

# STOP ENFORCED DISAPPEARANCES IN EUROPE AND CENTRAL ASIA

**“I am appealing to the whole world community... I am begging you... through your protests, demonstrations, mass-meetings... if this wave goes through the whole world, I am sure, my son will be returned to me.”**

Mukhmed Gazdiev, the father of Ibragim Gazdiev, who disappeared in Ingushetia (Russian Federation) in 2007

**International Day of the Disappeared, 30 August 2009, is the time to demand justice for victims of enforced disappearances.**

The victims of enforced disappearances have been taken into custody by agents of the state or by people acting with its support or acquiescence. But now the authorities deny any knowledge of their detention or whereabouts. Their friends and families do not know where they are, or even if they are still alive.

The crime of enforced disappearance is used by governments all over the world to silence dissent and eliminate political opponents, to persecute ethnic, religious and political groups, and as a tool of repression. The Europe and Central Asia region is no exception.



© Kosovo Government Commission on Missing Persons and Shkëlzen Rexha

Enforced disappearances spread fear throughout a community. They have a stifling effect on the exercise of human rights. While their nature makes it impossible to know the precise number, estimates drawn from data collected by UN and other

**Women from the Balkans hold photos of disappeared family members.**





More than a decade after the end of the war in Bosnia and Herzegovina, at least 13,000 people are still missing. Father Tomislav Matanović, a 33-year-old Croatian Roman Catholic parish priest in Prijedor, disappeared, together with his parents, from Urije

police station on 19 September 1995. In September 2001 the remains of three handcuffed bodies found at the bottom of a well in a village near Prijedor were identified as the bodies of Father Matanović and his parents. In February 2005, 11 police officers, reportedly the last to see Father Matanović alive, were acquitted of the charge of illegal detention, due to lack of evidence. No one has been charged with his murder.

organizations indicate that several hundred thousand people worldwide have been victims of enforced disappearance since World War II. Past cases remain unresolved, even as new cases continue to emerge.

The context and scale of enforced disappearances vary in European and Central Asian countries, but all enforced disappearances share common elements which make them a distinct crime and one of the gravest human rights violations.

People who have disappeared are beyond the protection of the law and at the mercy of their captors. Many of their rights are denied: their rights to security and dignity of the person, not to be arbitrarily deprived of liberty, to humane conditions of detention, to a legal personality and to a fair trial. In some cases other rights are also infringed: the right to family life, the rights of the child, freedom of thought, expression, religion and association and the right not to be discriminated against.

Anything could happen to the disappeared and often does: many are tortured and many are killed.

The families and friends of those who disappear are left in an anguish of uncertainty, unable to grieve and go on with their lives. They often find themselves isolated from their communities, as people are afraid of associating with them, and many also face financial hardship. Searching for the truth can turn into an almost impossible task: the authorities deny knowing anything, lawyers, witnesses and family members are often harassed and intimidated, and every passing day makes it harder to obtain information.

## POLITICAL DISAPPEARANCES

Political opponents of the government are at risk of enforced disappearance in some countries in the Europe and Central Asia region.

In Turkmenistan, dozens of people disappeared following unfair trials in December 2002 and January 2003. They had been convicted of involvement in an armed attack on then President Saparmurad Niyazov in November 2002. Many were reportedly tortured in pre-trial detention and there are reports that eight of them died in custody. Boris

Shikhmuradov, a former Minister of Foreign Affairs, was sentenced to 25 years' imprisonment in a closed trial on 29 December 2002 and his sentence was increased to life imprisonment the next day. His brother, Konstantin Shikhmuradov, was sentenced to 17 years' imprisonment. Their wives, Tatyana Shikhmuradova and Ayna Shikhmuradova, have written many letters to government officials and regularly visit the relevant department asking for information about their husbands. So far their questions have gone unanswered.

In Belarus, four men went missing in 1999 and 2000, reportedly victims of enforced disappearance, possibly followed by summary execution. Yury Zakharenko, a former Minister of the Interior and leading opposition figure, has not been seen since May 1999. Viktor Gonchar, Deputy Chairman of the dissolved Belarusian parliament, and his companion, Anatoly Krasovsky, a businessman, went missing in September 1999. Dmitry Zavadsky, a television cameraman, disappeared in July 2000. The Belarusian authorities have so far ignored international pressure, including a UN General Assembly resolution, to investigate the enforced disappearances. They have also reportedly confiscated copies of a report on the cases by the Parliamentary Assembly of the Council of Europe, and have harassed those trying to distribute it within Belarus.

## DISAPPEARANCES IN ARMED CONFLICT

In armed conflicts enforced disappearances have been used as a weapon of war – sometimes on a

mass scale – to ensure the predominance of one ethnic, religious or political group over others.

During the war in Kosovo in 1999, more than 3,000 ethnic Albanians were the victims of enforced disappearances by Serbian police, paramilitary and military forces. Hundreds of families in Kosovo and Serbia are still waiting to find out what happened to their relatives. Even in cases where the body was recovered, there have been few prosecutions. Sanje Berisha, from Gjakovë/Đakovica, remembers: “They ordered the women and children into the road, and the men to stay inside. They arrested 11 men. Ilir Berisha, my son, was the youngest at 17.” Ilir Enver Berisha was subsequently killed, and his body was taken from Kosovo and reburied by the Serbian authorities in a mass grave in Batajnica, Serbia. His body was returned to his family for reburial in Kosovo in September 2006, but no one has been brought to justice for his murder.

Some 13,000 people in Bosnia and Herzegovina and over 2,000 in Croatia remain unaccounted for since the 1991-1995 war and impunity continues.

## COUNTER-TERROR OPERATIONS

The global programme of rendition and secret detention operated by the US Central Intelligence Agency (CIA) in the years after 2001 involved numerous acts of enforced disappearance, with individuals held in prolonged incommunicado detention in prisons or secret detention sites and placed outside

Makhmadsalors Delilovich Masaev, who was abducted on 3 August 2008 in Grozny, Chechnya, by men in camouflage uniforms. In 2006, Makhmadsalors Masaev had been unlawfully detained for nearly four months in a detention facility in Tsenteroi, run by the then Prime Minister of Chechnya, Ramzan Kadyrov. In a newspaper interview published in July 2008, Makhmadsalors Masaev said he had been treated roughly, humiliated

and threatened and had been held for about a month on a bus without heating or sanitary facilities. It is feared that his enforced disappearance may have been aimed at stopping the complaint he filed against his detention.



the protection of the law. The revelation that European territory and facilities had been used by the CIA for the rendition and secret detention programme, in some cases with the knowledge or co-operation of European government officials, therefore implicated some European states in acts of enforced disappearance. Some had failed to prevent enforced disappearances, others had provided aid or assistance.

There have been repeated and widespread calls for European states to undertake effective and transparent investigations, to disclose their findings publicly and to implement remedial and preventive measures in relation to the role of their officials and the use of their territory in renditions and secret detentions.

However, most governments have failed to seek accountability for these human rights abuses, either at the national level or through European institutions.

A criminal investigation into the existence of a secret prison in Poland was finally started in 2008, but the Polish authorities have

indicated that the findings and any resulting trials will probably remain secret. There are continuing Italian prosecutions relating to the 2003 abduction and rendition of Abu Omar, an Egyptian refugee, from Italy to Egypt, but they face serious obstacles due to restrictions on the evidence available to prosecutors on grounds of national security. While the German government had an ongoing parliamentary inquiry until July 2009, and a court issued warrants for the arrest of 13 CIA agents, the government refused to transmit these warrants. Other European states implicated in the CIA rendition and secret detention programme, including Macedonia and Romania, have done even less to ensure accountability for these abuses.

There has been a long-running counter-terror operation in Chechnya, which tried to secede from the Russian Federation in 1991 and has since been ravaged by two wars. Both Russian federal forces and Chechen law enforcement officials are allegedly implicated in enforced disappearances, which run into the thousands. A complete list of

those who disappeared has yet to be compiled and the authorities are resisting requests to establish a forensic laboratory for genetic identification.

Fear of reprisals prevents individuals in Chechnya from speaking out and makes gathering information about human rights violations both dangerous and difficult. Makhmadsalors Delilovich Masaev did speak out: in an interview with an independent newspaper, *Novaya Gazeta*, published in July 2008, he accused the authorities of ill-treating him when he was detained in 2006. One month after the interview, in August 2008, he was seized by men in camouflage uniform. He has not been seen since.

### NEW UN CONVENTION

It is easy to feel powerless when confronted with the scale and duration of enforced disappearances. However, there is new hope. In 2006

the UN General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance.

Born out of the experiences of the families of the disappeared, and with the support of human rights organizations such as Amnesty International and of some governments, the Convention addresses the violations linked to an enforced disappearance and the problems facing those who try to investigate and hold perpetrators to account.

For the first time, the families' rights to know the truth about the fate of a disappeared person and to obtain reparations are recognized in an international treaty. The Convention obliges states to protect witnesses and to hold any person involved in an enforced disappearance criminally responsible. It also requires states to institute stringent safeguards for

people deprived of their liberty; to search for the disappeared person and, if they have died, to locate and return the remains.

The Convention obliges states to prosecute or extradite alleged offenders present in their territory, regardless of where the crime was committed, unless they decide to surrender the suspects to an international criminal court. A Committee of experts will oversee the Convention's implementation and will review complaints from individuals and states.

The Convention is now only eight ratifications away from entering into force. All governments should ratify it as soon as possible. Ratifying the Convention will send a powerful signal that enforced disappearances will not be tolerated and will give those searching for their loved ones a much needed new tool.

## TAKE ACTION!

**Of the 47 member states of the Council of Europe, only Albania, France and Kazakstan have so far ratified the International Convention for the Protection of All Persons from Enforced Disappearance.**

■ Contact your government, urging it to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. If it has already done so, urge it to use its influence with other governments in support of the Convention.

■ Join our campaign to support the International Convention for the Protection of All Persons from Enforced Disappearance and take action against enforced disappearance at Amnesty International's webpage: <http://www.amnesty.org/en/enforced-disappearances>

■ You can also join the International Coalition against Enforced Disappearances' country-by-country ratification campaign: <http://www.icaed.org>

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