

24,321, adopted in 1995, established the concept of "absence through enforced disappearance". In terms of exhumations, the report notes that they are affected by judicial order, and at the express request of the relatives. The procedure is not a precondition for eligibility for the granting of compensation. As of 2 September 1997, applications had been received in connection with 5,000 cases of disappearances. Favourable decisions had been passed in 1,200 cases, and payments were scheduled to be made.

The report notes that no new cases of disappearance were transmitted to the government, and one case had been clarified on the basis of information provided by the source, in which it was reported that the person concerned had been killed by the military in 1976. The vast majority of the 3,453 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military government in the context of its campaign against left-wing guerrillas and their sympathizers. Reference is made to a number of NGOs that have continued to address themselves to the Working Group (WG) with regard to their ongoing quest to have the fate of the persons who disappeared resolved. In particular, the NGOs are demanding that the state present any documentation and other information in its possession on the human consequences of the "war against subversion", especially the consequences of such operations with regard to the whereabouts and/or fate of disappeared persons.

The WG noted that there are a number of cases before the courts and, in 1997, the WG was advised that the judge in these ongoing proceedings initiated an order that the state turn over the information in its possession, but this had reportedly yet to be done. Other information indicated that NGOs had filed a criminal action for child abduction, falsification of identity, and other serious offences against children, charging that senior members of the former military government, in the course of their political and military functions, jointly practised the systematic abduction of children and took measures intended to ensure their own impunity for such offences. The report notes that in March 1997 the Federal Prosecutor reportedly requested the judge in the case to open an investigation into the matter, stating that the amnesty acts decreed by the government were not applicable to offences of this kind and that there was no statute of limitation in these cases. The federal judge is said to have ordered the opening of a trial and the initiation of an investigation which would involve both a search for documentation from non-Argentine sources on the enforced disappearance of persons in Argentina, and the testimony of witnesses.

The WG also received information related to a trial in Spain on the disappearance in Argentina of Spanish citizens or those of Spanish heritage, and a trial in Italy pertaining to Italian citizens who disappeared in Argentina was continuing.

The WG welcomed the steps taken by the government to put in force a policy of compensation to benefit the relatives of disappeared persons, and acknowledged the difficulties involved in gathering the information necessary

to determine the whereabouts of victims of enforced disappearances which occurred some 20 years ago. The WG nonetheless expressed its serious concern that there are still more than 3,000 outstanding cases, and reminded the government of its obligation under the Declaration to continue to conduct investigations for as long as the whereabouts of the victims of enforced disappearance remain unclarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 14, 29, 30, 39, 57, 65, 68, 69, 70; E/CN.4/1998/68/Add.1, paras. 19–21)

The report notes that urgent appeals were transmitted to the government related to: threats against a human rights lawyer and journalist and a member of the non-governmental Coordinating Organization against Police and Institutional Repression (CORREPI), who was representing the families of victims of police brutality, including alleged extrajudicial, summary, or arbitrary executions; a radio and television journalist, who was told she was "next", apparently in connection with the death of a staff photographer for the magazine *Noticias*, whose body was found inside a burned-out car in January 1997; and threats against a journalist on the staff of *Página 12*, from men identifying themselves as members of the Buenos Aires police force, who warned him to stop writing articles about the death of the *Noticias* photographer. The report notes that the Special Rapporteur (SR) had also asked the government to take steps to protect the physical integrity and right to life of the sister, who had received threats, of a journalist on Canal 13 who was covering the death of the *Noticias* photographer. The government had not responded to the communications by the time the SR's report was prepared.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, paras. 67–68)

The report refers to threats against journalists who were involved in covering stories related to the death of a photographer for the magazine *Noticias*. The Special Rapporteur urged the government to ensure that complaints of death threats, attacks and harassment of journalists — especially those calling for clarification of the circumstances of the murder of the photographer — are investigated, and provide for an environment where journalists can operate free from attack.

Torture, Special Rapporteur on: (E/CN.4/1998/38, para. 19; E/CN.4/1998/38/Add.1, para. 9)

The reports refer to information indicating that in January 1996 a group of detainees in a yard at the Córdoba remand centre had attempted to escape in a refuse truck. The attempt failed, but led to disturbances in several prison blocks. A large number of the inmates, including those not involved in the attempted escape, were reportedly stripped and made to lie for hours face down in the yard, where they were allegedly sprayed with water and beaten and shot at with rubber bullets. The incident left about 200 injured and three dead. The information indicated that the lawyer who reported the facts