

VII. ESTABLISHMENT OF NATIONAL BODIES FOR THE INVESTIGATION OF
REPORTS OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

162. Since its inception, the Working Group has given attention to the bodies established at the national level to investigate reports of enforced or involuntary disappearances.^{1/} This was a matter already taken up by the Ad Hoc Working Group on the Situation of Human Rights in Chile and the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile.^{2/} Recently, the importance of such bodies was stressed to the Group by the Latin American Federation of Associations for Relatives of Disappeared-Detainees (FEDEFAM) in a document presented to the Working group in June 1983. That document referred to such bodies in El Salvador and Bolivia; the Working Group has itself referred to those and to one in Sri Lanka.

163. The Government of El Salvador, by Decree No. 9 of 6 November 1979, established a Special Commission to Investigate Political Prisoners and Disappearances for the purpose of carrying out on-the-spot investigations to determine the fate of the persons registered in the country as having disappeared since 1972. This Special Commission was set up in response to a recommendation of the Inter-American Commission on Human Rights after a visit to El Salvador in 1978. The Special Commission was composed of three members and adopted two reports, an interim report dated 23 November 1979 and the final report dated 3 January 1983. The Commission published a list of persons detained by the public forces who had disappeared, but said that they were not the only detainees to have disappeared; while none of the disappeared were found alive there was proof of the capture or detention of many of them by the security forces. The Commission had visited cemeteries or burial sites and discovered bodies, some of which were identified as missing persons. The Commission visited detention centres of the various public forces and found places which could have served as secret prisons. It recommended that those places be modified so that they could not be used as secret places of detention, that the persons identified as responsible for the disappearances be tried and that the families be given compensation. The Working Group sought information from the Government on the implementation of these recommendations, but has received none. Non-governmental organizations have reported to the Group that the recommendations have not been implemented.

164. In Bolivia, a National Commission for the Investigation of Disappeared Persons was established by Supreme Decree No. 19.241 of 28 October 1982. The Commission is composed of representatives of the Executive Power, the Human Rights Commissions of both houses of the Legislative Assembly, the Church, the armed forces, the trade unions, the Permanent Assembly of Human Rights, the Red Cross and the press. Its objects are to analyse, investigate and determine the

1/ E/CN.4/1435, paras. 33 and 91-92; E/CN.4/1492, paras. 73-75, 138-139, 183 and annex X; E/CN.4/1492/Add.1, para. 6; E/CN.4/1983/14, paras. 40, 128 and 145.

2/ A/33/331, paras. 421-422 and 779 (15); E/CN.4/1510, para. 335; A/34/583/Add.1, para. 197.

situation concerning disappeared persons, with full access to all relevant information and the right to seek the assistance of all public authorities; it can also set up District Committees. It is accessible to anyone with a complaint about the disappearance of a person in Bolivia.

165. During a meeting with the Working Group in June 1983, a representative of the Latin American Federation of Associations for Relatives of Disappeared-Detainees (FEDEFAM) referred to the Bolivian National Commission for the Investigation of Disappeared Persons and provided the Working Group with a copy of that Commission's work plan for the one year period beginning on 1 February 1983. The Working Group was informed that the relatives of the disappeared participated actively in the plan. On the one hand, the Commission was concentrating on the investigation of cases and the opening of criminal proceedings against those responsible. On the other hand, it was hoped that the Penal Code could be amended to include the definition of the crime of enforced disappearance, the type of penal sanction, the constituting elements of the crime and ways of participating in it, since enforced disappearances were to be considered a crime against humanity. The plan provides for action on many other aspects of the problem, such as establishing mechanisms for, and centres of, investigation, informing public opinion on the problem and holding a national conference in order to evaluate the progress made. The representative of FEDEFAM also stated to the Working Group that the results of the Bolivian Commission to date had been encouraging. Since the Commission was established there have been no new cases registered and people feel secure that they will not become a victim to the practice. Progress has been made towards solving many long-standing cases. Some bodies have been identified and recovered. There are, according to the families, many obstacles to be overcome, but they are hopeful and optimistic. It was suggested by FEDEFAM that the Commission could be used as a model for other situations.

166. The Working Group was informed in 1981 by a non-governmental organization in consultative status with the Economic and Social Council of the establishment in Sri Lanka, in the second half of 1979, of a Parliamentary Select Committee under the Chairmanship of the Sri Lankan Minister of Trade for the purpose of investigating certain events which had occurred in July 1979 in the northern part of that country. Among the events to be investigated was the reported disappearance of three persons. In a letter dated 9 August 1983 the Permanent Representative of Sri Lanka to the United Nations Office at Geneva transmitted a copy of the report of the Select Committee. That Committee had been established by Parliament on 8 August 1979 and its five members were appointed by the Speaker on 20 August 1979. The Committee's powers included that of summoning any person to appear before it, requiring any person to produce any document or record, procuring and receiving all such evidence, written or oral, as the Committee might think necessary or desirable and carrying out any action necessary for the fullest consideration of the matters referred to it. The Committee began its work on 10 September 1979 and held 34 meetings. It visited the north of Sri Lanka and, during its meetings, heard testimony from a large number of people, including members of Parliament, senior police officials, senior army officers, medical personnel, police officers, prisoners, and the relatives of disappeared persons. The Committee's report contained considerable information on the arrest of, among others, the three missing persons and their eventual fate. With regard to two of the missing persons, the Committee stated that there was a great deal of evidence suggesting that they had been taken to a particular police station and that the weight of the evidence would at least