

that most of the 56 cases of disappearance transmitted over the years by the Group occurred between 1969 and 1975, under the military government, in particular during the guerrilla warfare in the Aterro region. Forty-two of the 51 outstanding cases were clarified when relatives recognized as dead their missing family members and the government issued death certificates and paid compensation. The WG did send a communication to the government, however, requesting that it ensure the protection of the basic human rights of a witness to a case of disappearance. The witness was reportedly subjected to death threats following her testimony, which is said to have resulted in the initiation of proceedings against eight police officers.

The government informed the WG that a bill concerning the recognition as dead of persons, missing in connection with their political activities in the period 1961–1979, had been approved by the National Congress and promulgated. The Bill provides that the relatives of the disappeared are entitled to obtain death certificates and to receive compensation, and created a Special Commission to consider the inclusion of new names in the list of the disappeared recognized as dead. Under the Bill, although the right to request death certificates is guaranteed, it is up to each family to decide whether or not to exercise this right. The payment of compensation was organized by groups of beneficiaries and, by the end of 1996, 159 groups were identified to receive compensation for a total amount of approximately US\$ 18 million. Compensations reportedly have a minimum value of US\$ 100,000, but larger amounts may be paid on the basis of the expected lifetime of the victim at the time disappearance. The WG noted that the Bill had been favourably received by non-governmental organizations, but that concern had been expressed that: it might set a limiting precedent in relation to other cases; the legislation did not provide for a full investigation into the circumstances of these human rights violations; that it did not provide for identifying those responsible or for bringing them to justice. Concern was also expressed about what was felt to be an unreasonable burden placed on families with regard to locating the remains of the disappeared: relatives are asked to provide indications about the location of the remains so that the Special Commission can decide whether or not there is sufficient evidence to proceed with investigations at those sites. The NGOs made the point that it was the state, not the relatives of the victims, which had access to such information.

The WG welcomed the approval of the Bill and the steps that had been taken for its implementation, noting that it complies with the commitment of the state that “in the event of the death of the victim as a result of an act of enforced disappearance, their dependents are entitled to a compensation” (Article 19 of the Declaration on the Protection of All Persons from Enforced Disappearance).

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, paras. 15–19, 31, 35, 51, 64, 66, 67, 71; E/CN.4/1997/60/Add.1, paras. 61–70)

The Special Rapporteur (SR) notes that violations of the right to life continued to occur, mainly in the context of conflict over land, and included excessive use of force by military police carrying out evictions of landless rural workers. The SR received information alleging that gunmen, some of them policemen hired by local landowners, were responsible for

threatening, harassing and in some cases killing peasants and indigenous leaders claiming their rights over land. The report notes that Decree 1775/96, issued by the government in January 1996, set out procedures for administrative claims by non-indigenous claimants to indigenous areas already demarcated as such. Several sources expressed concern that the uncertainty created by the decree could lead to violent incursions onto indigenous lands and to human rights abuses.

The SR transmitted five urgent appeals to the government, involving: witnesses and relatives of the victims of the 1993 Vigário Geral massacre and members of the Casa de Paz in Vigário Geral, following the killings (reportedly by police officers) of two people during pre-trial proceedings against 56 policemen accused of participating in the massacre; threats and harassment against those same witnesses and relatives following the conditional release of 18 of the policemen accused of carrying out the massacre; 250 members of the Guarani-Kaiowá indigenous community in Jarara, following a court ruling to evict them from the land they occupied; 20 squatter peasant (posseiro) families on the São Francisco estate, following the killing of three men by unidentified gunmen, reportedly police hired by local landowners; and the killing of two human rights defenders and an unknown witness, following the killing of a human rights lawyer who was reportedly investigating the involvement of members of the Rio Grande do Norte civil police in death squad activities.

Other cases transmitted to the government related to: the owner of a newspaper killed by a policeman, following publication of an article in which members of the local police were accused of being involved in violations of human rights; the owner of another newspaper who received death threats and was killed, following the publication of some articles accusing municipal counsellors (consejeros municipales) of São Fidelis of irregularities; the owner of a third newspaper who was killed after having published articles accusing members of the local police of irregularities in their work; and, 20 peasants, reportedly killed in April 1996, during a confrontation between Pará State Military Police and some 2,000 landless peasants of the Movimento de Trabalhadores Rurais Sem Terra (Movement for Landless Rural Workers) who were demonstrating when the military police, trying to break up the demonstration, opened fire against them.

The government replied to the cases transmitted, variously indicating that: judicial investigations were still under way; investigations were being conducted by the federal and state police and that lawsuits had been submitted to the federal and state judiciary systems; witnesses had been granted protection by the Federal Police; members of the military police would be brought to justice and disciplinary measures had been taken against the accused; and, the state government was elaborating a draft bill providing for the compensation for the surviving victims and families of those killed.

The SR urged the government to ensure that law enforcement officials receive thorough training in human rights matters and, in particular, with regard to the restrictions on the use of force and firearms in the discharge of their duties. Concern was expressed about allegations of harassment and violations of the right to life against witnesses of human rights violations and relatives of victims, and the government was urged to take all necessary measures to ensure that witnesses of human rights violations involved in judicial proceedings are given effective state protection.