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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Note verbale dated 21 February 1986 from the Permanent Mission
of Uruguay to the United Nations Office at Geneva addressed to
the Assistant Secretary-General for Human Rights

The Permanent Mission of Uruguay to the United Nations Office and the international organizations at Geneva presents its compliments to Mr. Kurt Herndl, Assistant Secretary-General for Human Rights, and in connection with item 10 (c) of the agenda for the forty-second session of the Commission on Human Rights, requests the official publication of the attached document from this Mission and its circulation by the date laid down in the work programme.

Annex

Document of the Permanent Mission of Uruguay relating to the report
of the Working Group on Enforced or Involuntary Disappearances

I. On 2 December 1985 (DP/1289/85) and 4 December 1985 (DP/1318/85), the Permanent Mission of Uruguay submitted to the Centre for Human Rights (Human Rights Committee) two notes verbales concerning the item related to the report of the Working Group on Enforced or Involuntary Disappearances, which were not taken up in the Working Group's report (E/CN.4/1986/18), the final report of the Parliamentary Commission of Inquiry was contained therein.

II. The rule of law applies fully and completely throughout the territory of the Eastern Republic of Uruguay. The Constitution and the law once again hold sway, and the cardinal principle of separation of powers has recovered its traditional force, ensuring the freedom and independence of our judiciary. Against this background, institutions are regaining their former worth and re-establishing themselves.

On 8 March 1985, the Parliament of the Republic adopted Act No. 15,737 with the unanimous consensus of all political parties. The substantive provisions of this Act reflect a determination not to allow persons who committed serious human rights violations under the de facto Government to go unpunished. Among property compensation provisions, it was decided to lift all precautionary measures applicable to the property of persons benefiting from the Amnesty Act, returning impounded or confiscated property which still existed or establishing the financial liability of the State in respect of property which had been destroyed or ruined. In addition, all public officials dismissed by arbitrary decision of the de facto Government were declared entitled to reinstatement in their posts and resumption of their administrative career.

A Parliamentary Commission of Inquiry was established to look into disappearances and the underlying events. Its main finding was that "the Chamber of Representatives, representing the citizens in the name of the people, should denounce these offences to the judiciary".

III. The following are the conclusions of the final report of the Parliamentary Commission of Inquiry into the Situation of Missing Persons and the Events Leading Thereto:

"The Commission of Inquiry into the Situation of Missing Persons and the Events Leading Thereto has unanimously reached the following conclusions after an exhaustive analysis of the reports and evidence collected, which as from this date are entirely at the disposal of Representatives.

(1) One hundred and sixty-four reports of disappearances of persons during the period 1973-1978 have been registered with the Commission, involving 118 men, 38 women and 8 children.

(2) Of these disappearances, 32 occurred in our country and 127 are cases of Uruguayans who disappeared in Argentina, as well as 3 who disappeared in Chile and 2 in Paraguay.

(3) It emerges from the evidence that there is a definite link between the disappearances which occurred in the two territories, since there are repeated references in the evidence to the involvement of Uruguayan military personnel, identified in some cases, in the disappearances which took place in Argentina, many of which seem to be linked to disappearances in our country.

In this connection, some revealing evidence refers to the abduction in our neighbouring country of 22 Uruguayans who were secretly brought to Uruguay and mostly tried and imprisoned here.

The persons concerned are: Jorge González Cardozo, Elizabeth Pérez Lutz, Enrique Rodríguez Larreta Martínez, Raquel Nogueira Paullier, Raúl Altuna, Margarita Michelini, Eduardo Dean Bermúdez, Enrique Rodríguez Larreta Piera, Sergio Ruben López Burgos, Asilú Maseiro, Ana Inés Quadros, María Elba Rama Molla, Sara Rita Méndez, María Monica Soliño, Ana Salvo Sánchez, Gastón Zina Figueredo, Víctor Lubián Peláez, Marta Petrides, Alicia Raquel Cadenas, Ariel Soto Loureiro, Cecilia Irene Gayoso, Edelweiss Zhan.

(4) The practice of torture in clandestine prisons emerges as a common denominator in the situations which the persons abducted and missing had to endure.

(5) In the case of the adults, the Commission has reached the conclusion that all of them died as a result of the brutal treatment to which they were subjected, or were executed directly; what is involved, therefore, are not only cases of disappearance of abducted persons but brutal assassinations in the most aggravating circumstances.

(6) In the case of the missing children, the Commission concludes that many of them were handed over to relatives of persons involved in the machinery of repression, although it cannot be ruled out that in some cases they, too, may have been the victims of homicide.

Mention should be made of the fortunate reappearance of three children originally reported missing. These are Amaral García Hernández, and Anatole Boris and Eva Lucía (or Victoria) Julien Grisona, who are brother and sister. In addition, there is no doubt that three children were born in captivity.

(7) The Commission cannot conclude that these irregularities are attributable to decisions of organized bodies.

On the other hand, there appears to be sound evidence of the involvement of police and military elements who have been repeatedly denounced and whose position is seriously compromised.

(8) There is one case with particularly clear motivations, which took place in Uruguay; although high-ranking military and police officers were concerned, the motives appear to have involved a settlement of accounts for personal reasons connected with ordinary criminal activities.

(9) From the evidence contributed it appears that, as far as responsibility for the abductions, disappearances, torture and homicide is concerned, 61 members of the Uruguayan armed forces and 3 foreigners are directly implicated, they are repeatedly and coincidentally cited in the evidence, as can be seen from sheets Nos. 71 verso, 184, 185, 226, 258, 262, 265, 268, 277, 282, 284, 292, 294, 295, 338, 365, 669, 830, 831, 843, 846 verso, 847 verso, 850, 851, 852, 892, 904, 1048, 1104, 1197 and 1866 of the relevant file of proceedings and Commission Records Nos. 4, 5, 7, 8, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29 and 31.

(10) The existence in our country of unnamed graves has been proved, and it should be noted that the dates on which the relevant burials were carried out coincide exactly with the period during which most of the disappearances reportedly took place.

(11) Such incidents can only occur when a society loses control of its democratic institutions and a few degraded individuals can commit monstrous acts with impunity.

(12) Parliament should speak out now on behalf of a people who, being silenced by force, could not at the time denounce these events in the courts.

(13) The legislature has reached these conclusions as part of an investigation carried out within constitutional limits, but it is persuaded that the judiciary, with the appropriate technical and constitutional means, will be able to make rapid and conclusive progress in totally clarifying the facts and trying and convicting those responsible.

In this connection, it recommends the adoption of the following draft resolution.

Commission Room, 4 November 1985."

IV. The full report of the Parliamentary Commission of Inquiry was forwarded to the Centre for Human Rights for the attention of the Working Group on Enforced or Involuntary Disappearances on 19 February 1986 and is available to interested delegations.

Geneva, 21 February 1986