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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:
QUESTION OF MISSING AND DISAPPEARED PERSONS

Report of the Working Group on Enforced or Involuntary Disappearances

Addendum

1. The Working Group on Enforced or Involuntary Disappearances met on 22 February 1982 at the United Nations Office at Geneva during the thirty-eighth session of the Commission on Human Rights to review information received since the Group's sixth session (30 November 1981 to 7 December 1981). The present document forms an addendum to the report to the Commission on Human Rights (E/CN.4/1492) adopted by the Group at that session and describes the most important subsequent developments. The General Assembly at its thirty-sixth session adopted without a vote on 16 December 1981 resolution 36/163 entitled Question of involuntary or enforced disappearances which is reproduced in the annex to this addendum.

Visit by the Working Group to Mexico

2. The Working Group has already informed the Commission of the invitation extended by the Government of Mexico to the Group for a visit to that country (E/CN.4/1492, paras. 120-121). As a result of that invitation two members of the Working Group, Viscount Colville of Culross and Ambassador Luis Varela Quiros, visited Mexico from 11 to 13 January 1982. This was the first visit carried out by the Working Group since it was established in 1980. The purpose of the visit to Mexico was to establish direct contacts with Government authorities and domestic organizations directly concerned with enforced or involuntary disappearances. This was carried out by the Working Group within the terms of reference of its strictly humanitarian mandate, which provides for a public action by the Group which is carried out with discretion. The Working Group was primarily concerned to acquire a balanced account of reports on enforced or involuntary disappearances which have reportedly occurred in Mexico.

3. Prior to the visit the Working Group transmitted by cable to the Government a request to meet with a number of Government officials. The Group also raised by cable a number of points dealing with 43 reports of enforced or involuntary disappearances which the Group had received from relatives and which it had transmitted to the Government on 26 June 1981; the points were raised after the Group had studied the information relating to those cases which the Government had provided on 19 August 1980.

4. During the visit the members of the Working Group held discussions with senior members of the Ministry of the Interior, the Ministry of Foreign Affairs and the Office of the Attorney-General of the Republic; it also paid a visit to the premises of LOCATEL, a humanitarian institution set up by the Mexican Government to help people to find, inter alia, the whereabouts of persons who for different reasons have disappeared or have failed to return to their homes or to their relatives because they have had an accident or because they have been arrested. The Group requested permission to visit a military installation in Mexico connected, according to some reports, with disappearances but it did not prove possible to organize that visit.
5. The members of the Working Group during the visit were ready to receive information from those directly concerned with reports of enforced or involuntary disappearances. In this connection the members met with representatives of the Democratic Lawyers' National Front and on another occasion with representatives of the Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles of Mexico.
6. The Government of Mexico assured the Working Group during the visit that it was prepared to re-open any closed file or to carry out new investigations on the 43 reports on disappearances transmitted by the Group to the Government by the letter dated 26 June 1981 in the light of the points raised by the Working Group. Furthermore the Government assured the Working Group that it was preparing a dossier on every particular report and that all the points raised were going to be dealt with, especially in the light of new evidence provided by the relatives. The Working Group was requested by the Government to inform the relatives of the disappeared that the Government was prepared to co-operate fully with them and to investigate thoroughly all the reports until they were satisfied. The members of the Group found that the system established by LOCATEL would be an important method of preventing enforced or involuntary disappearances and of informing relatives of the whereabouts of family members who have been arrested and that its effectiveness depended upon the police or security forces notifying LOCATEL of each arrest. The Government of Mexico stated that instructions had been given for all arrests to be notified to LOCATEL and that the system was being extended nationwide. The Group notes that the LOCATEL system is in line with recent recommendations of the Council of Europe in this context. The Office of the Attorney-General also operates a computerized information collection service which provides direct news to the public about any person arrested by the federal authorities and by an increasing number of provincial authorities.
7. During its meetings with the representatives of domestic organizations directly concerned with enforced or involuntary disappearances the Working Group was informed concerning the operation of amparo petitions and other legal remedies available under the Mexican Constitution to citizens in connection with enforced or involuntary disappearances. The representatives also transmitted further information on disappearances to the Working Group. The representatives were informed of the assurances given by the Government to the Working Group about investigations by the Government of reports on enforced or involuntary disappearances, and the representatives of the domestic organizations indicated a willingness to provide the authorities with the information they had on disappearances as part of the effort to resolve the matter.
8. The information received by the members of the Group and the discussions which took place during this visit assisted the Group in its understanding of reports of enforced or involuntary disappearances from Mexico. At the end of its visit the Working Group made public a communiqué for the press dated 13 January 1982. In that communiqué the Group expressed its appreciation for the welcome and assistance which it had received from the Government of Mexico and representatives of domestic organizations alike throughout its stay in that country. The Group also wishes to thank the Division of Human Rights and the Office of the United Nations Development Programme in Mexico City for the assistance they provided in connection with this visit.

9. Pursuant to the discussions between the members of the Group and the Government the latter, by a letter of 27 January 1982, transmitted information to the Working Group with regard to five reportedly missing persons. With regard to one case which had been brought to the attention of the Government on 26 June 1981, the Government reported that the uncle of the reportedly missing person had been given the information in the Government's possession and that he had agreed with that information. With regard to four other persons reported as missing by various sources, the Government stated it had informed the relatives in two cases of the Government's information, with which they agreed, and that the mother of two other reportedly missing persons stated they were free and in good health. In its letter of 27 January the Government stated it was not yet able to provide a complete report on the matters raised by the Group and reaffirmed its readiness to continue collaborating with the Group in the future.

Information received from Governments

10. Since the adoption on 7 December 1981 of its reports to the Commission on Human Rights at its thirty-eighth session (E/CN.4/1492) the Working Group has received information, in addition to that from the Government of Mexico mentioned above in paragraph 9, from the Governments of El Salvador, Honduras, Nicaragua, the Philippines, Uganda and Uruguay. The information provided by these Governments is on file with the Secretariat and available for consultation by members of the Commission.

El Salvador

11. By a note verbale dated 26 January 1982 the Permanent Mission of El Salvador to the United Nations Office at Geneva transmitted to the Working Group responses concerning persons reported missing received from the El Salvador Ministry of Justice, the Ministry of Defence and Public Security, the Commissioner for the Protection of Civil and Social Rights of the Office of the President of the Revolutionary Government Junta and various police and security forces in El Salvador. The responses dealt with some 23 persons reportedly missing; three were reported by the Ministry of Justice to be held in gaol by order of military judges and the National Guard reported arresting and releasing another person. Concerning the remaining individuals the various sources reported that they were not being held by their order. On 12 February 1982 the Permanent Mission of El Salvador to the United Nations Office at Geneva transmitted information on a further nine persons; three had been released, three handed over to courts and three were transferred to the Ministry of Defence. The Permanent Mission also provided further details on two cases dealt within the note verbale of 26 January 1982.

12. The Permanent Mission of El Salvador by a note verbale dated 3 February 1982, transmitted to the Working Group the following statement in relation to the clarification sought by the Group as mentioned in paragraph 84 of its report (E/CN.4/1492):

"The statement concerned merely refers to the fact that the Government of El Salvador has not adopted or taken any measure, action or proceedings against any person as a result of that person approaching the Group. Accordingly, the Government rejects any attempt to hold it responsible in this respect. The statement concerned was intended solely to dispel any misgivings of the Group on this point.

The Government of El Salvador reaffirms its determination to promote full respect for the law and human rights and maintains its co-operative attitude towards the Working Group, which it has already demonstrated repeatedly."

Honduras

13. The Ministry of Foreign Affairs of Honduras by a letter dated 7 December 1981, informed the Working Group that a person who had been reported to the Government by the Group as missing in November 1981, had been deported from Honduras to Panama on 23 November 1981.

Nicaragua

14. The Minister for Foreign Affairs of Nicaragua, in a letter of 23 December 1981, informed the Working Group that 10 persons reported as missing in 1979 and 1980 whose cases had been transmitted to the Government by the Working Group had been removed from the report on the situation of human rights in Nicaragua of the Inter-American Commission on Human Rights (see E/CN.4/1492, paras. 126-127). That letter stated that it was clearly established at the General Assembly of the Organization of American States held at Santa Lucia that there were no enforced disappearances in Nicaragua. That letter also reiterated the Government's petition that "... the allegations regarding enforced disappearances in Nicaragua should be declared inadmissible, because of the many explanations offered and the complete exoneration of our Government by the supreme body for the defence and protection of human rights in the inter-American system". The Government also reiterated its readiness to continue co-operating with the Working Group.

The Philippines

15. The Permanent Mission of the Philippines to the United Nations Office at Geneva, by a note verbale dated 10 February 1982, transmitted information regarding two cases of enforced or involuntary disappearances on which the Working Group had requested information. With regard to one person reported to have been arrested and to have disappeared in 1976, the Philippine Government stated that a thorough search had been carried out and that utmost efforts were exerted to ascertain his whereabouts, but to no avail. Concerning the second person, who was reported to have been arrested and to have disappeared in June 1980, the Philippine Government stated that he had been arrested and released in May 1980 and that there were no reported new developments. That note verbale also gave examples of persons who had been reported abroad to have disappeared but who were listed as having been killed in an encounter with Government troops. The Permanent Mission also reiterated the belief that while the Government shared a deep concern for missing persons in the Philippines, persistent reports about said alleged disappearances tend to be misleading, and may again be part of the over-all propaganda efforts of the underground to discredit the Government.

16. The Philippine delegation to the Commission on Human Rights at its thirty-eighth session, by a note verbale, transmitted to the Working Group information on the rescue by Government forces on 8 February 1982 after 43 days of captivity of a person who had been reported in the press as having disappeared.

Uganda

17. The Permanent Representative of Uganda to the United Nations Office at Geneva, by a letter dated 12 February 1982, informed the Working Group that the person reported as having disappeared in Uganda had left the country and recently appeared at a press conference in London.

Uruguay

18. The representative of Uruguay to the Commission on Human Rights, in a letter dated 7 January 1982, transmitted to the Group the text of a cable of 2 January 1978 from the Foreign Minister of Argentina to the Inter-American Commission on Human Rights in which the entry by air into Argentina of a person reported to have disappeared in Uruguay is confirmed based on a list of passengers of the particular flight and a note by the immigration inspector. That cable also stated that the pertinent steps had been initiated to determine if that person was still in Argentina. By a letter of 4 February 1982 the representative of Uruguay to the Commission on Human Rights informed the Working Group with regard to the report of the disappearance of a child and her parents in Montevideo that beginning on the day of their reported disappearance that family had been lodged in a hotel in a Uruguayan town on the border with Brazil. The representative also stated in that letter that the Uruguayan authorities were still investigating the whereabouts of that family and would inform the Group of any further information.

Information on enforced or involuntary disappearances
transmitted to Governments

19. Since the adoption on 7 December 1981 of its report to the Commission on Human Rights at its thirty-eighth session (E/CN.4/1492), the Working Group, in accordance with its established practice, has transmitted reports of enforced or involuntary disappearances to the Governments of El Salvador, Guatemala and Honduras. The Group transmitted to the Government of El Salvador on various occasions reports of 62 enforced or involuntary disappearances of which 15 reportedly occurred in 1982 and the remainder in 1981. The Group transmitted to the Government of Guatemala reports on six enforced or involuntary disappearances which reportedly occurred in 1982; subsequent to their transmission, the Group was informed from a non-governmental source that two of the six persons had been found alive. The Working Group transmitted to the Government of Honduras reports on three cases of enforced or involuntary disappearances, two of which have reportedly occurred in 1982. Summaries of the reports transmitted to the Governments are on file with the Secretariat and available for consultation by members of the Commission.

General information received and adoption of this addendum

20. In addition to the reports of specific disappearances received, the Working Group has received numerous expressions of concern from organizations and individuals in many parts of the world relating to enforced or involuntary disappearances.

21. On 22 February 1982 the present addendum to the report of the Working Group on Enforced or Involuntary Disappearances to the Commission on Human Rights at its thirty-eighth session (E/CN.4/1492) was adopted and signed by the following members of the Working Group: Viscount Colville of Culross (United Kingdom), Chairman/Rapporteur, Jonas K.D. Foli (Ghana), Agha Hilaly (Pakistan), Ivan Tosevski (Yugoslavia), Luis A. Varela Quiros (Costa Rica).

ANNEX

General Assembly resolution 36/163
(adopted on 16 December 1981)

36/163. Question of involuntary or enforced disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 35/193 of 15 December 1980 on involuntary or enforced disappearances,

Bearing in mind Commission on Human Rights resolution 10 (XXXVII) of 26 February 1981, in which it was decided to extend for one year the term of the Working Group's mandate, and Economic and Social Council decision 1981/139 which approved that decision,

Convinced that the action taken, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons, should be continued,

Expressing its emotion at the anguish and sorrow of the families of victims of involuntary or enforced disappearances,

1. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the Working Group's mandate, as laid down in Commission resolution 10 (XXXVII);

2. Expresses its appreciation to the Working Group for the work done and to those Governments which have co-operated with it;

3. Requests the Commission on Human Rights to continue to study this question as a matter of priority, and to take any step it may deem necessary to the pursuit of the task of the Working Group, when it considers the report to be submitted by the Group at its thirty-eighth session;

4. Appeals to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;

5. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.