

AMNESTY INTERNATIONAL UPDATE

PUBLIC

28 August 2008
AI Index: POL 36/003/2008

Annual Report 2008 – Enforced Disappearance Update Selected extracts on Enforced Disappearance

Algeriaⁱ

Algeria signed the new International Convention for the Protection of All Persons from Enforced Disappearance on 6 February but failed to take any steps to investigate the fate of thousands of victims of enforced disappearances and continued to implement Law 06-01. Under this, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were pressurized to seek such certificates, while others refused to do so out of concern that this would close the door to any investigation. The authorities told the HRC that they had selected 6,233 requests for compensation and had categorized some 17,000 cases as “killed terrorists”, but provided no details of the disappeared to whom these referred. Some families received death certificates stating that relatives who had disappeared had been killed while active in armed groups. It was not known how many families received compensation.

_ No progress was made in resolving the disappearance of Salah Saker, a teacher arrested by state agents in 1994, even though the HRC had called in 2006 for an immediate investigation into his case.

_ In July, the HRC ruled on the cases of Mohamed Grioua and Mourad Kimouche, who disappeared after arrest by state agents in 1996. The HRC found that the state had failed to protect their rights and lives, and called for full investigations and for the perpetrators to be prosecuted.

Bosnia & Herzegovinaⁱⁱ

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of enforced disappearances. Perpetrators continued to enjoy impunity. Progress continued to be slow in transferring competencies from the missing persons commissions of the FBiH and the RS to the national Missing Persons Institute (MPI). In November, the BiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enabling the Institute to begin its activities.

The exhumation of a mass grave in Kamenica uncovered 76 complete and 540 incomplete bodies. The remains are believed to be those of victims of killings in Srebrenica in 1995 by Bosnian Serb forces.

_ In December 2006 a commission tasked with investigating the enforced disappearance of Avdo Palić had been reactivated, but attempts to locate his mortal remains and to investigate his enforced disappearance were unsuccessful. Army of Bosnia and Herzegovina Colonel Avdo Palić had disappeared after reportedly being forcibly taken by VRS soldiers from the UN Protection Force compound in Žepa on 27 July 1995.

Chadⁱⁱⁱ

The fate of more than 14 army officers and civilians, victims of enforced disappearance between April and August 2006, remained unknown. The men were detained by members of the security forces because they were suspected of involvement in an attack on the capital, N'Djamena, by an armed group in April 2006. Despite persistent and repeated calls from the victims' families and human rights organizations, the authorities refused to disclose their whereabouts.

_ On 30 November, at least seven members of the Tama ethnic group were arrested in the eastern town of Guereda. The authorities subsequently refused to disclose their whereabouts. Some were members of the FUC and were arrested during or soon after a meeting with President Deby to discuss disarmament and the integration of former FUC members into the army.

Colombia^{iv}

_ In July, retired army Colonel Alfonso Plazas Vega was arrested for his part in the enforced disappearance of 11 people during a military assault on the Palace of Justice in Bogota after M-19 guerrillas took hostage those inside in November 1985. Over 100 people died during the military assault, including 12 Supreme Court judges. In September, Attorney General Mario Iguaran said there was strong evidence that many of those who disappeared were alive when they left the building.

El Salvador

The UN Working Group on Enforced or Involuntary Disappearances criticized the government for failing to resolve some 2,270 cases of enforced disappearance during the period of internal conflict. The Working Group highlighted the role of the 1993 Amnesty Law which allows perpetrators of human rights violations, including enforced disappearance, to evade prosecution.

The National Assembly approved an annual day of remembrance to commemorate the children who were victims of enforced disappearance during the conflict, in accordance with the ruling of the Inter-American Court of Human Rights.

Guatemala

The UN Working Group on Enforced or Involuntary Disappearances criticized the government for failing to make any significant progress in determining the fate of approximately 45,000 people who remained "disappeared".

India^v

Jammu and Kashmir

State and non-state actors continued to enjoy impunity for torture, deaths in custody, abductions and unlawful killings. A human rights organization reported that in the past 18 years 1,051 people had been victims of enforced disappearance in Baramulla district alone.

Human rights organizations challenged official claims that there had been no disappearances until 10 November 2007, saying that 60 people had disappeared since 2006, including nine in 2007. Five people, who had allegedly been detained illegally, were traced. In a few cases criminal action was initiated for human rights violations committed years earlier.

North Korea^{vi}

Hundreds of North Koreans forcibly returned from China were unaccounted for. The families of several people who left the country without permission disappeared. They were believed to be victims of enforced disappearance, a form of collective punishment for those associated with someone deemed hostile to the regime (“guilt-by association”).

The North Korean authorities have also abducted nationals of other countries, including South Korea and Japan. The government failed to acknowledge any enforced disappearances.

_ Son Jong-nam was arrested in January 2006 accused of treason, apparently because he visited his brother, Son Jong-hun, in China between May and June 2004. He had been at risk of imminent execution since his arrest. In March 2007, he was transferred to a detention facility in Pyongyang, reportedly in a critical condition following torture by the National Security Agency (NSA). There was no indication that a trial took place, but a sentence was reportedly passed by the NSA.

Lebanon^{vii}

No criminal investigations or prosecutions were initiated into mass human rights abuses that were committed with impunity during and after the 1975-1990 civil war. Abuses included killings of civilians; abductions and enforced disappearances of Palestinians, Lebanese and foreign nationals; and arbitrary detentions by various armed militias and Syrian and Israeli government forces. In 1992 the Lebanese government said that a total of 17,415 people had disappeared during the civil war.

Mexico^{viii}

Possible enforced disappearances

The Popular Revolutionary Army (Ejército Popular Revolucionario, EPR) accused the authorities of the enforced disappearance of two of its members, Edmundo Reyes Amaya and Gabriel Alberto Cruz Sanchez. The EPR alleged that they had been detained in Oaxaca City on 25 May.

In August the EPR claimed responsibility for several explosions in central Mexico in support of their demand that the authorities acknowledge the detention of the two men. In October, a federal court issued a habeas corpus (*amparo*) writ requiring the end of their enforced disappearance and for the authorities to ensure their immediate reappearance. The state and federal authorities denied that the two men had been

detained or forcibly disappeared and promised to investigate. The whereabouts of Edmundo Reyes Amaya and Gabriel Alberto Cruz Sanchez remained unknown at the end of the year.

Myanmar^{ix}

During and after the September crackdown, there were at least 72 confirmed cases of enforced disappearance.

Russia^x

The European Court of Human Rights ruled that Russia was responsible for enforced disappearances, torture and extrajudicial executions in 15 judgments relating to the second Chechen conflict which began in 1999. There were fewer reported cases of disappearances in the Chechen Republic than in previous years; however, serious human rights violations were frequent and individuals were reluctant to report abuses, fearing reprisals. Ingushetia saw an increase in serious violations, including enforced disappearances and extrajudicial executions.

In Chechnya the number of reported enforced disappearances and abductions decreased, compared with previous years, although cases continued to be reported.

In 15 judgments the European Court ruled Russia responsible for enforced disappearances, torture and extrajudicial executions relating to the second Chechen conflict. The Court sharply criticized the ineffectual investigations.

Rwanda^{xi}

_ Augustin Cyiza, a prominent member of civil society, and Leonard Hitimana, a member of the Transitional National Assembly, were reportedly victims of enforced disappearance in 2003. Since then, officials have denied knowledge of their whereabouts, and have carried out no rigorous investigations into their disappearances.

Serbia^{xii}

Seven years after investigations opened, indictments had still not been issued in connection with the transfer in refrigerated trucks to Serbia in 1999 of the bodies of at least 900 ethnic Albanians.

Proceedings continued against serving police officers indicted for the murder of the three Albanian-American Bytici brothers in Kosovo in July 1999; the trial was reportedly marred by interruptions and abuse from police “observers”

Kosovo^{xiii}

Impunity for war crimes, including enforced disappearances and abductions
A lack of prompt and effective investigations, the absence of witness protection, a backlog of appeal cases and a declining number of international judiciary and prosecutors to consider cases of war crimes, including enforced disappearances, contributed to continuing impunity for these crimes.

Impunity remained in over 3,000 cases of enforced disappearances and abductions. Relatives of the missing complained at being repeatedly interviewed when new

UNMIK police contingents took over cases; prosecutors complained that witnesses refused to come forward.

Sri Lanka^{xiv}

Several hundred cases of enforced disappearances were reported in the first six months of 2007. Jaffna Peninsula was particularly affected with 21 cases of enforced disappearances reported in the first three weeks of August alone. Enforced disappearances in the north and east appeared to be part of a systematic counter-insurgency strategy devised by the government. There were also a number of abductions and suspected enforced disappearances reported from Colombo.

The Human Rights Council's Working Group on Enforced or Involuntary Disappearances expressed concern about the high number of such cases in Sri Lanka.

Syria^{xv}

The fate of some 17,000 people, mostly Islamists who were victims of enforced disappearance after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias, remained unknown.

Thailand^{xvi}

At least 26 people have disappeared since 2001. Few of these cases have come before a court, and none has been conclusively solved. In March, 24 southern Muslims sought asylum in Malaysia citing enforced disappearances as a reason.

Uruguay^{xvii}

In September the appeals court confirmed the trial and detention of former President Juan Maria Bordaberry (1971-1976) as co-author of 10 homicides. In December, former President General Gregorio Alvarez (1981-1985) was arrested and charged as co-author of the enforced disappearances of more than 30 people.

ⁱ Annual Report 2008, pages 50-1.

ⁱⁱ Idem, p. 71

ⁱⁱⁱ Ibid, p. 91

^{iv} Ibid, p. 180

^v Ibid, p. 196

^{vi} Ibid, p. 205

^{vii} Ibid, p. 210

^{viii} Ibid, p. 217

^{ix} Ibid, p. 229

^x Ibid, p. 238-9

^{xi} Ibid, p. 249

^{xii} Ibid, p. 254

^{xiii} Ibid, p. 260, 262

^{xiv} Ibid, p. 278

^{xv} Ibid, p. 290

^{xvi} Ibid, p. 294

^{xvii} Ibid, p.