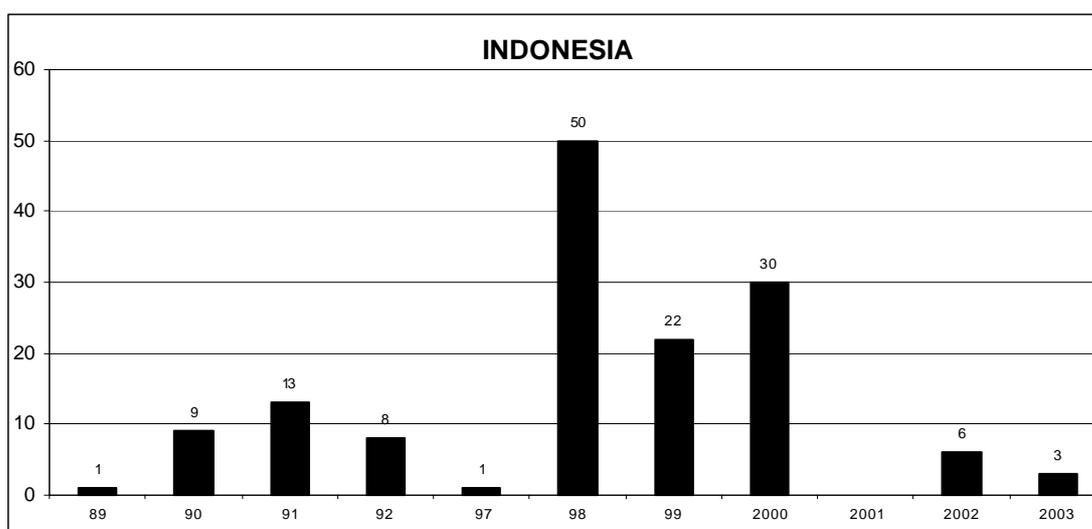
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



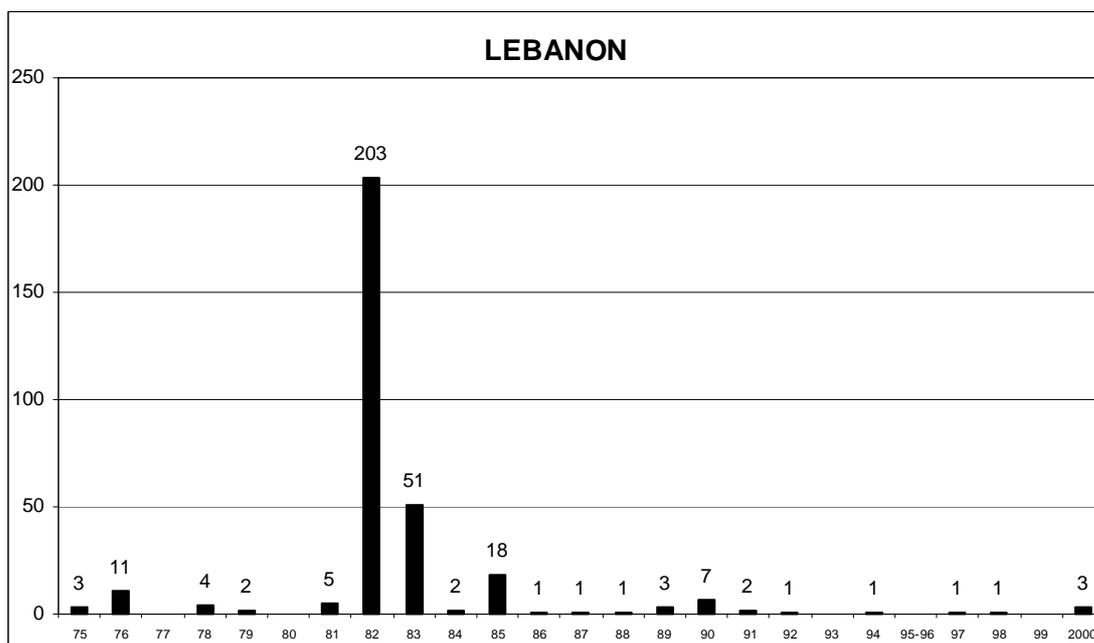
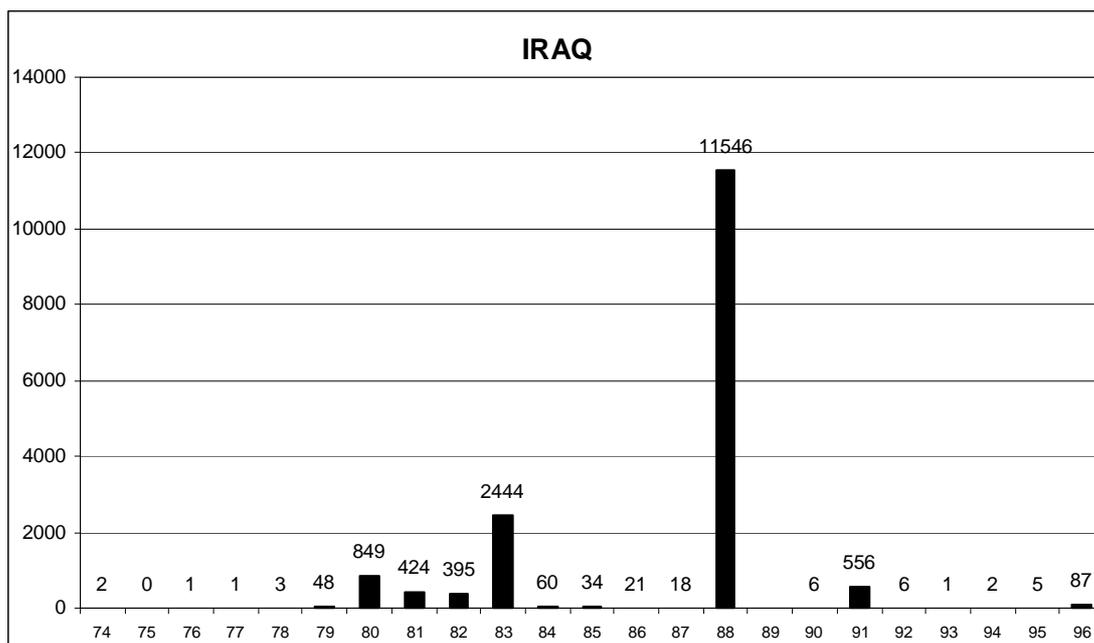
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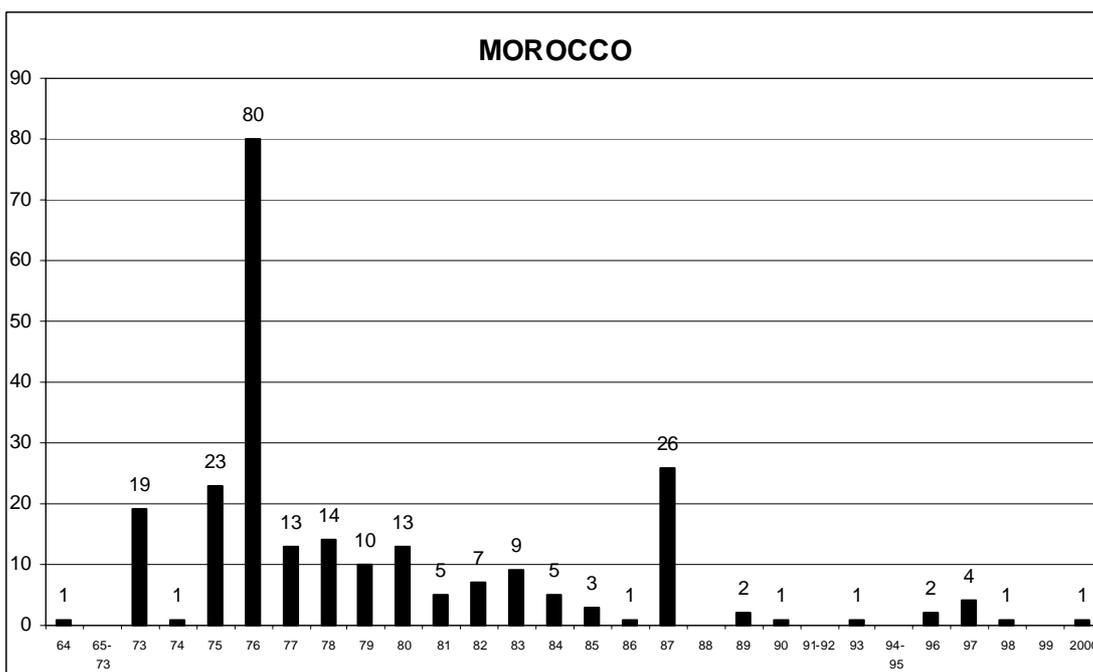
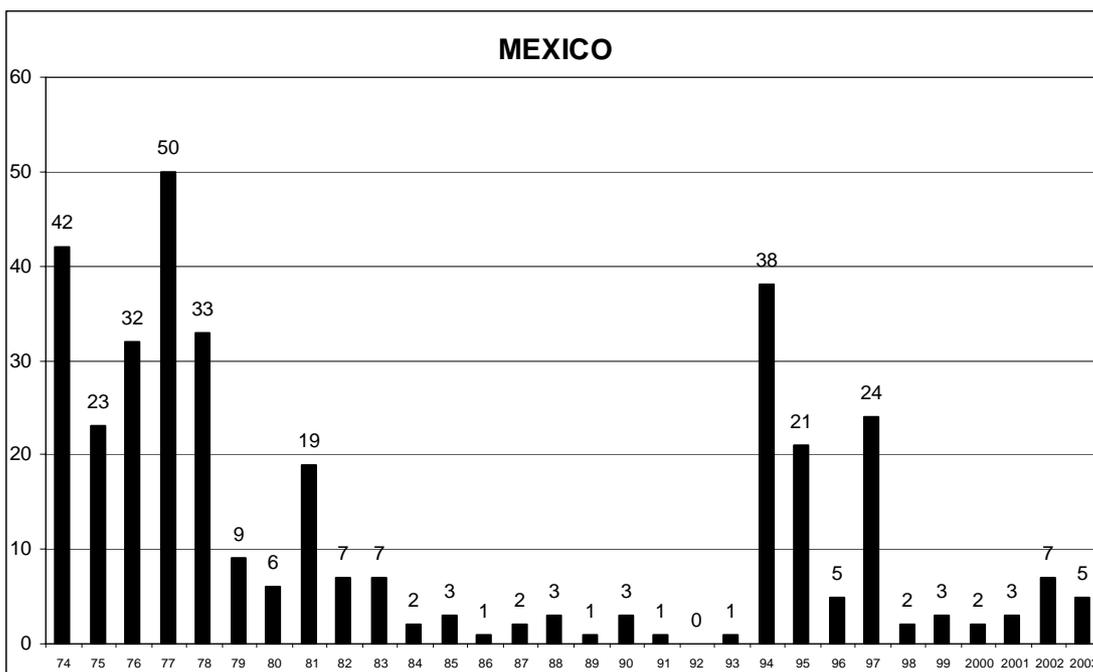
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



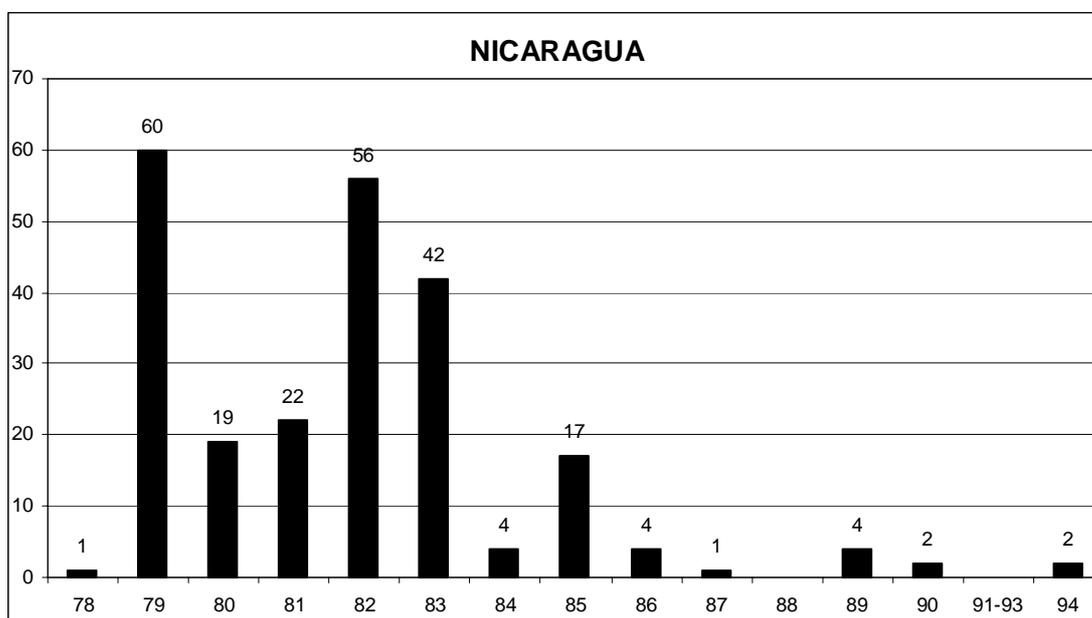
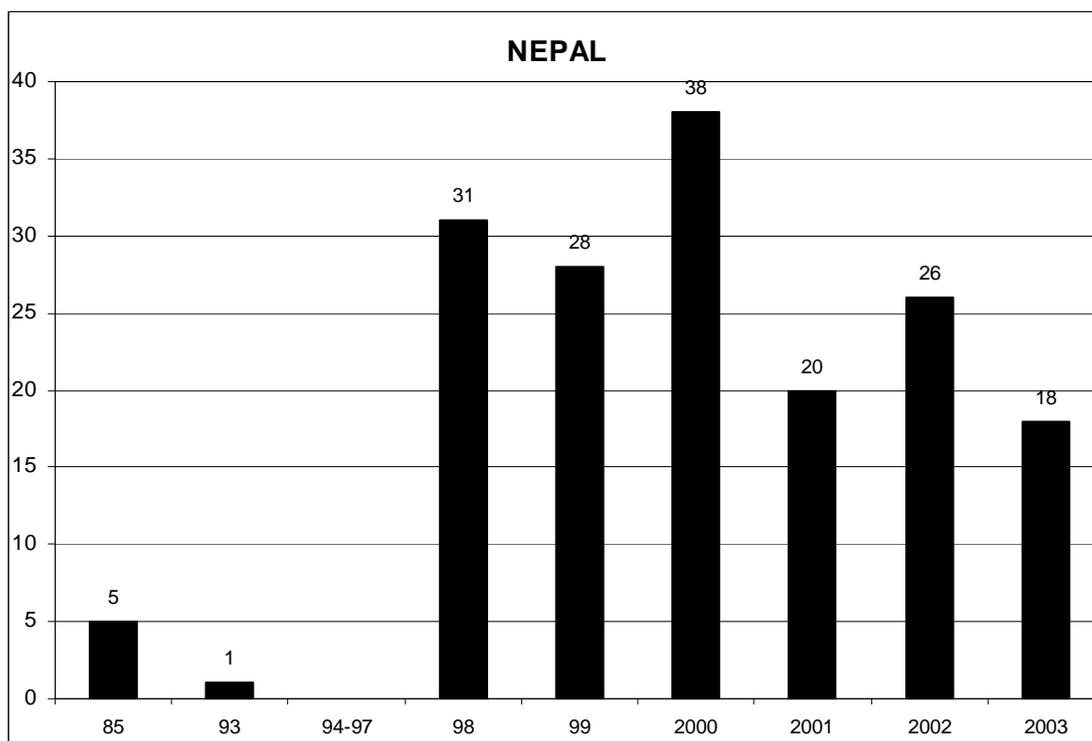
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



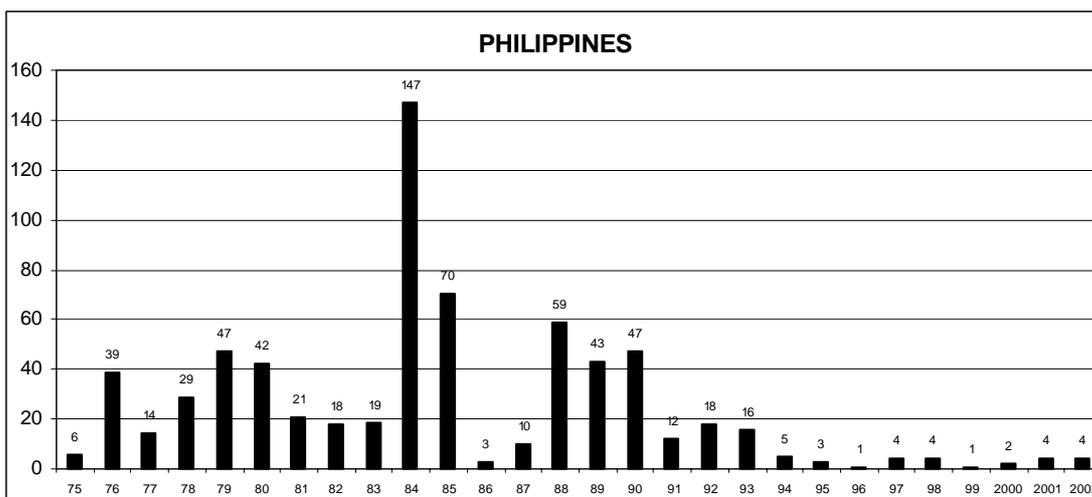
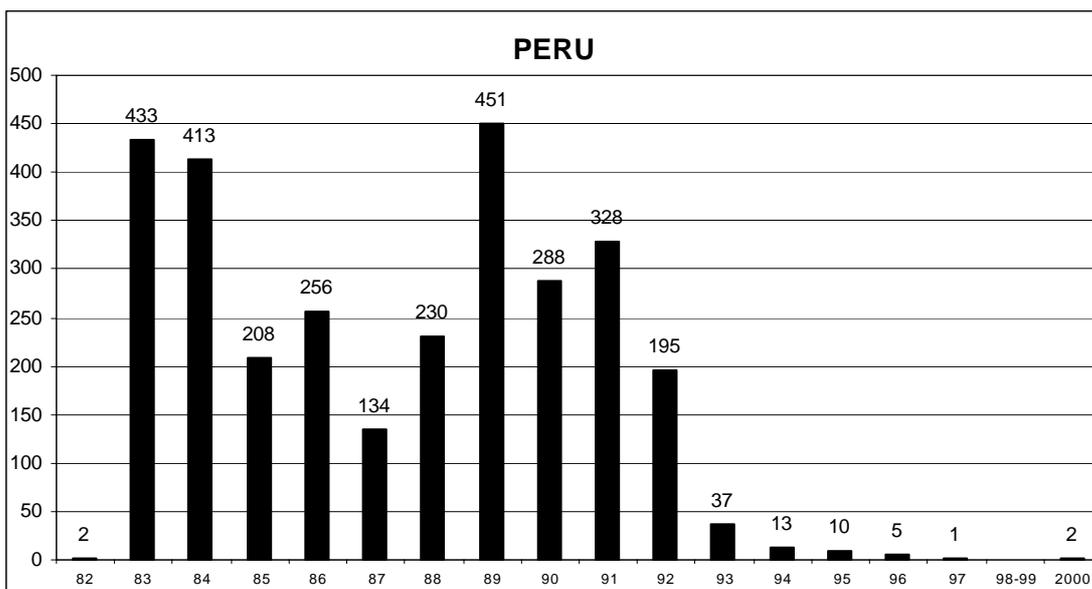
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



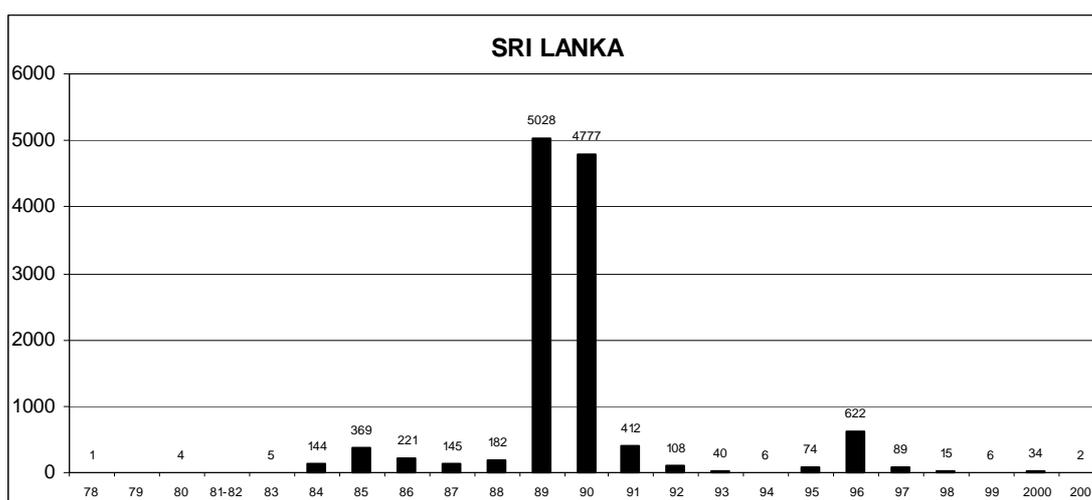
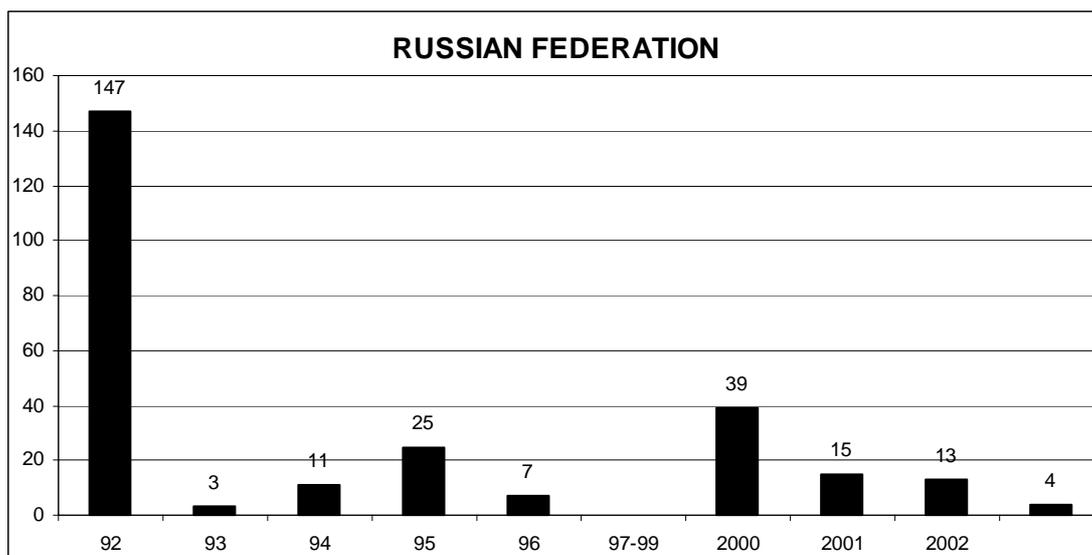
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



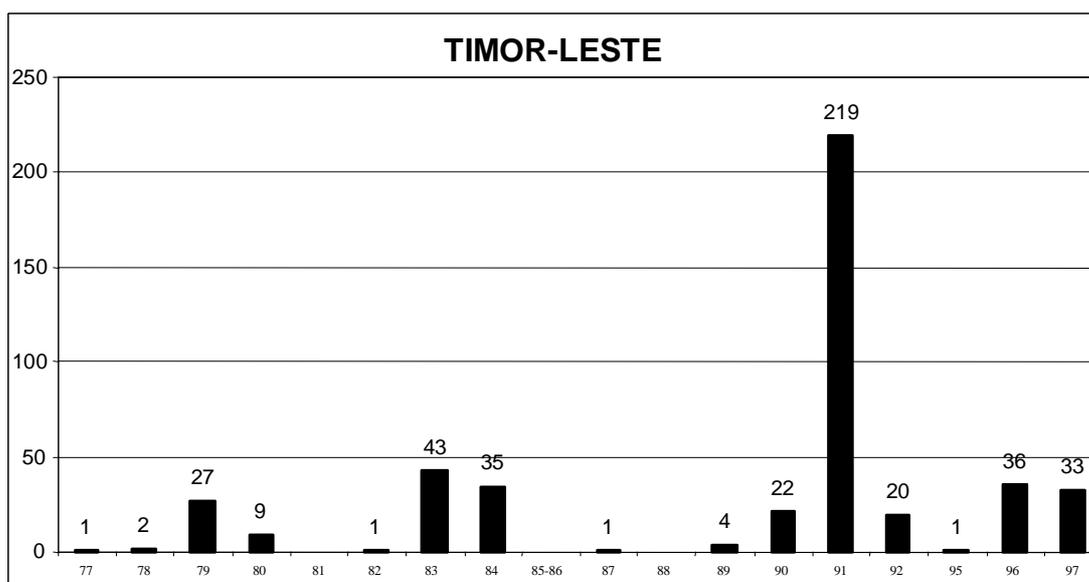
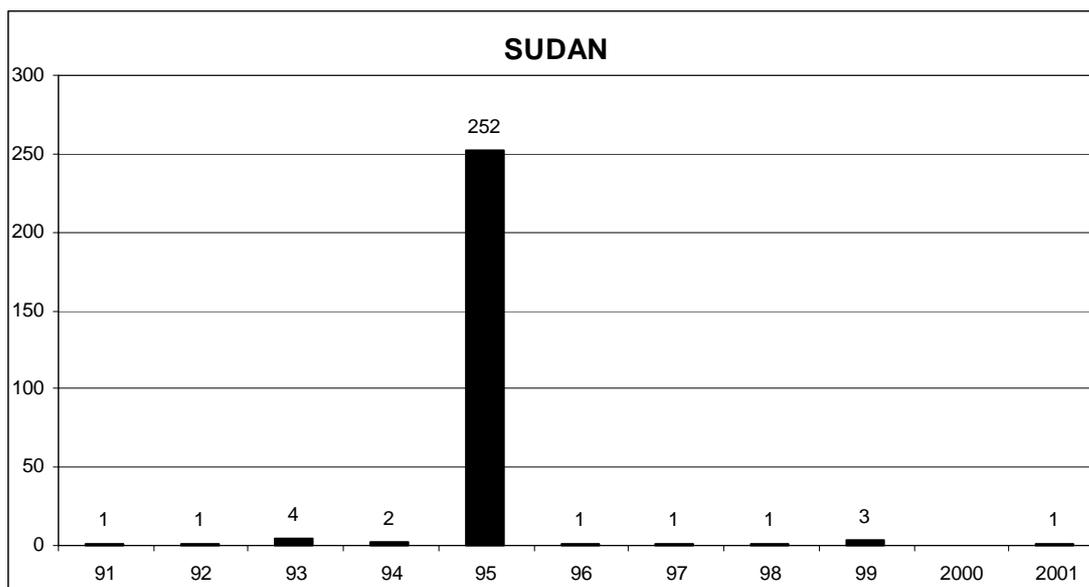
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



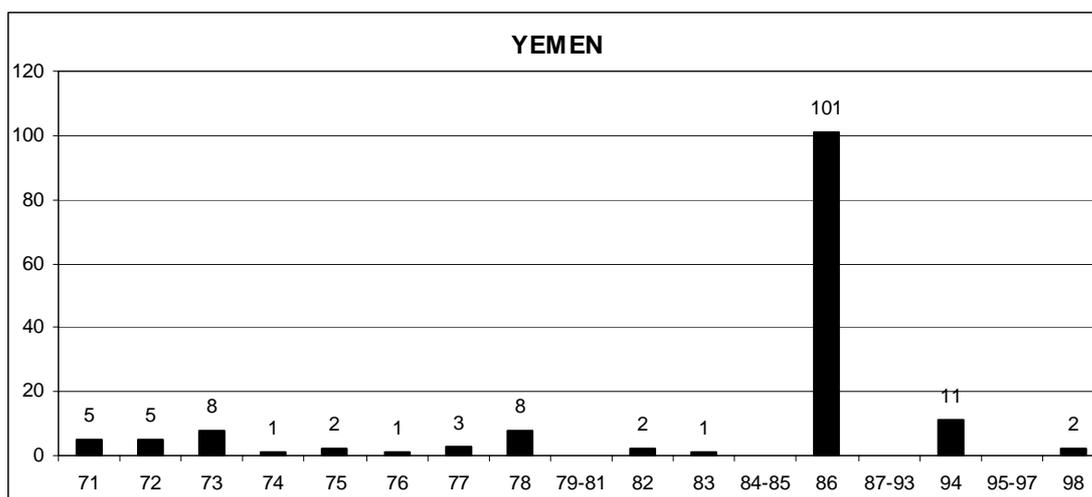
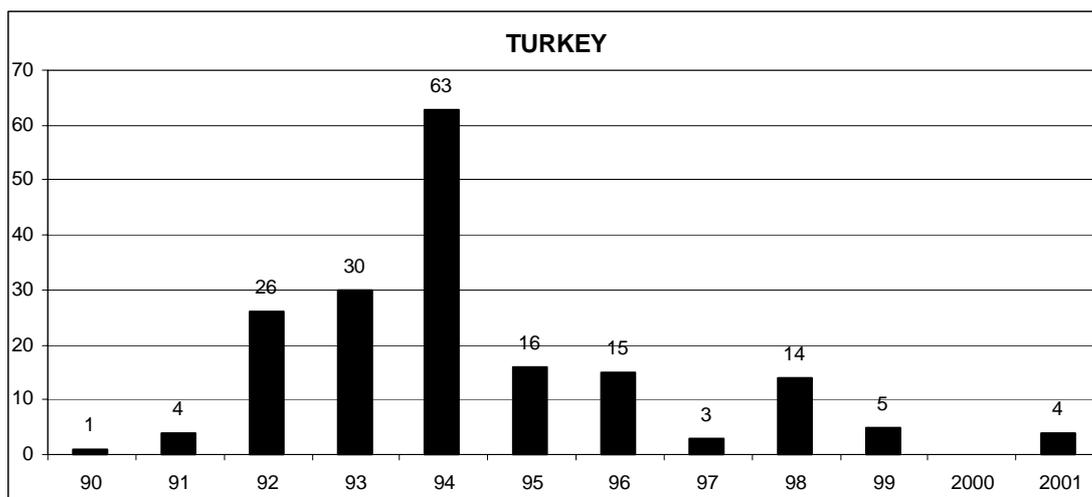
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2003.



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