

- ♦ the Commission on Human Rights take appropriate action in relation to countries that have never cooperated with the WG in its efforts to clarify cases of disappearance.

Resolutions of the Commission on Human Rights

Under agenda item 8, the Commission adopted two resolutions, the first on enforced or involuntary disappearances, the second on restitution and compensation.

In the resolution on enforced or involuntary disappearances (1998/40) the Commission, *inter alia*:

- ♦ expressed deep concern at the intensification of disappearances in various regions and the growing number of reports related to harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons;
- ♦ emphasized that impunity is one of the underlying causes of disappearances and a major obstacle to the clarification of cases;
- ♦ deplored the fact that some governments have never provided substantive replies to cases of disappearance in their countries or acted on the WG's recommendations;
- ♦ urged governments to cooperate with the Group, in particular by inviting it to visit their countries;
- ♦ urged governments to take steps to protect witnesses of disappearances, lawyers and family members against any intimidation or ill-treatment;
- ♦ urged governments faced with long-unresolved cases to continue efforts to clarify the fate of the individuals concerned and begin a process with their families to achieve an appropriate settlement;
- ♦ urged governments to provide in their legal systems mechanisms to ensure fair and adequate reparation to victims and/or their families;
- ♦ reminded governments that all acts of enforced or involuntary disappearance are crimes and of the need to ensure that competent authorities immediately undertake impartial inquiries into reports of cases; and
- ♦ encouraged the WG to continue to (a) promote communication between families of disappeared persons and governments to ensure investigation into cases, (b) observe in its humanitarian task UN standards and practices related to the handling of communications and consideration of replies from governments, (c) consider the question of impunity in light of relevant provisions in the Declaration and the final reports submitted by the rapporteur of the Sub-Commission appointed to study this question, (d) pay particular attention to cases of disappeared children and children of disappeared persons and cooperate

closely with governments to search for and identify these children, (e) pay particular attention to cases indicating ill-treatment against, or threats or intimidation of witnesses of disappearances or relatives of disappeared persons, (f) pay particular attention to cases of disappearance of "human rights defenders" wherever they occur, and make appropriate recommendations for preventing such cases and improving the protection of such persons, (g) continue to apply a gender perspective in its work, (h) provide appropriate assistance relative to implementation of the Declaration, and (i) continue deliberations on its methods of work and report on this to the 1999 session.

The Commission renewed the mandate of the Working Group for a further three years.

In the resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (1998/43), which was adopted by consensus, the Commission, *inter alia*:

- ♦ reaffirmed that victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation;
- ♦ reiterated the importance of addressing the issue in a systematic and thorough way at the national and international levels;
- ♦ called on the international community to give due attention to the issue;
- ♦ appointed an expert to prepare a revised version of the draft basic principles and guidelines, taking into account the views and comments provided by states and others; and,
- ♦ requested the expert to submit the revised version to the 1999 Commission, with a view to adoption by the General Assembly.

Resolution of the General Assembly

At the 1998 session, the General Assembly adopted by consensus a resolution on enforced or involuntary disappearances (A/C.3/53/L.46). The GA, *inter alia*: expressed deep concern over the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared; reaffirmed that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of human rights and fundamental freedoms as well as a violation of the rules of international law; reiterated its invitation to all governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances; called on governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of