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"DISAPPEARANCES" AND POLITICAL KILLINGS: HUMAN RIGHTS CRISIS OF THE 1990s

A MANUAL FOR ACTION

@Introduction and Chapter 7

Pre-Publication Version

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Introduction and Chapter 7

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This is a pre-publication version of the Introduction and Chapter 7 of the Amnesty International report *"Disappearances" and Political Killings: Human Rights Crisis of the 1990s - A Manual for Action*.

Introduction

"Many of the events described in this report will be hard to believe. This is because the men and women of our nation have only heard of such horror in reports from distant places. The enormity of what took place in Argentina, involving the transgression of the most fundamental human rights, is sure, still, to produce that disbelief which some used at the time to defend themselves from pain and horror. In so doing, they also avoided the responsibility born of knowledge and awareness, because the question necessarily follows: how can we prevent it happening again?"

- *Nunca Mas* (Never Again), the report of the Argentinian National Commission on Disappeared People¹

The events described in the report of the Argentinian National Commission² have been reproduced many times elsewhere. People have been taken prisoner by agents of the state and held in secret, while the authorities have denied any knowledge of their whereabouts or fate. People have been murdered in detention, assassinated in the street, or killed in cold blood under the guise of law enforcement or the conduct of armed hostilities.

These "disappearances" and extrajudicial executions are not private affairs, or the result of the legitimate exercise of police and military powers. They are crimes committed by order of governments or with their acquiescence.

More than a million people have been victims of "disappearances" and extrajudicial executions during the past 25 years. Many others have been deliberately and arbitrarily killed by opposition groups.

A "**disappearance**" occurs whenever there is reason to believe that a person has been taken into custody by agents of the state, and the authorities deny that the victim is in custody, thus concealing his or her whereabouts and fate. **Extrajudicial executions** are unlawful and deliberate killings, carried out by order of a government or with its acquiescence. **Political killings** include both extrajudicial executions and **deliberate and arbitrary killings by armed opposition groups**.

"Disappearances" and political killings may be hard to believe because their authors have tried to conceal their true nature. Those responsible for the crimes will try to avoid being called to account for them through lies, cover-ups and the propagation of misleading explanations and excuses. Making the facts known is one of the main tasks of those who wish to stop the atrocities.

"Disappearances" and political killings may be hard to believe because the very thought of committing them is so opposed to notions of human decency, human rights and the rule of law. The past 15 years have seen unprecedented accomplishments by the community of nations in adopting standards for the prevention of "disappearances" and extrajudicial executions and creating mechanisms for tackling these problems internationally. A great task of those who wish to end "disappearances" and extrajudicial executions is to make the standards known and ensure that they are enforced.

This book is dedicated to the courageous people around the world who are working to stop "disappearances" and political killings. Drawing on the experiences and accomplishments of the past 15 years, it is designed to provide tools for use in the effort. It is intended also to remind both governments and opposition groups of their obligation to put an end to "disappearances" and political killings and to repair the damage done. Just as "disappearances" and political killings are the result of decisions by governmental authorities and the leaders of armed opposition movements, so is their eradication a matter of political will.

Chapters 1 to 6 of this report are **country case studies**. These chapters describe patterns of "disappearances" and extrajudicial executions in selected countries and the experience of trying to combat them.

Chapter 7 discusses the **concepts** of "disappearances" and extrajudicial executions, analyzes **show they are carried out** and gives examples of their occurrence since the 1980s.

Chapter 8 describes the development of **international human rights standards** since the Second World War and discusses the prohibition of "disappearances" and extrajudicial executions under these standards.

Chapter 9, 10 and 11 deal with **prevention, investigation and bringing the perpetrators to justice**. They cite the relevant international standards and give practical measures drawn from the experience of the international human rights movement and the recommendations of intergovernmental bodies.

Chapter 12 describes the work done through the **United Nations** and other intergovernmental bodies to tackle the problems of "disappearances" and extrajudicial executions.

Chapter 13 discusses Amnesty International's policy and action against **deliberate and arbitrary killings by armed opposition groups** and gives examples of their recent occurrence.

Chapter 14 discusses the work of **relatives of the "disappeared", human rights organizations and other governments** to stop "disappearances" and political killings.

The texts of relevant international instruments and of Amnesty International's 14-Point Programs for the Prevention of "Disappearances" and Extrajudicial Executions are given in the *appendices* to the report.

This report is meant to provide activists around the world with the latest ideas and tools for working to eradicate "disappearances" and political killings. As the effort continues, new insights and recommendations are sure to be added to the list.

Notes

1. *Nunca Más; Informe de la Comisión Nacional Sobre la Desaparición de Personas*, Editorial Universitaria de Buenos Aires, Buenos Aires, 1984. English-language edition: *Nunca Mas (Never Again); A Report by Argentina's National Commission on Disappeared People*, Faber and Faber, London and Boston, 1986.

2. See Chapter 11, section 9.

Chapter 7

The anatomy of the atrocities

1. What is a "disappearance"?

"The 'disappeared' are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied."

- Amnesty International 14-Point Program for the Prevention of "Disappearances"

Amnesty International considers that a "disappearance" has occurred whenever:

! there are reasonable grounds to believe that a person has been taken into custody by the authorities or their agents, and

! the authorities deny that the victim is in custody, thus concealing his or her whereabouts and fate.¹

Amnesty International puts the term in quotation marks to emphasize that the victim has in reality not simply vanished. The victim's whereabouts and fate, concealed from the outside world, are known by someone. Someone decided what would happen to the victim; someone decided to conceal it. Someone is responsible.

There are several elements to a "disappearance" as described above:

! The victim is **deprived of liberty** and held prisoner.

! The victim is deprived of liberty by **agents of the state**. These may be police officers or soldiers in uniform who carry out the arrest openly; the authorities will later deny that the person has been arrested, or acknowledge the arrest but claim that the victim later escaped or was released. They may be intelligence officers or other members of the security forces who wear plain clothes and refuse to identify themselves to onlookers. They may be people who do not formally belong to the security services but are operating by order of the authorities or with their complicity or acquiescence.

! The victim's whereabouts and fate are **concealed**, and the authorities deny holding the victim. This denial may be in the form of a public statement, a reply to inquiries by the victim's relatives, or a response to a judicial procedure such as *habeas corpus* which has been invoked in an effort to find the victim and ensure his or her safety. The authorities also fail to follow correct procedures for detention

such as bringing prisoners promptly before a judicial authority and notifying relatives promptly of their arrest and place of detention.

The phrase *reasonable grounds* is used to emphasize that Amnesty International will act on a case even though some of the details may be obscured. Rapid action is vital, as it is often in the hours and days after arrest or abduction that the "disappeared" may suffer some harm. Relatives, lawyers and domestic human rights organizations endeavour to make inquiries at places where the victim might be held, invoke the power of the courts if these are accessible, and press the authorities to produce the "disappeared" person and ensure his or her well-being. International organizations such as Amnesty International join in the effort by making international appeals to the authorities if it is believed such appeals may benefit the "disappeared" person.

Sometimes the effort succeeds, and the victim reappears after a few days or weeks in secret custody. Occasionally the "disappeared" reappear after many years, as in Morocco in 1991. More often the "disappeared" are never seen again alive. As time passes, the fear will grow that a "disappeared" person has been killed.

"Disappearance", torture and extrajudicial execution often go hand in hand. The victim may be arrested or abducted, tortured for such purposes as obtaining information, and then killed. Sometimes the body is dumped in a public place: it may be found and identified, but the "disappearance" will have helped to conceal the authors and circumstances of the torture and killing. In other cases bodies are mutilated beyond recognition or disposed of secretly: the "disappearance" keeps the key facts of the killing hidden, and the fate and whereabouts of the victim remain unknown. "Disappearance" becomes a cover for extrajudicial execution, and extrajudicial execution perpetuates the state of "disappearance".

"Disappearances" cause extreme agony for the victims and their relatives. The victims are cut off from the world and placed beyond any form of protection. Completely in the power of their captors, they suffer from what is impressed on them as the hopeless certainty that no one outside can help them. They must face the prospect of being killed, and indeed this is often how their life ends.

The relatives of the "disappeared" are kept in ignorance, unable to find out whether the victims are alive or dead. Often the authorities prolong the uncertainty long after the victim has in fact been killed, leaving the relatives unable to start a new life, unable to go through a normal bereavement and unable to deal with legal and practical matters which will remain unresolved as long as the victim's death has not been officially acknowledged. This may mean that a family will be unable to receive the pension due to them through the loss of their breadwinner, or to settle matters concerning property and inheritance. The perpetrators may have washed their hands of the "disappeared", but for the relatives, the "disappearance" continues without end.²

2. What is an extrajudicial execution?

"Extrajudicial executions are unlawful and deliberate killings, carried out by order of a government or with its complicity or acquiescence."

- Amnesty International 14-Point Program for the Prevention of Extrajudicial Executions

The above description used by Amnesty International serves to distinguish extrajudicial executions from other killings. There are several elements.

! An extrajudicial execution is **deliberate**, not accidental.

! An extrajudicial execution is **unlawful**. It violates national laws such as those which prohibit murder, and/or international standards forbidding the arbitrary deprivation of life, as described in Chapter 8.

Its unlawfulness distinguishes an extrajudicial execution from:

! justifiable killings in **self-defence**;

! deaths resulting from the use of reasonable force in **law enforcement**;

! killings in war which are not forbidden under international laws that regulate the conduct of **armed conflict**;

! the use of the **death penalty**.³

! An extrajudicial execution is **carried out by order of a government or with its acquiescence**. This concept distinguishes extrajudicial executions from killings for private reasons, or killings which are in violation of an enforced official policy. If a soldier kills someone for personal reasons and the authorities, learning of it, arrest and punish the soldier, clearly showing their disapproval, it is not an extrajudicial execution. Extrajudicial executions are not the work of individual soldiers or police officers acting in isolation. Someone else, at some level of government, whether national, state or local, has ordered the killings or acquiesced in them.

The combination of unlawfulness and governmental involvement puts extrajudicial executions in a class of their own. An extrajudicial execution is, in effect, a murder committed or condoned by the state.

The concept of extrajudicial executions brings together several types of killings.

! In most of the cases known to Amnesty International worldwide, the victim is being held prisoner or is in the control of the perpetrator at the time of the killing, as when soldiers order people to come out of their homes and then line them up and kill them.

! Some victims are not in custody but are assassinated in the street or murdered by unknown assailants.

! Some killings are committed by officers performing law enforcement functions. These killings involve a use of force which was disproportionate to any threat posed, although the authorities may claim that this use of force was legitimate. The security forces may open fire on a peaceful demonstration and later claim they were facing a life-threatening riot, for example, or shoot down a criminal suspect who threatened physical harm to no one and then pretend that the victim was violently resisting arrest.

! Some victims are civilians not involved in hostilities who are deliberately shot, bombed or shelled in military operations.⁴

Some killings are concealed, or presented by the authorities as the work of someone having no official connection. Others are in disputed circumstances: the authorities acknowledge that official forces committed them, but present them as killings which were justified under the circumstances.

As with "disappearances", Amnesty International does not have to be in possession of the full facts in order to take action. If there is reason to believe that an extrajudicial execution has been committed, Amnesty International calls for an official investigation, as required under the standards laid down in international instruments adopted at the UN and other intergovernmental fora. Such an investigation can yield valuable information, leading to the prosecution and conviction of those responsible for an unlawful killing. If the authorities fail to conduct an impartial and effective investigation, this failure adds to the presumption that a killing was committed with governmental acquiescence.

3. Organizational complexity

"The phenomenon of disappearances is a complex form of human rights violation that must be understood and confronted in an integral fashion."

- Inter-American Court of Human Rights, *Velásquez Rodríguez* judgment⁵

This statement on the complexity of "disappearances" could equally be made about extrajudicial executions. These abuses are never the work of a single person acting alone.

! In a "disappearance", the victim must be taken prisoner, transported to a place of secret detention and held there hidden, with the connivance or acquiescence of public officials.

! An extrajudicial execution involves, at a minimum, the person who carried it out and the officials who ordered, connived or acquiesced in it.

Because "disappearances" and extrajudicial executions are so often connected to a unit or branch of the security forces, where hierarchical organization is a hallmark, the perpetration of a "disappearance" or an extrajudicial execution is likely to involve a chain of command extending from the highest official who orders or acquiesces in the crime to the lowest officer who helps to carry it out. Often one or another of the country's intelligence services will be involved in selecting the victims and tracking them down. Logistical support, too, will be needed: guns and ammunition, vehicles, communications facilities, places to hold prisoners and torture them, or the means of disposing of bodies must be available.

Sometimes "disappearances" and extrajudicial executions are perpetrated in isolated incidents only. Sometimes they are concentrated in certain cities or areas of a country, or in places where certain police or military units are operating. Sometimes they pervade the whole country.

Where there are programs of "disappearances" and extrajudicial executions, the armed forces are frequently involved. As an institution, the armed forces possess certain characteristics which enable them to carry out such a task: centralized command, ability to act rapidly and on a national scale, capacity to use lethal force and to overcome any resistance. In some situations, however, "disappearances" and political killings have been decentralized, localized, or carried out by forces ranging from "death squads" composed of regular police or military personnel to irregular bands which are in the pay of local landowners or other private citizens but operate with official acquiescence.

Whatever the form of organization, the mechanics of official murder and "disappearance" are almost certain to be concealed. The pattern only begins to emerge when many bits of information gathered by relatives, lawyers, journalists and human rights organizations are pieced together. Such research is vital: in order to combat "disappearances" and extrajudicial executions effectively, it is necessary to know how they are organized.

4. Secrecy, cover-ups and excuses

Because "disappearances" and political killings are illegal, those responsible for them - the people who plan, order, carry out and acquiesce in them - will want to avoid being called to account and punished. Secrecy helps to accomplish this. It also helps to allow a program of "disappearances" and extrajudicial executions to continue by confusing and neutralizing the efforts of those who would take corrective action.

"Disappearances" are secret by nature. Extrajudicial executions, too, are often carried out in secret. If they are done in the open, steps will be taken to hide the identity of the killers or the illegal character of the killings. The authorities attribute the killings to opposition forces or shadowy "death squads", or they may try to pass them off as the result of armed encounters with government forces or of attempts by the victims to escape. Concealment, lies and cover-ups are regular features of "disappearances" and political killings.

It is often the intelligence services which carry out "disappearances" and killings or are involved in them. With their secret methods of operation, intelligence services have many of the qualities needed for these tasks.

Where the facts of "disappearances" and extrajudicial executions become known, the authorities try to deflect international criticism by devising convincing excuses:

! In conversations with representative of other governments they may admit to "excesses" by individual soldiers. They may say these troops are understandably hard to control, given the poor training available in what may be an impoverished country and the provocation suffered when soldiers see their comrades fall victim to atrocities perpetrated by the other side. This notion of soldiers out of control may, however, be belied by the strict discipline with which the same soldiers perform normal military operations.

! The authorities may say they lack the resources to eliminate "disappearances" and extrajudicial executions and must put their greatest priority on defending what is - often misleadingly - presented as a fragile democracy threatened by armed opposition or by other violent sectors of society. This excuse obscures the fact that what is most needed to stop "disappearances" and extrajudicial executions is, first of all, for the highest civil authorities and military commanders to issue clear orders that such acts will not be tolerated, and then for them to back up these orders by convincing deeds.

Some governments have developed sophisticated techniques for projecting a favourable international image with the help of advertising agencies and international lobbyists, hoping that pervasive human rights violations will be forgotten or ignored. Other governments have often been all too ready to accept the excuses.

5. The need for impunity

Impunity for the perpetrators is a common feature of governmental programs of "disappearances" and political killings. Secrecy helps to ensure impunity by preventing the facts becoming known. Impunity is achieved also by the passage of immunity laws and by the active obstruction of individuals and institutions attempting to take remedial action.

Even in countries where the rule of law is generally observed, the police and armed forces often resist attempts to expose alleged wrongdoing within their ranks. To avoid antagonizing them, the authorities may turn a blind eye, even in such serious matters as "disappearances" and extrajudicial executions - crimes for which the requirement to investigate and bring to justice is established under international human rights instruments. But when the highest authorities are behind the crimes, passive acquiescence in the wrongdoing of subordinate forces turns to active obstruction of the course of justice.

Impunity may be formalized through such legal devices as the adoption of laws extending immunity from prosecution to members of the security forces for acts committed in the course of official duties. Such laws encourage human rights violations by demonstrating to the security forces that they will be allowed to commit such unlawful acts as "disappearances" and extrajudicial executions without fear of prosecution.

Impunity is achieved also through such means as harassment, death threats, "disappearance", murder and other forms of repression against individuals trying to investigate the facts or take remedial action - including victims' relatives, lawyers, journalists and judges; and through the weakening or destruction of organizations and institutions where action is being or might be taken, including domestic human rights organizations, a free press, an independent judiciary or an effective public prosecution service. A governmental program of "disappearances" and political killings can entail a legacy of destruction of the country's most important institutions for securing the observance of human rights.

6. Programs of "disappearances" and extrajudicial executions and their targets

The scope of "disappearances" and extrajudicial executions ranges from the targeting of selected individuals to the wholesale elimination of sectors of the population. Several governmental programs of "disappearances" and extrajudicial executions in the past 30 years have claimed hundreds of thousands of victims.

In **Indonesia**, following an abortive coup attempt in September 1965, the army leadership called for the destruction of the communist party (PKI), which they blamed for the coup attempt. One of the army leaders, General Nasution, was reported to have told an army staff conference that "all of their [PKI] followers and sympathizers should be eliminated" and to have called for the party's extinction "down to its very roots". In a period of less than a year all the leading figures of the PKI, Indonesia's largest political party, together with great numbers of its members and supporters, were killed. At least 500,000 people are estimated to have been killed in the nine months between October 1965 and June 1966. The killings in Indonesia amounted to a transformation of the political map through the physical liquidation of the political opposition.⁶

In **Democratic Kampuchea** (Cambodia) at least 300,000 people are believed to have been killed during the period of *Khmer Rouge* rule (1975-1979), a time which Democratic Kampuchea's Foreign Minister, Ieng Sary, later referred to as one of "class struggle". The victims included officials of the former government, intellectuals, teachers, students, members of ethnic minorities, currents within the ruling movement who were out of line with the leadership, and alleged "counter-revolutionaries".

In **Uganda** at least 100,000 and possibly as many as half a million people were killed by the security forces during the eight years of President Idi Amin's rule from 1971 to 1979. Systematic and deliberate killings by government forces began in the first month of President Amin's military government and the practice was rapidly institutionalized as a means of eliminating opponents and potential opponents. The victims included members of ethnic groups other than those from which Amin drew support, as well as religious leaders, judges, lawyers, students and intellectuals, criminal suspects and foreign nationals. The impunity with which the security forces were allowed to kill political opponents and criminal suspects created the conditions in which many other people were killed by members of the security forces for criminal motives or simply at will.

In **Iraq**, Amnesty International has estimated that several hundred thousand people have "disappeared" and several hundred thousand more have been extrajudicially executed under the government of President Saddam Hussein (see Chapter 1). Many of the victims have been Kurds and Shi'a Muslims, two groups which are distinct from the group from which Saddam Hussein's main support is drawn. Together with the killings in Indonesia, Kampuchea, and Uganda under Idi Amin and successive governments, the "disappearances" and political killings in Iraq rank among the most massive violations of human rights since the Second World War.

In countries where there are political divisions along ethnic lines, political killings and "disappearances" also have often followed these lines.

! Just as Idi Amin's government had killed many members of the Acholi and Langi ethnic groups, so the new national army under the government of President Milton Obote (1980-1985), comprising many Acholi and Langi troops, massacred civilians in West Nile, one of Amin's traditional areas of support, and killed a great many Baganda civilians in the Luwero triangle.

! In **Burundi**, the politically dominant Tutsi group had been threatened by a rebellion in 1972 inspired by the numerically larger Hutu group. The army was assisted by the paramilitary youth movement of the ruling party in a government counter-attack and began killing anyone connected with the uprising as well as other Hutu leaders or potential leaders. In the capital and in the provinces Hutu were loaded into jeeps and trucks, clubbed to death and buried in mass graves. At least 80,000 people are believed to have been killed in just two months - May and June 1972. Further mass killings of Hutus were carried out in 1988, 1991 and 1993.

Where killings are directed against members of particular ethnic groups, the authorities may portray them as examples of one group killing another in inter-communal clashes. Those who accept this often misleading portrayal of the situation as one of ethnic bloodletting fail to see that they are more organized than is suggested, and that frequently government forces are behind the atrocities.

"Disappearances" and political killings are often committed in countries where government forces are fighting an armed opposition movement, or where an armed conflict has broken out. The victims may include captured guerrillas and soldiers, civilians thought to support them, members of dissident groups and many others who are killed on the mere pretext of having a role in the conflict.

The notion that atrocities are inevitable in armed conflict or that "disappearances" and extrajudicial executions are predominantly a feature of conflict must be resisted. Two of the most massive programs of political killings since the Second World War, those in Indonesia and Kampuchea, were not committed in periods of armed conflict; armed resistance was minimal in both countries. The same can be said for the majority of "disappearances" and extrajudicial executions in Iraq.

Other targets of "disappearance" and extrajudicial execution have included so-called "social undesirables" such as street children, prostitutes, vagrants, the mentally disturbed, known or alleged criminals, and indigenous people where others desire their lands. Where certain segments of society are despised or unwanted, it is often unfortunately all too easy for the authorities to take repressive measures against them.

7. "Disappearances" and extrajudicial executions since the 1980s

In the early 1980s, Amnesty International conducted major international campaigns calling for public action to end "disappearances" and political killings by governments. The massive killings of the 1970s in **Kampuchea** and **Uganda** and the systematic program of "disappearances" in **Argentina** were an indelible backdrop, along with continuing killings and "disappearances" in countries such as **El Salvador**, **Guatemala** and the **Philippines**. Other situations of "disappearances" and killings of current or recent concern included those in **Afghanistan**, **Angola**, **Bolivia**, the **Central African Empire** (now the Central African Republic), **Chad**, **Chile**, **Colombia**, **Equatorial Guinea**, **Ethiopia**, **Guinea**, **India**, **Iraq**, **Lebanon**, **Namibia**, **Syria** and **Zaire**. Amnesty International was also concerned about assassinations of political emigres and government opponents abroad, known or alleged to have been committed by the agents of various countries.

It was to be hoped that "disappearances" and political killings would diminish thanks to these campaigns as well as the efforts of recently established UN mechanisms on these issues - the Working Group on Enforced or Involuntary Disappearances, created in 1980, and the Special Rapporteur on summary or arbitrary executions, established in 1983. But such was not to be the case. The 1980s saw hundreds of thousands of "disappearances" and extrajudicial executions in **Iraq**; renewed killings under successive governments in **Uganda**, where over 100,000 people are believed to have been killed between 1981 and 1986; and the appearance of new patterns of "disappearances" and political killings in a number of countries. Serious situations of "disappearances" and extrajudicial executions were reported in **Chad**, where over 40,000 people are believed to have been victims of extrajudicial executions under the government of President Hissein Habré from 1982 to 1990; **Ethiopia**, where tens of thousands of people "disappeared" or were extrajudicially executed under the government of President Mengitsu Haile-Mariam which was in power from 1974 to 1991; **Lebanon**, where police records indicate that over 17,000 people "disappeared" or otherwise went missing during the civil war of 1975 to 1990; **El Salvador**, where tens of thousands of people were extrajudicially executed and thousands more "disappeared" between 1979 and the signing of a definitive peace accord in January 1992; **Somalia**, where tens of thousands of unarmed civilians were killed by the army from 1988 to the end of 1990 in areas of rebel fighting and the capital, Mogadishu; **Sri Lanka**, where tens of thousands of people in the south of the country are believed to have been murdered under the cover of "disappearance" between 1987 and 1990, while others "disappeared" or were killed in the northeast; **Sudan**, where many thousands of men, women and children from southern ethnic groups have been victims of extrajudicial executions since the outbreak of civil war in 1983; **Peru**, where at least 4,000 people have "disappeared" and thousands more appear to have been

extrajudicially executed by government forces since the introduction in December 1982 of emergency measures; **Colombia**, where annual numbers of recorded "disappearances" and extrajudicial executions increased during the 1980s, reaching a peak of some 3,500 extrajudicial executions in 1988; **Burundi**, where at least 5,000 civilians were killed in 1988 during what the government described as a counter-insurgency operation against armed rebels; **China**, where at least 1,000 people were killed in the capital, Beijing, in June 1989 when troops fired into crowds of unarmed protesters and bystanders to suppress pro-democracy protests; **Mynamar**, where soldiers shot dead at least 1,000 unarmed demonstrators taking part in nationwide protests against one-party military rule in 1988; and other countries including **Afghanistan, Bangladesh, Brazil, Haiti, Honduras, India, Indonesia and East Timor, Liberia, Mauritania, the Philippines, South Africa and Yemen**. In **Iran** at least 2,500 prisoners were summarily executed in 1988; government secrecy made it impossible to determine whether they had received any form of trial.

The end of the Cold War brought hopes of a new world order where nations would live in peace and human rights would flourish. But the disintegration of the old order brought new conflicts and with them, in places such as **Azerbaydzhan, Georgia, Tadzhikistan** and the former **Yugoslavia**, "disappearances" and political killings. Elsewhere, too, great numbers of "disappearances" and political killings have been committed by forces engaged in warfare, and otherwise in political repression.

Since the beginning of 1990 Amnesty International has recorded "disappearances" in more than 30 countries. Over the same period the organization received reports of known or suspected extrajudicial executions in over 60 countries, and of killings in disputed circumstances in a number of other countries. Deliberate and arbitrary killings by opposition groups and opposing factions in armed conflicts were reported in over 30 countries, although in most of these situations the number of victims was a small fraction of those killed by government forces.⁷

Serious situations of "disappearances", extrajudicial executions and deliberate and arbitrary killings by opposing forces have been reported in the 1990s in countries including:

! **Liberia**, where many thousands of civilian non-combatants have been killed by opposing forces since the invasion of the country in December 1989;

! **Somalia**, where thousands of unarmed civilians have been deliberately killed by political groups fighting in the civil war which has fragmented the country since the overthrow of the government of President Siad Barre in January 1991;

! **Zaire**, where several thousand unarmed civilians have been killed by members of the security forces and other supporters of President Mobutu Sese Seko since 1990, while thousands of others have reportedly been killed in intercommunal attacks instigated or condoned by the authorities;

! **Angola**, where many thousands have been deliberately and arbitrarily killed by government forces and forces of the opposition *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, since UNITA decided to resume fighting after the elections held in September 1992, and many other people have "disappeared";

! **Sudan**, where the practice of extrajudicial executions which prevailed in the 1980s has continued with thousands more victims in the Nuba Mountains and parts of southern Sudan, while various factions of the opposition Sudan People's Liberation Army, which holds large parts of southern Sudan, have also been responsible for serious human rights abuses including deliberate and arbitrary killings;

! **Afghanistan**, where deliberate and arbitrary killings by all groups involved in the conflict have been widely reported in the civil war which continues to ravage the country;

! **Burundi**, where tens of thousands of people were massacred in October and November 1993, many of them by the army, including President Melchior Ndadaye and several ministers and officials of the National Assembly who were executed by soldiers;

! **Iraq**, where thousands of Shi'a Muslim civilians in the south of the country were killed by government forces in connection with the March 1991 uprising which followed the end of the 1991 Gulf war;

! **Sri Lanka**, where thousands of people reportedly "disappeared" or were extrajudicially executed in the northeast after armed conflict with the secessionist Liberation Tigers of Tamil Eelam resumed in June 1990;

! **Rwanda**, where a report by an International Commission of Inquiry published in March 1993 implicated the government of President Juvénal Habyarimana in the organization of several thousand political killings of government opponents and members of the Tutsi ethnic group carried out since October 1990 by members of the security forces, armed militias and authorized "vigilante" gangs loyal to the President's party;

! **Bosnia-Herzegovina**, where thousands of civilians and captured or wounded combatants have been deliberately and arbitrarily killed by members of Serb and Croat forces as well as by members of the largely Muslim government forces since fighting broke out in March 1992;

! **Colombia**, where Amnesty International has recorded over 4,000 extrajudicial executions and over 400 "disappearances" since the beginning of 1990;

! **Indonesia**, where an estimated 2,000 civilians have been deliberately killed by government soldiers since the security forces began counter-insurgency operations against an armed resistance movement in Aceh province in northern Sumatra in 1989;

! **Brazil**, where thousands of poverty-stricken children in the country's big cities in recent years have been murdered or made to "disappear" by "death squads", often composed of or run by police officers;

! **South Africa**, where thousands of people have been victims of politically motivated killings, many of them carried out by the security forces or with their acquiescence in assassinations and mass attacks on residents of black townships and squatter camps;

! **Myanmar**, where many unarmed villagers have been deliberately killed in counter-insurgency operations or have been taken against their will to serve the military as porters and have then been beaten to death, extrajudicially executed for disobeying orders or trying to escape, or driven to die from exhaustion and neglect.

"Disappearances" and known or suspected extrajudicial executions have been reported in the 1990s in many other countries including **Algeria, Bangladesh, Chad, Egypt, El Salvador, Guatemala, Haiti, India, the Israeli-Occupied Territories, Kenya, Mali, Mexico, Niger, Papua New Guinea, Peru, Senegal, Sierra Leone, Thailand, Togo, Turkey, Uganda** and **Venezuela**. Amnesty

International also received reports of killings in disputed circumstances in countries such as the **United Kingdom**, where there have been persistent allegations of an official policy by the security forces in Northern Ireland to deliberately kill suspected members of armed opposition groups rather than arrest them, and **Jamaica**, where a number of people shot dead by police had allegedly surrendered or appeared to offer no immediate threat of deadly resistance.

As of late 1993 Amnesty International continued to press the authorities to clarify the whereabouts and fate of people who had "disappeared" earlier in countries including **Morocco**, where after the release of over 300 "disappeared" prisoners in 1991, others - perhaps several hundred - are believed to remain in secret detention; **Yemen**, where the government which took power in 1990 has done nothing to resolve several hundred cases of past "disappearances"; and **Honduras**, where more than 100 people who "disappeared" between 1979 and 1989 remain unaccounted for.

Notes

1. For a discussion of the definition of the term "disappearance", see *'Disappearances': A Workbook*, Amnesty International USA, New York, 1981, Chapter VII. See also the description in the third paragraph of the UN Declaration on Disappearances, reproduced in Appendix 6 of this report.

2. The UN Working Group on Enforced or Involuntary Disappearances ("Working Group on Disappearances") has drawn attention to the wide circle of victims caused by a "disappearance":

"Family members and other relatives or dependants suffer the immediate consequences of a disappearance. Not only are they subjected to agonizing uncertainty about what happened to their parent, child or spouse, but in many cases also economic hardship and social alienation may be part of their sorry lot. The psychological effects on children are found to be severe, even devastating at times. Children born during the captivity of their disappeared mothers constitute a category all by themselves." (WGEID, 1990 report, paragraph 339)

3. As in Article 2 of the European Convention on Human Rights, the use of the death penalty can be described as the execution of a death sentence imposed by a court on a prisoner convicted of a crime for which this penalty is provided by law. International human rights instruments and the international humanitarian law of armed conflict set forth standards to be followed in all death penalty cases, including norms for a fair trial (see *When the State Kills... The Death Penalty v. Human Rights*, Amnesty International Publications, London, 1989). As was noted in Amnesty International's first general report on extrajudicial executions,

"When a government lives up to these standards in imposing a death sentence, the execution is not extrajudicial. However, in some cases governments have formally imposed the death penalty but failed to comply with the procedural safeguards prescribed in international law. In such cases, the government has clearly violated international law, and has illegally and arbitrarily deprived a person of his or her life.

"Whether such cases constitute extrajudicial executions, however, is more difficult to decide. The spectrum ranges from cases with only a single procedural defect to those with such pervasively defective procedures that the accused can be said to have had a trial in name only. There are strong arguments for excluding all such cases from the category of extrajudicial executions. The existence of judicial procedures must be recognized as positive, no matter how defective they may be. International legal standards exist against which the procedures may be judged and pressure can be exerted on a

government if it fails to live up to those standards. Institutional structures for dealing with such cases in the country may improve as a result. If, on the other hand, rudimentary or inadequate procedures are dismissed and the resultant executions included in a broad category with government killings where no procedures have been followed, the opportunity to build on and improve existing procedural structures has been lost."

(Political Killings by Governments, Amnesty International Publications, London, 1983, pages 89-90)

4. For example, in July 1993 Amnesty International wrote to the leader of Serb forces in Bosnia-Herzegovina expressing concern about reports of the deliberate and arbitrary killing on 12 July of 12 people waiting in a queue to collect water in the Dobrinja district of Sarajevo. On the basis of press reports there appeared to be little doubt that the group of unarmed citizens queuing for water was deliberately targeted and that they were the victims of a mortar shell fired from Serbian positions several hundred yards away.

5. Inter-American Court of Human Rights, Series C, Decisions and Judgments, No. 4, *Velásquez Rodríguez Case; Judgment of July 29, 1988*, Secretariat of the Court, San José, Costa Rica, 1988, paragraph 150.

6. *Political Killings by Governments*, pages 23-24, 34-38.

7. For examples of deliberate and arbitrary killings by armed opposition groups, see below and Chapter 13, section 5.