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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Working Group on Enforced or
Involuntary Disappearances* ****

* As the present report greatly exceeds word limitations currently allowed under relevant General Assembly resolutions, the annexes, with the exception of annex I, are circulated as received in the language of submission only.

** Late submission.

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.

This report, submitted in accordance with Human Rights Council resolution 7/12, covers the period 1 December 2007 to 30 November 2008 and reflects communications and cases examined by the Working Group during its sessions in 2008, and general allegations considered at its eighty-third session in 2007. The total number of cases transmitted by the Working Group to Governments since its inception is 52,952. The number of cases under active consideration that have not yet been clarified or discontinued stands at 42,393 and concerns 79 States. The Working Group has been able to clarify 1,763 cases over the past five years.

During the period under review, the Working Group transmitted 1,203 new cases of enforced disappearances to the Governments of Algeria, Argentina, Bangladesh, Cameroon, Chad, Colombia, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Libyan Arab Jamahiriya, Mexico, Morocco, Namibia, Nepal, Pakistan, Peru, the Philippines, the Russian Federation, Sri Lanka, the Sudan, Switzerland, Thailand, Turkey, Viet Nam, Yemen and Zimbabwe. Of the newly-reported cases, 83 allegedly occurred during the same period.

A summary of activities during the last year is presented in a table for each country, with a detailed text description of the areas of activity.

During the reporting period the Working Group conducted a country visit to Argentina (see A/HRC/10/9/Add.1).

I. INTRODUCTION

1. The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate. The original mandate derives from Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980. This resolution followed General Assembly resolution 33/173 of 20 December 1978, in which the Assembly expressed concern at reports from various parts of the world relating to enforced disappearances and requested the Commission on Human Rights to consider the question of missing or disappeared persons.
2. The primary task of the Working Group is to assist families in determining the fate or whereabouts of their family members who are reportedly disappeared. In this humanitarian capacity, the Working Group serves as a channel of communication between family members of victims of disappearance and Governments.
3. Following the adoption of General Assembly resolution 47/133 on 18 December 1992 and of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group was entrusted to monitor the progress of States in fulfilling their obligations derived from the Declaration. The mandate was most recently extended by Human Rights Council resolution 7/12 of 27 March 2008.
4. Following a review of its methods of work in 2007, the Working Group decided that adjustments were needed. The revised methods of work, approved on 4 December 2008, are contained in annex 1 to the present report and will come into immediate effect.
5. The report reflects communications and cases examined by the Working Group during its three sessions in 2008, covering the period 1 December 2007 to 30 November 2008.
6. A summary of activities during the reporting period is presented in a table for each country, with a detailed text description of the areas of activity. Where there has been no information from the Government or the sources, notwithstanding the annual reminder sent by the Working Group concerning outstanding cases, only the table is provided and a reference is made to a description of cases.
7. 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 5.
8. The total number of cases transmitted by the Working Group to Governments since its inception is 52,952. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,393 and concerns 79 States. The Working Group has been able to clarify 1,763 cases over the past five years.
9. It is recalled that recent cases of disappearance are the priority of the Working Group. Large volumes of cases submitted to the Working Group many years after the persons

disappeared are reviewed by it and processed by the Secretariat as an ongoing process. The Working Group is pleased to inform that as at the end of the present reporting period, there is no backlog of cases, due to the continuous support given by the Office of the High Commissioner for Human Rights (OHCHR). The Working Group thanks OHCHR and hopes to maintain the adequate level of staffing which it now enjoys.

II. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES: 1 DECEMBER 2007 TO 30 NOVEMBER 2008

A. Meetings

10. During the period under review, the Working Group held three sessions: the eighty-fourth from 10 to 14 March in Geneva, the eighty-fifth from 24 to 26 July in Buenos Aires, Argentina, and the eighty-sixth from 26 November to 4 December 2008, in Geneva.

11. The Chairman-Rapporteur of the Working Group is Mr. Santiago Corcuera. The other members are Mr. Olivier de Frouville, Mr. Darko Götlicher, Mr. Saied Rajaie Khorasani and Mr. Jeremy Sarkin. Mr. de Frouville and Mr. Sarkin were appointed in 2008.

12. On 11 March 2008, the Chairman-Rapporteur presented the Working Group's annual report for 2007 to the seventh session of the Council and on 14 March participated in the interactive dialogue with its member States. On 17 March 2008, Mr. Götlicher participated, on behalf of the Chairman-Rapporteur, at the review, rationalization and improvement of the mandate, as a result of which the Working Group was renewed for an additional three years.

13. On 22 May 2008, the Chairman-Rapporteur participated in a panel discussion on the Convention for the Protection of all Persons from Enforced Disappearance, cosponsored by the Permanent Mission of Argentina to the United Nations and OHCHR. From 24 to 27 June 2008, Mr. Corcuera participated in the International Seminar on Enforced Disappearances in Bogotá organized by OHCHR in Colombia. From 23 to 27 June 2008, Mr. Götlicher, on behalf of the Chairman-Rapporteur, attended the fifteenth annual meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Council. On 24 and 25 November 2008, Mr. Corcuera represented the Coordination Committee of the Special Procedures at the Regional Arrangements Workshop called for by Council resolution 6/20.

14. During the period under review, the Working Group met formally with representatives of the Governments of Argentina, Iraq, Japan, Montenegro, Nepal and Sri Lanka. Upon the initiative of the Working Group, meetings were requested with all regional groups and held with the Asian and the Latin American and Caribbean Regional Groups. The Working Group looks forward to meeting all other regional groups in the future, as part of an ongoing initiative. The Working Group also met with representatives of human rights non-governmental organizations and associations of relatives of disappeared persons and families or witnesses.

B. Communications

15. During the reporting period, the Working Group transmitted 1,203 new cases of enforced disappearance to the Governments of Algeria, Argentina, Bangladesh, Cameroon, Chad,

Colombia, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Libyan Arab Jamahiriya, Mexico, Morocco, Nepal, Pakistan, Peru, the Philippines, the Russian Federation, Sri Lanka, the Sudan, Switzerland, Thailand, Turkey, Viet Nam, Yemen and Zimbabwe.

16. The Working Group sent 69 of these cases under the urgent action procedure to the Governments of Algeria, Cameroon, Chad, India, the Islamic Republic of Iran, Libyan Arab Jamahiriya, Mexico, Morocco, the Philippines, the Russian Federation, Sri Lanka, the Sudan, Viet Nam and Zimbabwe.

17. Of the newly-reported cases, 83 allegedly occurred during the reporting period and relate to Algeria, Bangladesh, Cameroon, India, the Islamic Republic of Iran, Libyan Arab Jamahiriya, Mexico, Morocco, the Philippines, the Russian Federation, Sri Lanka, the Sudan, Viet Nam and Zimbabwe.

18. During the same period, the Working Group clarified 54 cases in the following countries: Algeria, Argentina, China, Colombia, Ecuador, India, Libyan Arab Jamahiriya, Morocco, Nepal, the Philippines, Sri Lanka and Turkey. Of those, 38 cases were clarified based on information provided by the Government and 16 cases were clarified based on information provided by sources.

19. During the reporting period, the Working Group sent 12 prompt intervention communications addressing harassment of and threats to human rights defenders and relatives of disappeared persons in Argentina, Colombia, Guatemala, Mexico, Namibia, the Philippines, Senegal, Sri Lanka and Thailand. Five of these were sent as joint communications with one or more of the following special procedures: on the promotion and protection of the right to freedom of opinion and expression, the situation of human rights defenders, and the independence of judges and lawyers.

20. Following its eighty-third session in 2007 and its first two sessions in 2008, the Working Group sent 14 general allegations to the Governments of Bolivia, Colombia, Egypt, India, Italy, Nepal, Pakistan, the Philippines, the Sudan, the United States of America and Thailand. During its eighty-sixth session, the Working Group decided to transmit general allegations to some Governments, inviting them to comment thereon. Summaries of the general allegations considered during the eighty-sixth session, including government responses, if any, will be included in the 2009 annual report.

C. Country visits

21. Upon the invitation of the Government of Argentina, Mr. Corcuera, Chairperson-Rapporteur, and Mr. Saied Rajaie Khorasani, member of the Working Group, visited the country from 21 July to 24 July 2008, assisted by staff from the Secretariat. The purpose of the mission was to examine practices carried out to clarify cases of enforced disappearances as well as the programmes and measures adopted to guarantee the rights of the victims, including the right to reparation.

22. The report on the visit to Argentina is contained in A/HRC/10/9/Add.1. Among others, the Working Group recommended to the Government of Argentina to define enforced disappearance

as an autonomous crime and to adopt a comprehensive protection programme for witnesses, families, lawyers, prosecutors, judges and civil society organizations involved in the investigation of cases of enforced disappearance.

23. The Working Group requested visits to Algeria, Indonesia, Iran, Nepal, Nicaragua, the Philippines, the Russian Federation, Sri Lanka, the Sudan and Timor-Leste.

24. The Government of the Islamic Republic of Iran agreed to a visit by the Working Group in 2005, which was delayed at the request of the Government.

25. In 2007, the Governments of Sri Lanka, the Russian Federation and Indonesia stated that it would not be possible to schedule a visit by the Working Group because other special rapporteurs would be visiting the country at that time. To date, and notwithstanding reminders by the Working Group, no possible dates have been proposed by the above-mentioned Governments.

26. The Working Group deeply regrets that Algeria has not responded to its repeated requests to visit the country.

27. The Working Group invites the Governments of Nepal, Nicaragua, the Philippines, the Sudan and Timor-Leste to respond to the continued interest expressed to visit these countries.

28. The Working Group welcomes the official invitation from the Government of Ecuador on 17 September 2008 to visit the country after February 2009.

D. Statements

29. On 11 June 2008, the Working Group issued a press release deploring the large number of cases of disappearances in Sri Lanka. It expressed concern that both women and humanitarian aid workers were being targeted. It also called upon the Sri Lankan authorities to take effective measures to prevent and terminate acts of enforced disappearances, carry out thorough investigations and bring the perpetrators to justice. Finally, it reiterated its request to conduct an official country visit.

30. To commemorate the International Day of the Disappeared, the Working Group issued a press release on 29 August 2008, expressing its concern over the increasing number of cases of enforced disappearances around the world and reiterating its solidarity with the victims and human rights defenders helping the victims. The Working Group also expressed concern about the phenomenon of under-reporting, as it considers that cases of disappearances are happening in certain parts of the world but are not being reported.

31. On 6 October 2008, the Working Group issued a joint statement with 12 other special procedures mechanisms at the start of the Dignity and Justice for Detainees Week, a global initiative launched by the High Commissioner for Human Rights. The statement called on all States to do their utmost to ensure that detainees are treated with respect and dignity and to provide for effective complaints and monitoring mechanisms in places of detention, including efficient avenues to challenge the legality of detention and access to legal counsel.

Japan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review		Cases clarified during the period under review by:		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2	0	2	0	0	4

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
2	Yes	0

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

Standard cases

219. The Working Group transmitted two newly-reported cases to the Government of Japan. The cases concern **Tsuyosi Ko**, aged 4, and **Kiyomi Ko**, aged 7, reportedly abducted in Tokyo by secret agents of the Democratic People's Republic of Korea in 1974. In accordance with its methods of work, the Working Group sent a copy of these cases to the Government of the Democratic People's Republic of Korea.

Information from the Government

220. The Government transmitted three communications to the Working Group, dated 23 November 2007, 30 May and 25 July 2008, in which it replied on two outstanding cases. The information was insufficient to clarify them. In the latter communication, the Government indicated some of the steps taken toward the resolution of cases of disappearances.

Meetings

221. The Government of Japan met with the Working Group at its eighty-fourth, eighty-fifth and eighty-sixth sessions to discuss developments relating to outstanding cases.

Total cases transmitted, clarified and outstanding

222. Since its establishment, the Working Group transmitted four cases to the Government, all of which remain outstanding.

Observations

223. The Working Group deeply appreciates the ongoing commitment of the Government of Japan to meet regularly and provide information on the steps taken to clarify outstanding cases.

224. The Working Group notes the positive steps taken by the Governments of Japan and the Democratic People's Republic of Korea and is hopeful that new investigations may be carried out in the hope that outstanding cases may be clarified.