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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

Established by resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights, the Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a global mandate. Since its inception, the Working Group has transmitted more than 50,000 individual cases to Governments in more than 90 countries.

In the present report, the Working Group on Enforced or Involuntary Disappearances expresses serious concern regarding situations of disappearance worldwide.

The Working Group notes with great concern the large number of reports of disappearances transmitted over the last year. During the period under review, the Working Group transmitted to Governments in 20 countries 595 newly reported cases of disappearances. These figures represent an almost threefold increase over the previous year. This is due in large measure to an enhanced capacity of the Secretariat to address a backlog of unprocessed cases. In the case of Nepal, 136 new cases occurred and were transmitted to the Government of Nepal during the period under review. From these cases, 125 were transmitted under the urgent-action procedure. The Working Group also transmitted to the Government of Algeria for the first time 180 cases that occurred between 1993 and 1998.

During the period under review, the Working Group transmitted 155 new cases to the Government of the Russian Federation which occurred in 2000 and 2001 in the Republic of Chechnya. Five other cases that reportedly occurred in Chechnya in 2004 were sent under the urgent-action procedure. During the reporting period, the Working Group clarified 23 cases of enforced disappearance.

The Working Group expresses its concern that complex situations of internal conflict or tensions generating violence and humanitarian crises often lead to human rights violations, including enforced disappearances. The Working Group is troubled that Africa has been racked by armed conflicts over the last decade but at the same time it is the region with the fewest reported cases of enforced or involuntary disappearances, probably due to underreporting.

Throughout the report, the Working Group expresses particular concern about reports of the existence of secret detention centres in a number of countries. The Working Group reminds all Governments that, under article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance, “no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”. The Working Group notes that this includes any type of counter-terrorist campaign.

Further concerns highlighted by the Working Group in the report include: in a number of States legal restrictions are placed upon NGOs working on cases of disappearances; several States use criminal procedure rules to “suspend” investigation in cases of alleged disappearance; the occurrence of disappearances of children.

The Working Group strongly encourages the establishment of investigating bodies or truth commissions in order to clarify cases of disappearances and to implement compensation policies for victims. Nonetheless, effective preventive measures remain crucial. Among these, the Group highlights harmonization of domestic law with international obligations under the Declaration; 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; strengthening of civil society organizations, especially human rights NGOs; 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; ensuring that perpetrators 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.

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## **I. INTRODUCTION**

### **A. The mandate and methods of work of the Working Group on Enforced or Involuntary Disappearances**

1. In its resolution 33/173 of 20 December 1978, entitled “Disappeared persons”, the General Assembly expressed concern over reports from various parts of the world relating to enforced or involuntary disappearances of persons and requested the Commission on Human Rights to consider the question and to make appropriate recommendations. By resolution 20 (XXXVI) of 29 February 1980, the Commission on Human Rights decided to establish a Working Group on Enforced or Involuntary Disappearances. This was the first United Nations human rights thematic mechanism to be established with a global mandate.

2. 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. The Working Group serves as a channel of communication between sources of information on alleged disappearances - typically family members or non-governmental organizations - and Governments. The Working Group does not establish criminal liability nor does it declare State responsibility. Its mandate is essentially humanitarian. Since its inception, the Working Group on Enforced or Involuntary Disappearances has transmitted more than 50,000 individual cases to Governments in more than 90 countries. Though clarifying the fate of disappeared persons is a difficult task, the Working Group, through its continuing contact with the Governments concerned and non-governmental organizations (NGOs) working on the question of disappearances, works to help the victims of disappearances including the persons concerned and their family members.

3. 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, hereafter referred to as the “six-month rule”.

4. The Working Group also takes action in connection with acts of intimidation or reprisals against relatives of missing persons and private individuals or groups who seek to cooperate or have cooperated with United Nations human rights bodies, or who have provided testimony or information to them, as well as persons who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms or persons who have provided legal assistance to others for that purpose.



5. In addition to its core mandate, the Working Group has been entrusted, according to Commission on Human Rights resolution 2004/40, with the task of monitoring States' progress in fulfilling obligations derived from the Declaration. In particular, the Working Group has made specific references to the Declaration in its observations on individual countries in the present report and its recommendations following country visits.

6. Appeals made to the Working Group do not restrict simultaneous use of international or regional treaty-based human rights petition procedures.

7. In the period under review, the Working Group decided to adopt the practice that Working Group members will not attend meetings of the Working Group when issues related to the country of their nationality are discussed.

### **B. The phenomenon of disappearance in the world**

8. 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, disappearance is a now global phenomenon, not limited to specific regions. The more common pattern today is for large-scale disappearances to occur in States suffering from internal armed conflict, as in the cases of Colombia, Nepal, the Russian Federation and Sudan. In other countries, political repression of opponents has resulted in hundreds of cases of disappearances. In this regard, countries such as Algeria, the Islamic Republic of Iran or the Philippines may be mentioned. Other countries carry the heavy burden of their past, with thousands of cases that have still not been clarified after decades, such as Argentina or Chile.

9. In some situations, due to probable underreporting, especially in Africa, the Working Group expects that large numbers of reports of disappearance arising from current conflicts could be submitted to it during the coming years. The Working Group has highlighted a number of these situations in its current report.

10. The Working Group is concerned that underreporting of disappearances in certain regions and countries is also due to restrictions on civil society and NGO work on this sensitive issue. It is difficult to receive information from some parts of the world in which there are many indications that human rights violations, including disappearances, have taken and are still taking place. Unfortunately, in some regions non-governmental organizations are not numerous and organized enough to be able to work effectively on disappearances. Nevertheless, the Working Group received positive information on the development of networks of associations of families of victims and non-governmental organizations that may be able to deal with this issue in the future.

11. In the context of internal armed conflict, opposition forces have reportedly perpetrated enforced disappearances. While the mandate of the Working Group is limited to violations carried out by State actors or their agents, it notes that the act of enforced disappearance is often the source of further cycles of violence, regardless of the perpetrator.

12. The Working Group is particularly concerned about reports it has received on the forced disappearance of children, and in a few cases, of disabled persons. The Working Group recalls the obligation of States to protect these groups in situations of vulnerability. It will continue to monitor this issue.

13. The Working Group is gravely concerned that anti-terrorist activities are being used by an increasing number of States as an excuse for not respecting the obligations of the Declaration. States have used the excuse that they are justified to hold persons in secret detention, thereby effectively making them forcibly disappeared, or have diminished their rights to access to courts when accused of being involved in terrorist activities.

### **C. Remarks on the present report**

14. In the period under review, the Working Group decided to modify the content of its report to the Commission on Human Rights. In countries where the number of newly reported cases is less than 10, the names of the persons appear in the country section. If the number of newly reported cases is greater than 10, the list of names appears in annex IV.

15. During the period under review, the Working Group transmitted for the first time 595 cases of disappearance in 20 countries, 131 of which allegedly occurred during the last year. The total number of cases transmitted for the first time represents an almost threefold increase over the previous year, but this is due in large measure to an enhanced capacity of the Secretariat to address a backlog of unprocessed cases. As in previous years, the Working Group has used an urgent-action procedure for 152 cases that allegedly occurred within the three months preceding the receipt of the report by the Group. During the reporting period, the Working Group clarified 23 cases of enforced disappearance.

16. A number of Governments of countries with large numbers of unresolved cases have not communicated on a regular basis with the Working Group. In 2003, the Working Group extended a special invitation to the Governments of those countries which had a particularly large number of outstanding cases to meet with the Group. The countries concerned were Algeria, Argentina, El Salvador and Peru. Iraq was not included in the list because of the vacuum in government authority. Of the four countries, only Algeria and Argentina requested meetings with the Working Group. These meetings were held at the seventieth session in August 2003 and the Governments concerned provided significant additional information. Other approaches are being considered by the Working Group to make its work more efficient and effective.

17. The total number of cases transmitted by the Working Group to Governments since the Working Group's inception is now 50,705. The total number of cases under active consideration, that have not yet been clarified or discontinued, stands at 41,909 and concerns 79 States. Over the past five years, the Working Group has been able to clarify 6,270 cases.

18. The present report of the Working Group is submitted pursuant to Commission on Human Rights resolution 2004/40.<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 15 November 2004. Those responses from Governments reviewed after that date, as well as

urgent actions subsequently transmitted, will be reflected in the next report of the Working Group. In respect of newly reported cases transmitted by the Working Group after 15 September 2004, it must be understood that the Governments concerned may not have been able to respond prior to the adoption of the present report.

19. 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 disappearance cases from Afghanistan, Bangladesh, Bolivia, Burundi, Cambodia, Cameroon, Chad, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Guinea, Haiti, Israel, Jordan, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Pakistan, Seychelles, Syria, Tajikistan, Timor-Leste, Togo, Uganda, Yugoslavia, Zimbabwe and the Palestinian Authority. (See previous reports of the Working Group, E/CN.4/2002/79, E/CN.4/2003/70 and Corr.1 and 2 and E/CN.4/2004/58.)

20. Additional Secretariat staffing in 2004 has permitted the Working Group to begin to address a backlog of cases. While the continuing backlog affects the accuracy of statistical information, the Working Group welcomes the significant progress made in addressing this issue during the last year and expects further progress in 2005.

## **II. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 2004**

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

21. During the period under review, the Working Group held three sessions in Geneva. The seventy-second session was held from 24 to 28 May, the seventy-third session was held from 16 to 20 August and the seventy-fourth session was held from 8 to 15 November 2004.

22. The Working Group continues to apply Commission on Human Rights decision 2000/109 of 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, in January 2004, Mr. Darko Götlicher (Croatia) began his mandate. Mr. Diego García-Sayán (Peru) resigned in July 2004, and was replaced in August 2004 by Mr. Santiago Corcuera (Mexico). Following the resignation of Mr. García-Sayán, Mr. Stephen J. Toope was named Chairman-Rapporteur of the Working Group and Mr. J. 'Bayo Adekanye, Vice-Chairman-Rapporteur.

23. During the sixtieth session of the Commission on Human Rights, the Chairman-Rapporteur held a meeting with representatives of interested Governments and NGOs to discuss their concerns.

24. During the period under review, the Working Group met with representatives of the Governments of Colombia, Cyprus, Democratic People's Republic of Korea, Guatemala, the Islamic Republic of Iran, Japan, Kuwait, Malaysia, Mauritania, Mexico, Nepal, Saudi Arabia and Uzbekistan. The Group also met with representatives of human rights organizations, associations of relatives of disappeared persons and families or witnesses directly concerned with reports of enforced disappearance.

25. Regarding country visits, 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 had been scheduled to take place from 11 to 18 June 2003. Dates for a visit were then agreed on, from 24 to 28 July 2004. This visit was postponed by the Islamic Republic of Iran due to the inability of the judiciary “to duly coordinate” the meetings with the Working Group. The Working Group awaits new dates for the mission from the Iranian authorities.

26. Following a meeting with the representatives of the Government of Nepal, an invitation was received to visit that country. The Working Group is planning this mission to Nepal from 6 to 14 December 2004.

27. Regretfully, up to now, the Government of Algeria has not responded to the interest expressed by the Working Group, in August 2000, to visit the country.

28. 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 for a visit to the Government of Colombia. After meeting with officials from the Government of Colombia, the dates for the visit were agreed for June 2005.

29. Invitations have also been received by the Working Group to visit Argentina and Kuwait. In addition, the Working Group may consider the open invitations that are presently addressed to special mechanisms.

## **B. Communications**

30. During the period under review, the Working Group transmitted 595 new cases of enforced or involuntary disappearance to the Governments of Algeria, Angola, Bhutan, Brazil, China, Colombia, the Democratic People’s Republic of Korea, Ecuador, Egypt, France, India, Indonesia, Iraq, the Islamic Republic of Iran, Nepal, the Philippines, the Russian Federation, Rwanda, Sudan and Uzbekistan.

31. The Working Group sent 152 of these cases under the urgent-action procedure to the Governments of Brazil, China, Colombia, the Democratic People’s Republic of Korea, Ecuador, India, Indonesia, Nepal, the Philippines, the Russian Federation, Sudan and Uzbekistan. Of the newly reported cases, 131 allegedly occurred in 2004, and relate to Brazil, China, Colombia, the Democratic People’s Republic of Korea, Ecuador, India, Indonesia, Nepal, the Philippines, the Russian Federation, Sudan and Uzbekistan. During the same period, the Working Group clarified 23 cases in the following countries: Argentina, China, Colombia, Morocco, Nepal and the United States of America.

32. During the period under review, the Secretariat has actively worked with other thematic and country mandate holders by sharing non-confidential information with Special Rapporteurs on relevant situations of disappearances. During the same period, the Working Group joined other mandate holders in the transmission of urgent-action requests for cases relevant to multiple mandates.

33. 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 disappeared 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.

34. During the period under review, two prompt intervention communications were sent, on 27 September and 18 October 2004, to the Government of Algeria concerning harassment and unlawful imprisonment of human rights defenders and relatives of disappeared persons, as well as the refusal to provide legal status for organizations working on the issue of disappearances in that country.

### **C. Other activities**

35. During the period under review, the Working Group launched a reflection on its methods of work.

36. In conjunction with the field offices of the Office of the High Commissioner for Human Rights, the Working Group has distributed information on the activities of the Group and on its methods of work. Several regional and country offices of the Office of the High Commissioner for Human Rights were provided with publications and information for local organizations regarding the Working Group.

37. In its resolution 57/215 on the question of enforced or involuntary disappearances, the General Assembly addressed requests for information to Governments, to the Working Group on Enforced or Involuntary Disappearances and to the Secretary-General, including a request to the Secretary-General to submit to it, at its fifty-ninth session, a report on the steps taken to implement the resolution. In response, the report on the implementation of the resolution (A/59/341) included replies from the Governments of Burkina Faso, Georgia, Kenya, Kuwait, Mauritius and Mexico on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. It also contained information on the activities undertaken to promote the Declaration, in compliance with the requests contained in this resolution.

38. For the "International Day of the Disappeared", a press release was issued on 27 August 2004 on behalf of the Working Group expressing its concern about the phenomenon of disappearance in various parts of the world. It also expressed its "solidarity with the families and friends of victims and with all those who suffer from these brutal and inhuman acts". This press release was simultaneously released by the Office of the High Commissioner for Human Rights (OHCHR) field presences in Nepal and Colombia.

39. During the period under review, one joint statement was issued by eight mandate holders, including the Chair of the Working Group, on 14 July 2004 concerning “their serious concern regarding the extremely grave human rights situation in Nepal”. On 4 November 2004, a joint statement was issued by the Chairs of the Working Group and of the Working Group on Arbitrary Detention (WGAD) criticizing the recommendation by the Prosecutor General of the Russian Federation, calling on the Duma to adopt a law to allow the authorities to detain relatives of terrorists by force as a measure against hostage-taking.

#### **D. Comments on a draft legally binding instrument for the protection of all persons from enforced disappearance**

40. 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 draft legally binding instrument on enforced disappearances. As was clearly established in the report of Manfred Nowak (E/CN.4/2002/71 of 8 January 2002), important gaps exist in the current framework of protection against enforced and involuntary disappearances. The process of elaborating a draft legally binding instrument for the protection of all persons from enforced disappearance appears to be making substantial progress on questions of definition and on the refinement of substantive obligations.

41. The Working Group has participated in the deliberations of ISWG and has provided suggestions from the experience of the Working Group.

42. The Working Group notes with satisfaction that the draft legally binding instrument for the protection of all persons from enforced disappearance and subsequent discussions among States and non-governmental organizations in 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) the creation of mechanisms of compensation and satisfaction; and (c) specific actions to address the plight of children.

43. The Working Group is concerned, however, that current discussions seem to be leading to a dilution of the obligation expressed in the Declaration on strict limitations on amnesties (art. 18).

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

44. 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 disappearance cases from Afghanistan, Bangladesh, Bolivia, Burundi, Cambodia, Cameroon, Chad, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Guinea, Haiti, Israel, Jordan, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Pakistan, Seychelles, Syria, Tajikistan, Timor-Leste, Togo, Uganda, Yugoslavia, Zimbabwe or the Palestinian Authority (see previous reports of the Working Group, E/CN.4/2003/70 and E/CN.4/2004/58).

## Algeria

45. During the period under review, the Working Group transmitted 180 new cases<sup>3</sup> of disappearance to the Government of Algeria. At the same time, the Working Group retransmitted one case with new information from the source. During the period under review, the Government of Algeria sent replies concerning 118 cases. Regarding new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

46. The majority of the 1,161 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, and one member of 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 (Front Islamique du Salut, or FIS). The disappearances were attributed to the army, the security services, the gendarmerie, the police, civil defence forces, or the militia.

47. The majority of the 180 new cases reportedly occurred between 1993 and 1998, with 1994 and 1995 being the years with the most reported cases. The reported disappearances concerned persons of all ages, and from various professional backgrounds, including peasants, small commercial traders, students, drivers, and public employees. The majority of these reported cases occurred in Algiers, Blida, Oran, as well as in the *wilayas* of Tipaza and Relizane. 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.

48. Responses on 118 cases were received from the Government of Algeria. Given time constraints, the high volume of new cases from Algeria and the substance of the reply, no responses were reviewed by the Working Group.

49. Concern was expressed by non-governmental organizations regarding the failure of the Algerian authorities to investigate mass grave sites in line with international standards, and of the loss of evidence related to human rights abuses. Reports state that Algeria faces a massive problem of impunity for crimes against humanity committed by security forces and State-armed militias since 1992. It is further reported that the authorities have generally not proceeded with exhumations of the mass graves that are believed to contain victims of State abuses. Sites in the western province of Relizane were reportedly destroyed, allegedly in an attempt to cover up abuses by State-armed militias, and that no efforts were made to prevent this from happening.

50. The Working Group transmitted the concerns expressed that the Government of Algeria has classified over 5,000 persons as “missing” and not as victims of enforced disappearances. Furthermore, reportedly, the ad-hoc mechanism that has been established under the auspices of the National Consultative Commission for the Promotion and Protection of Human Rights has not been granted the power to investigate and that it has not taken any concrete measures to date.

51. Concern was also expressed regarding acts of intimidation and harassment against members of associations of relatives of disappeared persons and non-governmental organizations, such as the Organization of Families of the Disappeared in the Province of

Constantine. On two occasions, the Working Group transmitted to the Government of Algeria its serious concerns about the harassment and unlawful imprisonment of human rights defenders, as well as regarding the refusal to grant legal status to organizations in Algeria working on the issue of disappearances. The first communication concerned the repression of a peaceful march in Constantine on 20 September 2004. In the course of these events, it was reported that families of disappeared had been ill-treated. Reportedly, Ms. Louisa Saker, Secretary General of the Organization of the Families of the Disappeared in the Province of Constantine, was released following the march and after having been forced to sign a document in which she stated that she would not organize any other gatherings of the families of the victims of disappearances. The second communication concerned reports about associations of families of the disappeared who could not obtain legal registration from the Algerian authorities. The lack of legal registration prevents them from obtaining funding within Algeria, which would enable them to expand their campaigning and documentation activities and their assistance to relatives of the disappeared. These restrictions reportedly make it harder for these organizations to carry out their campaigning activities and to be recognized as legitimate representatives of the families of the disappeared.

52. The Working Group also met with representatives of three non-governmental organizations who submitted information on cases of disappearances in Algeria.

53. Of the 16 cases which have previously been 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. In the case of the 1,341 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

54. The Working Group expresses deep concern that little progress has been made in clarifying cases of disappearance in Algeria. Indeed, 180 new cases have been transmitted to the Government of Algeria and others are being processed by the Secretariat.

55. The Working Group strongly recommends that the Government of Algeria allow NGOs to undertake their work freely and without impediment, that families of victims of disappearances be left free to organize without bureaucratic restriction or legislative obstacles, and that witnesses be protected.

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

57. Considering the large number of cases and continuing pressures on families of the disappeared, the Working Group believes it would be useful to visit Algeria to facilitate the clarification of the more than 1,100 outstanding cases. The Working Group therefore reiterates its interest in visiting Algeria, which was previously conveyed to the Government by the Working Group in August 2000.



### Angola

58. During the period under review, three new cases of disappearances were transmitted by the Working Group to the Government of Angola. Regarding new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

59. The three newly reported cases concern **Ernesto Dumbi**, **Vicente Sunda** and **Dinis Simba** who were reportedly arrested by soldiers of the Belize 709th Battalion while travelling from the village of Quisoqui to the village of Caio-Guembo.

60. Of the seven cases previously clarified by the Working Group, all were clarified on the basis of information provided by the Government.

### Argentina

61. During the period under review, no new cases of disappearance were transmitted to the Government of Argentina. At the same time, the Working Group clarified three cases on the basis of information provided because the identities of the persons had been confirmed by their biological families as well as by judicial means. One case, which was clarified by the Working Group in 2004 on the basis of information from the Government, concerned a 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. In 2003, it was reported that he was located in Buenos Aires and his biological identity confirmed in judicial proceedings.

62. The vast majority of the 3,462 previously reported cases of disappearance<sup>4</sup> 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. 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.

63. During the period under review, the Government provided information produced by the National Commission on the Forced Disappearance of Persons of Argentina (*Comisión nacional sobre desaparición forzada de Argentina*, or *CONADEP*) regarding 1,212 outstanding cases. The Government reported that the Commission functions under the Secretariat for Human Rights of the Ministry of Justice, Security and Human Rights. It was reported that 33 of these cases are being investigated in proceedings by the Federal Criminal and Correctional National Court No. 3 of the Federal Capital; 298 of these cases are being investigated in proceedings by the Federal Chamber of Appeals of La Plata; and 881 of these cases are being investigated in (separate) proceedings by the Federal Criminal and Correctional National Court No. 3 of the Federal Capital. The Government reported that the information provided was intended to give a better understanding of the activities being conducted by the Argentine State for the purpose of clarifying cases. The efforts of the Commission have reportedly revealed data that may help establish patterns related to detainees, their places of detention, and may establish possible

responsibilities of the security forces. This information being assembled is reportedly being incorporated into State archive materials and referred to the judicial cases now reopened. Finally, the Government reported that lists of other pending cases are being prepared and will be transmitted to the Working Group at the appropriate time.

64. Of the 83 cases previously 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 3,375 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

65. The Working Group would like to express its appreciation to the Government and the non-governmental organizations that continue to work towards the clarification of the fate of the disappeared in Argentina. The Working Group wished to receive further information. The Working Group continues to be gravely concerned that over 3,000 outstanding cases remain unclarified almost 30 years after the alleged disappearances.

### **Belarus**

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

67. The three reported disappearances occurred in 1999. The first one concerns a former Minister of the Interior who was actively engaged in the campaign of an opposition leader. The two other cases concerned a Deputy Chairman of the Belarusian parliament who was reportedly abducted together with a businessman from an opposition political party.

68. Concern was expressed by non-governmental organizations about the fact that the Government is not acting to ensure thorough and impartial investigations on cases of disappearance that have occurred in Belarus. Repeated appeals by the international community appear to have gone unheard by the authorities of Belarus. It has been pointed out that, in view of article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance, and the repeated appeals of the international community, the Belarusian authorities should ensure that cases of disappearance are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and with the necessary powers and resources to carry out the investigation. During these investigations, officials suspected of responsibility in cases of disappearances should be suspended from active service. Reports also assert that the families of the victims and their legal representatives should have access to all relevant information, should be entitled to present evidence, and protected against any kind of intimidation and reprisals.

69. The Office of the High Commissioner for Human Rights also received information from the Secretary General of the Parliamentary Assembly of the Council of Europe regarding recommendations No. 1657 and No. 1371, both adopted on 28 April 2004, stating that the Parliamentary Assembly "recommends that the Committee of Ministers considers suspending the participation of Belarus in various Council of Europe agreements and activities as well as any contacts between the Council of Europe and the Belarusian Government on a political level until

sufficient progress has been made regarding independent investigation into the disappearances of persons in Belarus and initiation of certain criminal investigations”. No final decision has been taken by the Committee of Ministers as regards this issue.

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

### **Bhutan**

71. During the period under review, five new cases of disappearance were transmitted by the Working Group to the Government of Bhutan. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

72. The five cases transmitted to the Working Group occurred in 2003. Of these, four cases concerned members of the United Liberation Front of Asom (ULFA): **Bening Rava, Abani Sarma, Asanta Bakphukon** and **Rabin Neog**. These four persons were allegedly arrested by the Bhutanese army and subsequently handed over to the Indian army. In accordance with its methods of work, the Working Group sent copies of these cases to the Government of India. (See also the section on India, paragraphs 155-161.) In the one other case, **Emmanuel Basumatary**, Publicity Secretary of the National Democratic Front of Bodoland (NDFB, an armed opposition group active in the region), was reportedly arrested by the Bhutan army at a hotel in Thimphu and subsequently disappeared.

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

### **Brazil**

74. During the period under review, the Working Group transmitted four new cases of disappearance to the Government of Brazil, all of which reportedly occurred in 2004 and were sent under the urgent-action procedure.

75. The majority of the 59 cases of disappearances reported in the past occurred between 1969 and 1975, under the military Government and, particularly, during the guerrilla warfare in the Aerugo 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 this legal provision or exercise the right to request death certificates. Recognition of the victim's death carried the automatic entitlement to compensation by the State.

76. The four newly reported cases concern **Ridelmar Guedes de Sa, Carlos Sideval Guedes de Sa, Paulo de Sa** and **Valerio Gomes De Sa**, all land workers from the same family living in the districts of Caetano and Cohab, in the State of Pernambuco. All disappeared between the towns of Ibimirim and Florest on 31 May 2004, after having been allegedly arrested by police officers in the context of a police operation.

77. Of the 49 cases clarified by the Working Group, 45 were clarified on the basis of information provided by the Government and four on the basis of information provided by the source. In respect of the 14 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Burkina Faso**

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

79. During the period under review, the Government provided information on the three outstanding cases. This information has been transmitted to the source. These cases 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. In one case, the Government has informed that the subject is alive and living in his native village since his retirement from the army. In another case, the subject reportedly has reappeared and received compensation from the Compensation Fund for the Victims of Political Violence. For the third case, a university teacher who had been arrested along with the two previous subjects, the Government has reported that he is deceased, that his grave was identified and that his family has been compensated by the Compensation Fund for the Victims of Political Violence. The Working Group decided to transmit this information to the source for their confirmation or comment within six months (see paragraph 3), at which time the Working Group will determine whether these cases should be considered clarified.

### **Observations**

80. The Working Group wishes to express its appreciation to the Government of Burkina Faso for its cooperation during the period under review.

### **Chile**

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

82. The vast majority of the 908 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 whom belonged to 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.

83. During the period under review, the Government provided to the Working Group a copy of the information it had on a case for which a new complaint had been filed by family members of the disappeared person before the Human Rights Committee.

84. Of the 68 cases previously 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

85. The Working Group invites the Government of Chile to provide information which could lead to the clarification of the more than 800 outstanding cases.

### China

86. During the period under review, one new case of disappearance was transmitted by the Working Group to the Government of China under the urgent-action procedure. During the same period, the Working Group clarified four cases on the basis of information provided by the Government that the persons concerned were in custody, in a re-education-through-labour facility, at the addresses provided, or were dead. In these cases, the sources made no observations on the information received from the Government.

87. Most of the 109 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. Thirteen 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. The last 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.

88. The newly reported case concerns a 4-year-old child, **Yuan Yuan Zhang**, who was allegedly abducted from her home by police officers from Tongnan Country National Security Team in 2004. Reportedly, her parents have been persecuted for practising Falun Gong.

89. During the period under review, the Government provided information on five outstanding cases. In two cases, the persons concerned were either in custody or in a re-education-through-labour facility. In one case, the person was released from a re-education-through-labour facility. However information on the exact whereabouts of these three persons was not provided. In the other two cases, the whereabouts of the persons concerned remain unknown and reportedly the search is continuing. Another communication was received from the Chinese authorities in August 2004, but owing to the delay required for translation, it could not be reviewed by the Working Group in time to be included in the present report.

90. Of the 78 cases clarified by the Working Group, 69 were clarified on the basis of information provided by the Government and 9 on the basis of information provided by the source. In a majority of cases clarified on the basis of information provided by the Government, the persons concerned were living at liberty at the address that was provided. In respect of the 31 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## Observations

91. The Working Group expresses appreciation to the Government of China for its cooperation. However the Working Group notes a worrying circumstance in which two of the outstanding cases of disappearance concern children.

### Colombia

92. During the period under review, the Working Group transmitted five new cases of disappearance to the Government of Colombia, four of which reportedly occurred in 2004 and were sent under the urgent-action procedure. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report. During the same period, the Working Group retransmitted two cases with new information from the source and clarified another two cases on the basis of the information provided by the Government on which no observations were received from the source.

93. The majority of the 1,154 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.

94. The newly reported cases concern **Darwin Hernandez Calderon** and **Norbey Hernandez Calderon**, two minors, as well as their mother, **Ana Oliva Calderon** and also **Francy Helena Murillo**. The two children were detained by a group of men from the Mobile Patrol Unit No. 5 of the Colombian Army, who were patrolling in the Vereda Las Galicias area near Tame, Department of Arauca. The mother and her friend were also detained when they came to seek the whereabouts of the children. All four persons disappeared after their detention by army members. The other case concerns **Ivonne Aleida Rodriguez Betancur**, a housewife who reportedly disappeared after having been arrested by members of the *Cuerpo Técnico de Investigación de la Fiscalía* (CTI) at a roadblock while driving her car on the way to pick up her daughter at school in the city of Guayabal de Medellin.

95. Concern was expressed by several non-governmental organizations that the number of persons disappeared had been on the increase since 2001. It was reported that the majority of cases had been attributed to paramilitary groups, who allegedly acted in alliance or collusion with State agents. Most of the recent victims are rural dwellers. It is alleged that relatives seldom formally file a complaint to the relevant authorities for fear of their own safety and because they bear the burden of proof establishing who is responsible. Reports also indicate that the situation of impunity remains a serious problem. Reportedly, almost all investigations for disappearances which have been opened have not been seriously investigated and the perpetrators remain unpunished. Pleas of victims and their families to know the truth are often not granted due consideration before the courts. It is reported that the National Search Commission, constituted in 2001, in which NGOs are members, has failed to look into cases of forced disappearance, because of the confidentiality requirement of the Attorney-General's office.

96. Concerning offences committed by members of law enforcement agencies, it was alleged by NGOs that an Anti-Terrorism Bill and draft amendments to the Constitution would allow the military to exercise jurisdiction over these cases, rather than civilian jurisdictions. It is alleged that the Government, in its negotiations with various paramilitary groups, is considering a draft statutory law on alternative sentencing. This would, if adopted, grant amnesties and pardons to the perpetrators of human rights violations, undermine the right to know the truth, the right of reparation of family members and the memory of the victims of enforced disappearances.

97. During the period under review, the Government of Colombia confirmed its desire to host a visit by the Working Group. The visit is scheduled to take place in June of 2005.

98. Of the 263 cases clarified by the Working Group, 201 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 895 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

99. 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, paragraph 6, of the Declaration.

100. 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, paragraph 3, of the Declaration.

101. The Working Group notes with concern the case of two small children who allegedly disappeared.

### **Congo**

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

103. Most of the 34 reported cases of disappearance occurred between May and August 1999, and concern persons who were separated from a convoy returning to Brazzaville from the Democratic Republic of the Congo and taken for interrogation by members of the security forces.

104. Concern was expressed by non-governmental organizations at the disappearances of hundreds of refugees returning to Brazzaville during and after May 1999. It is reported that, as many as 353 refugees returning to Brazzaville from the Democratic Republic of the Congo (DRC) in May 1999 disappeared after they were arrested and taken by members of the security forces to destinations that have not been disclosed by the authorities. It is believed that relatives of many others who disappeared have opted not to divulge any information for fear of reprisals. Reportedly, it is widely believed in the country that the victims were extrajudicially executed and that their bodies were disposed of secretly.

105. Reports state that impunity is a continuing cause of violence and armed insurrection. In this connection, grave concern was expressed that the Government has failed to take adequate measures to establish responsibility for the violations and bring those responsible to justice. The judiciary, it is stated, has also failed to protect Congolese citizens from arbitrary arrests, unlawful detentions and torture.

106. It is alleged that members of the relatives' association had not been asked or allowed to testify before the commission of inquiry set up in August 2001, by the country's transitional parliament, the Conseil national de transition (CNT), to investigate disappearances. Concern was also expressed that some members of the commission claimed the allegations of disappearances were politically motivated and therefore not worthy of investigation.

107. In reply to these general allegations, the Government of the Congo stated that the Working Group has no reason to comment on this issue for the reason that the "Commission on Human Rights ended its examination of the situation of human rights in the Congo at its fifty-seventh session". In a letter, the Working Group explained that these allegations had been received from non-governmental organizations. It also recalled that the Working Group's mandate allows it to comment on cases of enforced or involuntary disappearances throughout the world.

108. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the 34 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

### **Observations**

109. The Working Group wishes to remind the Government of the Republic of the Congo 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, paragraph 6, of the Declaration.

110. Further, the Working Group invites the Government of the Republic of Congo to cooperate to clarify the 34 outstanding cases.

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

111. During the period under review, one new case of disappearance was transmitted to the Government of the Democratic People's Republic of Korea under the urgent-action procedure.

112. The newly-reported case concerned **Kyoung-Sook Jin**, a young woman believed to be pregnant, who was reportedly abducted at the border between China and the Democratic People's Republic of Korea by four agents of the Democratic Republic's security services in plainclothes and taken across the Tumen River to the Korean side.

113. The Government of the Democratic People's Republic of Korea replied that, according to the results of its investigations, no incidents or similar acts occurred in its border area with China.



114. The other outstanding case concerned a Japanese national who was reportedly abducted in Japan in 1977 by security agents from the Democratic People's Republic of Korea, and was last seen in that country.

115. In accordance with its methods of work, and subsequent to information provided to the Working Group, it was decided to transfer eight cases that were previously listed under other countries to the outstanding cases list of the Democratic People's Republic of Korea, where the disappeared persons were reportedly last seen (see sections on Spain, paragraphs 293-297, and the United Kingdom, paragraphs 330-333.)

116. During the period under review, the Government of the Democratic People's Republic of Korea communicated to the Working Group about all of the outstanding cases of Japanese nationals. The Government stated that it had already provided the Working Group with sufficient information on the background of these cases, as well as their position and efforts for the settlement of this problem. It emphasized that "the key to the breakthrough lies in the will and efforts of parties concerned to solve the problem". The response further stated that "unnecessary intervention by the third party will not in any way contribute to the solution of the problem, but only provoke the party concerned and complicate the process of solution".

117. During the same period, the Working Group met with the representatives of the Government of the Democratic People's Republic of Korea to exchange views on the outstanding cases of Japanese nationals. 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 Governments of Japan and the Democratic People's Republic of Korea.

118. In respect of the nine outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared person.

### **Observations**

119. The Working Group expresses the hope that the Government of the Democratic People's Republic of Korea will continue to take steps to clarify the outstanding cases.

120. The Working Group wishes to remind the Government of the Democratic People's Republic of Korea 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.

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

121. During the period under review, no new cases of disappearance were transmitted to the Government of the Democratic Republic of the Congo.

122. The majority of the 49 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 Military Action and Intelligence (Service d'action et de renseignements militaires); a professor who was allegedly arrested by members of the Rwandan Patriotic Army (see also Rwanda, paragraph 285) and a clergyman.

123. During the period under review, the Government reported that, in respect of the case transmitted last year concerning a commander of a battalion of the armed forces stationed in the Lower Congo, who was allegedly arrested in 1998, his case was transmitted to the competent authorities who will provide further information to the Working Group.

124. Of the nine cases clarified by the Working Group, six were clarified on the basis of information provided by the Government, and three on the basis of information from the source. No new information was received from the Government concerning the 40 remaining outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of these outstanding cases of disappeared persons.

### **Ecuador**

125. During the period under review, the Working Group transmitted three new cases of disappearance to the Government of Ecuador under the urgent-action procedure, one of which reportedly occurred in 2004. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

126. The majority of the 23 previously 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 the city of Portoviejo on charges of arms-trafficking and one concerned a student who was allegedly abducted by members of the security forces in 2001.

127. The newly reported cases concern two persons, **Jhonny Elias Gomez Balda** and **Cesar Augusto Mata Valenzuela**, who reportedly disappeared in the city of Guayaquil after being arrested by judicial police agents in connection with a robbery at a pharmacy. Another separate case concerns **Luis Alberto Sabando Veliz**, who reportedly disappeared while being transferred from a detention centre in Quevedo to the locality of Buena Fe, after having been arrested and accused with another person at a roadblock for unlawful possession of a firearm.

128. Of the 15 cases previously 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 11 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### Egypt

129. During the period under review, one new case of disappearance was transmitted by the Working Group to the Government of Egypt, which reportedly occurred in 1999. Regarding the new case transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

130. 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 three 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.

131. The one newly reported case concerns **Mohamed Amin Abbass Farahat**, who was reportedly abducted or arrested in the departure lounge of Cairo airport by the Secret Police or Federal Police in 1999 while leaving Egypt. Witnesses allegedly saw him in a prison in Egypt in 2001.

132. During the period under review, the Government informed the Working Group that, in respect of 12 outstanding cases, there was no new information on the whereabouts of the persons concerned. In another communication, the Government repeated that, regarding the 12 outstanding cases, “despite serious efforts, investigations could not reveal further clarification”, taking into consideration that none of the disappeared persons had been convicted or was being sought by the authorities.

133. Of the eight cases clarified by the Working Group, seven were clarified on the basis of information provided by the Government and one on the basis of information provided by the source. In respect of the 13 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### Eritrea

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

135. 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.

136. During the period under review, the Government of Eritrea informed the Working Group that, in regard to the outstanding cases, “the Government does not have any record of the persons in the list, is not aware of their circumstances and, consequently, cannot be of any assistance”. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

137. The Working Group wishes to remind the Government of Eritrea 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, paragraph 6, of the Declaration.

### **France**

138. During the period under review, the Working Group transmitted one new case to the Government of France. Regarding the new case transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

139. The new case concerns **Miloud Mannsour**, an Algerian citizen. He had reportedly lived in France since 1992, after leaving Algeria. Mr. Mannsour had allegedly asked for the regularization of his status by the French authorities. Nevertheless, the prefect of the Bouches du Rhône department decided to expel Mr. Mannsour, a decision later endorsed by the administrative tribunal of Marseille. On 22 February 1999, Mr. Mannsour reportedly embarked on the boat *Liberté* from Corsica to Algeria, but his relatives in the port of Algiers never saw him disembark. Since then, his whereabouts have remained unknown.

140. In respect of this outstanding case, the Working Group awaits the response of the Government of France.

### **Greece**

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

142. Of the three cases reported to the Working Group, two concern Albanian cousins who were reportedly taken by the police in Zagora in 1993. The other case was regarding a Swiss citizen who, after being denied entry into Italy, was allegedly returning to Greece. On his arrival in Greece he allegedly disappeared.

143. During the period under review, the Government of Greece informed the Working Group that, with regard to the three outstanding cases, despite continuous efforts and investigations, there were no new developments concerning these cases.

144. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

### **Guatemala**

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

146. The majority of the 3,152 cases<sup>5</sup> 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 case reported to have taken place in 2002 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 Chiquimula.

147. 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 also provided information on the implementation plan for the Programa Nacional de Resarcimiento (PNR), a programme of compensation for victims of human rights violations derived from conclusions and recommendations of the Comisión para el Esclarecimiento Histórico (CEH), a truth commission set up after the signing of the peace agreements between the Government and the URNG.

148. Of the 254 cases clarified in the past 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**

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

150. The Working Group remains concerned that the Government has not been able to provide further information that could lead to the clarification of the almost 3,000 outstanding cases.

### **Honduras**

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

152. The majority of the 202 previously reported cases occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plainclothes 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, paragraph 361).

153. During the period under review, the Government provided information on 81 outstanding cases and updated the Working Group on the investigations and judicial proceedings that had taken place since the cases had been submitted in the 1980s. The United Nations was not able to translate this information in time for consideration by the Working Group for inclusion in the present report.

154. 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. In respect of the 129 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### India

155. During the period under review, the Working Group transmitted two new cases of disappearance to the Government of India of which one reportedly occurred in 2004 and was sent under the urgent-action procedure.

156. The majority of the 373 cases transmitted to the Government in the past occurred between 1983 and 2003, 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 such as 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. 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 two children aged 13 and 16, students, a religious leader, a musician, a businessman, a farmer, shopkeepers, a lawyer, journalists and human rights activists. 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 three other cases concerning members of the *Akhil Bharatiya Nepali Ekta Samaj* (All India Nepalese Unit Society), who were reportedly arrested in New Delhi by the Indian Special Branch Police and handed over to Nepali security officials (see section on Nepal, paragraphs 238-249).

157. One new case which reportedly occurred in 2004 concerned **Mushtaq Ahmad Dar**, a university student from Kashmir, who was reportedly arrested by army forces of the Beerwa camp. The other case concerned **Mohammad Kabir Awan**, who was reportedly arrested by the Border Security Forces. Their whereabouts remain unknown. In accordance with its methods of work, during the period under review the Working Group sent copies of four cases concerning members of the United Liberation Front of Asom (ULFA) to the Government of India because these persons were allegedly arrested by the Bhutan army and handed over to the Indian army (see section on Bhutan, paragraphs 71-73).

158. During the period under review, the Government provided information on 13 outstanding cases. In two cases, the persons reportedly had been released, but information on their current addresses was not provided. In another case, the person was in custody until 1992 and after that his whereabouts remain unknown. In another case, the person was reportedly killed in an encounter with the police and the body was reportedly identified on the spot. The Working

Group requested the Government to provide information concerning the death certificate for this person and the place of burial of the remains. In one case, the person is reportedly wanted but has not been located. In five cases, the Government denied its involvement in the alleged disappearances. Investigations for three other cases are continuing.

159. 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 318 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

160. 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 remains concerned about the large number of cases brought to its attention and the few clarifications.

161. The Working Group recalls that 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**

162. During the period under review, one new case was transmitted by the Working Group to the Government of Indonesia, which reportedly occurred in 2004 and was sent under the urgent-action procedure.

163. The majority of the 148 cases of disappearance reported in the past allegedly occurred in 1992 and between 1998 and 2000 in Jakarta, Aceh and East Timor (formerly under Indonesian control); 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. Eight other cases that occurred in 2002 and 2003 in Aceh concerned three trade unionists and a head of the Aceh Besar District Branch of the "Information Centre for a Referendum in Aceh" (SIRA), two students and a head of the production unit of TVR1 Studio at Gue Gajah. These disappearances were attributed to the Special Forces Command (KOPASSUS), Kostrad, the police, the Special Armed Forces Intelligence and the Indonesian Armed Forces.

164. The one new case concerned **Jamaluddin Ismail**, who was reportedly abducted in Sanggeue village by Tentara Nasional Indonesia (TNI, Indonesian Armed Forces) and Brimob troops during their joint operation in Delima and Garut areas, Pidie regency.

165. In the past, the Working Group clarified three cases on the basis of information provided by the Government. With regard to the 146 outstanding cases, the Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

## Observations

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

### Iran (Islamic Republic of)<sup>6</sup>

167. During the period under review, the Working Group transmitted seven new cases of disappearance to the Government of the Islamic Republic of Iran. During the same period, the Working Group retransmitted 10 cases with new information from the sources. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

168. The majority of the 521 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.

169. The newly reported cases concerned eight persons; one occurred in 1981, one in 1983, two in 1989, two in 1994 and two in 1997. In the majority of these cases, families were reportedly threatened so that they would not continue their investigations.

170. **Jahanshah Asadi Moghaddam**, from Sanadaj in Kurdistan, was reportedly executed in September 1981. According to the report, the Government has informed the family that the body was buried in a cemetery in the vicinity of Ghorveh (about 80 kilometres from Sanandaj), but no body was found by the family.

171. **Seyed Morteza Meysami**, an active member of the Organization of Iranian People's Fadaian, was reportedly arrested in Tehran on 22 May 1984 by government agents and detained in Evin prison. According to reports, the family was informed that subject died during his detention and a death certificate and a certificate of burial were issued, stating heart attack as the cause of death. The family does not trust these certificates considering the age and health condition of the subject.

172. **Babak Tehrani** and **Shahin Nikkhrou**, two Jewish Iranians, were reportedly arrested on 8 June 1994, on the Iran-Pakistan border (near Mirjaveh) by agents of Iran's Ministry of Intelligence while trying to leave the country at the Pakistan border. The Government has reportedly continuously denied arresting these persons, while reports have stated they were detained at Evin prison.

173. According to the report, **Amir Ghafouri**, a computer programmer, was forcibly abducted on the afternoon of 22 January 1997 by security forces in front of his company in Mashad. Reportedly, the way that the abduction took place and the vehicle was used were the same in



several similar operations in Mashad in that period. **Mahmoud Meydani**, brother-in-law of Amir Ghafouri, was also reportedly forcibly abducted on 12 April 1997 by security forces at his work place in similar circumstances.

174. It is reported that **Siamak Toobaei** was arrested by Revolutionary Guards at the age of 18 in August 1981, in Tehran, and spent eight years (from 1981 to 1989) in the prisons of Ghezel Hesar, Gohar Dasht and Evin as a political prisoner. Reportedly, Siamak Toobaei was last seen on 27 October 1989 in Evin prison. After that date, information from the prison authorities reportedly stated that Toobaei had a one-day leave from prison, and according to a subsequent version, that he had escaped from prison. A former prisoner reported that Toobaei had been executed. However, no information on his whereabouts, the date of his execution or his place of burial could be found.

175. The Working Group also retransmitted the cases of 11 Iranian Bahá'í arrested on 21 August 1980, with additional information received by the Working Group. Their whereabouts and fate remain unknown.

176. The Working Group received reports that people are imprisoned in several secret detention centres in and around Tehran. The number of secret detention centres is unknown. According to the information received, extralegal State agencies such as the *Basiji* (militia), and *Ansar-e Hizbollah* (partisans of the party of God), and various intelligence services outside of the Ministry of Intelligence have secret prisons and interrogation centres at their disposal. The number of illegal detention centres not under the direct control of the National Prisons Office is reportedly unknown. The centres are said not to be officially registered as prisons, do not record the names of their prisoners, and information about their budgets, administration, and management is not known even by relevant government authorities.

177. 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. In respect of the 512 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## Observations

178. The Working Group regrets that the mission to the Islamic Republic of Iran scheduled to take place in July 2004 has been postponed and 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 the period under review.

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

180. The Working Group is deeply concerned regarding reports of the existence of secret detention centres. The Group reminds the Government that such centres are typically associated with the phenomenon of disappearance. The Working Group reiterates to the Government its obligation under article 10 of the Declaration that people deprived of their liberty be held in an

officially recognized place of detention, that they be brought before a judicial authority promptly after detention, that accurate information on the place of detention be made available to their family members and counsel and that official up-to-date registers of persons detained be maintained.

181. The Working Group wishes to remind the Government of Iran 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, paragraph 6, of the Declaration.

### **Iraq**

182. During the period under review, the Working Group transmitted one new case of disappearance to the interim Government of Iraq.

183. The majority of the 16,516 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.

184. The newly reported case concerns a French journalist, **Frédéric Nerac**. His disappearance occurred on the second day of the invasion of Iraq in March 2003, near Az Zubayr on the southern road to Bassorah. Iraqi forces reportedly may have been responsible for his disappearance.

185. In 2003, 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 (CPA) in Iraq,<sup>7</sup> expressing the Group’s deep concern and requesting information on the measures being taken by the CPA to safeguard evidence to permit future investigations, to locate and identify the remains of persons who may have disappeared, and to provide it with the names of persons buried in mass graves or any other information that can contribute toward locating disappeared persons (see section on United States of America, paragraphs 356-364).

186. Following the request made by the Working Group to the CPA, the Government of the United States of America provided the following information. They stated that Iraqi regional human rights officials and advocates estimate that as many as 1.3 million Iraqis were reported missing under the former regime and that approximately 300,000 people were buried in mass

graves. The CPA established an Office of Human Rights and Transitional Justice (OHRTJ) to create mechanisms for the Iraqi people to begin to deal with past human rights abuses. To ensure sufficient evidence for trials against former regime officials, the OHRTJ worked with Iraqi officials to develop a Mass Grave Action Plan, which is being implemented by the Iraq Special Tribunal (IST) and the Iraqi Human Rights Ministry. Furthermore, to identify missing persons, the OHRTJ assisted the Iraqi Human Rights Ministry in developing an Iraqi Bureau of Missing Persons. They reported that training was planned for Iraqi officials, experts and non-governmental organizations to carry out exhumations. The CPA also supported newly-formed Iraqi non-governmental organizations, including those working on behalf of the disappeared. In respect of names of persons whose bodies have been found in mass graves or any other information that could contribute toward the clarification of cases, the Government of the United States of America referred the Working Group to the Iraqi Human Rights Ministry and the Iraqi Bureau of Missing Persons.

187. Of the 130 cases previously 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 16,387 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

188. Iraq remains the country with the highest number of disappearances reported to the Working Group. The Group urges the Iraqi interim Government to provide information that could lead to the clarification of more than 16,000 cases.

189. In response to a letter sent to the Administrator of the CPA, the Working Group welcomes the detailed information provided by the Government of the United States of America regarding the efforts to identify remains in mass graves.

190. The Working Group urges the Iraqi interim Government to make its best efforts to protect mass grave sites.

### **Japan**

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

192. The outstanding cases of disappearance concern Japanese nationals who were allegedly abducted in Japan by secret agents of the Democratic People's Republic of Korea in the years 1977-1980.

193. During the period under review, the Government of Japan provided information on these outstanding cases. Regarding the one case of alleged abduction for which the Democratic People's Republic of Korea does not acknowledge its involvement, the Government of Japan informed the Working Group 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 that State. The Government reaffirmed its position that the information provided by the Government of the Democratic People's Republic of Korea is unreliable and incomplete.

194. The Government of Japan reported that, subsequent to the Japan-Democratic People's Republic of Korea summit of 22 May 2004, a total of five children of the abductees have returned to Japan. Following the meeting of the Foreign Ministers of the two countries on 1 July 2004, more abductees left the Democratic People's Republic of Korea and were reunited with their relatives in Jakarta on 9 July 2004. All four family members returned to Japan on 18 July.

195. During the same period, the Working Group met with representatives of the Government of Japan and engaged in an exchange of views with regard to the cases of missing Japanese nationals.

196. In accordance with its methods of work, and subsequent to information provided to the Working Group, it was decided to transfer five cases previously listed under Japan to the outstanding cases of the Democratic People's Republic of Korea, where these disappeared persons were last seen. The Government of Japan confirmed that the families of the victims have been informed of the transfer of these cases and have made no comments.

197. Regarding the one outstanding case where the person was last seen in Japan, the Working Group is unable to report on the fate or whereabouts of the disappeared person.

#### **Kuwait**

198. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait. During the same period, the Government provided new information about the one outstanding case.

199. The one case reported in the past concerned a person described by the source as a "*bedoun*" of Palestinian origin, carrying 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 they moved to another country.

200. During the period under review, the Working Group met with representatives of the Government of Kuwait to exchange views regarding the one outstanding case. According to the Government, despite efforts, no new progress had been made in this case. It was also stated that a new inquiry could be opened if new elements were presented by the family. They stated that subject's name did not appear in the hospital records where witnesses allegedly saw him. The Government expressed its willingness to meet the family in Kuwait or abroad for further discussion about the case. The Working Group transmitted this proposal to the family and is actively facilitating this meeting.

201. The Working Group received information from the Government of Kuwait regarding personnel working at the hospital at the time of the alleged disappearance.

202. In respect of the one outstanding case, the Working Group is unable to report on the fate and whereabouts of the disappeared person.

### **Lao People's Democratic Republic**

203. 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.

204. Of the six cases reported to the Working Group, five 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.

205. During the period under review, the Government repeated the same information that they had sent to the Working Group in the past regarding these six outstanding cases. The Government stated that they had no new information about these cases.

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

### **Lebanon**

207. During the period under review, the Working Group transmitted no new cases of disappearance to the Government of Lebanon.

208. The majority of the 321 cases<sup>8</sup> reported in the past occurred in 1982 and 1985 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, including seven cases reported last year, concerned persons who were allegedly arrested between 1976 and 2000 by the Syrian army, the Syrian Intelligence Service 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.

209. During the period under review, the Government transmitted a reply in relation to all 313 outstanding cases. According to the Government, the General Department for Public Security reported that, according to the findings of the committee established by Prime Ministerial decision No. 60/2000 of 21 January 2000 to investigate the fate of abducted or disappeared persons, there are no abducted persons who were members of a political party or an organization that was active on the Lebanese scene until 1990.

210. Of the eight cases clarified by the Working Group in the past, two were clarified on the basis of information provided by the Government and six on the basis of information provided by sources. In respect of the 313 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Libyan Arab Jamahiriya**

211. During the period under review, the Working Group transmitted no new cases of disappearance to the Government of the Libyan Arab Jamahiriya.

212. Of the four outstanding cases, there was one Palestinian national who was allegedly arrested in 1996 in Tubruk on suspicion of having links with a religious opposition movement. One case concerned a Sudanese translator at the World Centre for Studies and Research of the Green Book in Tripoli who reportedly disappeared in 1983. 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. The other 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.

213. Concern was expressed by non-governmental organizations about the disappearances of political prisoners, especially since 1996, the disappearances of Libyan nationals abroad and of foreign nationals visiting Libya. Reports indicate that the number of cases before the Working Group may not fully reflect the phenomenon of disappearances in the Libyan Arab Jamahiriya. It is alleged that political opponents are held in prolonged incommunicado detention by the Internal Security Agency. The use of torture and ill-treatment to extract confessions is widely reported. Allegedly, the fate of dozens of political prisoners remains unknown. It is reported that hundreds of families still do not know whether their relatives are alive or dead, or how they died. Furthermore, the fear of reprisal and an allegedly unfair judicial system make any inquiries on the whereabouts of these persons extremely difficult. Finally, serious concern was expressed by non-governmental organizations at the continuing impunity for the perpetrators of human rights violations.

214. In recent years, it was reported that the Libyan authorities have taken some positive measures to address the human rights situation. The Government released nearly 300 prisoners in 2001 and 2002, including prisoners of conscience detained since 1973. It also opened the country to a degree of international scrutiny. In April 2004, Colonel al-Gaddafi reportedly called on Libyan authorities to undertake without delay institutional reforms and other measures necessary to address fully the grave human rights concerns outlined in reports received.

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

### **Malaysia**

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

217. The one outstanding case of disappearance reportedly occurred in 1998 and concerns an Acehnese activist of Indonesian nationality with permanent resident status in Malaysia. In the

past, the Government replied that this person had been arrested and released. It further stated that Royal Malaysian Police had concluded an investigation as to his whereabouts and were unable to confirm the present whereabouts of the subject.

218. During the period under review, the Working Group met with the Deputy Commissioner of Police (Special Branch Unit, Royal Malaysian Police) and a representative of the Permanent Mission of Malaysia to the United Nations Office at Geneva to discuss the one outstanding case. According to the Government, the person in question was born on 16 July 1953 at Luk Dalam, Perlak, Aceh, Sumatera, Indonesia. He migrated to Malaysia on 6 December 1989. On 31 October 1992, he obtained Malaysian permanent resident status and was subsequently issued with a Malaysian identity card, number 530716-71-5043. In Malaysia, he earned his living by selling fruits not far from his residence at No. 18, Jalan 8, Taman Selayang, Selangor. The Government repeated all of the information provided in its letter to the Working Group of 2002. It also refuted the statement that the subject was taken from his home in Gombak, Kuala Lumpur, on 27 March 1998 and has not been seen since. The Government stated that the subject was released on 12 January 1998, and that it is simply not able to provide any further information, having exhausted all lines of inquiry.

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

### **Mauritania**

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

221. The one outstanding case of disappearance reportedly occurred in 1990 and concerns a 21-year-old man who was allegedly taken by members of the National Guard in a village in southern Mauritania during the evening curfew.

222. During the period under review, the Working Group met with the ambassador of the Permanent Mission of Mauritania to the United Nations Office at Geneva to exchange views regarding the one outstanding case.

223. The Working Group is unable to report on the fate and whereabouts of the person concerned.

### **Mexico<sup>9</sup>**

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

225. The majority of the 377 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, and 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 security

forces, and the army. In 2003, reported cases concerned a member of the Organización de Pueblos Indígenas Zapotecos (OPIZ), two men allegedly arrested in the State of Chiapas by members of the Procuraduría General de Justicia del Estado (PGJE), an officer belonging to the Secretaría de Seguridad Pública del Distrito Federal arrested by the police in Delegación 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.

226. During the period under review, the Working Group met with representatives of the Government of Mexico and of the National Commission on Human Rights (*Comisión Nacional de Derechos Humanos, CNDH*). The Commission presented its annual report on activities, and engaged in an exchange of views regarding the outstanding cases.

227. During the period under review, CNDH sent to the Working Group a special report on the homicides and disappearances of women in Ciudad Juárez (State of Chihuahua). The Working Group was unable to review this report because it had not been translated in time for the final session for inclusion in the present report.

228. During the period under review, the Government provided information on 195 outstanding cases concerning their investigation by competent police authorities and by the National Human Rights Commission. In respect of 12 cases, the Government provided detailed information on the developments of investigations relating to the disappeared persons. In respect of two other cases, the Government reported that the persons were alive but no addresses were provided. In respect of the remaining cases, the Government reported that the National Human Rights Commission had recommended the establishment of a Special Prosecutor's Office to investigate who was responsible for the disappearances.

229. 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 207 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

230. The Working Group expressed its hope that the Government will provide more detailed and relevant information that could lead to the clarification of more than 300 outstanding cases.

## **Morocco**

231. During the period under review, no new cases were transmitted by the Working Group to the Government of Morocco. At the same time, the Working Group clarified four cases of disappearance on the basis of information provided by the Government, on which no observations were received from the sources.

232. In one case, the Government provided a copy of a decision for the payment of compensation. In another case, the prisoner was released, following a royal pardon of



7 November 2001, and the address of his place of residence was presented. In two cases, copies of the death certificates or of the person's medical autopsy reports were provided to the Working Group.

233. The majority of the 249 cases the Working Group has transmitted to the Government 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 well-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 persons.

234. During the period under review, the Government provided information on 106 outstanding cases. Given time limitations, 42 cases were reviewed by the Working Group. This information was subsequently transmitted to the sources. In 14 cases, it is reported that the persons died during detention and that in 13 cases, relatives received compensation from the Consultative Commission on Human Rights. In eight cases, the Government reported that the subjects died from natural causes or accidents. In three cases, persons died in shootings. In two cases, the subjects were pardoned and received compensation. In three other cases, the persons were pardoned and their addresses were provided. In four cases, the Government provided information on the actual situation of the subjects. In eight cases, investigations could not locate the persons' whereabouts.

235. Of the 141 total 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 the remaining 108 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## **Observations**

236. The Working Group reminds the Government of Morocco of its obligation under article 13, paragraph 6, of the Declaration to clarify all cases.

237. 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.

## **Nepal**

238. During the period under review, the Working Group transmitted 136 new cases to the Government of Nepal, of which 125 were sent under the urgent-action procedure. Seven urgent-action cases were sent jointly with other United Nations Special Procedures. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report. The Working Group clarified seven cases on the basis of information provided by the source and one case on the basis of the information provided by the Government.

239. The majority of the 166 cases previously reported allegedly occurred between 1998 and 2003 in the context of counter-insurgency operations launched by security forces against members and supporters of the Communist Party of Nepal (CPN-Maoist), which had declared a “people’s war” in February 1996. During the first phase of this conflict, disappearances occurred during police operations (1998). As security operations intensified, the number of cases reported increased during 1999 and 2001, particularly after November 2001, following the declaration of a state of emergency and the deployment of the army. Following the breakdown of a seven-month ceasefire on 27 August 2003, there was a rapid escalation in the number of disappearances. The disappearances were attributed to security forces personnel, the armed forces and the police.

240. Profiles of the reported victims included women, students, businessmen, farmers, workers, a writer, a government employee and human rights defenders. Victims included the Chairman of the Gorkha District Bar Association, a member of the Forum for the Protection of Human Rights, two members of the Nepal Bar Association, the Acting President of the *Nepal Bidhyarthi Sangh* (Nepal Student Union), a member of the central committee and the chairperson of a district committee of Nepal Teachers Organization; the Secretary of Raniyapur Village Development Committee; a Central Committee member of the Women’s Association (Revolutionary); and 22 members of the All Nepal National Free Students Union. 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 these latter cases were sent to the Government of India. (See also section on India, paragraphs 155-161.)

241. The 136 cases transmitted during the period under review occurred in 2003 and 2004.<sup>10</sup> Most cases concern persons who were arrested by unidentified security forces personnel in plain clothes from their home, often at night or early morning. Although disappearances are reportedly taking place across the country, the majority of cases reported to the Working Group occurred in and around Kathmandu and other districts in central Nepal. The victims included women, a priest, a secondary school student, a medical doctor, government employees, journalists, political party workers, activists of non-governmental organizations, and a 15-year-old girl. Other cases concerned activists of the Nepali Congress Party and the Rastriya Prajatantra Party; former members of the Nepal Teachers Organization and the All Farmers Union; the Central Chairperson of the Nepal Majhi Women’s Development Committee; and the secretary of National Indigenous Women Federation. In a large number of cases, appeals were made to the National Human Rights Commission (NHRC), the Human Rights Protection Center at the Prime Minister’s Office, and to the Home and Defence Ministries.

242. Concern was expressed by international and local non-governmental organizations about a widespread pattern of disappearances in Nepal. The most common pattern is that people suspected of CPN (Maoist) involvement are arrested by unidentified security forces personnel, often in civilian dress, and are held in incommunicado detention. It was reported that the practice of holding people in army barracks contravenes the Nepal Army Act, which stipulates that military authorities are not authorized to hold persons in detention but must transfer detainees to civilian authorities within 24 hours of arrest. The key factors tending to allow disappearances seem to be: incommunicado detention; the Terrorist and Disruptive Activities (Control and Punishment) Act 2002 (TADA) and the Public Security Act; the absence of a law criminalizing disappearances,

weakness of the habeas corpus procedure and the failure to ensure victims' rights to information or to reparation. The Government is urged by non-governmental organizations to strengthen the institutional and legal frameworks to prevent disappearances. In particular, it was said to be vital that the NHRC be strengthened, allowed to operate without interference, and supported in establishing an effective presence within the regions. It was considered a positive step that an Investigative Commission on Disappearances was established at the governmental level. The Commission is expected to investigate all alleged cases of disappearances and identify possible preventive measures.

243. During the period under review, the Chairman of the Working Group issued a joint statement, dated 14 July 2004, with seven other United Nations independent experts, expressing serious concern about the grave human rights situation in Nepal. The experts indicated that, since the beginning of 2004, they had transmitted 146 urgent appeals and other communications to the Government of Nepal regarding reported violations of human rights. In addition, on the occasion of the International Day of the Disappeared, the Working Group issued a statement on 27 August 2004 in which it emphasized its particular concern over the situation of disappearances in Nepal.

244. During the period under review, the Working Group met with representatives of the Government of Nepal and discussed a possible visit to the country. The representatives made a presentation about the Government's extensive efforts to bring the Maoists into mainstream politics and the measures taken to protect human rights.

245. During the period under review, the Government provided information on 56 outstanding cases. In nine cases, the persons were reported to be detained and an address of their location was provided. In five cases, the persons were reported to be living in their homes. The Working Group decided to apply the six-month rule (see paragraph 3) to these 14 cases. In 13 cases the Government reported that the persons were released; in another case, the person was reportedly not under police detention and no information was provided as to their current whereabouts. In 28 cases, investigations are reportedly continuing. This information was not sufficient to apply the six-month rule to these cases or to consider them clarified.

246. Of the 38 cases clarified by the Working Group, 4 were clarified on the basis of information provided by the Government. A further 34 cases were clarified on the basis of information provided by the source. In respect of the 264 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

247. The Government invited the Working Group to visit Nepal in 2004. This invitation was accepted and a visit was scheduled for December 2004.

## **Observations**

248. Nepal was the source of the largest number of urgent-action cases transmitted by the Working Group in 2004. The Working Group is gravely concerned about the number of new cases of disappearance in Nepal.

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

### **Paraguay**

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

251. 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.

252. During the period under review, the Government provided information on three outstanding cases. With regard to one of these cases, the Government informed that the Inter-American Commission on Human Rights had decided to admit the case. The Government informed that applications of habeas corpus could be filed by relatives through Court No. 175, and had been initiated in one case. In this same case, criminal proceedings were in the preparatory phase before the competent court. With regard to the two other cases, the Government reported that it was doing its utmost to ascertain the whereabouts of the disappeared persons.

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

### **Peru<sup>11</sup>**

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

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

256. Concern was expressed by non-governmental organizations about the slow progress in the proceedings of 40 disappearance cases submitted to the Office of the Public Prosecutor by the Truth and Reconciliation Commission (TRC). Although some positive steps have been taken

by the Peruvian authorities, out of the 43 cases so far presented by TRC to the Office of the Public Prosecutor, proceedings have been initiated in only 3 cases. Concern was also expressed regarding three further issues: the referral to a military court of alleged disappearances committed by a former Commander in Chief of the armed forces; the lack of adequate funding for the necessary investigations by the newly created bodies; and the lack of political will to provide reparations and compensation to the victims and their families.

257. Of the 638 cases clarified in the past by the Working Group, 253 were clarified on the basis of information provided by the Government and 385 on the basis of information provided by the source. In respect of the 2,368 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

## Observations

258. The Working Group wishes to remind the Government of Peru 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, paragraph 6, of the Declaration.

## Philippines

259. During the period under review, the Working Group transmitted 25 new cases of disappearance to the Government of the Philippines, 3 of which were sent under the urgent-action procedure. One urgent action case was sent jointly with other United Nations special procedures.

260. The majority of the 688 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 Infantry Battalions of Philippines Army (IBPA), other identified military organizations or police units such as the Philippine Constabulary, the Central Intelligence Unit, the military police, the Intelligence Service Unit (ISU), and airborne troops. Alleged victims included 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.

261. Of the newly reported cases, four occurred in 2004. In two cases, **Rolando Portaleza** and **Jacqueline Paguntalan**, members of Bayan Muna Party List, were allegedly abducted at the Agata beach resort, Baranguay Kilim, Baybay, by Tagalog-speaking persons in civilian clothes believed to belong to the ISU of the 8th Infantry Division of the Philippines Army. Another case concerns **Alvin S. Valdez**, who was allegedly arrested in Kidapawan City, Mindanao, by armed

police officers wearing balaclavas. According to witnesses, one of them was not wearing a balaclava and was recognized as the Chief of Police of Kidapawan. In the final case, **Carpit M. Jimlan** was reportedly abducted in Davao City by three armed men with long firearms. Allegedly, he was arrested instead of Maadil Sapari. The other 21 newly reported cases<sup>12</sup> occurred between 1977 and 1993. More than half of the reported victims were farmers. Those concerned include a staff member of the Suriago-Agusan Workers Solidarity (SAWS), a community organizer in Northern Luzon, and a member of the People's Youth Organization known as the "Samaang Demokratikong Katahan (SDK)". One case concerns an 11-year-old girl from a peasant family who is a student from the Lanao elementary school. Another case concerns a member of NPA, who was reportedly killed in an armed encounter. NPA informed his family of the place where his body was buried, but the family could not locate his body due to the military presence and intervention in the area. In five other cases, the persons were reportedly suspected as members of NPA. The disappearances were attributed to the police, the military forces, IBPA, the Integrated Civilian Home Defence Force, army scout rangers, the Presidential Anti-Organized-Crime Task Force, Police Volunteers for Anti-Crime, the "General Headquarters", and the Criminal Service Group.

262. The Working Group visited the Philippines in 1991. The main recommendation to the Government was that the national police should be severed from the army and be put under a different cabinet minister. The Working Group suggested that the Government should introduce legislation to narrow powers of arrest by strictly circumscribing which category of public official may arrest civilians for which category of offence. It was also recommended that the Philippines Commission on Human Rights be empowered to make unannounced spot-checks into places of detention. Protection of witnesses and an overhaul of the law and habeas corpus practice were recommended in order to expedite the procedure and make it more effective (see E/CN.4/1991/20/Add.1, paragraph 168).

263. During the last year, non-governmental organizations reported to the Working Group on the drafting of legislation in the Philippines to define the act of forced disappearance as a crime. Local organizations expressed their interest in the prompt adoption of such a law.

264. 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 this year from the Government in respect of the 556 outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

265. The Working Group invites the Government to report on the implementation of the recommendations from the Working Group visit of 1991.

### **Russian Federation**

266. During the period under review, the Working Group transmitted 160 new cases to the Government of the Russian Federation. Of these, five cases reportedly occurred in 2004 and were sent under the urgent-action procedure. During the same period, the Working Group reviewed a reply of the Government of the Russian Federation in 42 cases. Additional

information from the source was received by the Working Group on one case that was subsequently transmitted to the Government of the Russian Federation. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

267. The majority of the 261 outstanding cases transmitted in the past concerned persons of ethnic Ingush origin who allegedly disappeared in 1992, in the context of the fighting between ethnic Ossetians and the Ingush. Of the remaining past cases, many were reported to have occurred in the Republic of Chechnya, the majority since 1994, in the context of the conflict between the Government and rebel forces. The disappearances were alleged to have been carried out by Russian military forces.

268. Urgent-action cases transmitted to the Government during the period under review include **Eliza Adneva Gaitamirova**, who was reportedly taken to an unknown destination by several men in camouflage uniforms and masks on 15 January 2004. This reported abduction occurred after Gaitamirova's arrest on 1 December 2003, following an order to present herself at the Urus-Martan police station in Chechnya, where she was detained until 1 January 2004 by the Department for Criminal Investigations. It was noted that Gaitamirova's husband reportedly disappeared in 2001. The Government replied to the Working Group that they had confirmed that the abduction had taken place as described and, on 25 January 2004, the Urus-Martan district procurator's office opened a criminal case on the basis of evidence of an offence of abduction under article 126, paragraph 2 (a) of the Criminal Code of the Russian Federation.

269. The second case concerns **Milana Kodzoeva**, reportedly taken on 19 January 2004, by several men who did not allow her to take her young children, one of whom she was still breastfeeding. This incident occurred after her questioning on 5 and 9 January 2004 by a member of the Russian federal forces about allegations that she had wanted to become a "suicide bomber" and had plans to go to a training camp for Chechen fighters. She had reportedly denied all these allegations. In connection with this abduction, the Government reported that, on 19 January 2004, the Achkhoy-Martan Interdistrict procurator's office opened a criminal case on the basis of evidence of an offence under article 126, paragraph 2 (a) of the Criminal Code. The criminal cases of both Gaitamirova and Kodzoeva are being investigated under the supervision of the Office of the Procurator of the Chechen Republic.

270. It was reported that, on 11 March 2004, **Rashid Borisovich Ozdov**, Deputy Procurator of the Republic of Ingushetia, was stopped by three cars, one of them allegedly identified as belonging to the Ingush department of the Federal Security Service (FSB) and he was then taken to an unknown location. In a reply from the Government of 30 June 2004, they stated that, on 14 March 2004 the procurator's office of the Republic of Ingushetia initiated criminal proceedings under article 126, part 1, of the Criminal Code of the Russian Federation (abduction). An investigation team was set up to handle the case. In a second communication from the source, the Working Group was informed that two FSB officers, both working in Ingushetia, had admitted to the abduction and the torture of Ozdov. Reportedly, the Ingush FSB has denied these allegations. The source states that another officer, Igor N. Onishchenko, from the Stavropol FSB branch, wrote a letter to the Procurator General of the Russian Federation claiming that he had been involved in the torture of 50 people and the killing of 35. Reportedly, this letter was published in the Russian newspaper *Novaya Gazeta* on 27 May 2004.

Igor Onishchenko did not disclose a name, but admitted that he had detained a local procurator who had made a complaint against the head of the Ingush FSB, and that he broke this man's hands and feet.

271. The Working Group was informed that on 16 June 2004, **Aslan Idigov** was taken from his house by men speaking Chechen who had arrived in two UAZ-469 jeeps, marked "police" on the sides. Since then, his whereabouts remain unknown.

272. **Mannopzhon Rakhmatullayev**, an Uzbek national, was reportedly abducted on 21 July 2004 from his house in Marx, by three men working on the instructions of the Uzbek authorities and taken to an unknown destination. A reply has been received from the Government regarding this case, but has not been reviewed by the Working Group, pending translation by the United Nations.

273. The majority of the remaining 155 cases transmitted<sup>13</sup> for the first time by the Working Group to the Russian Government during the period under review occurred in 2000 and 2001 in Chechnya. In most of these cases, the persons disappeared after being arrested during sweep arrest operations or targeted operations, by military servicemen, or by Special Forces (such as the OMON) from various parts of the Russian Federation. These operations mainly targeted men but women also were reported to have disappeared. Some cases concerned Chechen combatants that had surrendered or who had been previously amnestied. But in the vast majority of the cases, no direct link between the missing person and the Chechen combatants was reported. In most of these cases, a criminal case was opened under article 126 of the Criminal Code of the Russian Federation ("abduction of a person") but almost all were reported to have been suspended in accordance with article 195 of the Criminal Procedure Code (inability to locate the responsible parties and bring them to trial).

274. The Working Group received reports stating that numerous disappearances continue to be committed with impunity in the Republic of Chechnya. Reportedly, an increasing number of these human rights abuses are blamed on an armed group under the command of a senior political official in Chechnya. It is additionally reported that women have been increasingly the target of enforced disappearances. Furthermore, the reports state that Ingushetia is now being targeted by Russian and Chechen security forces for raids which have resulted in dozens of disappearances.

275. On 4 November 2004, the Chairperson-Rapporteur of the Working Group and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Leïla Zerrougui, issued a joint press release on a statement made before the State Duma, on 29 October 2004, by the Prosecutor General of the Russian Federation calling for a law to allow the authorities to detain relatives of terrorists by force as a measure against hostage-taking. In this press statement, the Chairpersons-Rapporteur condemned terrorism and reaffirmed the rights and duty of States to take effective measures against acts of terrorism. Nevertheless, they recalled that detaining innocent people as hostages of the State in order to combat abductions and terrorism is contrary to the most elemental international human rights principles and norms. They recalled that this proposal goes against not only international law, but also against the Russian Constitution and internal law.



276. During the period under review, the Government replied regarding 42 outstanding cases, stating that criminal cases have been opened in each case.

277. Two responses from the Government of the Russian Federation regarding four cases were received but due to the delay required for translation, they could not be reviewed by the Working Group in time to be included in the present report.

278. In the past, the Working Group clarified two cases on the basis of information provided by the source.

279. In respect of the 420 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

280. The Working Group is gravely concerned about the new cases that continue to occur in the Russian Federation and the large number of unresolved cases arising from the conflicts in the northern Caucasus. The Working Group reiterates to the Government its obligation under the Declaration to prevent and to terminate all acts of enforced disappearance.

281. The Working Group is concerned that article 195 of the Criminal Procedure Code of the Russian Federation is used to suspend criminal investigations in cases of reported disappearances. The Working Group wishes to remind the Government of the Russian Federation of its obligation 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, paragraph 6, of the Declaration on the Protection of All Persons from Enforced Disappearance.

282. The Working Group wrote to the Permanent Mission of the Russian Federation to the United Nations Office at Geneva expressing its interest in a visit and awaits the response from the Government.

### **Rwanda**

283. During the period under review, the Working Group transmitted one new case to the Government of Rwanda. At the same time, the Working Group retransmitted one case with new information. Regarding the new case, transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

284. Most of the 21 outstanding cases transmitted in the past occurred between 1990 and 1996. Of these, five 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 what was 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, paragraph 122).

285. The newly reported case concerns **Augustin Cyiza**, a former law professor, lieutenant colonel and Vice-President of the Supreme Court, who was reportedly arrested on 23 April 2003 by a commando unit of the Rwandan army. Reportedly, Cyiza was interrogated at the KAMI camp for five days and taken to an unknown destination on the night of 28 April 2003.

286. Reports received by the Working Group indicate that the phenomenon of disappearance is much more widespread than would be assumed given the number of cases received to date. Reports also indicate continuing harassment of the relatives of disappeared persons.

287. In the past, the Working Group clarified two cases on the basis of information provided by the source.

288. In respect of the 22 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Saudi Arabia**

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

290. The three 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.

291. During the period under review, the Working Group met with representatives of the Government of Saudi Arabia and engaged in an exchange of views with regard to general allegations from non-governmental organizations transmitted by the Working Group to the Government in 2003.

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

### **Spain**

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

294. Of the five cases reported in the past, two concerned members of the Guerrilla Group of the East Coast and Aragon (*Agrupación Guerrillera de Levante y Aragón*, or AGLA). The disappearances were allegedly perpetrated by the Guardia Civil and occurred in 1947 and 1949.

Another case concerns a farmer, who belonged to the guerrilla group *Federación de Guerrillas Astur-Galaico Leonesas, 2DA, Agrupación de Orense*, whose disappearance in 1950 in Avila was alleged to have been carried out by the Guardia Civil.

295. Two other cases of disappearance listed under Spain concerned Japanese nationals who had allegedly been abducted in 1980 from this country by agents of the Democratic People's Republic of Korea. In accordance with its methods of work, and subsequent to new information provided to the Working Group, it was decided to transfer these two cases to the Democratic People's Republic of Korea, where the disappeared person was last seen (see section on Democratic People's Republic of Korea, paragraphs 115-117).

296. During the period under review, the Government of Spain provided the Working Group with information on royal decree 1891/2004 of 10 September 2004, creating an "Inter-ministerial Commission for the Study of the Situation of the Victims of the Civil War and of Francoism". The Working Group welcomes this information.

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

### **Sri Lanka**

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

299. The 12,277 cases reported in the past are alleged to have occurred in the context of two major conflicts in that country: the confrontation between Tamil militants and Government forces in the North and North-east of the country and that between the People's Liberation Front (JVP) and government forces in the south. Between 1987 and 1990, the disappearances occurred mainly in the southern and central provinces and coincided with extreme violence on the part of both security forces and JVP. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have been confined primarily to the eastern and north-eastern provinces of the country. In the one case which occurred in 2003, a man was allegedly arrested by police officers and last seen by his relatives at the Watthegama Police Station in the Kandy District.

300. During the period under review, the Government provided information on one outstanding case, which reportedly occurred in 2003. The investigation was carried out by the Special Investigation Unit (SIU), which reported that this case was a false complaint made by the relatives of the person concerned due to a family dispute. Information on the exact whereabouts of the person was provided. The Working Group decided to apply the six-month rule (see paragraph 3) to this case.

301. The Working Group undertook three field missions to Sri Lanka, in 1991, 1992 and 1999. The central 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 had 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.

302. According to its records, the Government has so far provided information in respect of a total of 11,655 outstanding cases. The Working Group secretariat continues to process this information for the Working Group's review.

303. Of the 5,377 cases clarified by the Working Group, 5,338 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.

304. The Working Group would like to note receipt of responses from the Government regarding a large number of cases, at a time when there was insufficient secretariat staffing to process them. Efforts are currently being directed to address this backlog. While reviewing files, discrepancies in statistics have been corrected, resulting in a change in numbers. The Working Group has heard reports from non-governmental organizations, expressing their concern that the Working Group should continue to closely examine the clarification of cases.

### **Observations**

305. 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.

306. The Working Group invites the Government to report on the further implementation of the recommendations from the Working Group visits in 1991, 1992 and 1999.

### **Sudan**

307. During the period under review, the Working Group transmitted 55 cases to the Government of Sudan. Of these, one case reportedly occurred in 2004 and was sent under the urgent-action procedure. Regarding the new cases transmitted after 15 September 2004, it must be understood that the Government may not have been able to respond prior to the adoption of the present report.

308. The majority of the 267 cases of disappearance reported in the past concerned 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces, and taken to a Government-controlled "peace camp". One case concerns

a member of the Communist Party of Sudan who was allegedly arrested by the security forces in Khartoum; he had reportedly been arrested four times previously and had spent a total of over two years in prison.

309. The case that was transmitted under the urgent action procedure concerned **Abdallah Bashir**. Reportedly, Bashir was arrested, along with 21 other men, by members of the national security forces on 31 July 2004. According to the source, these men were detained for one day in the national security office and then transferred to the Nyala prison and ill-treated. They were reportedly arrested at a camp for internally displaced persons in Kalma, 17 km south of Nyala in south Darfur state because they were protesting the Government's attempts to return them to the villages from which they were forcibly displaced. It is further reported that, on 2 August 2004, these internally displaced persons were charged with public order offences, under article 69 of the Sudan penal code and presented to a court. Reportedly Bashir was not present at the hearing, because he was in hospital as a result of being tortured, possibly in the Nyala military hospital. Reports indicate that Bashir could not be located and that he was not present at a subsequent court session on 7 August 2004.

310. The remaining 54 cases<sup>14</sup> transmitted to the Government for the first time concerned mainly members of the Sudan Liberation Army (SLA) who were allegedly arrested after clashes with government forces in Dissa and Abu Gamra in June and August 2003. Three cases concerned civilians who were arrested by government forces at Serif Amra in July 2003.

311. The Working Group has received reports from non-governmental organizations stating that many people have been arrested and have disappeared as part of the humanitarian disaster in the Darfur region of Sudan. These disappearances allegedly happened in a situation of confusion, with families fleeing to Chad and to towns within Darfur. These reports state that it is extremely difficult for anyone, including relatives, to find out the names of the detainees confined in the detention centres in Darfur. No lists are published and relatives enter the detention centres with difficulty, if at all. Allegedly, many of those detained for political reasons are held secretly, without any access to the outside world.

312. According to reports, the disappearance of detainees and captured combatants is particularly worrying. Some captured combatants may by agreement now be working with government forces, as reportedly happened to combatants from the SLA captured during the war in the South. However, there is a danger that those who have not been released may have been extra-judicially executed.

313. Of the 203 cases clarified by the Working Group, 200 were clarified on the basis of information provided by the Government and 3 on the basis of information provided by the source. The Working Group is unable to report on the fate and whereabouts of the 120 outstanding cases.

## **Observations**

314. The Working Group is gravely concerned about the situation of disappearances in Darfur.

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

316. The Working Group is deeply concerned regarding reports of the existence of secret detention centres. The Group reminds the Government that such centres are typically associated with the phenomenon of disappearance. The Working Group reiterates to the Government its obligation under article 10 of the Declaration that people deprived of their liberty be held in an officially recognized place of detention, that they be brought before a judicial authority promptly after detention, accurate information on the place of detention be made available to their family members and counsel, and official up-to-date registers of persons detained be maintained.

### **Thailand**

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

318. 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 undocumented immigrants. The last case occurred in 1991 and concerned the President of the Labour Congress of Thailand, who reportedly disappeared from his union office in Bangkok, three days after organizing a protest rally.

319. During the period under review, the Government provided the Working Group with information on the measures undertaken by the Government of Thailand with regard to the events of May 1992. On 19 November 2003, the independent committee to conduct investigations on disappeared persons and to provide assistance to the victims of the 1992 democracy uprising incident submitted to the Cabinet recommendations on measures to redress the plight of the relatives of those who lost their lives or disappeared during the events of May 1992. The recommendations included psychological redress, provision of access to social or public services, and the prevention of excessive use of force in maintaining public order. On 19 November 2003, the legal committee of the Cabinet considered those recommendations and submitted a wide range of conclusions to the Cabinet. According to the conclusions, some measures have already been taken and the government agencies concerned are in a position to act upon the recommendations by the Independent Committee within the boundary of existing laws and regulations. The Ministry of Education has reportedly included the democracy uprising of May 1992 in secondary school textbooks. The Ministry of Defense has also incorporated human rights into the curriculum of the military school at all levels. The Government reported that, on 30 December 2003, the Cabinet approved the recommendations of the Independent Committee in accordance with suggestions from the Legal Committee.

320. During the period under review, the Government provided the Working Group with information on 31 cases. In one case, the Government provided the current address of the person and the Working Group decided to apply the six month rule (see paragraph 3). In 20 cases, the persons could not be accounted for. In eight cases, the investigations were in progress. In two cases, the persons were reportedly found; however information on the exact whereabouts of these persons was not provided.

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

### **Turkey**

322. During the period under review, the Working Group transmitted no new cases of disappearance to the Government of Turkey.

323. 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 cases of disappearance, which reportedly occurred in 2001, concerned members of the legal People's Democratic Party (HADEP), of whom one is the head of the Silopi district branch and another his secretary. A 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.

324. During the period under review, the Working Group reviewed information from the Government on 55 outstanding cases. Due to time constraints, the Working Group was not able to review information from the Government on a further six cases. In one case, the person is reported to be in a detention centre at a given address. In two other cases, the persons were reportedly killed and the places of their burial were provided. The Working Group decided to apply the six-month rule (see paragraph 3) to these three cases. In three other cases, the persons were reported dead, but information on the place of their burial was not provided and the Working Group asked the Government to provide copies of the death certificates. In 23 cases, the persons are reportedly wanted for diverse offences, mainly for terrorist activities or non-compliance with military duty. In six cases, the persons could not be identified. In six cases, the persons allegedly left Turkey and went to Iraq, Syria, Greece and Germany. In two cases, the persons were reportedly abducted respectively by PKK and Hizbullah. In one case, the person was in a prison but the name and location of the prison were not provided. In 11 cases, investigations are reportedly in progress. The information concerning these above-mentioned other 52 cases was not sufficient to apply the six-month rule (see paragraph 3) or to consider the cases clarified. Another communication received from the Turkish authorities in November 2004 was not considered by the Working Group in time to be treated in the present report.

325. 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.

### **Observations**

326. The Working Group thanks the Government of Turkey for its cooperation during the last year.

### **Ukraine**

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

328. During the period under review, the Government reported on the three outstanding cases concerning persons who had allegedly been abducted together. The Government reported that the procurator of the Autonomous Republic of Crimea was given instructions to carry out additional investigations to find the whereabouts of these persons. The Government reported that the investigation of the criminal case is being supervised by the Office of the Procurator General of Ukraine.

329. In the past, the Working Group clarified one case on the basis of information provided by the source. In respect of the three 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**

330. 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.

331. The one outstanding 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.

332. In accordance with its methods of work, and subsequent to information provided to the Working Group, it was decided to transfer this case to the outstanding cases of the Democratic People's Republic of Korea, where the disappeared person was last seen (see section on Democratic People's Republic of Korea, paragraphs 115-117).

### **Observation**

333. The Working Group expresses its appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for the information it has provided.

### **Uruguay**

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

335. 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.

336. During the period under review, the Government provided information on one outstanding case. The information reiterated that the person concerned was alive and residing in Argentina, but the Government could not provide the person's address. The information was not enough to apply the six-month rule (see paragraph 3) to this case or to consider it clarified.



337. Of the eight cases clarified previously by the Working Group, seven were clarified on the basis of information provided by the Government and one on the basis of the information provided by the source. In respect of the 23 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Uzbekistan**

338. During the period under review, three new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan under the urgent-action procedure.

339. Of the 10 outstanding cases transmitted in the past, 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.

340. The new cases concerned persons who were allegedly targeted because they are Muslims critical of the Government. **Husnuddin Nazarov** is reported to have disappeared on 16 May 2004, after allegedly being arrested by officers of the National Security Service (NSS) when he was on his way from his home to the Kukaldosh mosque in Tashkent. **Okiljon Yunusov** reportedly disappeared on 28 May 2004, after allegedly being followed by an official car with government license plates. **Farrukh Haidarov** reportedly disappeared on 25 June 2004, when he was last seen by his father and son at the “Mirzo Ulugbek” park in Tashkent. Concerns have been expressed that the Government is behind Haidarov’s disappearance and that he is held in police custody, because he is a Muslim and critical of the Government. He reportedly is a friend of Okiljon Yunusov and had been helping to look for him.

341. The Government has replied to the urgent-action procedure on these three cases, reporting that criminal cases have been opened and that investigations are ongoing.

342. During the period under review, the Government provided information on four other outstanding cases. Investigations were launched on these cases but all were suspended on the basis of article 364.1.1 of the Criminal Procedure Code of Uzbekistan (failure to identify anyone chargeable in the case). However, the Government reports that the searches for the subjects continue. No new information regarding the whereabouts of the subjects was received.

343. Of the two cases clarified previously by the Working Group, one was clarified on the basis of information provided by the Government and one on the basis of the information provided by the source. In respect of the 13 outstanding cases, the Working Group is unable to report on the fate or whereabouts of the disappeared persons.

### **Observations**

344. The Working Group wishes to remind the Government of Uzbekistan of its obligation 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, paragraph 6, of the Declaration on the Protection of All Persons from Enforced Disappearance.

345. The Working Group wishes to remind the Government of Uzbekistan of its obligation under article 2 of the Declaration not to practice, permit or tolerate enforced disappearances.

### **Venezuela**

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

347. Of the 14 cases reported to the Working Group, three concerned student leaders who had reportedly been intercepted by security forces in 1991; one 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.

348. During the period under review, the Government provided information on nine outstanding cases. The information reiterated previous elements communicated in the past to the Working Group, and updated aspects of the different investigations and judicial proceedings that had taken place recently. The information was not enough to apply the six-month rule (see paragraph 3) to these cases or to consider them clarified.

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

### **Yemen**

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

351. 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. Others occurred in the context of the 1994 civil war.

352. 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.

353. During the period under review, the Working Group considered information provided by the Government in 2004. The Government provided information on 16 outstanding cases. In six cases, the Government confirmed that these persons are alive and provided information on their places of work and military identification numbers. The Working Group decided to apply the six-month rule (see paragraph 3) to these six cases. In one case, the person reportedly had retired from the military. The Working Group requested the Government to provide the exact address of this person. In respect of the nine other cases, the persons were reportedly killed in action during the events of January 1986 and their salaries have been paid to their families. The Government was asked to provide the Working Group with copies of the death certificates

for these nine persons. Another communication was received from the Government in October 2004, but due to the delay required for translation, it could not be reviewed by the Working Group in time to be included in the present report.

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

### **Observations**

355. The Working Group invites the Government of Yemen to report on further progress made on the measures agreed upon between the Government and the Working Group arising from the Working Group's 1998 field mission report.

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

### **United States of America**

356. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the United States of America. During the same period, the Working Group clarified the one outstanding case on the basis of information provided by the Government.

357. This case concerned a telecommunications engineer, a citizen of Canada, suspected of having links to al-Qaeda, 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. The Working Group transmitted information from the Government of the United States of America on the subject's whereabouts to the source. Subsequently, the source confirmed that the subject is living in Canada and that he is no longer considered by them to be disappeared.

358. Concern was expressed by non-governmental organizations regarding reported secret detention centres created under United States authority in various parts of the world, in which an unknown number of persons are detained. Reports assert that there was inadequate provision of notice to families about the capture of detainees and their condition, legal status and rights. It is also reported that it is unclear in many circumstances which United States agency is ultimately responsible for the arrest or the conditions of confinement of the detainees in these facilities.

359. Reports state that the most sensitive and high-profile detainees are not being held in Guantánamo, because it is believed that detainees there will eventually be monitored by the United States courts. Non-governmental organizations alleged that terrorism suspects are detained by the United States in "undisclosed locations," presumably outside the United States, with no access to the International Committee of the Red Cross (ICRC), no notification to families, no oversight of any sort of their treatment, and in most cases no acknowledgement that they are even being held. Information was provided to suggest that terrorist suspects are being held under United States authority in Pakistan, Indonesia, Thailand, Morocco and the United Arab Emirates.

360. According to reports from non-governmental organizations, the United States authorities have also apparently refused to disclose the names of men secretly detained during the past few years within the United States. Allegedly, families have not been informed of the arrested persons' locations. Reports state that some of these detainees have now been released or deported.

361. In relation to three cases of persons who 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 persons reportedly disappeared (see section on Honduras, paragraph 152).

362. The Government of the United States of America provided information about measures taken by the Coalition Provisional Authority (CPA) in Iraq for the safeguarding of mass graves and in relation to locating disappeared persons or their remains. The Government informed the Working Group about the establishment by the CPA of the Office of Human Rights and Transitional Justice (OHRTJ). To identify missing persons, the OHRTJ assisted the Iraqi Human Rights Ministry in developing an Iraqi Bureau of Missing Persons (IBMP) and planned training for Iraqis on how to carry out exhumations (see section on Iraq, paragraphs 185-186).

### **Observations**

363. The Working Group welcomes the detailed information provided by the United States Government regarding efforts to identify remains in mass graves in Iraq, and thanks the Government for information leading to the clarification of the one outstanding case.

364. The Working Group is deeply concerned about reports of the existence of secret detention centres. The Working Group reminds the Government that such centres are typically associated with the phenomenon of disappearance. The Working Group reiterates to the Government its obligation under article 10 of the Declaration that people deprived of their liberty be held in an officially recognized place of detention, that they be brought before a judicial authority promptly after detention, that accurate information on the place of detention be made available to their family members and counsel and that official up-to-date registers of persons detained be maintained.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

**365. In 2004, the Working Group transmitted 595 cases to 20 Governments, of which 131 were reported to have occurred during the past year. In the same period, the Working Group was able to clarify 23 cases; 57 per cent of them were clarified by information provided by the Governments that was not contested by the sources. The Working Group is grateful for cooperation received from a number of Governments. 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.**

366. 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 and the Russian Federation where the prevention of disappearances has direct connection with the solution of internal conflicts. The Working Group plans to visit Nepal in December 2004 and Colombia in June 2005. The Working Group expresses the hope that these visits will assist in the clarification of cases and the prevention of further disappearances in these countries.

367. While dealing with internal conflicts, the Working Group is troubled that Africa has been racked by armed conflicts over the last decade but at the same time is the region with the fewest reported cases of enforced or involuntary disappearances. The Working Group suspects that it is dealing with an underreported phenomenon of disappearances. The unfolding humanitarian disaster in Darfur is a striking, but not unique, example of this phenomenon. Underreporting is 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 therefore welcomes the initiative to create a regional network of organizations focused on disappearances.

368. The Working Group is particularly concerned about reports of the existence of secret detention centres in a number of countries. Their existence is an especially grave issue that often leads to disappearances. The Working Group reminds all Governments that under article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance (“Declaration”), “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”. This includes any type of counter-terrorist campaign. The Working Group urges all Governments to comply with their obligations under international human rights and international humanitarian law, in particular under the Declaration, to make available to families all information on the location and whereabouts of any person who is arrested and detained whatever the reason may be.

369. The Working Group calls upon Governments to comply with their obligations under article 10 of the Declaration. Any person deprived of liberty shall be held in an officially recognized place of detention (art. 10, para. 1), accurate information on the detention and transfer of such persons should be made promptly available to their family and counsel (art. 10, para. 2) and an official up-to-date register of detainees should be available in every place of detention (art. 10, para. 3).

370. The Working Group is concerned that, in a number of States, legal restrictions are placed upon NGOs working on cases of disappearances. NGO workers and witnesses to disappearances are also subject to threats and harassment. The Working Group strongly urges States to allow NGOs to undertake their work freely and without impediment, that families of victims of disappearances be left free to organize without bureaucratic restriction or legislative obstacles, and that witnesses be protected.

371. In several cases presented to the Working Group during the period under review, it was noted that persons have reportedly been arrested in one country and handed over by the authorities to another country and subsequently disappeared. The Working Group wishes to remind all Governments of their obligations under article 8 of the Declaration. This article clearly affirms that no State shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance (art. 8, para. 1).

372. In a number of States, the Working Group has noted with concern the use of criminal procedure rules to “suspend” investigation in cases of alleged disappearance. The Working Group reminds Governments that disappearance is a continuous crime, and under article 13 of the Declaration, all States must conduct a thorough and impartial investigation for as long as the fate of a victim remains unclarified.

373. The Working Group notes with great concern that in a number of cases children have reportedly disappeared. Although all disappearances are serious crimes, the disappearance of a child is particularly heinous. The Working Group calls on all Governments to make special efforts to prevent the disappearance of children.

374. 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, truth commissions and war crimes tribunals 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.

375. Nonetheless, effective preventive measures are crucial. Among them, the Working Group highlights the following: harmonization of domestic law with international obligations under the Declaration; 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; strengthening of civil society organizations, especially human rights NGOs; 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.

376. 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 legally binding instrument for the protection of all persons from enforced disappearance.

377. The measures listed above are in particular aimed at democratizing the structures of governance and erecting human rights as the cornerstone of public policy. A further goal of public policy must be the eradication of 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. The Working Group encourages the Office of the United Nations High Commissioner for Human Rights (OHCHR) to include in its programme of technical cooperation the strengthening of national capacities for the prevention and eradication of enforced disappearance.

378. Of course, in many cases where enforced disappearances arise from conditions of internal conflict, particularly in 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. It is crucial that early-warning indicators pointing to the occurrence potential of disappearances be monitored with a view to preventing this phenomenon. The Working Group is convinced that well-thought-out policies and actions directed at breaking the vicious cycle of increasing poverty that give rise to conflict are among the essential preventive measures to consider in this regard.

379. For a number of years, the Working Group has expressed concern over the inadequate level of staffing for its work. This year, significant efforts were made by the OHCHR to increase support for the Working Group. The results are obvious: a threefold increase in the number of cases considered, a marked improvement in the timeliness of communications with sources and Governments, and a reduction in the backlog of unprocessed cases, particularly in relation to Algeria and the Russia Federation. The Working Group expressed its sincere thanks to OHCHR for the encouraging improvement in staffing. However, the Working Group encourages OHCHR to ensure that the current staffing remains stable in the coming years. Finally, the Working Group must acknowledge the extraordinary dedication of the members of the secretariat, without whom little progress could be made on the mandate of the Working Group, which is to clarify the fate or whereabouts of disappeared people around the world.

## VI. ADOPTION OF THE REPORT

380. At the seventy-fourth session, on 15 November 2004, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Stephen J. Toope (Chairman-Rapporteur)	(Canada)
J. 'Bayo Adekanye (Vice-Chairman-Rapporteur)	(Nigeria)
Saied Rajaie Khorasani	(Islamic Republic of Iran)
Darko Götlicher	(Croatia)
Santiago Corcuera	(Mexico)

## NOTES

<sup>1</sup> See General Assembly resolution 47/133 of 18 December 1992, hereinafter 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 23 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; and E/CN.4/2004/58. The relevant resolution of the Commission adopted at its sixtieth session is resolution 2004/40.

<sup>3</sup> See annex IV for the list of names of the newly reported cases of disappeared persons.

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

<sup>5</sup> Figures continue to be reviewed for accuracy.

<sup>6</sup> 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.

<sup>7</sup> In accordance with legal advice, dated 14 May 2003, received from the Assistant-Secretary-General for Legal Affairs of the United Nations.

<sup>8</sup> One case concerning a person who was reportedly last seen in the Syrian Arab Republic, will no longer be attributed to Lebanon. The figures continue to be reviewed for accuracy.

<sup>9</sup> In accordance with the practice of the Working Group, Santiago Corcuera did not participate in the decisions relating to this section of the report.

<sup>10</sup> See annex IV for the list of names of the newly reported cases of disappeared persons.

<sup>11</sup> Diego García-Sayán did not participate in the decisions relating to this section of the report.

<sup>12</sup> See annex IV for the list of names of the newly reported cases of disappeared persons.

<sup>13</sup> See annex IV for the list of names of the newly reported cases of disappeared persons.

<sup>14</sup> See annex IV for the list of names of the newly reported cases of disappeared persons.



## Annex I

### Decisions on individual cases taken by the Working Group during 2004

Countries	Cases which allegedly occurred in 2004	Cases transmitted to the Government during 2004		Clarification by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	-	-	180	-	-	-
Angola	-	-	3	-	-	-
Argentina	-	-	-	1	3	-
Bhutan	-	-	5	-	-	-
Brazil	4	4	-	-	-	-
China	1	1	-	4	-	-
Colombia	4	4	1	2	-	-
Democratic People's Republic of Korea	1	1	-	-	-	-
Ecuador	1	3	-	-	-	-
Egypt	-	-	1	-	-	-
France	-	-	1	-	-	-
India	1	1	1	-	-	-
Indonesia	1	1	-	-	-	-
Iran, Islamic Republic of	-	-	7	-	-	-
Iraq	-	-	1	-	-	-
Morocco	-	-	-	4	-	-
Nepal	104	125	11	1	7	-
Philippines	4	3	22	-	-	-
Russian Federation	6	5	155	-	-	-
Rwanda	-	-	1	-	-	-
Sudan	1	1	54	-	-	-
United States of America	-	-	-	1	-	-
Uzbekistan	3	3	-	-	-	-

## Annex II

### Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2004

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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	1 357	18	1 341	16	9	7	7	2	7	-
Angola	10	1	3	-	7	-	-	-	7	-
Argentina*	3 462	772	3 375	746	44	43	58	-	29	-
Bahrain	1	-	-	-	-	1	-	1	-	-
Bangladesh	1	1	1	1	-	-	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-
Bolivia	48	3	28	3	19	1	19	-	1	-
Brazil	63	4	14	-	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	109	13	31	7	69	9	43	33	2	-
Colombia	1 159	111	895	86	201	62	157	24	82	-
Congo	34	1	34	1	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Democratic People's Republic of Korea	9	5	9	5	-	-	-	-	-	-

**Statistical summary: cases of enforced or involuntary disappearance reported  
to the Working Group between 1980 and 2004 (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	26	2	11	-	11	4	6	4	5	-
Egypt	21	-	13	-	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	375	12	318	10	47	10	29	7	21	-
Indonesia	149	2	146	2	3	-	3	-	-	-
Iran, Islamic Republic of	528	99	512	99	13	3	5	2	9	-
Iraq	16 517	2 311	16 387	2 294	107	23	115	6	9	-
Israel	3	-	2	-	-	1	-	-	-	-
Japan	1	1	1	1	-	-	-	-	-	-

**Statistical summary: cases of enforced or involuntary disappearance reported  
to the Working Group between 1980 and 2004 (*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						
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	104	10	99	46	122	1	22	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	3	1	1	-	2	-	1	1	-	-
Namibia	1	-	1	-	-	-	-	-	-	-
Nepal	302	28	264	25	4	34	32	6	-	-
Nicaragua*	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	-
Peru*	3 006	311	2 368	236	253	385	450	85	103	-

**Statistical summary: cases of enforced or involuntary disappearance reported  
to the Working Group between 1980 and 2004 (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						
Philippines	713	84	556	64	124	33	103	19	29	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation**	422	25	420	25	-	2	2	-	-	-
Rwanda	24	2	22	2	-	2	1	1	-	-
Saudi Arabia	3	-	2	-	1	-	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6
Spain	3	-	3	-	-	-	-	-	-	-
Sri Lanka*	12 277	148	6 901	87	5 338	39	99	24	5 254	-
Sudan	323	35	120	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	-	-
Ukraine	4	2	3	2	1	-	-	-	1	-
United Arab Emirates	1	-	-	-	1	-	1	-	-	-

**Statistical summary: cases of enforced or involuntary disappearance reported  
to the Working Group between 1980 and 2004 (*continued*)**

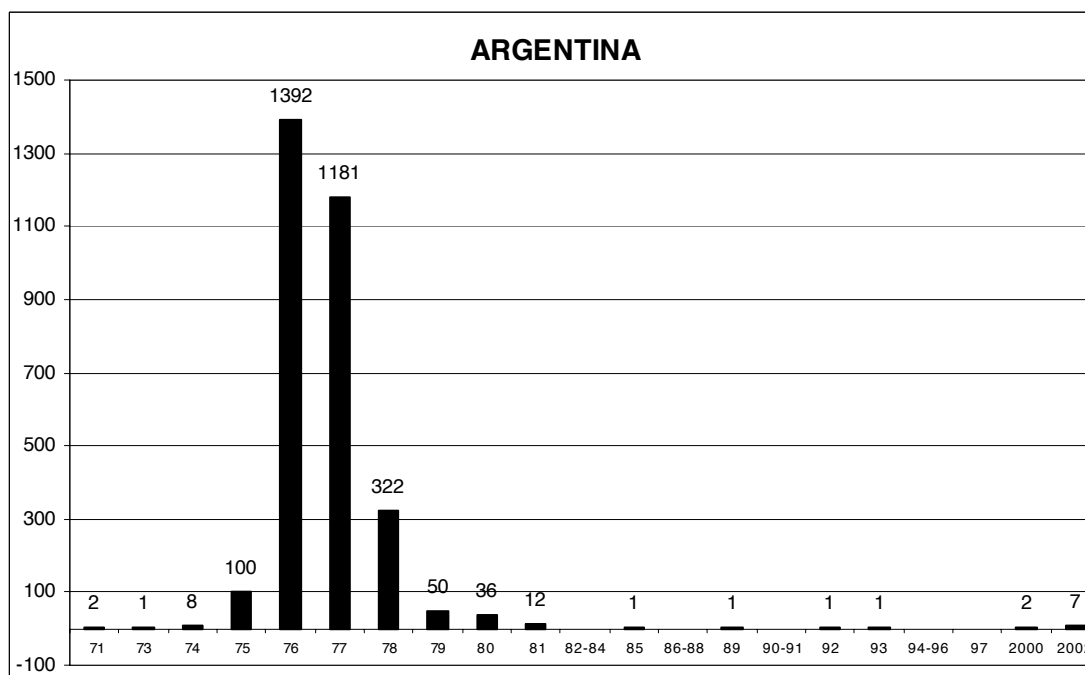
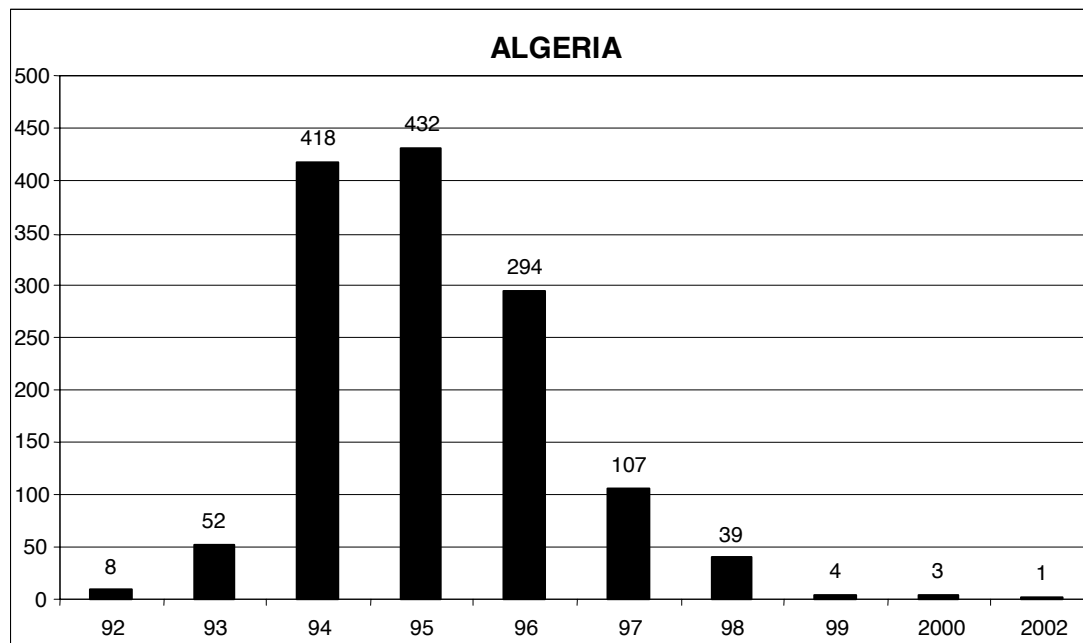
Countries/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-
United States of America	1	-	-	-	1	-	-	-	-	-
Uruguay	31	7	23	4	7	1	4	4	-	-
Uzbekistan	15	-	13	-	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	1	3	1	-	-	-	-	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-

\* The figures are being reviewed for accuracy.

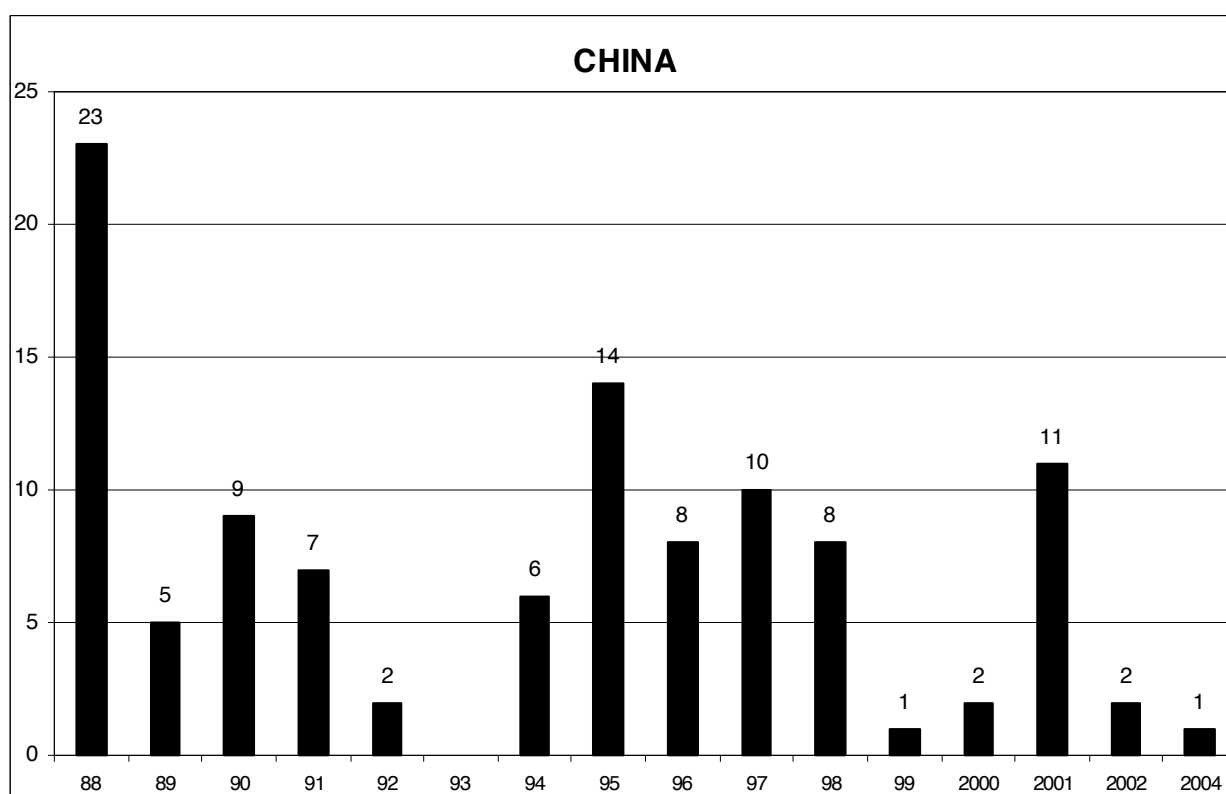
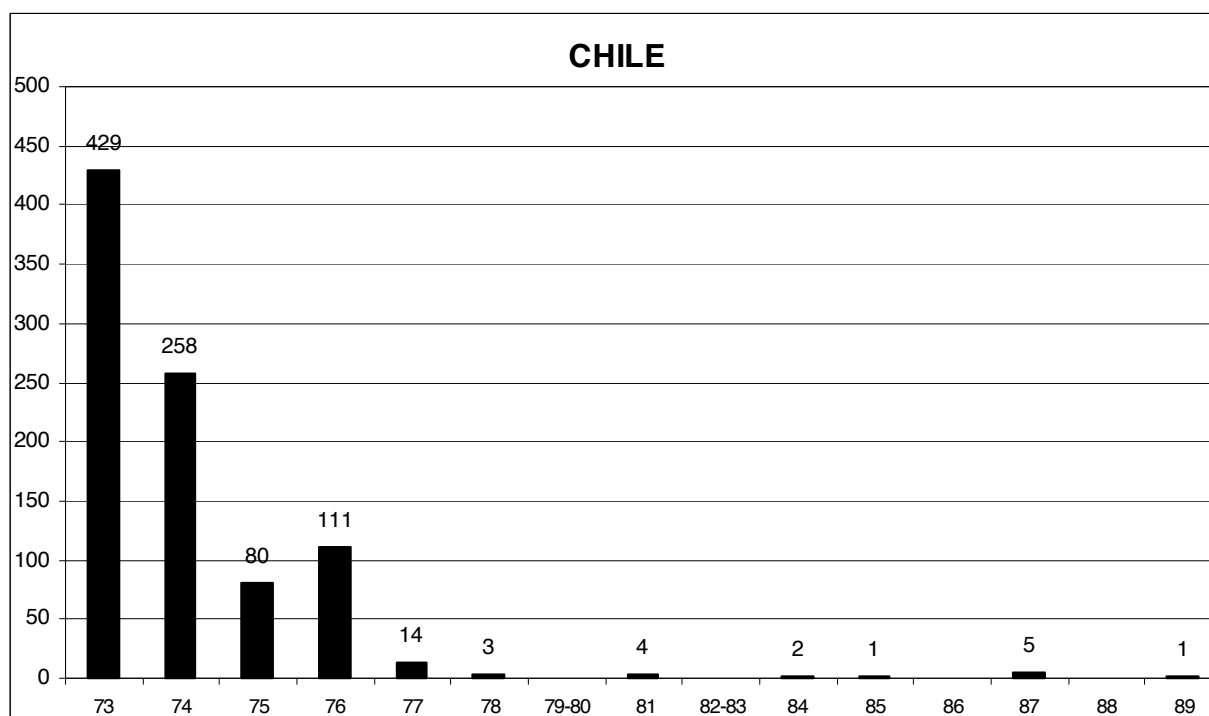
\*\* During the period under review, the Working Group decided to delete from its files the duplicate of one case.

### Annex III

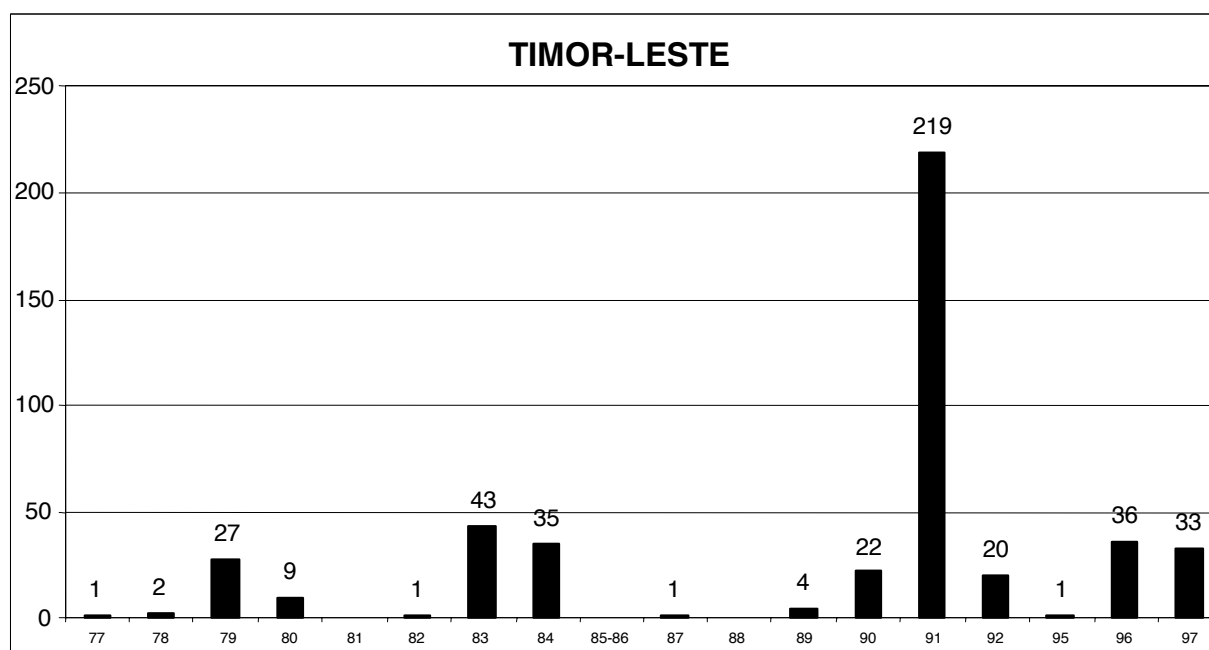
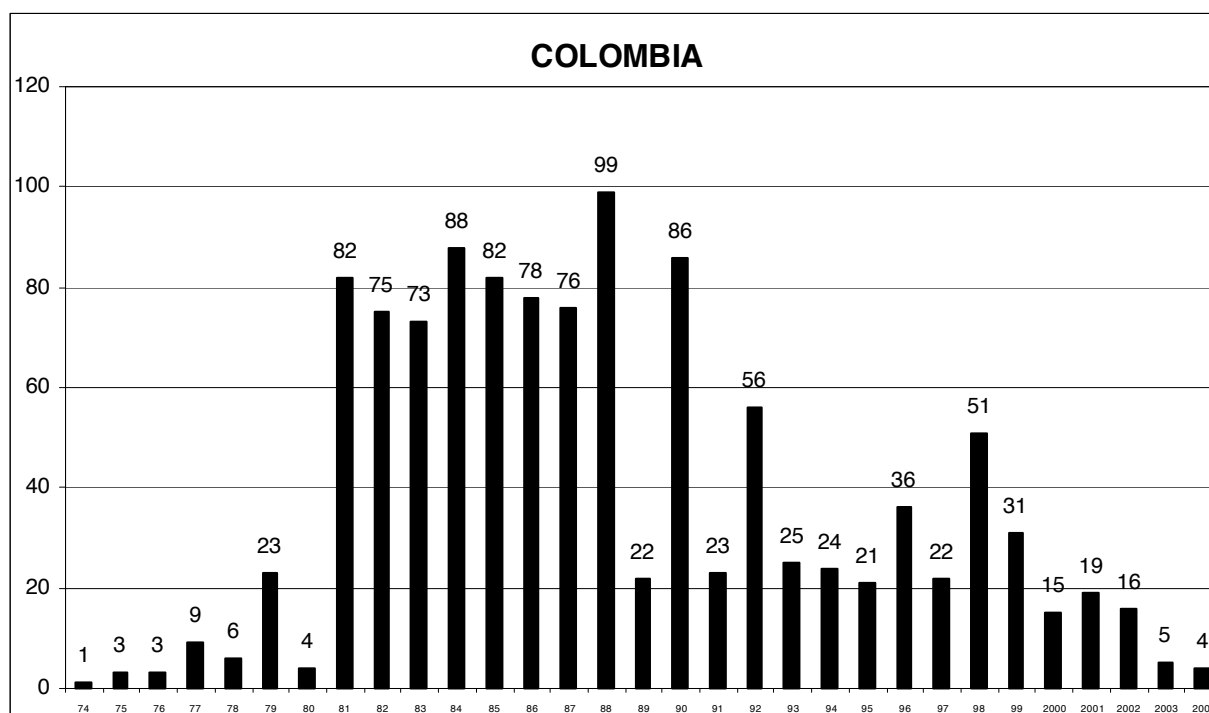
**Graphs showing the development of disappearances in countries with more than 100 transmitted cases during the period 1971-2004**

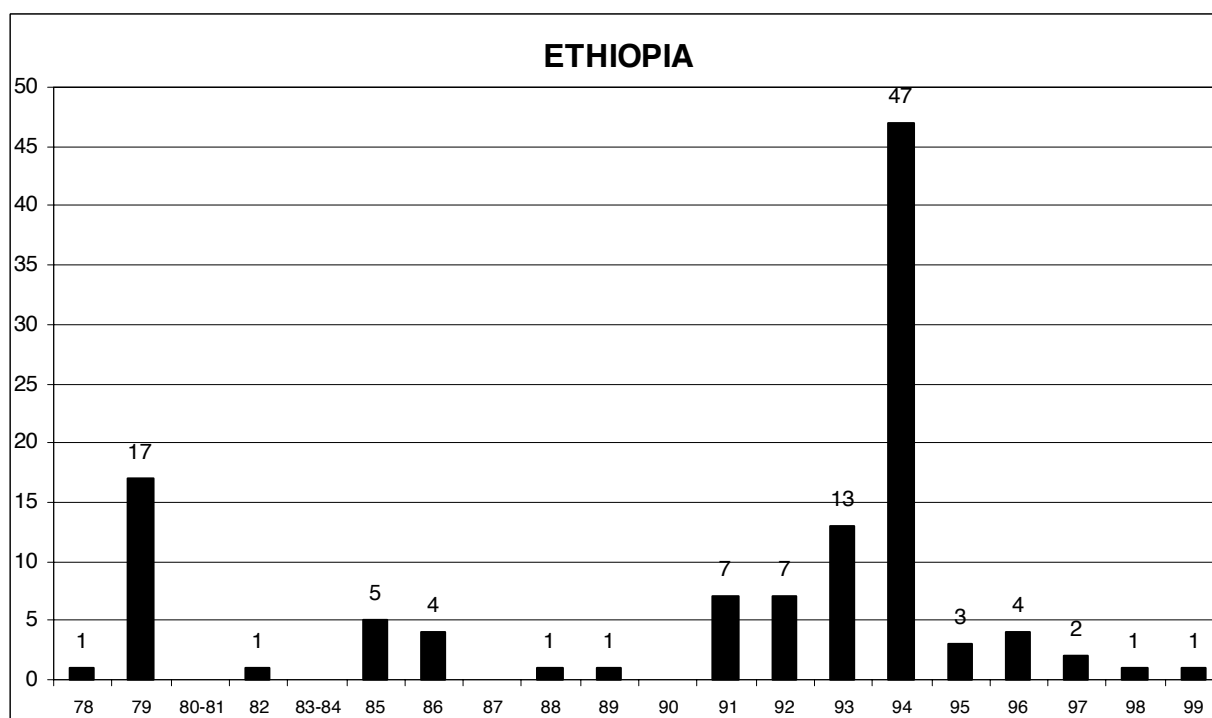
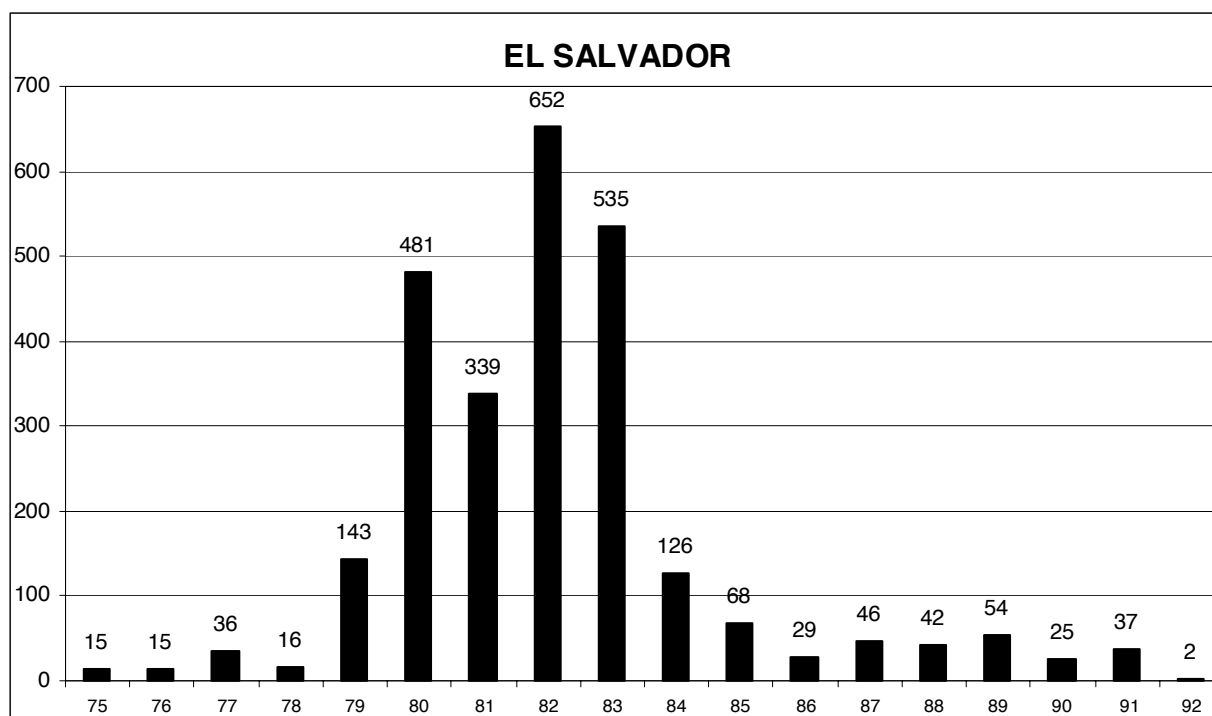


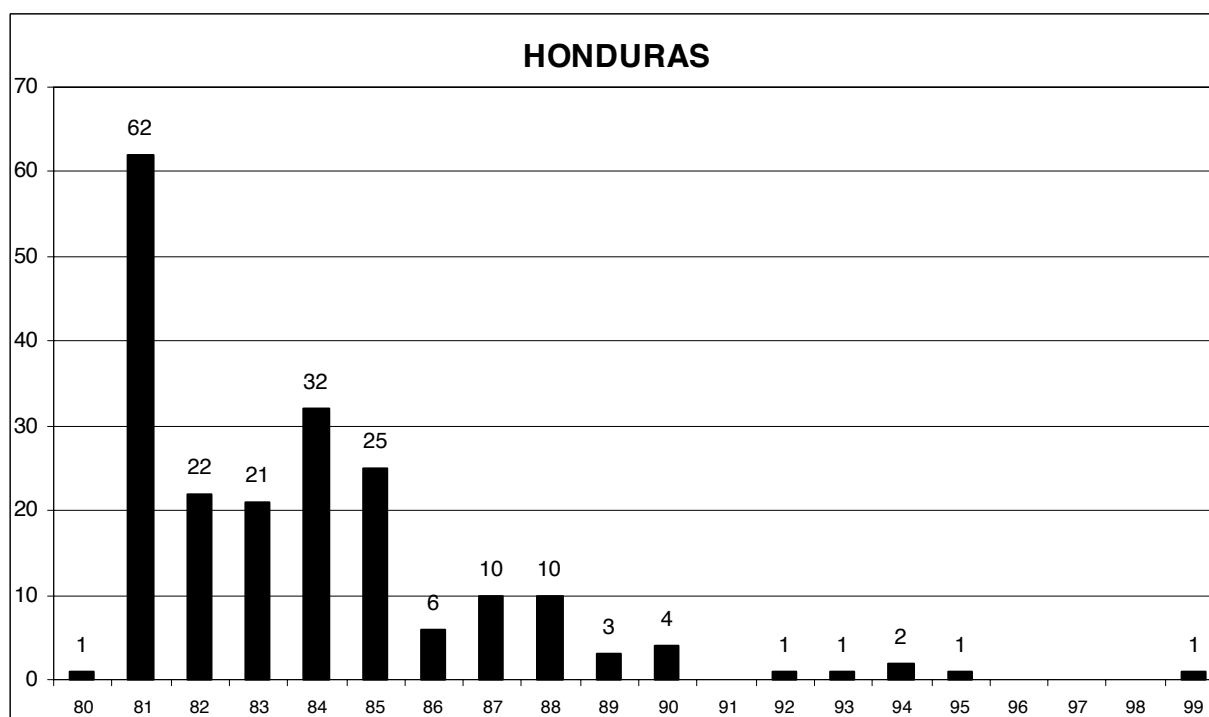
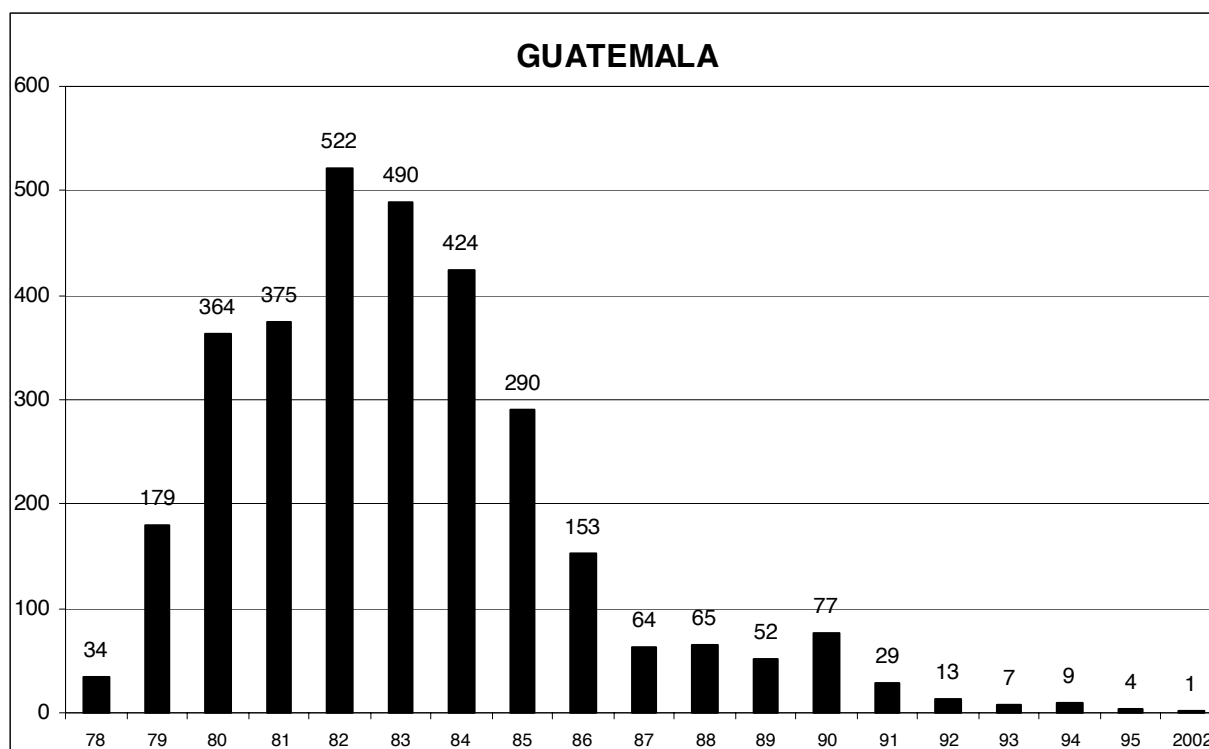
*Note:* These graphs provide an illustration of the trend in disappearances reported to the Working Group during 1971-2004.

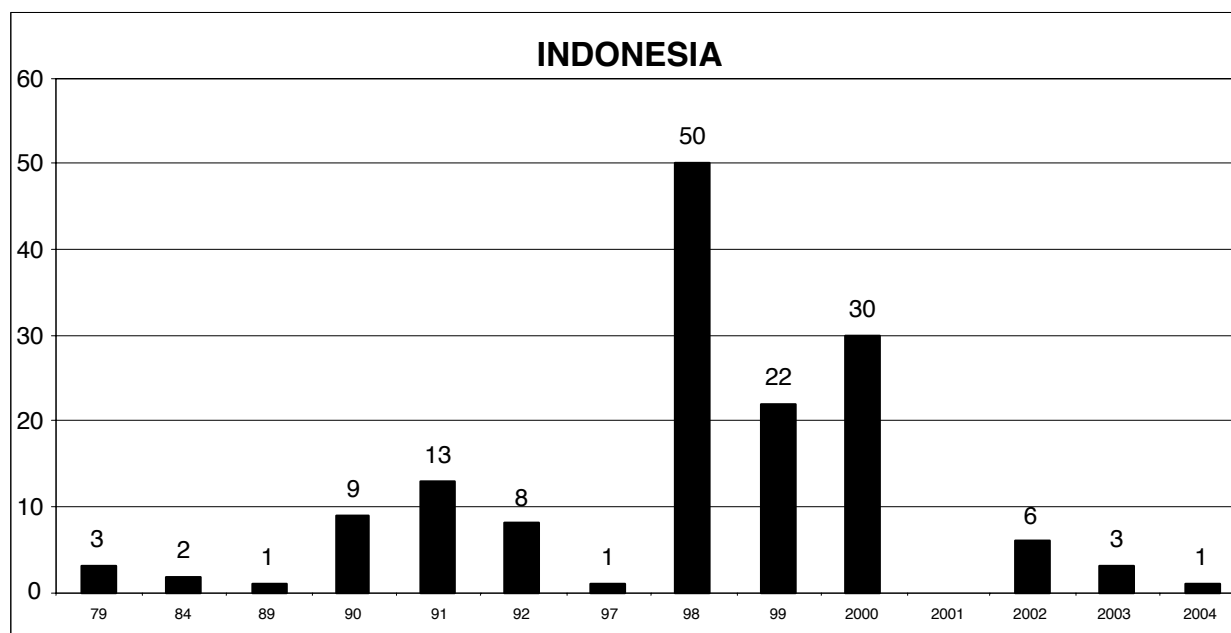
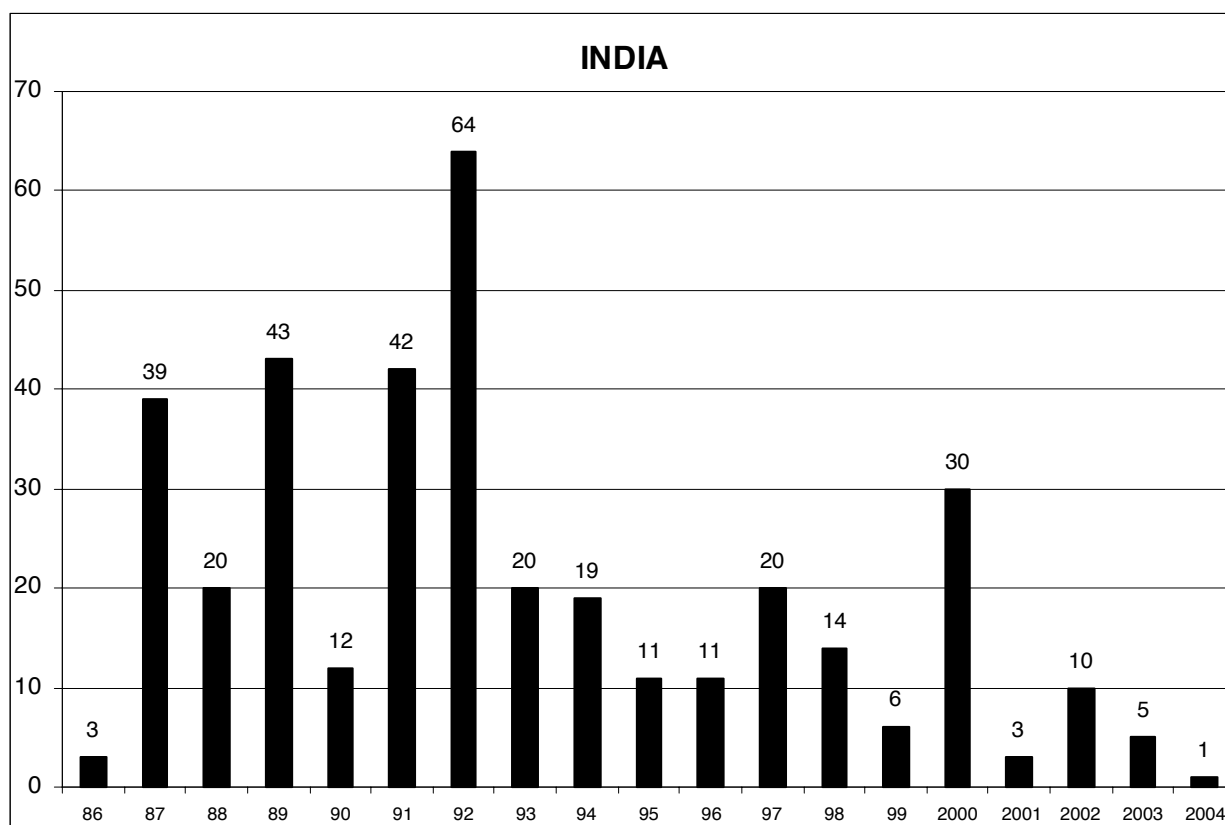


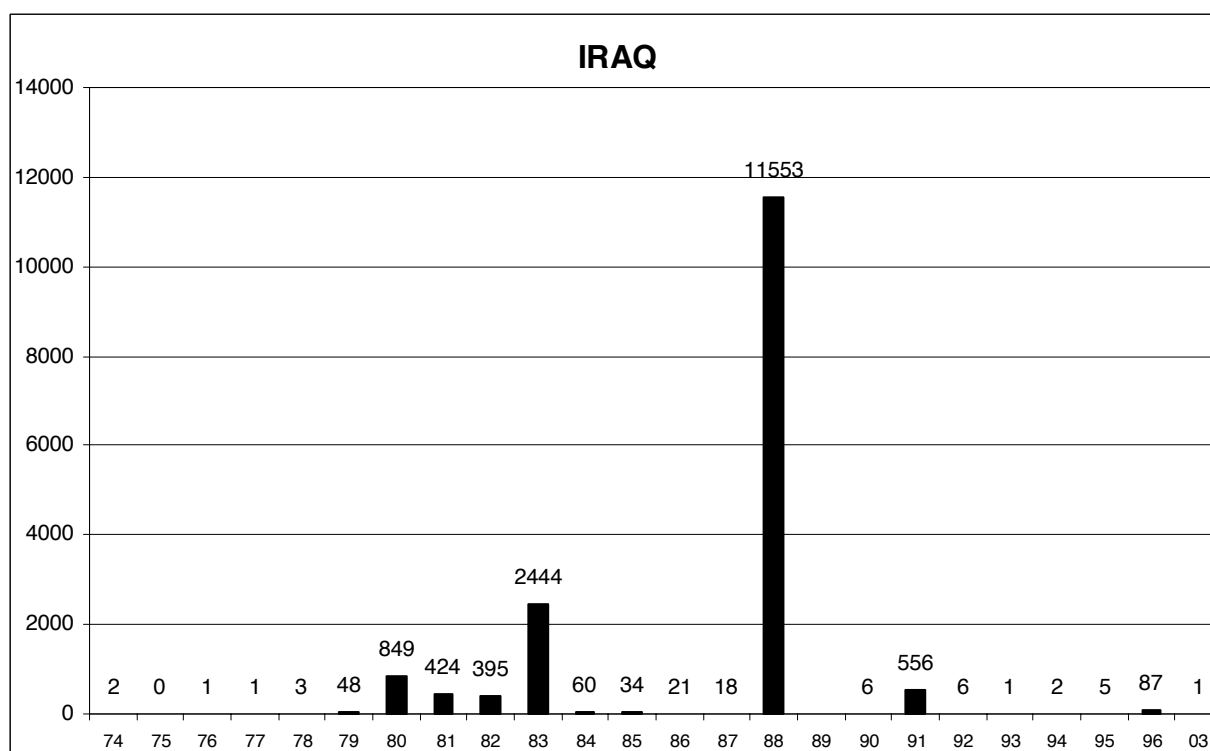
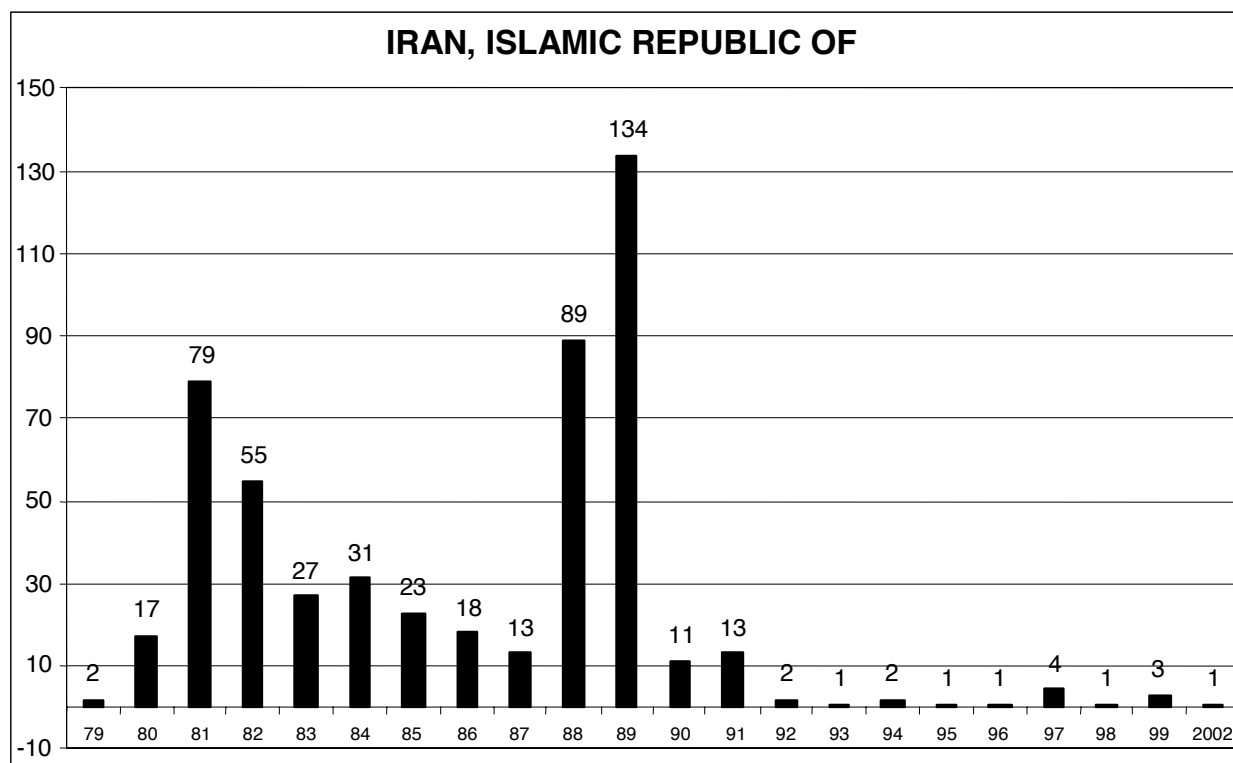


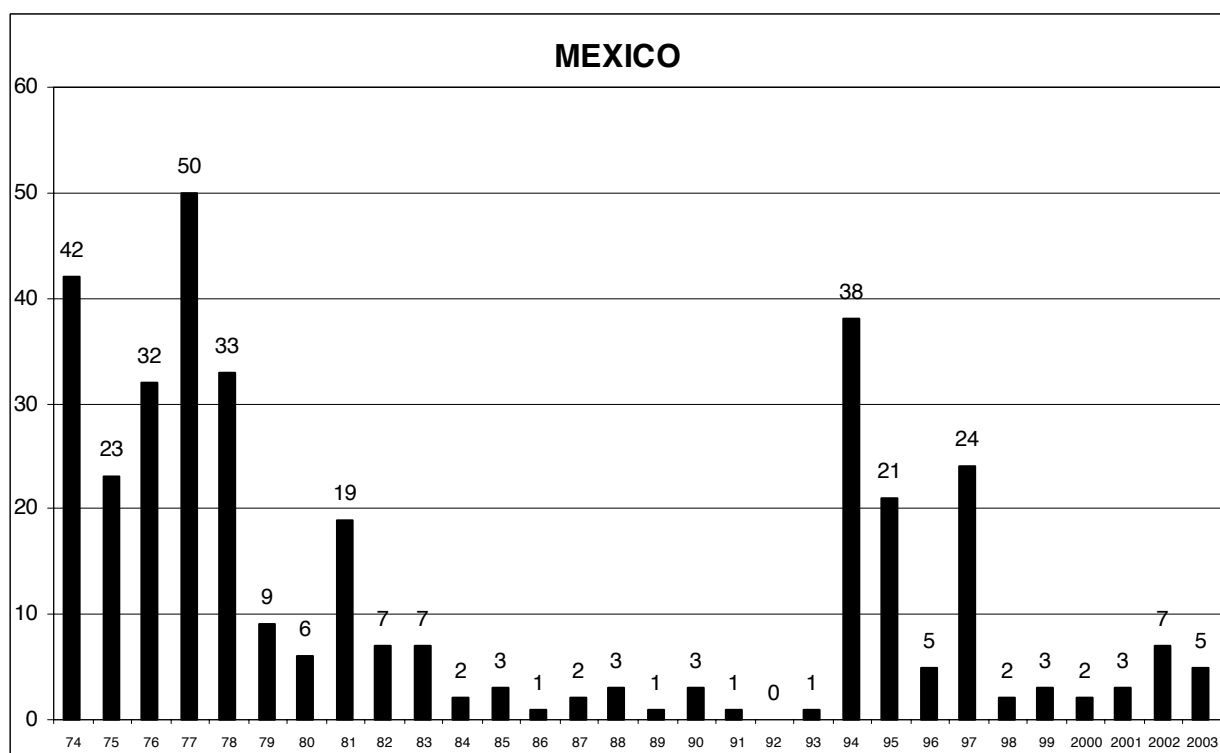
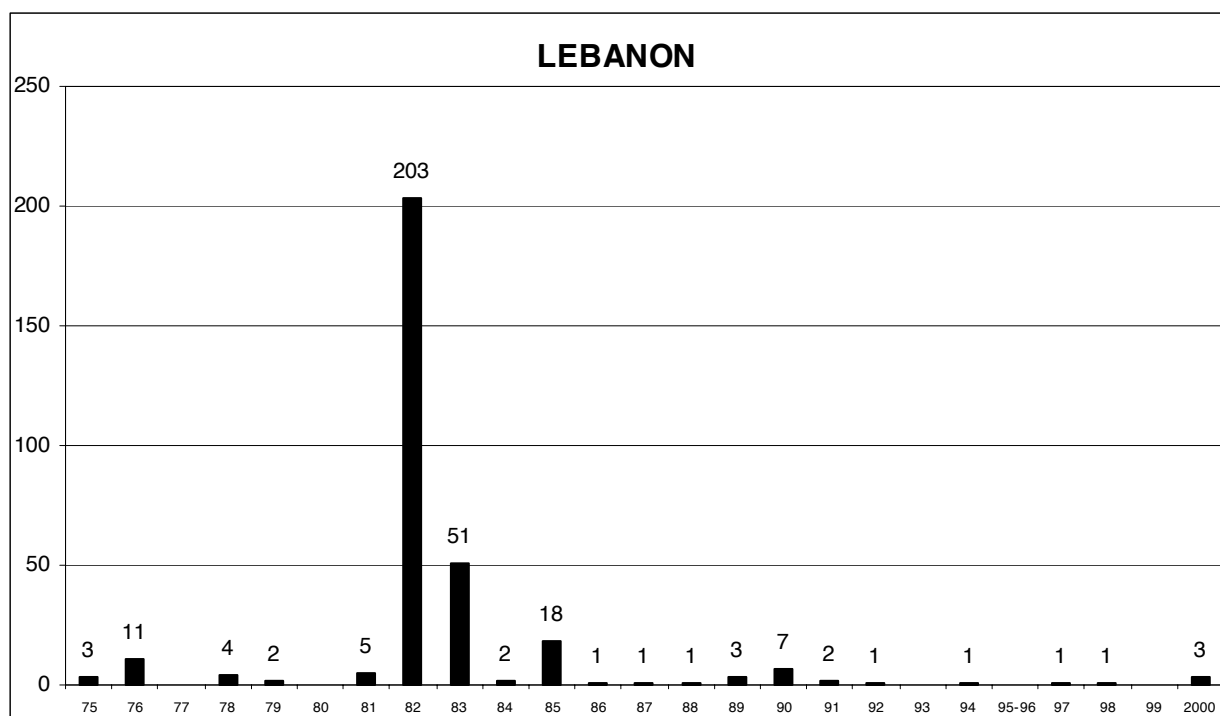


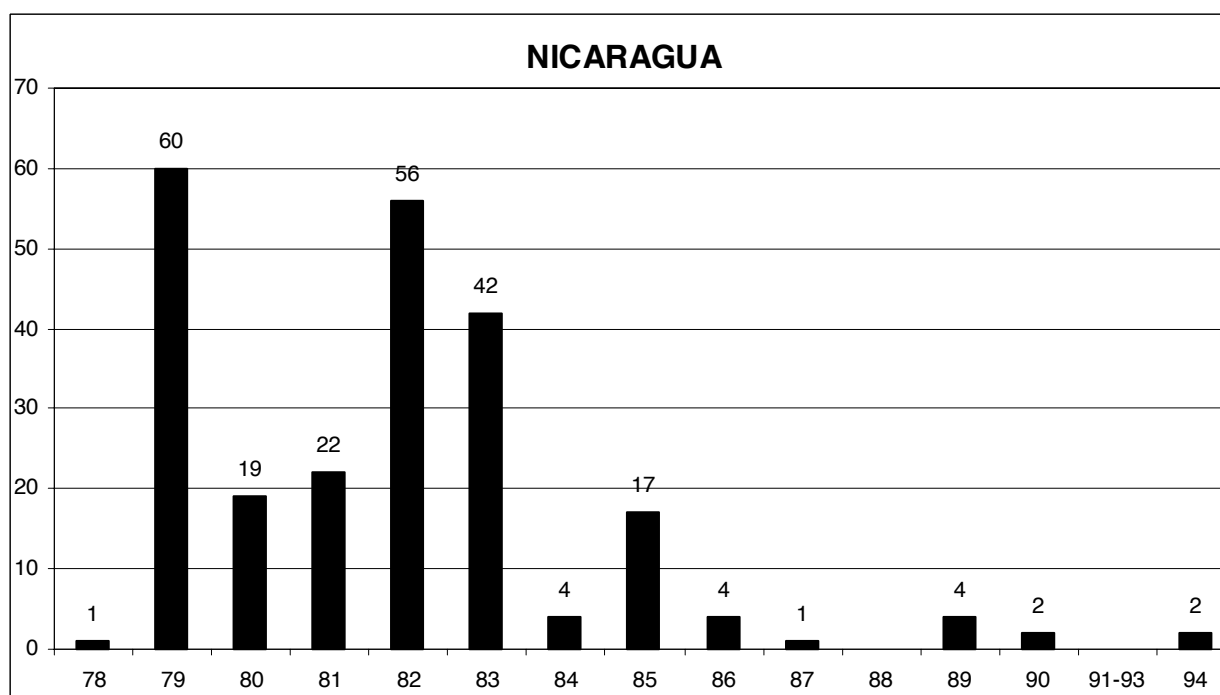
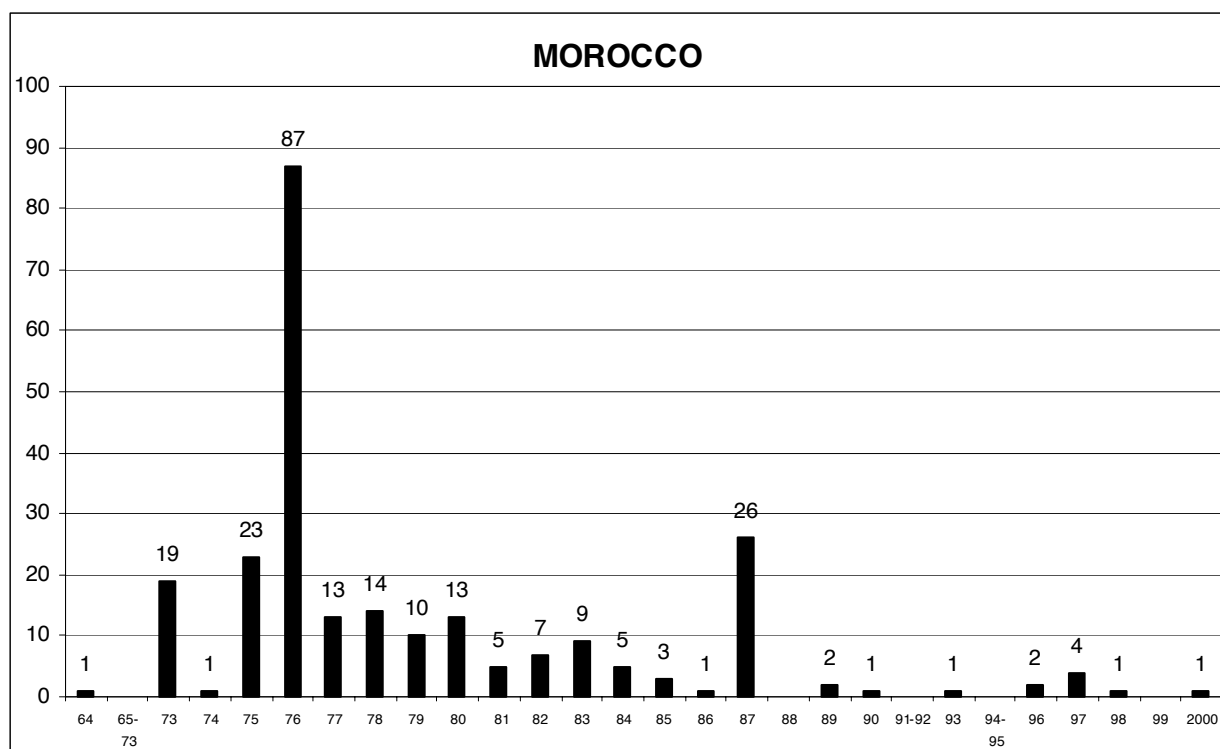


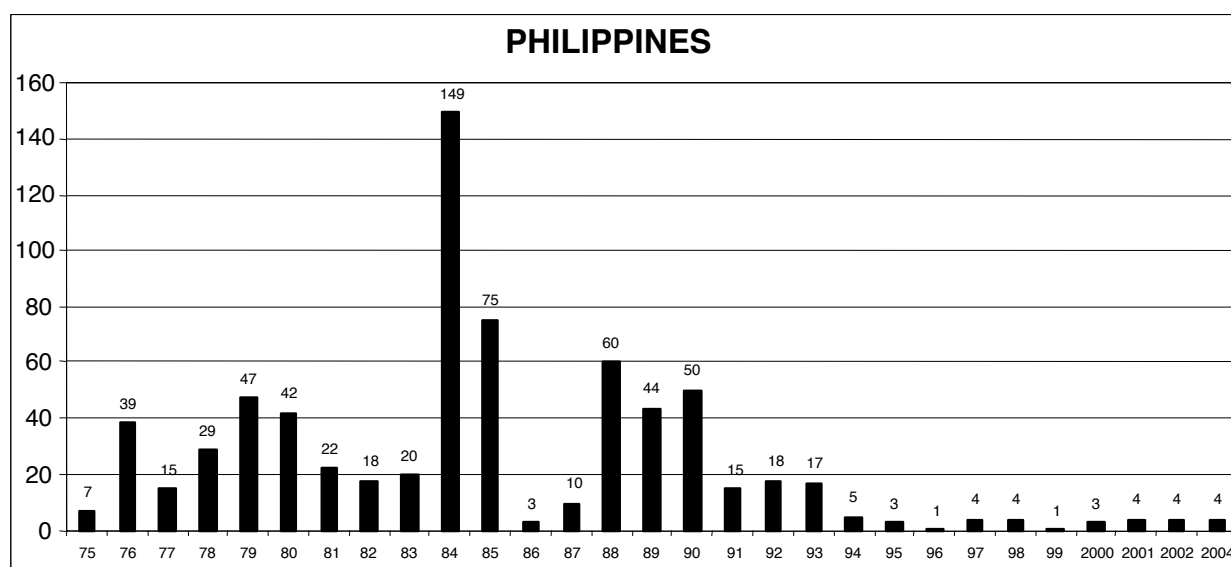
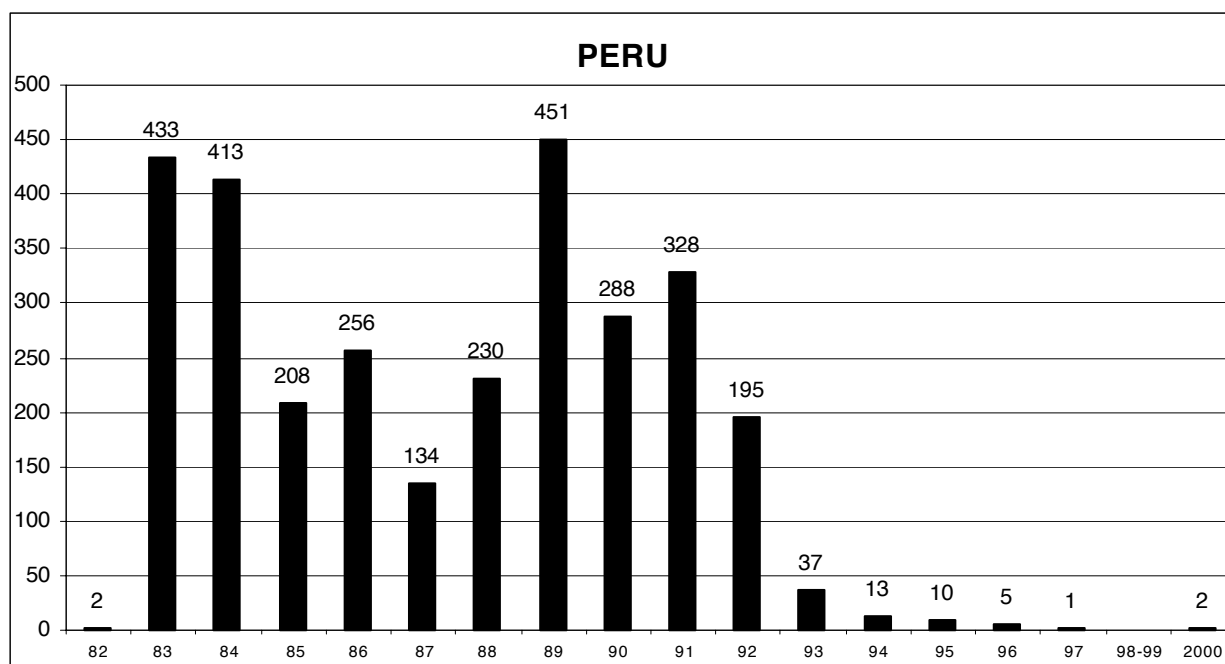




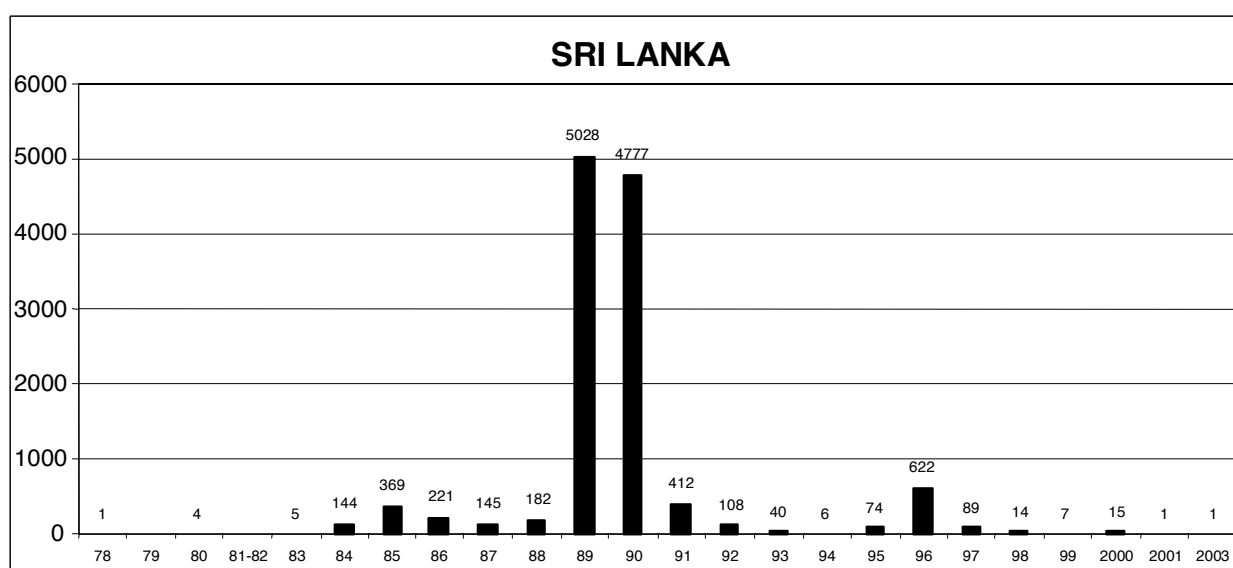
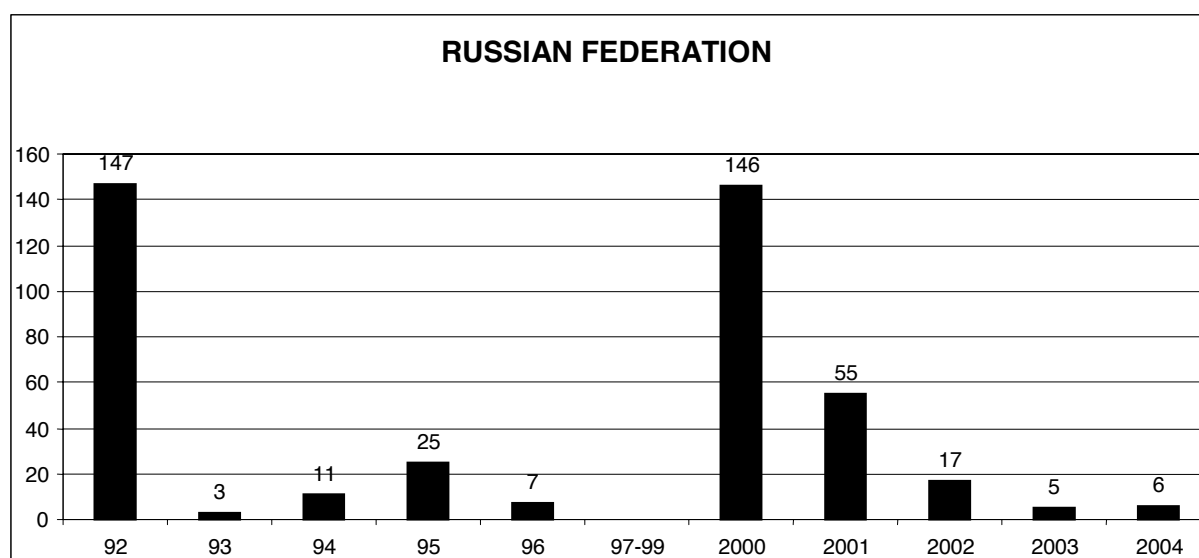


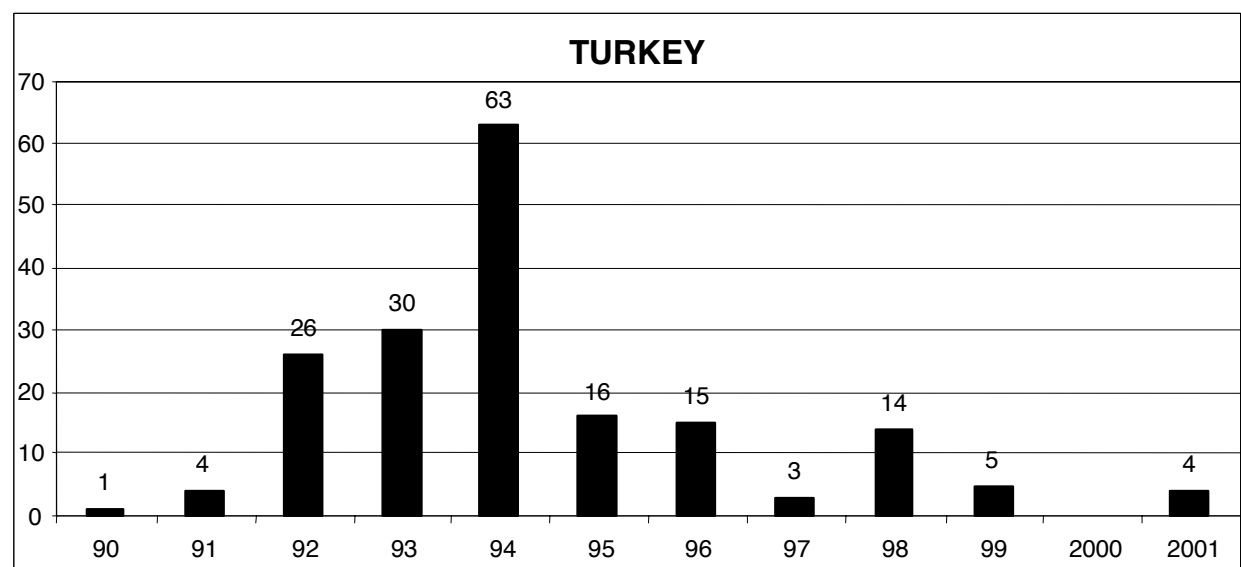
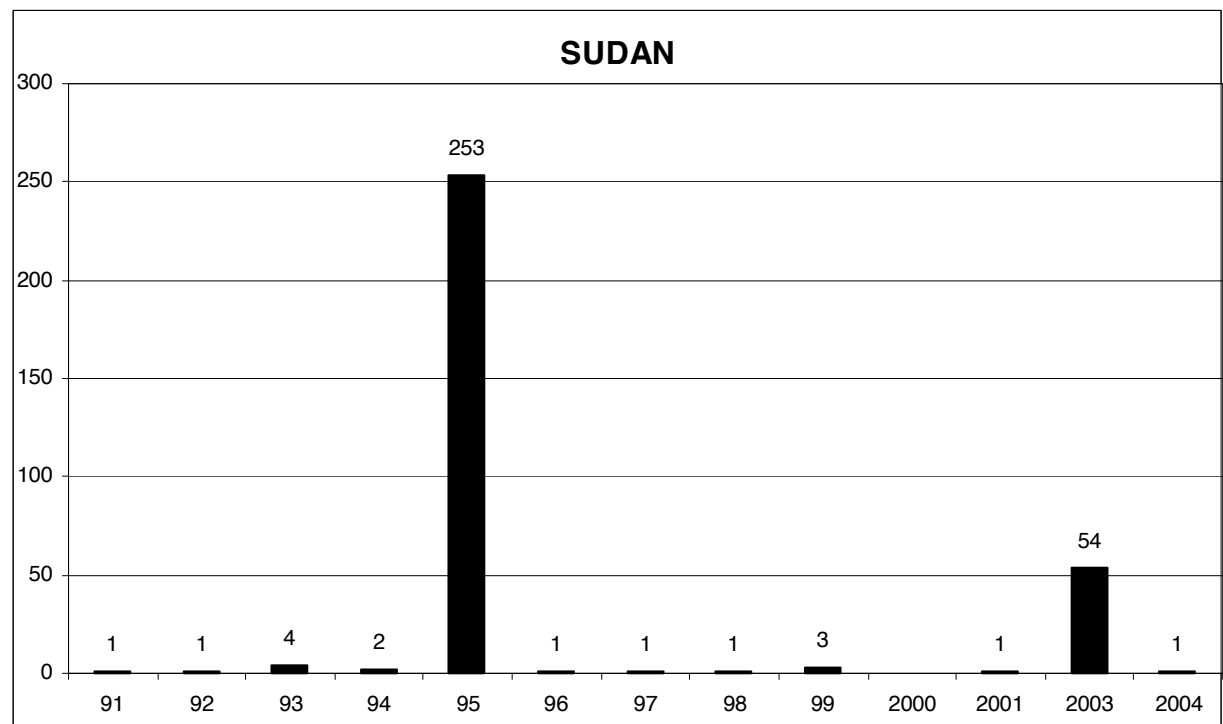


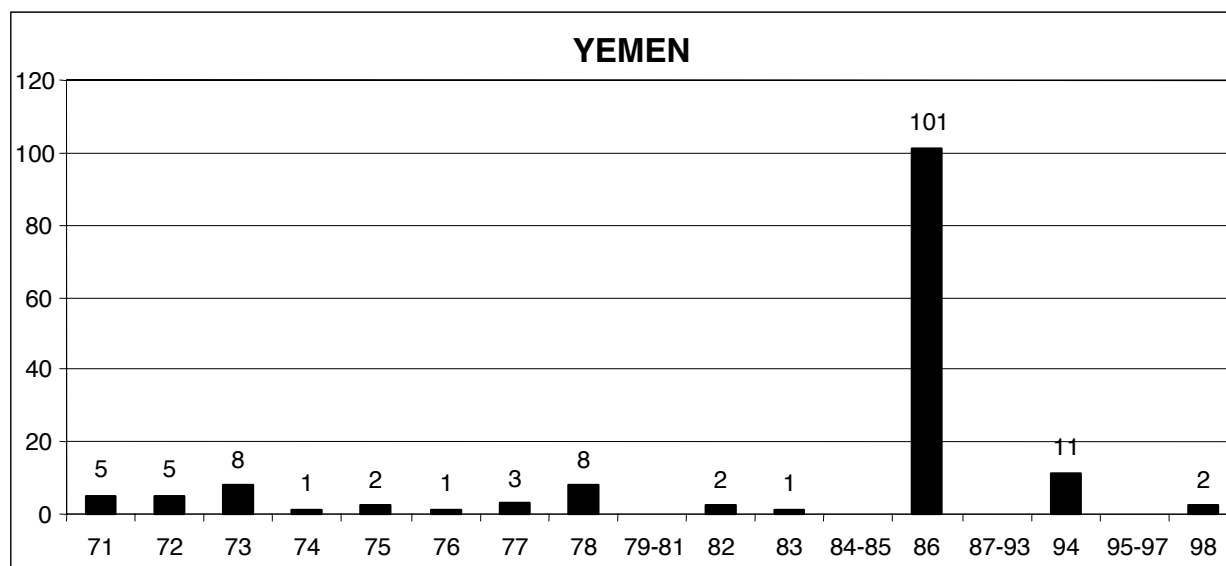












#### **Annex IV**

#### **List of names of newly reported cases, from countries where there were more than 10 newly transmitted cases during the last year**

##### **Algeria**

1. Abbes Bentayeb (case No. 1000740)
2. Abdallah Benhamou (case No. 1000731)
3. Abdelaziz Hamadou (case No. 1002775)
4. Abdelaziz Hamlaoui (case No. 1002794)
5. Abdeldjabar Benamara (case No. 1000716)
6. Abdelghani Bendenideni (case No. 1000724)
7. Abdelhak Benamira (case No. 1000719)
8. Abdelhamid Lazizi (case No. 1002766)
9. Abdelhar Debiche (case No. 1002793)
10. Abdelkader Azabi (case No. 1001769)
11. Abdelkader Benamar (case No. 1000717)
12. Abdelkader Benarbia (case No. 1001488)
13. Abdelkader Benchelef (case No. 1000722)
14. Abdelkader Berroua (case No. 1000665)
15. Abdelkader Bouacha (case No. 1000673)
16. Abdelkader Bouazzara (case No. 1000675)
17. Abdelkader Bougherara (case No. 1000635)
18. Abdelkader Bouzouina (case No. 1000654)
19. Abdelkader Cheniti (case No. 1002819)
20. Abdelkader Kerfah (case No. 1002803)
21. Abdelkrim Azri (case No. 1001559)
22. Abdelkrim Belkacem Saadoun (case No. 1001549)
23. Abdelkrim Brahimi (case No. 1000656)
24. Abdellah Brahimi (case No. 1000655)
25. Abdellahzi Ali (case No. 1001478)
26. Abdenasser Belhadj (case No. 1002796)
27. Abderahmane Boudouani (case No. 1000685)
28. Abderrahmane Boutaieb (case No. 1002804)
29. Abderrazak Aioula (case No. 1001474)
30. Abdeslam Makhlouf Bou (case No. 1000644)
31. Ahmed Abdallah (case No. 1002772)
32. Ahmed Benkedoui (case No. 1000733)
33. Ahmed Bouabdellah (case No. 1000671)
34. Ahmed Boubernas (case No. 1000676)
35. Ahmed Boudarbala (case No. 1000683)
36. Ahmed Freh (case No. 1000622)
37. Ahmed Lahmer (case No. 1002765)
38. Ahmed Sid Fertah (case No. 1002813)
39. Ali Baghdadi (case No. 1001543)
40. Ali Betentache (case No. 1000668)
41. Allah Benarab Habib (case No. 1000720)

42. Allal Drif (case No. 1002806)
43. Allaoua Belouahdia (case No. 1001163)
44. Amman Ben Hammou (case No. 1000729)
45. Aouad Ben Yahia (case No. 1000687)
46. Aouad Benhamou (case No. 1000730)
47. Aoued Benzineb (case No. 1000659)
48. Aoued Merzoug (case No. 1001236)
49. Aoued Nedder (case No. 1001233)
50. Belgacem Battahar (case No. 1001484)
51. Belkheir Gherbi (case No. 1000630)
52. Ben Mohamed Yakhlef Sahlaoui (case No. 1001230)
53. Benaoud Benktira (case No. 1000736)
54. Bouabdallah Benslimane (case No. 1000738)
55. Boubekar Leghouati (case No. 1001251)
56. Brahim Boutiche (case No. 1000649)
57. Brahimi Belhouari (case No. 1001547)
58. Choukri Ghen (case No. 1000633)
59. Dahmane Gacem (case No. 1000626)
60. Dhamane Mokrani (case No. 1002774)
61. Djamal Bouicha (case No. 1000637)
62. Djamel Assoul (case No. 1001763)
63. Djamel Hammad (case No. 1002816)
64. Djelloul Belhaik (case No. 1001553)
65. Djillali Begaa (case No. 1001489)
66. Djillali Hanifi-Hachemi-Amar (case No. 1002818)
67. El-Houari Frih (case No. 1000624)
68. Essahraoui Boualia (case No. 1000674)
69. Ezzine Guetni (case No. 1002764)
70. Faham Khelladi (case No. 1001241)
71. Farouk Bouhal (case No. 1000636)
72. Fatah Bouchrit (case No. 1000680)
73. Fateh Ayache (case No. 1001767)
74. Fouad Bouchelaghem (case No. 1000678)
75. Ghalem Boudahoua (case No. 1000682)
76. Habib Boualem Benattallah (case No. 1001775)
77. Habib Sadjji (case No. 1001259)
78. Hamadouche Benaida (case No. 1000715)
79. Hamid Bouchoudou (case No. 1000679)
80. Hasni Rached (case No. 1002817)
81. Hocine Djemaa (case No. 1002807)
82. Houari Berakech (case No. 1000660)
83. Kamel Bendoumia (case No. 1000727)
84. Kamel Boukalkal (case No. 1000638)
85. Kamel Larbi (case No. 1002778)
86. Khaled Benadjal (case No. 1002777)
87. Kouider Bensalem (case No. 1000739)

88. Kouider Boukraa (case No. 1000642)
89. Kouider Sibachir (case No. 1002825)
90. Lahcene Tazini (case No. 1002769)
91. Lakdhar Ladek (case No. 1002805)
92. Lakhdar Bendib (case No. 1000725)
93. Lakhdar Selami (case No. 1001162)
94. Larbi Kemal (case No. 1001893)
95. Lazreg Satal (case No. 1001262)
96. Lazres Berkaoui (case No. 1000663)
97. Lounes Bouteldja (case No. 1000648)
98. Maamar Boudache (case No. 1000681)
99. Maamar Boukhetache (case No. 1000641)
100. Maarouf Bouzidi (case No. 1000653)
101. Madani Benketira (case No. 1000735)
102. Mahi-Eddine Kihlou (case No. 1002767)
103. Mahmoud Boutine (case No. 1000650)
104. M'amar Boussetache (case No. 1000645)
105. Masserdine Ben Feriha (case No. 1000741)
106. Meftah Ben Darah (case No. 1001486)
107. Menaouer Benyamina (case No. 1000686)
108. Menouer Benarbia (case No. 1001487)
109. Merzak Ghenna (case No. 1000629)
110. Messaoud Amrani (case No. 1002823)
111. Messaoud Cheraytia (case No. 1002820)
112. Messaoud Madani (case No. 1001256)
113. M'hamed Ahfir (case No. 1001473)
114. M'hamed Berghouiti (case No. 1000661)
115. M'hamed Ferrache (case No. 1002812)
116. M'hamed Kaddour (case No. 1002768)
117. Miloud Boutaga (case No. 1000647)
118. Miloud Guetni (case No. 1002773)
119. Mimoun Boubsa (case No. 1002795)
120. Mimoune Bouabsa (case No. 1000672)
121. Mohamed Ahfir (case No. 1001491)
122. Mohamed Arbadji (case No. 1001757)
123. Mohamed Ben Abdellah (case No. 1000692)
124. Mohamed Ben Ouali (case No. 1001414)
125. Mohamed Benchaier-Edraa (case No. 1000721)
126. Mohamed Benmelka (case No. 1000737)
127. Mohamed Benyayia (case No. 1000691)
128. Mohamed Besnaci (case No. 1000666)
129. Mohamed Bessafi (case No. 1000667)
130. Mohamed Blebrini (case No. 1002801)
131. Mohamed Boukhelial (case No. 1000640)
132. Mohamed Boutadjine (case No. 1000646)
133. Mohamed Fersaoui (case No. 1000620)
134. Mohamed Gacem (case No. 1000625)

135. Mohamed Germet (case No. 1000628)
136. Mohamed Ghernati (case No. 1000631)
137. Mohamed Ghoul (case No. 1000632)
138. Mohamed Hacene Tebtoub (case No. 1002776)
139. Mohamed Laoussine (case No. 1001249)
140. Mohamed Merabet (case No. 1000415)
141. Mohamed Mihoubi (case No. 1002826)
142. Mohamed Rembo (case No. 1001240)
143. Mouloud Belebhim (case No. 1001774)
144. Mourad Zernadji (case No. 1002814)
145. Moussa Daghmoum (case No. 1002810)
146. Mustapha Arous (case No. 1001909)
147. Mustapha Belayadi (case No. 1001545)
148. Mustapha Boucedrata (case No. 1002798)
149. Nassim Hadidi (case No. 1002815)
150. Nouredine Belaid (case No. 1001773)
151. Nouredine Seghier (case No. 1001245)
152. Nourreddine Adjab (case No. 1002824)
153. Omar Ayadi (case No. 1001477)
154. Omar Gacem (case No. 1000627)
155. Rabah Bataoui (case No. 1001886)
156. Rabah Boudjemaa (case No. 1002800)
157. Rachid Bouruina (case No. 1002797)
158. Rachid Chita (case No. 1002821)
159. Radouane Baroudi (case No. 1001544)
160. Razik Abdallah (case No. 1002771)
161. Redouahe Ouis (case No. 1002808)
162. Redouane Bala (case No. 1001490)
163. Redouane Chalabi (case No. 1002799)
164. Said Bechim (case No. 1001485)
165. Said Houcine (case No. 1002802)
166. Samir Balehouane (case No. 1002770)
167. Samir Belehhouane (case No. 1001546)
168. Sayeh-Yahia Boukraa-Djelloul (case No. 1000643)
169. Slimene Rezoug (case No. 1002827)
170. Smain Boughadou (case No. 1000634)
171. Tahar Benziane (case No. 1000658)
172. Tahar Sabba (case No. 1002763)
173. Tayeb Djeghaiba (case No. 1001267)
174. Toueik Benameur (case No. 1000718)
175. Yahia Belkacem Saadoun (case No. 1001548)
176. Yahiaoui Ahcene (case No. 1002811)
177. Yassine Aioula (case No. 1001475)
178. Youcef Bettatache (case No. 1000669)
179. Ziane Bendib (case No. 1000726)
180. Zoubir Fettaka (case No. 1000621)

## **Nepal**

1. Ajaya Shahi (case No. 1002654)
2. Ajeet Tamang (case No. 1002438)
3. Ambar Bahadur Lama (case No. 1002651)
4. Ambir Babu Gurung (case No. 1002401)
5. Anaraul Miya (case No. 1002444)
6. Arjun Ojha (case No. 1002666)
7. Arjun Pokhrel (case No. 1002369)
8. Babu Raja Prajapati (case No. 1002674)
9. Bal Bahadur Bishwakarma (case No. 1002398)
10. Balaram Rai (case No. 1002779)
11. Bhagirath Kharel (case No. 1002135)
12. Bhakta Bahadur Mijar (case No. 1002449)
13. Bharat Paudel (case No. 1002783)
14. Bhimsen Kumar Gautam (case No. 1002585)
15. Birendra Jhapali (case No. 1002447)
16. Bishnu Thapa (case No. 1002616)
17. Chandra Kanta Dhakal (case No. 1002786)
18. Chandra Prasad Nepal (case No. 1002389)
19. Chet Bahadur Thakuri (case No. 1002382)
20. Chini Maya Majhi (case No. 1002657)
21. Deepak Mudbhari (case No. 1002405)
22. Deepak Raj Sitaula (case No. 1002439)
23. Deepak Thakuri (case No. 1002452)
24. Dev Bahadur Maharjan (case No. 1002434)
25. Devi Prasad Dhungel (case No. 1002440)
26. Dharma Raj Adhikari (case No. 1002662)
27. Dil Bahadur Baniya (case No. 1002784)
28. Dinesh Limbu (case No. 1002781)
29. Durga Data Gautam (case No. 1002394)
30. Durga Prasai (case No. 1002367)
31. Durga Thapa (case No. 1002386)
32. Durgesh Kumar Lvabh (case No. 1002142)
33. Ganesh Dhakal (case No. 1002432)
34. Ganesh Prasad Pandey (case No. 1002653)
35. Gopal Maharjan (case No. 1002673)
36. Gopi Bhandari (case No. 1002437)
37. Govinda Raj Rai (case No. 1002968)
38. Guru Prasad Subedi (case No. 1002399)
39. Gyan Bahadur Koirala (case No. 1002456)
40. Gyan Bahadur Maharjan (case No. 1002139)
41. Hadka Singh Tamang (case No. 1002427)
42. Haji Jamal Khan (case No. 1002687)
43. Hari Prasad Acharya (case No. 1002216)
44. Hari Prasad Paudel (case No. 1002785)
45. Hari Sharan Maharjan (case No. 1002672)



46. Hira Bahadur Rokka (case No. 1002429)
47. Hottam Sapkota (case No. 1002138)
48. Indra Bahadur Thapa (case No. 1002650)
49. Jahid Ali Sai (case No. 1002684)
50. Jeetaman Basnet (case No. 1002455)
51. Jeevan Rai (case No. 1002967)
52. Jetendra Khadka (case No. 1002671)
53. Jitendra Jha (case No. 1002145)
54. Jujubhai Maharjan (case No. 1002388)
55. Kalam Miya (case No. 1002443)
56. Kamal Dhakal (case No. 1002649)
57. Kanchha Husain (case No. 1002445)
58. Kaushalya Pokharel (case No. 1002471)
59. Kedar Gautam (case No. 1002146)
60. Kedar Prasad Bidari (case No. 1002411)
61. Keshav Chudal (case No. 1002392)
62. Keshav Pradhan (case No. 1002652)
63. Krishna Thapa (case No. 1002450)
64. Lal Prasad Ghemere (case No. 1002400)
65. Lanka Bahadur Bishwakarma (case No. 1002397)
66. Laxmi Mahato (case No. 1002385)
67. Laxmi Pande (case No. 1002395)
68. Madan Limbu (case No. 1002614)
69. Madhu Kumar Chaulagain (case No. 1002428)
70. Madhu Mandal (case No. 1002370)
71. Maha Prasad Angai (case No. 1002136)
72. Maheshwar Pahari (case No. 1002457)
73. Maina Sunuwar (case No. 1002387)
74. Mukunda Ghimire (case No. 1002391)
75. Mukunda Sedai (case No. 1002683)
76. Narayan Poudel (case No. 1002656)
77. Narendra Maharjan (case No. 1002442)
78. Nati Shrestha (case No. 1002675)
79. Nawa Raj Rijal (case No. 1002663)
80. Ngadar Bhote (case No. 1002412)
81. Nishan Basnet Cheetri (case No. 1002682)
82. Om Parkas Timalsena (case No. 1002617)
83. Padamhari Paudel (case No. 1002615)
84. Piman Singh Tamang (case No. 1002148)
85. Prabhu Ram Kc (case No. 1002402)
86. Prabhudayal Randh (case No. 1002668)
87. Prakash Bahadur Bhandari (case No. 1002966)
88. Prakash Dhungel (case No. 1002441)
89. Pramananda Barma (case No. 1002667)
90. Pramod Narayan Mandal (case No. 1002143)
91. Prasad Guru Singh (case No. 1002688)

92. Purushotam Chudal (case No. 1002368)
93. Pushpa Lal Dhakal (case No. 1002436)
94. Pushpa Lal Dhakal (case No. 1002655)
95. Puspa Raj Bhurtyal (case No. 1002665)
96. Rabindra Bhandari (case No. 1002670)
97. Raj Kishor Sah (case No. 1002458)
98. Raj Kumar Limbu (Raju) (case No. 1002613)
99. Raj Kumar Pariyak (case No. 1002681)
100. Raj Kumar Shrestha (case No. 1002659)
101. Rajendra Thapa (case No. 1002448)
102. Rajesh Maharjan (case No. 1002140)
103. Rakesh Prasai (case No. 1002366)
104. Ram Bahadur Parajuli (case No. 1002965)
105. Ram Bilas Mahato (case No. 1002384)
106. Ram Prasad Gautam (case No. 1002147)
107. Ram Prasad Mudvari (case No. 1002451)
108. Rom Prakash Pant (case No. 1002661)
109. Sabitri Nepal (case No. 1002390)
110. Saha Dev Risal (case No. 1002137)
111. Sailendra Yadav (case No. 1002144)
112. Sanjiv Kumar Karna (case No. 1002141)
113. Santosh Rijal (case No. 1002664)
114. Santoshi Ale Gurung (case No. 1002669)
115. Saroj Babu Kuwar (case No. 1002587)
116. Satya Narayan Bhagat (case No. 1002660)
117. Shaha Dev Ghimire (case No. 1002431)
118. Shankha Buddha Lama (case No. 1002393)
119. Shita Ram Dhakal (case No. 1002383)
120. Sho Prasad Khatiwada (case No. 1002454)
121. Shubhas Rai (case No. 1002782)
122. Shyam Krishna Shrestha (case No. 1002446)
123. Siddant Paudel (case No. 1002780)
124. Subash Shrestha (case No. 1002430)
125. Subba Prasad Dulal (case No. 1002969)
126. Surendra Rai (case No. 1002586)
127. Tara Bhandari (case No. 1002149)
128. Tej Mudbhari (case No. 1002404)
129. Tej Narayan Sapkota (case No. 1002435)
130. Tej Prasad Gautam (case No. 1002433)
131. Tek Nath Sigdel (case No. 1002396)
132. Tika Prasad Dhakal (case No. 1002648)
133. Upendra Nath Timilsina (case No. 1002658)
134. Yag Prasad Dulal (case No. 1002453)
135. Yamanath Lohani (case No. 1002403)
136. Yuv Raj Chaulagain (case No. 1002964)

## **Philippines**

1. Allan Parroco (case No. 1002478)
2. Alvin S. Valdez (case No. 1002678)
3. Anastacio Obelle (case No. 1002474)
4. Aquilo Guminta (case No. 1002246)
5. Arnulfo Resus (case No. 1002485)
6. Delfin Empon (case No. 1002235)
7. Gemiliano Jr. Gualberto (case No. 1002242)
8. Hernando Gamit (case No. 1002240)
9. Jacqueline Paguntalan (case No. 1002426)
10. Jimlan Carpit M. (case No. 1002680)
11. Joel Flores (case No. 1002239)
12. Julio Rapol (case No. 1002482)
13. Leonardo Enriquez (case No. 1002237)
14. Manuel Farma Ontong (case No. 1002486)
15. Nestor Narca (case No. 1002472)
16. Panigilinan Kennedy (case No. 1002477)
17. Paseo Vivencio (case No. 1002479)
18. Pedro Jr. Reotutar (case No. 1002484)
19. Prospero Olaguer (case No. 1002475)
20. Rodolfo Ramoneda (case No. 1002481)
21. Rogelio Iran (case No. 1002247)
22. Rolando Obbus (case No. 1002473)
23. Rolando Portaleza (case No. 1002425)
24. Romeo Rendon (case No. 1002483)
25. Rowenda Durado Pastorete (case No. 1002480)

## **Russia**

1. Abdulkasim Zaurbekov (case No. 1002694)
2. Abdulla S. Mutsuev (case No. 1002909)
3. Abdullah Adamovich Zanziev (case No. 1002950)
4. Abdul-Nasir Adburashidovich Saidiev (case No. 1002917)
5. Abubakar Y. Timurkayev (case No. 1002941)
6. Adam Khamidovich Makharbiev (case No. 1002901)
7. Adam Magomedovich Suleymanov (case No. 1002928)
8. Adam Soltamuradov (case No. 1002925)
9. Adam Yusupov (case No. 1002914)
10. Adlan El'darov (case No. 1002860)
11. Akhdan Khatayev (case No. 1002894)
12. Akhdan Tamaev (case No. 1002697)
13. Akhmed Dudurkaev (case No. 1002839)
14. Akhmed Eidievich Susaev (case No. 1002863)
15. Akhmed Usmanovich Gazuev (case No. 1002870)
16. Akhmed Vakhidovich Tapsultanov (case No. 1002932)
17. Aleksandr Mikhaylovich Kovenchuk (case No. 1002896)

18. Ali Adamovich Magomayev (case No. 1002956)
19. Ali Eldiev (case No. 1002861)
20. Ali Saidievich Labazanov (case No. 1002955)
21. Ali Usamovich Shovkhalov (Shavkhalov) (case No. 1002869)
22. Alibek Musaevitch Astamirov (case No. 1002695)
23. Alvi Arbiyevich Dashaev (case No. 1002843)
24. Andarbek Abdulkerimovich Satuev (case No. 1002910)
25. Anzor Malikov (case No. 1002960)
26. Apti Abuyazidovich Rasuyev (case No. 1002874)
27. Apti Daudovich Islamov (case No. 1002867)
28. Apti Medzhidov (case No. 1002840)
29. Aset Dzhaubatyrova (case No. 1002857)
30. Aset Elburzdukaeva (case No. 1002859)
31. Aset Salmanovna Tatsakhova (case No. 1002903)
32. Aslambek Il'yasovich Khamidov (case No. 1002892)
33. Aslambek (Islam) Yusupovich Dashazaev (case No. 1002845)
34. Aslambek Abuevich Tasataev (case No. 1002934)
35. Aslambek Ganiyevich Imakaev (case No. 1002958)
36. Aslambek Movsarovich Shavanov (case No. 1002923)
37. Aslan Alievich Mitaev (case No. 1002905)
38. Aslan Dundaev (case No. 1002701)
39. Aslan Idigov (case No. 1002677)
40. Aslan Movldievich Tasataev (case No. 1002935)
41. Aslan Slosbekovich Chapanov (case No. 1002832)
42. Aslanbek Dzhalarovich Chatuev (Chituev) (case No. 1002834)
43. Aslanbek Imranovich Dukhaev (case No. 1002851)
44. Aslanbek Khamzatovich Kukayev (case No. 1002842)
45. Ayndi Kadyrov (case No. 1002886)
46. Badrudi Sharipovich Nazyrov (case No. 1002912)
47. Balaudi Mamaev (case No. 1002904)
48. Balavdi Khalimovich Imakaev (case No. 1002957)
49. Baudi Sultanovich Taysumov (case No. 1002936)
50. Beslan Imranovich Dukhaev (case No. 1002852)
51. Cha-Borz Sultanovich Taysumov (case No. 1002937)
52. Dikalo Saidievich Suipov (case No. 1002927)
53. Dzhambulat Zhumlievich Chataev (case No. 1002954)
54. Eliza Adnevna Gaitamirova (case No. 1002153)
55. Emadi Soltamuradov (case No. 1002926)
56. Emedi Bilalovich Isayev (case No. 1002884)
57. Gelani Khamzatovich Khabilleev (case No. 1002891)
58. Hussein Adamovich Didaev (case No. 1002700)
59. Hussein Aizrailovich Ismailov (case No. 1002885)
60. Ibragim Isayevich Tsurov (case No. 1002584)
61. Ionadi Balavdinovich Gilkhaev (case No. 1002873)
62. Iosup Kaysumovich Kerimov (case No. 1002889)
63. Isa Alievich Bechurkaev (case No. 1002831)
64. Isa Baudinovich Vizirov (case No. 1002946)

65. Isa Khadziev (case No. 1002959)
66. Iskhan Ramzanovich Cherukhanov (case No. 1002835)
67. Islam Arbiyevich Ibragimov (case No. 1002844)
68. Islam Kizitovich Dombaev (case No. 1002693)
69. Islam Rizvanovich Dubayev (case No. 1002850)
70. Iznaur Serbiev (case No. 1002698)
71. Jabrail Alaskhanov (case No. 1002702)
72. Kazbek Dzhallavdinovich Machigov (case No. 1002900)
73. Khajimurat Yandiev (case No. 1002703)
74. Khamzat Israilov (case No. 1002962)
75. Khanip Sadylovich Dzhabrailov (case No. 1002853)
76. Kharon Said-Akhmedovich Musaev (case No. 1002880)
77. Khasain Kharonovich Vakhaev (case No. 1002944)
78. Khasan Alievich Sagaev (case No. 1002916)
79. Khasan Gapurovich Gachuev (Gochuev Gatuev) (case No. 1002865)
80. Khas-Magomed Tsugaev (case No. 1002942)
81. Khasolt Khizirovich Sugaypov (case No. 1002921)
82. Larissa (Asma) Akhyadovna Makuyeva (case No. 1002902)
83. Lema Solsbekovich Chapanov (case No. 1002833)
84. Magomed Buvaysarovich Taramov (case No. 1002933)
85. Magomed Kaysumovich Kerimov (case No. 1002890)
86. Magomed Khamidovich Khasanov (case No. 1002893)
87. Magomed M. Shamilev (case No. 1002897)
88. Magomed Mutalipovich Dikiev (case No. 1002847)
89. Magomed Saidievich Shamilev (case No. 1002922)
90. Magomed Sharipovich Suleymanov (case No. 1002929)
91. Magomed Shirvanievich Gabanchaev (case No. 1002855)
92. Magomed Sultanovich Timurkaayev (case No. 1002882)
93. Mannopzhon Rakhmatullayev (case No. 1002644)
94. Mansur Mukhadievich Gisaev (case No. 1002876)
95. Mayerbek Movsarovich Shavanov (case No. 1002924)
96. Mayr-Ali Nasursoltaevich Tuchigov (case No. 1002943)
97. Milana Kodzoeva (case No. 1002154)
98. Mirza Elmurzaev (case No. 1002864)
99. Mokhadi Ibuevich Khamzatov (case No. 1002846)
100. Murad Azitovich L'yanov (case No. 1002898)
101. Murad Maksheripovich Gorchkhanov (case No. 1002877)
102. Murat (Edik) Vakhidovich Gelaev (case No. 1002871)
103. Murat Azitovitch Lyanov (case No. 1002691)
104. Musa Dakaevich Elsiev (case No. 1002858)
105. Musa Gairbekov (case No. 1002690)
106. Musa Magomedivitch Astamirov (case No. 1002696)
107. Musaid Ramzanovich Zubayraev (case No. 1002951)
108. Muslim Magomedovich Agamerzaev (case No. 1002828)
109. Muslim Ruslanovitch Aydamirov (case No. 1002830)
110. Nudri Khozh-Akhmedovich Isaev (case No. 1002883)

111. Ramzan Cherukanov (case No. 1002836)
112. Ramzan Magomedovich Alaudinov (case No. 1002301)
113. Rashid Borisovich Ozdov (case No. 1002149)
114. Rizvan Vakhayevich Ismailov (case No. 1002879)
115. Roslanbek Sharipovich Damev (case No. 1002841)
116. Ruslan Alamovich Ditaev (case No. 1002849)
117. Ruslan Aliyevich Khaykharov (case No. 100288)
118. Ruslan Kaikharov (case No. 1002705)
119. Ruslan Madagovich Viskhadjiev (case No. 1002945)
120. Ruslan Mezhidov (case No. 1002907)
121. Ruslan Ramzanovich Cherukhanov (case No. 1002837)
122. Ruslan Vakhaevich Zakaev (case No. 1002949)
123. Said-Ali Sayid-Akhmedovich Musaev (case No. 1002881)
124. Said-Emi Kirievich Ocherkhadzhiyev (case No. 1002913)
125. Said-Emin Daudovich Islamov (case No. 1002868)
126. Said-Husein Khamzatovich Tembulatov (case No. 1002939)
127. Saidi Malsagov (case No. 1002647)
128. Said-Khusein Imakhaev (case No. 1002704)
129. Said-Magomed Debizov (case No. 1002699)
130. Said-Magomed Magomedovich Dikiev (case No. 1002848)
131. Salambeck Salmanovich Sulimanov (case No. 1002875)
132. Salamu Mazaev (case No. 1002906)
133. Salamu Salmanovich Shalaev (case No. 1002920)
134. Sayda Rasayev (case No. 1002915)
135. Sayid Salam Yasuyev (case No. 1002947)
136. Sayid-Khasid Kadyrov (case No. 1002887)
137. Sayid-Mogomed Yasuyev (case No. 1002948)
138. Saypuddi Saypulayevich Sayfulayev (case No. 1002919)
139. Shakhid Raduyevich Baysaev (case No. 1002953)
140. Shakhman Sheripovich Musaev (case No. 1002908)
141. Shamil Said-Khasanovich Akhmadov (case No. 1002829)
142. Shamkhan Shakhrudinovich Gadaev (case No. 1002866)
143. Sharip Naibovich Khaysumov (case No. 1002895)
144. Sheykhakhmed Magomaev (case No. 1002963)
145. Suleyman Atievich Seriev (case No. 1002872)
146. Suleyman Vakhayevich Surguyev (case No. 1002862)
147. Sultan Taysumov (case No. 1002938)
148. Tadzhi Kaymovich Takhadov (case No. 1002931)
149. Temerbulat Sharpudinovich Suleymanov (case No. 1002930)
150. Timur Sergeevich Tabzhanov (case No. 1002692)
151. Timur Sergeevich Tabzhanov (case No. 1002899)
152. Turpal-Ali Beksoltovich Naybov (case No. 1002911)
153. Vakhid Movlaevich Saidselimov (case No. 1002918)
154. Vakhid Usamovich Timaev (case No. 1002940)
155. Visarkhan Dakuev (case No. 1002838)
156. Yakub Alamatovich Iznaurov (case No. 1002856)
157. Yunus Ramzanovich Zubayraev (case No. 100295)

158. Zaur Sultanovich Ibragimov (case No. 1002878)
159. Zelimkhan Khamzatovich Dzhamaldayev (case No. 1002854)
160. Zilauddi Malikov (case No. 1002961)

## **Sudan**

1. Abaker Tikki Jamus (case No. 1002709)
2. Abdallah Ishaq (case No. 1002707)
3. Abdallah Musa Zakaria (case No. 1002743)
4. Abdallah Taher Yaqub (case No. 1002752)
5. Abdel Majed Hamed (case No. 1002717)
6. Abdel Majed Nur Issa (case No. 1002753)
7. Abdel Rahman Sharif Ali (case No. 1002721)
8. Adam Al-Hadi (case No. 1002706)
9. Adam Musa Mohammad (case No. 1002708)
10. Adam Saleh Yaqub (case No. 1002741)
11. Ahmad Adam Arja (case No. 1002734)
12. Ahmad Issa Nahar (case No. 1002720)
13. Ahmad Muta' (case No. 1002744)
14. Ahmad Yaqub Mohammad (case No. 1002728)
15. Al-Damarja Hamed (case No. 1002713)
16. Al-Sadeq Ali Abdallah (case No. 1002715)
17. Al-Taher Sabun (case No. 1002735)
18. Bashar Abdel Jabbar Karkur (case No. 1002756)
19. Bashir Ali Aqid (case No. 1002730)
20. Beshir Hamed Muhajer (case No. 1002733)
21. Da'ud Sinin Ahmad (case No. 1002747)
22. Hamed Bijja Ambedda (case No. 1002714)
23. Harun Sinin Ahmad (case No. 1002746)
24. Hassan Bageira Arba (case No. 1002729)
25. Hussein Khamis Ibrahim (case No. 1002755)
26. Hussein Nahar Jarar (case No. 1002758)
27. Ibrahim Ahmad Ismail (case No. 1002723)
28. Ibrahim Jaber Musa (case No. 1002718)
29. Ibrahim Khater Arja (case No. 1002712)
30. Ibrahim Saleh Nahar (case No. 1002750)
31. Khater Ismail Abdallah (case No. 1002722)
32. Mohammad Hamed Nur (case No. 1002740)
33. Mohammad Jiddu Karkur (case No. 1002716)
34. Mukhtar Ishaq Saleh (case No. 1002731)
35. Mukhtar Khatm Nur (case No. 1002742)
36. Mustafa Al-Tom Hari (case No. 1002710)
37. Nahar Jarar (case No. 1002759)
38. Nimeiri Ahmad Ali (case No. 1002749)
39. Nur Suleiman Jaber (case No. 1002748)
40. Omar Musa Ibrahim (case No. 1002727)
41. Sadeq Ahmad Tairab (case No. 1002732)

42. Sadeq Mansur Na'er (case No. 1002737)
43. Sadeq Yusuf (case No. 1002736)
44. Saleh Adam Hagar (case No. 1002745)
45. Saleh Omar Shaikh al-Din (case No. 1002711)
46. Sharif Basher Mustafa (case No. 1002751)
47. Suleiman Ismail Omar (case No. 1002724)
48. Suleiman Mahmud Nabi (case No. 1002757)
49. Tukar Ahmad Yaqub (case No. 1002725)
50. Yahya Bashir Bush (case No. 1002726)
51. Yahya Haber Nahar (case No. 1002738)
52. Yahya Mahmud Ali (case No. 1002754)
53. Yahya Mohammad Musal (case No. 1002739)
54. Yaqub Yunus Har (case No. 1002719)

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