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COMMISSION ON HUMAN RIGHTS
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Item 11 (b) of the provisional agenda**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****Executive summary**

The present report of the Working Group continues to highlight further developments in two basic features of the situation of enforced or involuntary disappearance in the world.

The first relates to the practice of disappearance, which continues to occur in a number of countries. During 2001, the Working Group* transmitted 243 new cases of disappearance that occurred in 25 countries; 50 of these occurred in 2001. As at the last day of its sixty-fifth session, on 21 November 2001, the Working Group had 41,859 outstanding cases on its registers. During 2001, the Working Group transmitted 58 cases under its urgent action procedure to the Governments of 15 countries. The highest number of cases of enforced or involuntary disappearance in 2001 allegedly occurred in Colombia (12) and Cameroon (9).

There has been a decline in the number of disappearances reported to the Working Group over the past few years, which it considers to be a positive sign. Between 1997 and 2001, the number of new cases of disappearance transmitted by the Working Group declined to 243 in 2001 as compared with 1,111 in 1997, 1,015 in 1998, 300 in 1999 and 487 in 2000. The number of cases that occurred in the period under review also declined, to 50 in 2001 from 180 in 1997, 240 in 1998, 115 in 1999, and 120 in 2000.

The second basic feature concerning the question of enforced disappearance relates to the process of clarification of cases, especially those that were transmitted more than 10 years ago. During 2001, the Working Group clarified a total of 4,419 cases of enforced disappearance, which is the largest number that it has clarified in its first 20 years of existence. The vast majority of clarifications (4,390) relates to cases in Sri Lanka, which is also the country with the second highest number of disappearances on the Working Group's list. The process that led to these clarifications was initiated by the Working Group during its three field missions in the 1990s, and constitutes a concerted effort by the Government of Sri Lanka, the families and relatives of the disappeared persons, a consortium of non-governmental organizations and the Working Group. The example of Sri Lanka reflects a new approach adopted by the Working Group to invite Governments with large numbers of unresolved cases, partly dating back to the 1970s, to consider ways and means, in cooperation with the families and civil society, to provide justice to the victims and to clarify those cases. In the past, the Working Group had reported on positive examples of cooperation with Governments, such as those of Brazil and Mexico, and, in the present report, the Working Group invites other Governments, particularly those of countries with a high number of outstanding cases, to follow those examples.

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In spite of the decrease in the number of disappearances reported to the Working Group and the cooperation received by the Working Group from many Governments, the Working Group remains concerned that the attitude of most Governments towards investigating and clarifying outstanding cases has not improved. Of the 74 countries with outstanding cases in 2001, the Working Group has never received any replies to its requests for information from the Governments of Burkina Faso, Burundi, Cambodia, the Congo, Denmark, Equatorial Guinea, Guinea, Israel, Jordan, Mozambique, Namibia, Rwanda, Seychelles, Tajikistan and Togo. The Palestinian Authority has also never replied to the Working Group.

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Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 2001/46, entitled "Question of enforced disappearances". In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission, entrusted to all special rapporteurs and working groups, all of which have been given due attention and consideration by the Working Group in the course of 2001. In view of the page limit imposed on all reports, however, the Working Group decided not to reproduce the content of these resolutions as it has done in the past.

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B. Communications

13. During the period under review, the Working Group transmitted 243 new cases of enforced or involuntary disappearance to the Governments of Algeria, Burundi, Cameroon, China, Colombia, Denmark, Ecuador, Honduras, India, Jordan, the Lao People's Democratic Republic, Lebanon, Mexico, Morocco, Nepal, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, Sri Lanka, the Sudan, Thailand, Turkey and Uzbekistan. It also transmitted one case to the Palestinian Authority.

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14. Fifty-eight of these cases were sent by the Working Group under the urgent action procedure to the Governments of Burundi, Cameroon, China, Colombia, Denmark, Ecuador, Mexico, Nepal, Pakistan, the Philippines, the Russian Federation, Sri Lanka, the Sudan and Turkey. An urgent action appeal was also sent to the Palestine Authority. Of the newly reported cases, 50 allegedly occurred in 2001, and relate to Burundi, Cameroon, China, Colombia, Denmark, Ecuador, India, Mexico, Nepal, Pakistan, the Philippines, the Russian Federation, Sri Lanka, Sudan, Turkey and the Palestinian Authority. During the same period, the Working Group clarified 4,419 cases in the following countries: Angola, Burundi, Cameroon, Denmark, India, Indonesia, Mexico, Nepal and Sri Lanka.

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II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES, THE PALESTINIAN AUTHORITY AND THE UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR REVIEWED BY THE WORKING GROUP

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Israel

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

180. Of the three cases reported to the Working Group, one occurred in 1992 in Jerusalem and concerns a person who failed to return home from work and who is allegedly detained in a prison in Tel Aviv. Another case concerns a Palestinian who was reportedly arrested in 1971 on the day a bomb exploded in Gaza, and was last seen in a detention camp. One other case concerns a Palestinian from the occupied West Bank who was allegedly detained in Hebron in 1991 by Israeli security forces. In all three cases, Israeli military or security forces were said to be responsible. During the period under review, in accordance with its methods of work, a copy of a case that was transmitted to the Palestinian Authority was sent to the Government of Israel. The case concerns a United States citizen of Palestinian descent who disappeared near the Israeli settlement of Ofrah and who was allegedly abducted by the Israeli Defense Forces (IDF). (See also chapter on Palestinian Authority.)

181. In the past, the Working Group clarified one case on the basis of information provided by the source. Despite several reminders, no information has ever been received by the Working Group from the Government on the two outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

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Lebanon

194. During the period under review, the Working Group transmitted six new cases of disappearance to the Government of Lebanon. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source.

195. The majority of the 312 cases of disappearance reported to the Working Group occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist militia, the Lebanese army or its security forces; in some cases, the Israeli army was also reportedly involved in the arrest, together with one of the other forces mentioned. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Chatila refugee camps in September 1982. In some cases, which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions. In a few cases, including two that occurred in 1990, the persons concerned were reportedly arrested by members of the Syrian army or security services at checkpoints before being transferred to and detained in the

Syrian Arab Republic. One case, which allegedly occurred in June 1997, in Akkar, north Lebanon, concerned a medical doctor who was reportedly abducted by members of the Syrian military intelligence. His arrest is thought to relate to his alleged membership in an illegal political party.

196. The newly reported cases reportedly occurred between 1976 and 2000 and concern a university professor who was allegedly kidnapped by the Hezbollah and transferred to Syria, a student who was said to have been kidnapped by the Syrian army at a roadblock in Younieh, another person who disappeared on his way to work and who is believed to be detained in the Saidnaya prison in Syria, and three Israeli nationals who were allegedly kidnapped by the Hezbollah while they were patrolling the southern side of the Israeli-Lebanese border. In accordance with its methods of work, copies of the first three cases were also sent to the Government of the Syrian Arab Republic.

197. At its sixty-fourth session, the Working Group met with representatives of the Government of Lebanon, including a member of the newly established national ad hoc human rights committee of Lebanon, who is also President of the Human Rights Committee of the Bar Association of Lebanon, and engaged in an exchange of views with regard to the outstanding cases. The Committee had identified three categories of disappeared persons: those who had been liquidated by various militia during the war in Lebanon, involving foreign forces, between 1975 and 1990; those who were transferred to Israel; and, those whom relatives believe were transferred to Syria. The representative pointed out that many persons had disappeared following the Israeli invasion of Lebanon in 1980 and its occupation of Beirut in 1982; although they had withdrawn from Beirut, they remained in southern Lebanon until May 2000. The Government faces tremendous difficulties in locating these persons, although reports received from various non-governmental organizations indicate that these persons are to be found in Israel. In 1992, the International Committee of the Red Cross found a number of persons of Lebanese origin in a hospital in Israel. Recently, the Government of Israel announced the transfer of bodies from one cemetery to another, without identifying them. With regard to persons believed to be in the Syrian Arab Republic, the Government has addressed itself to the Government of that country and is awaiting a reply. The representative requested the Working Group's assistance in raising the matter with the Governments of Israel and the Syrian Arab Republic.

198. During the meeting, the Working Group requested information on the steps taken by the Government with regard to clarifying the cases in the first category, relating to persons feared dead, in view of the fact that most of the cases on its list are in that category. The Group also requested information on the legal procedures available to the Government for the clarification of such cases, including the provision of compensation to the families and the issuance of death certificates. In this regard, the representative replied that, since the relatives believe that the persons are still alive, they have not asked for death certificates or compensation, but that once the fate of the persons concerned is established, the Committee would recommend that such actions be taken. In conclusion, the government representative said that a report would be submitted to the Working Group by the end of the year, either by the ad hoc human rights committee or by the Bar Association of Lebanon.

199. In the past, the Working Group clarified eight cases, of which, two were clarified on the basis of information provided by the Government and six on the basis of information provided by the source. In respect of the 304 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

200. The Working Group wishes to thank the Government for the cooperation and information it provided during the course of the year. While understanding the difficult situation in Lebanon, the Working Group remains concerned that only 2 out of 312 cases have been clarified by the Government.

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

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Syrian Arab Republic

298. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic.

299. Most of the 35 cases of disappearance reported to the Working Group occurred between 1980 and 1993, for which the security forces or military intelligence were allegedly responsible. The victims included, among others, students, medical doctors and military personnel. In 11 cases, the persons concerned were allegedly arrested at home during the period of mourning following the death of General Jalah Jadidit. Two cases concern Jordanian nationals and another concerns a citizen of Lebanon. Other cases concern persons who were allegedly members of terrorist groups; others were reportedly members of the military or civilians. In the past, concern was expressed to the Working Group about the whereabouts of both Lebanese citizens and stateless Palestinians who were reported to have disappeared in Lebanon, but for which the Government of the Syrian Arab Republic was allegedly responsible.

300. In the past, the Working Group clarified 27 cases, of which 13 were clarified on the basis of information provided by the Government and 14 on the basis of information provided by the source. No new information was received from the Government with regard to the eight outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

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Palestinian Authority

351. During the period under review, the Working Group transmitted to the Palestinian Authority two new cases, one of which reportedly occurred in 2001 and was sent under the urgent action procedure. During the same period, the Working Group retransmitted one case updated with new information from the source.

352. The case of disappearance reported to the Working Group in the past reportedly occurred in 1997 and concerns a real estate agent and father of five children who allegedly disappeared following his arrest by members of the Palestinian military intelligence in Ramallah.

353. Of the two newly reported cases, one occurred in 1997 and concerns a person who was allegedly taken away from his sister's home in Deir-al-Balah by persons who had identified themselves as military intelligence officers. The other case concerns a United States citizen of Palestinian descent who disappeared near the Israeli settlement of Ofrah. Eyewitness accounts and a blue tape found on his car, which was abandoned near the settlement, indicated that it had been searched for explosives by Israeli Defence Forces (IDF). It is stated that appeals made to the United States Consulate General, the Overseas American Citizens Services Officer for Israel, and the United States Department of State were fruitless. In accordance with its methods of work, a copy of the case was also sent to the Government of Israel and to the Government of the United States of America.

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

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* 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 21 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; and E/CN.4/2001/68. The relevant resolution of the Commission adopted at its fifty-seventh session is resolution 2001/46.