

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL CASE STUDIES

PUBLIC

AI Index: POL 36/001/2008
August 28 2008

International Day of the Disappeared Global Reach: Regional case studies and brief country background

ASIA

PAKISTAN

Case studies:

Masood Ahmed Janjua and **Faisal Faraz** were apprehended during a bus journey to Peshawar on 30 July 2005. Several other persons who had also been subjected to enforced disappearances testified to seeing them in detention, but state officials have denied their detention and any knowledge of their whereabouts. A crucial testimony by former inmate in the same place of secret detention was brought before the Supreme Court. However before it could be heard, the President General Musharraf proclaimed an emergency and dismissed the majority of the Supreme Court judges in November 2007, crushing hopes of the relatives of the two men. Their whereabouts remain unknown.

Atiq-ur Rehman, a 29-year-old scientist and officer of the Atomic Energy Commission, was apprehended in Abbotabad, North West Frontier Province (NWFP) on 25 June 2004, the day of his wedding. Police refused to register the family's complaint, arguing that he was in the custody of an intelligence agency. A non-governmental organization, Defence of Human Rights, submitted his case to the Supreme Court along with several others. During Supreme Court hearings, state representatives denied holding him and any knowledge of his whereabouts. He was dismissed from his place of work for "wilful absence". His fate and whereabouts remain unknown.

Amina Masood Janjua

Amina, the wife of Pakistani disappeared businessman, **Masood Ahmed Janjua**, co-founded the Defence of Human Rights group in 2006 with **Faisal Faraz's** mother, after both men were apprehended (see case study above). Staging protests in Islamabad against the government, Amina has become a vocal and well known

representative of the protest movement in Pakistan. Masood and Amina have three children Muhammad, Ali and Aisha, now in their early teens. Amina will be on a speaking tour with Amnesty International during September.

Country Background:

Enforced disappearances were rare in Pakistan before 2001. After the attacks in the USA on 11 September 2001, detentions were justified in the name of the US-led “war on terror”. Then the practice spread to the disappearance of activists working for greater ethnic or regional rights, including Baloch and Sindhis .

The precise number of those subjected to enforced disappearance is difficult to ascertain. Defence of Human Rights, represents 563 disappeared persons. The exact number of Baloch and Sindhis disappeared is not known. The Human Rights Commission of Pakistan estimates there are at least 600 cases in Balochistan alone, Baloch groups put the number in the thousands.

Despite undeniable evidence, the government of President Pervez Musharraf consistently denied subjecting anyone to enforced disappearances.

In the July 2008 report **Denying the undeniable, enforced disappearances in Pakistan**, Amnesty International used official court records and affidavits of victims and witnesses of enforced disappearances to confront the Pakistani authorities with evidence of how government officials obstructed attempts to trace those who have “disappeared.”

SRI LANKA

Case study:

Sebastian Goodfellow, a driver for the aid agency Norwegian Refugee Council (NRC) has not been seen since 15 May 2008, and it is feared he has been abducted, possibly by an armed group operating with the tacit support of the security forces. NRC reported his possible enforced disappearance to the Cinnamon Gardens police station in Colombo and his family reported the same to the police in the eastern city of Batticaloa, where he is normally based.

Professor Sivasubramaniam Raveendranath, the Vice Chancellor of the Eastern University, disappeared from a high security zone in Colombo on 15 December 2006. Reverend Fr. Thiruchelvan Nihal Jim Brown disappeared in Allaipiddy parish in Jaffna on 20 August 2006. The cases of Sebastian Goodfellow, Professor Raveendranath, Reverend Brown and many others remain unsolved and must be promptly and impartially investigated.

Country background:

There is a widespread pattern of enforced disappearances in Sri Lanka, with several hundred cases reported in the last 18 months alone. In June 2008 the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) noted that in two months 22 people had disappeared, 18 of them in May. Families complain that fear of reprisals prevents many from reporting cases to the official bodies. By the

end of 2007, 5,516 cases of enforced disappearances remained unresolved according to WGEID.

Perpetrators of enforced disappearances continue to walk free. Three Presidential Commissions of Inquiry into the Involuntary Removals and Disappearances of Persons were established in the 1990s. They received about 30,000 complaints. The proceedings of the Commissions were not made available to the public and the main recommendations, including the repeal of emergency regulations, were ignored. The Commissions submitted lists of suspected perpetrators but this resulted in only a handful of convictions. No independent body has been established to investigate these violations giving perpetrators the confidence of impunity.

INDIA

Country background:

In March 2008 the Srinagar-based Association of the Parents of Disappeared Persons (APDP) publication, *Facts under Ground*, indicated the existence of multiple graves in the Uri District of Jammu and Kashmir which, because of their proximity to the Line of Control with Pakistan, are not accessible without the specific permission of the security forces. The graves of at least 940 people have reportedly been found. They are believed to contain the remains of victims of unlawful killings, enforced disappearances, torture and other abuses which occurred in the context of the armed conflict persisting in the state since 1989.

The Indian army has claimed that those found buried were armed rebels and "foreign militants" killed lawfully in armed encounters with military forces. However, the *Facts under Ground* report recounts testimonies from local villagers saying that most of those buried were local residents.

In June 2008 the residence of Pervez Imroz, a human rights defender, lawyer and head of the APDP, was attacked with gunfire and a hand grenade. The attack was carried out by between eight and 10 persons, reportedly from the Central Reserve Police Force and Kashmir Special Operation Group (SOG). Amnesty International is concerned that the attack was an attempt to halt an ongoing inquiry into unmarked graves being conducted by the International Tribunal on Human Rights in Justice in Kashmir, which is being facilitated by the APDP.

Reacting to the situation in India, Members of the European Parliament (MEPs) passed a resolution in July 2008 calling on the Government of India to conduct an urgent, independent and impartial investigation into the alleged existence of unmarked graves. The Government of India replied that the "resolution ... by a miniscule number of MEPs will no doubt receive the consideration it deserves from the government."

NEPAL

Country background:

The Comprehensive Peace Accord of 21 November 2006 ended a decade of armed conflict in Nepal between the security forces and CPN (Maoist). At least 13,000 were killed and at least 900 people disappeared after they were detained by the security forces. In addition the CPN (Maoist) is responsible for several hundreds of killings, abductions and torture of people seen as opposed to their cause.

The Accord expressed commitment to make public the status of all those “involuntarily disappeared” during the conflict period within 60 days of the signing of the Accord. However, almost two years on, most of the families of those subjected to enforced disappearance are no nearer to knowing the fate and whereabouts of their loved ones. Moreover Amnesty International is gravely concerned by government initiatives to establish an amnesty for serious human rights violations which threatens to reinforce impunity and undermine the rights of victims.

Many families continue to wait for information on their loved ones. Sanjiv Kumar Karna, together with four friends Durgesh Kumar Labh, Pramod Naraya Mandal, Shailendra Yadav and Jitendra Jha, disappeared on 8 October 2003. The five men were arrested by the armed security services on suspicion of Maoist activities in the Dhanusha district. There have been allegations that Sanjiv Kumar Karna and his four friends were killed in a police station on the day of their disappearance and that their bodies were buried in a nearby location around that time. The fate and the whereabouts of these young people remain unknown.

PHILIPPINES

Case Study:

On 12 April 2007, armed men abducted activists **Luisa Posa-Dominado and Nilo Arado**. They were being driven home from a political campaigning event in Ilo Ilo when they were stopped by a group of unidentified armed men in military fatigues. The men ordered the driver, Jose Garachico, out of the vehicle and then shot and seriously wounded him. The vehicle was found burnt out and abandoned the next day with no trace of the abductees.

Luisa Posa-Dominado, spokesperson of the Society of Ex- Detainees for Liberation against Detention and for Amnesty (SELDA), and Nilo Arado, regional co-ordinator of Anakpawis (Toiling Masses), a left-wing political party representing marginalized sectors, have not been seen since the incident. Three hearings to consider habeas corpus writs have been held without any result because the named military officers failed to appear.

Luisa Posa-Dominado’s daughter, May Wan, spoke to Amnesty International in March 2008 of her frustration at the lack of progress in the investigation. She hopes that one day she will be reunited with her mother.

Country Background:

Although 2007 saw a decrease, at least 200 political killings and over 200 enforced disappearances have reportedly occurred in the Philippines since 2001. Few effective investigations have been conducted, and the arrest, prosecution and conviction of those responsible are rare. There are delays and deficiencies in each step of the criminal justice process. Many cases are never brought to court due to a lack of evidence, mostly because witnesses fear reprisals. Amnesty International believes that comprehensive investigations and other measures, including the effective protection of witnesses to enable them to step forward without fear, are essential to break the chain of impunity.

Politically motivated killings and enforced disappearances continue to be carried out in the Philippines. Two years after Amnesty International launched its report *Political killings, human rights and the peace process*, witnesses and families of victims are still denied justice. Amnesty International is re-launching the campaign to end impunity for political killings and enforced disappearances in the Philippines under the theme 'Witnessing Justice – Break the Chain of Impunity' on 29 August 2008.

Middle East and North Africa

IRAQ

Case study:

Nathum Mohammad Isma'il al-'Ani was one of 18 people arrested by Iraqi security forces in Baghdad in December 2005. The group were apparently arrested on suspicion of involvement with armed groups opposed to the Iraqi government. The men are said to have been tortured during interrogation. There has been no news of the whereabouts of Nathum Mohammad Isma'il al-'Ani and 17 other men since 21 December 2005. They are believed to be the victims of enforced disappearance, and Amnesty International fears for their lives.

On 21 December 2005, Iraqi security forces forced their way into the home of Nathum Mohammad Isma'il al-'Ani and arrested him and his brother-in-law, Ahmad 'Abbas Khurshid al-Salihi. Ahmad resides permanently in Ireland but he was visiting his relatives in Baghdad at the time of his arrest. The security forces also searched the house and took jewellery and mobile phones. A total of 18 people were arrested, blindfolded, handcuffed and taken to an unknown location, where they were interrogated. The reasons for the arrests are not known but all those arrested are believed to be Sunni Muslims. Although sectarian violence is perpetrated by a number of different groups in Iraq, some members of the Iraqi security forces are known to have links with Shi'a Muslim militia groups opposed to the Iraqi government.

Country background:

According to the UN Working Group on Enforced or Involuntary Disappearances, there are 16,387 outstanding cases of enforced disappearances in Iraq.

ALGERIA

Case Study:

Louisa Saker has not seen or heard from her husband **Salah Saker**, a member of the banned Islamic Salvation Front (*Front Islamique du Salut, FIS*), since the day he was arrested at their home in Constantine in May 1994 without a warrant. For years, Louisa has been relentlessly trying to uncover the truth about her husband's fate. She has written numerous letters to the Algerian authorities urging them to locate her husband. Having received no response, in 1996 she filed a complaint to the Prosecutor General in the court of Constantine against security services for her husband's arbitrary arrest and detention, calling for those responsible to be brought to justice. In response, Louisa Saker has received a number of inconclusive communications from various government bodies, with one letter acknowledging that her husband was arrested by security forces and another indicating that he had been abducted by an unidentified terrorist group.

Having been unable to uncover the truth about her husband's disappearance despite repeated appeals to the Algerian authorities, Louisa Saker turned to the UN Human Rights Committee in 2000, on the grounds that the Algerian government had violated several provisions of the International Covenant on Civil and Political Rights including the right to life, the right not to be subjected to torture and other ill-treatment and the right to liberty and security of person. The UN Human Rights Committee ruled in March 2006 that the authorities must launch a full investigation into the fate of Salah Saker, release him (if he is still alive), compensate the victim and his family and bring those responsible for his enforced disappearance to justice. Despite these recommendations, 14 years after Salah Saker's disappearance, on 4 August 2008, the judicial authorities in Constantine have issued the decision to dismiss the complaint brought by Louisa Saker in relation to her husband's arbitrary arrest and disappearance.

It is alleged that several thousand individuals have disappeared during the internal conflict in Algeria in the 1990s, with evidence and testimonies pointing to the responsibility of the Algerian authorities. Far from making efforts to unravel the truth and bring those responsible to justice, the Algerian authorities have introduced a number of blanket amnesty measures that entrench impunity for past violations. Most notably, the "Decree Implementing the Charter for Peace and National Reconciliation" promulgated in February 2006 with the stated intention of bringing closure to the years of violence grants an amnesty to security forces, state-armed militias and armed groups; bars courts from investigating complaints against the security forces and threatens with imprisonment victims and their families, human rights defenders, journalists, and any other Algerians to document, protest, or comment critically on the conduct of state security forces during the years of the internal conflict.

Louisa Saker's efforts to seek truth and justice about her husband's fate have led to harassment from the Algerian authorities in their attempt to deter human rights defenders and families of the disappeared to seek truth and justice. In March 2008, Louisa Saker was convicted of participating in an unauthorized march and fined 20,000 dinars (about US\$300) for having taken part in a peaceful demonstration in 2004 by families of victims of enforced disappearance. After the demonstration, she was also beaten up and forced by police agents to sign a statement that she would not participate in such demonstrations again.

Country background:

Algeria is emerging from more than a decade of an internal conflict in which as many as 200,000 people are believed to have been killed. The conflict was sparked by the cancellation in January 1992 of multi-party elections, which the Islamic Salvation Front (*Front Islamique du Salut, FIS*) was widely expected to win. A state of emergency was declared, the FIS was banned and the military took power. Seeking to claim the electoral victory of the FIS by means of violence, armed groups targeted state institutions and increasingly civilians thought to have backed the military coup. The conflict was marked by massive human rights violations and abuses, committed by both the Algerian authorities and the armed groups. The internal conflict also witnessed the "enforced disappearance" of thousands of individuals.

PALESTINIAN OCCUPIED TERRITORIES

Case study:

Ali Al-Khdair, Taiseer Ramadhan, Nazem Abu 'Ali, Shaker Saleh, Ismail Ayash and Mohammad Alqrum all "disappeared" while in custody in a Palestinian Authority (PA) detention centre in Salfit (central Palestinian West Bank) on 12 March 2002. On this date, their families received a call from the PA security forces informing them that the six men had escaped from the PA detention centre where they had been detained and had fled towards Israel. They have not been seen or heard from since.

The six men are Palestinians from villages in the Salfit region in the central West Bank. They were arrested by the Palestinian Authority security services between February and August 2001 and were being detained in PA custody, at a detention centre which belonged to the Mukhabarat (Intelligence) in Salfit, at the time of their "disappearance" on 12 March 2002.

Before the six "disappeared", their families had frequently visited them in detention and had reported that they had been subjected to torture. Each family reported that they had seen marks on the men's bodies where they had been tied by their hands and feet in painful positions. The men also had cigarette burns on their faces or bodies.

The families of the six Palestinian men who were subjected to forced disappearance in March 2002 have still not heard anything regarding the fate of their relatives. In telephone calls on 20 August 2008, they expressed their appreciation that Amnesty International is still following the cases, as no one else is. "Here, the strong eats the weak," Kazem Abu Ali said, brother of disappeared Nazem Abu Ali. Only Inaam, the sister of Ali al-Khdair, has been single-handedly continuing her campaign to gain any information about her disappeared brother at the Palestinian Authority's offices. "We just want some closure, for the wife, for the children," said the father-in-law of disappeared Ismail Ayash.

Country background:

While there is no history of the PA routinely 'disappearing' people, eleven cases have been reported. Moreover, PA security forces and officials have frequently undermined

the authority and independence of the judiciary, the law, and legal remedies. Serious human rights abuses, including torture, unlawful killings, and prolonged arbitrary detention has been tolerated by the PA and those responsible for such abuses have enjoyed impunity.

It is hoped that the recent formation of a new emergency government in the West Bank, and the unprecedented level of support it is receiving from the international community on account of its opposition to Hamas, which now holds effective power in the Gaza Strip, will open the way to obtaining justice for these six men and their families. In particular, renewed efforts are needed to ensure that the "disappearances" of these six men are urgently and independently investigated, in order that their fate and whereabouts can be clarified and that those responsible for their "disappearance" are identified and brought to justice.

LEBANON

Country background:

A total of 17,415 people disappeared in Lebanon during the 1975-1990 civil war, according to the Lebanese government in 1992. But almost 20 years later no criminal investigations or prosecutions have been 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.

SYRIA

Country background:

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, remain unknown.

AMERICAS

USA

Case study:

Mustafa Setmariam Nasar (also known as Abu Musab al-Suri), a dual Syrian/ Spanish national, was captured in Quetta, Pakistan, by Pakistani officials in early November 2005.

In the weeks following Mustafa Setmariam Nasar's capture, officials reportedly said that details about his detention were being withheld to allow US and Pakistani agents' time to act on information gained during his interrogation. However, his detention was not officially announced by either the US or Pakistani authorities.

In April 2006, Pakistani intelligence officials privately confirmed that Mustafa Setmariam Nasar had been handed over to US agents, who had flown him out of Pakistan some months earlier and were holding him in secret. In March 2006, his name had been abruptly removed from the US government's "Rewards for Justice" list, and the US\$5 million reward for information leading to his arrest was withdrawn. US officials have declined to explain why his name was removed from the list.

Mustafa Setmariam Nasar's name was later included in a list of "Terrorists No Longer a Threat", read into the US Congressional Record on 19 July 2006. No other information about his fate has been released by the US government. Although AI received information in 2006 that he had been "deported" to Syria, his current whereabouts remain unclear.

Country background:

On 6 September 2006 President George W Bush confirmed what had long been an open secret - the CIA had been operating a clandestine programme of interrogation and detention in secret locations outside the US. The President noted that the CIA's secret sites were "empty", but not closed down, and the system was still in operation in 2007, when at least two detainees were transferred from secret CIA custody to Guantánamo Bay. Although those held in the CIA programme have been victims of enforced disappearance, a crime the US is obliged to investigate, the programme was formally reauthorized by President Bush in July 2007.

Amnesty International has information on some three dozen individuals, believed to have been held in the CIA programme, whose fate and whereabouts remain unconfirmed. It is unclear whether these individuals have been transferred to the custody of other governments, remain in US custody, or if they are alive or dead

For more information go to: <http://www.amnesty.org/en/news-and-updates/feature-stories/off-the-record-secret-cia-detention-20070607>

EL SALVADOR

Case study:

Sisters Ernestina and Erlinda Serrano Cruz, then seven and three years old respectively, were captured by the Salvadorean army in 1982 during a military operation. El Salvador was then in the midst of an internal armed conflict, which lasted from 1980 to 1992. The girls' family is still trying to find out what happened to them.

The girls' family could not begin the legal battle to find out what happened to their children until the armed conflict had come to an end. In April 1993, María Victoria Cruz Franco, the girls' mother, took the case to the Court of First Instance in Chalatenango. However, the legal proceedings made no progress and the case was archived on two occasions.

The family continued to pursue justice for their kidnapped children. In February 1999, the family took the case to the Inter-American Commission on Human Rights (IACHR),

the regional human rights protection body. In February 2003 the IACHR called on the government of El Salvador to undertake a thorough, impartial and effective investigation to establish the whereabouts of Ernestina and Erlinda Serrano Cruz and, if found, to provide adequate reparation for their kidnap. The IACHR also stated that those responsible had to be brought to justice.

Country background:

The UN Working Group on Enforced or Involuntary Disappearances criticized the government of El Salvador 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 state has failed to comply with many of its obligations under the 2005 Inter-American Court ruling in the case of the Serrano Cruz sisters, such as the reform of the current Inter-institutional Search Commission of Disappeared Children and the creation of a DNA database for victims and their families, have not been implemented by the Salvadoran government. El Salvador is yet to sign and ratify several legal instruments which are important tools in combating impunity for disappearances and other serious human rights violations.

ARGENTINA

Case study:

Jorge Julio López, a witness in the trial of the former Director of Investigations of the Buenos Aires Province Police, Miguel Etchecolatz, has not been seen since 17 September 2006. López had identified Etchecolatz as one of the men who tortured him while he was detained in 1976; Etchecolatz was subsequently sentenced to life imprisonment.

The 2nd anniversary of Jorge Julio López' disappearance is shortly after this year's International Day of the Disappeared.

Country Background:

Although the nullification of the *Ley de Punto Final* and the *Ley de Obedecencia Debida* in June 2005 has meant former members of the security forces can now be brought to justice for the widespread and systematic human rights violations during the military regime between 1976 - 1983, trials are slow and incomplete.

In July 2007, the *Corte Suprema de Justicia de la Nacion* established a *Unidad de Asistencia y Seguimiento* to investigate cases of forced disappearances prior to 10 December 1983, with a view to supporting judges with the necessary equipment, human resources and other elements needed to speed up the processing of cases. However, its creation has been seen as symbolic rather than having any useful effect on the cases themselves.

EUROPE

Amnesty International also recently documented the extent of Europe's involvement in the worldwide system of rendition and secret detention, and its inadequate response to the mounting evidence.

<http://www.amnesty.org/en/news-and-updates/report/europe-must-face-facts-rendition-20080624>

RUSSIA

Case study:

Ibragim Mukhmedovich Gazdiev, was reportedly seized by armed men in camouflage in Karabulak, in the Russian Republic of Ingushetia on 8 August 2007. He has not been seen since and his family believe that he has been, or is being, held in incommunicado detention. The authorities, however, deny that they are holding him.

According to a witness, at 12.54pm on 8 August, Ibragim Gazdiev was abducted by armed men of ethnic Russian appearance who were travelling in "Gazel" and "Mercedes" cars. He had been driving his brother's car, a silver coloured VAZ 21020, registration number C 327 TM 06, which has also gone missing, when he was surrounded by the men, forced into the "Gazel" car, and driven away. He is believed to have been detained by law enforcement officials, specifically, members of the Russian Federal Security Service (FSB), and held in Ingushetia or in a neighbouring North Caucasus republic.

Country background:

Enforced disappearances by state agents and abductions by armed groups have been among the most shocking of human rights violations during the Chechen conflict; shocking both because of the scale of enforced disappearances, and because of the particular cruelty of this form of abuse.

The European Court of Human Rights has 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 have been fewer reported cases of disappearances in the Chechen Republic than in previous years; however, serious human rights violations have been frequent and individuals are reluctant to report abuses, fearing reprisals.

BOSNIA & HERZEGOVINA

Country background:

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992-1995 war are still unaccounted for. Many of the missing people were victims of enforced disappearances. Perpetrators continue to enjoy impunity.

AFRICA

CHAD

Case study:

Ibni Oumar Mahamat Saleh, an opposition political leader, was arrested at his home by members of the Chadian security forces on three February 2008. Three months earlier, on 30 November 2007, eight people were arrested in the eastern town of Guéréda. In April 2006, at least 13 high-ranking officers and civilians were arrested by Chadian security forces. Since their arrests, none of their families have heard anything – they do not even know if they are alive or dead. All 22 men were arrested by Chadian security officers in the aftermath of armed attacks by opposition groups. The Chadian Government is responsible for what has happened to them.

Country background:

In previous years and during the period under review (2007), the Working Group has transmitted 25 cases to the Government; 3 cases have been clarified on the basis of the information provided by the Government and 22 cases remain outstanding.

The fate of more than 14 army officers and civilians, victims of enforced disappearance between April and August 2006, remain 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 United Front for Democratic Change (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.

ENDS