

VISIT OF THE WGEID TO THE AFRICAN UNION JUDICIAL AND HUMAN RIGHTS ORGANS AND OTHER BODIES

REDRESS submission to the UN Working Group on Enforced and Involuntary Disappearances (WGEID)

1. [REDRESS](#) is a non-governmental organisation focused on securing justice and effective reparations for survivors of torture. This submission addresses the following three questions posed by the WGEID in the call for contributions: i) the work of REDRESS on enforced disappearance in Africa; ii) reasons for low reporting of enforced disappearance in the continent, and iii) trends and emerging issues on enforced disappearance in Africa.

A. The work of REDRESS on enforced disappearance in Africa

2. Between 2019 and 2021, REDRESS – together with MENA Rights Group, Zimbabwe Lawyers for Human Rights (ZLHR), Lawyers for Justice in Libya, (LFJL) and the African Centre for Justice and Peace Studies (ACJPS) – implemented a project aimed at raising awareness of enforced disappearance in Africa and strengthening the regional legal framework to combat this grave violation.
3. The project included the convening of victims’ forums and consultations, and the drafting and publication of country reports on the status of enforced disappearance in four focus African countries. Baseline studies were published in relation to [Sudan](#), [Algeria](#), [Libya](#), and Zimbabwe (*not available online*). These reports provided an overview of enforced disappearance in the four countries, the gaps in the national legal frameworks, and information on the victims, perpetrators and patterns in the commission of the crime. The reports also included recommendations addressed to domestic and international actors.
4. Additionally, in 2021 REDRESS published a regional report exploring the context in which enforced disappearance takes place in Africa, common patterns and trends, gaps in the regional legal framework, as well as recommendations. The report is available in [English](#), [French](#) and [Arabic](#).
5. In order to assist practitioners who support victims and survivors in their search for justice and reparations, REDRESS published a [Practice Note on the Strategic Litigation of Enforced Disappearance in Africa](#), which is available in English, French and Arabic. Further, REDRESS prepared a publication to [guide journalists](#) in the region who are reporting enforced disappearances.
6. REDRESS initiated legal claims related to individual cases of enforced disappearance in various countries, which were litigated at the national, regional and international level. This includes, among others, the case of [Kamilja Tuweni](#), who was rendered and disappeared in Kenya, and the disappearance of activist [Itai Dzamara](#) in Zimbabwe. These cases are currently pending before the African Commission on Human and Peoples’ Rights (ACHPR).
7. Finally, REDRESS supported the ACHPR in the drafting of the regional [Guidelines for the Protection of All Persons from Enforced Disappearances](#), which were adopted by the Commission in May 2022. This is the first African instrument to tackle the eradication and prevention of enforced disappearance in the continent. REDRESS supported the process by convening several [expert workshops and events](#) with the participation of

regional and international experts. Several members of the WGEID participated in these events. The workshops provided key input for the ACHPR to draft the Guidelines.

B. Reasons for low reporting of enforced disappearance in Africa

8. According to research conducted by REDRESS, despite the prevalence of enforced disappearance in Africa, there is a significant lack of information and underreporting of the crime.
9. The current underreporting responds to several factors, including the lack of knowledge by victims and practitioners on the concept of enforced disappearance. In REDRESS' experience, many survivors and practitioners often refer to abductions or other crimes when they experience or want to report an enforced disappearance. This trend is slowly changing with the increased awareness of what constitutes an enforced disappearance.
10. Other factors that contribute to underreporting include the fear of reprisals, weak administration of justice, inadequate or inaccessible reporting mechanisms, structural impunity and lack of will to investigate on the part of State institutions and authorities. This is further compounded by poverty, illiteracy, language barriers, and the practice of some States to silence the work of civil society ([REDRESS, The Forgotten Victims, pp. 15-17](#)).
11. Several cases illustrate the reprisals suffered by victims who report their enforced disappearance. For example, in Zimbabwe, three female opposition leaders were enforced disappeared in 2020 for leading a protest against government measures imposed during the COVID-19 pandemic. While the victims reported the crime, an investigation was never launched to clarify the events. Instead, the government of Zimbabwe charged the three victims with promoting violence and falsifying their own disappearances ([REDRESS. The Forgotten Victims, p. 23](#)). The three victims were finally acquitted in July 2023, but a day after their acquittal their lawyer (and staff of Zimbabwe Lawyers for Human Rights) was [brutally attacked](#) by four unidentified men.
12. In the absence of rule of law and adequate reporting mechanisms in many African countries, it is key for victims of enforced disappearance to access the reporting mechanisms available at the WGEID and the ACHPR. Responding promptly and effectively to urgent requests and individual cases could be the only recourse left for victims and their relatives to prevent an enforced disappearance and obtain justice, truth and reparation.

C. Emerging trends on enforced disappearance in Africa

13. [Research](#) by REDRESS shows that enforced disappearance takes place in multiple contexts in Africa, including during armed conflict and civil unrest, in the context of migration and internal displacement, and in situations of extraordinary renditions. Enforced disappearance is also used by many African governments to suppress dissent and shrink the work of human rights defenders and activists.
14. In relation to enforced disappearance in the context of migration, REDRESS has documented the violations suffered by many migrants in transit through several African States in their journey to Europe. The [case of Tariku Asefa](#) illustrates this context. Whilst travelling as a migrant from Eritrea to Europe, Tariku was captured by unidentified armed men in Libya. He was held for over a year in an unofficial detention centre, where he was tortured repeatedly and forced to work. REDRESS and LFJL filed a case on behalf of Tariku before the UN Human Rights Committee, arguing that Libya is responsible for the violations suffered by Tariku, including his enforced disappearance. Libya's

responsibility is based on its inadequate legal framework to protect migrants, its participation in and tolerance of human rights abuses against migrants in Libya, and the lack of effective remedies to address such violations.

15. REDRESS and LFJL have also recently [filed](#) a second case against Libya before the Human Rights Committee for similar violations, including enforced disappearance, against a child migrant. In this case, M.T. (a pseudonym given to him to protect his identity) was trafficked and forcibly disappeared in Libya in 2015. He was detained for eight months in various unofficial detentions centres by armed men and military actors which appeared to be affiliated with the Libyan Arab Armed Forces. M.T. was subjected to torture and forced labour. For the same reasons described above, we argue that Libya is responsible for the violations of M.T.'s human rights, including his enforced disappearance.
16. As mentioned above, enforced disappearance is widely used by some African States to suppress dissent. For example, in Egypt there are multiple cases of incommunicado detention and enforced disappearance as part of the government's crackdown against dissenters, political activists and human rights defenders. According to the [Egyptian Commission for Rights and Freedoms](#), between 2015 and 2020, 2,653 people were subjected to enforced disappearance before being brought before the prosecution. This is inextricably linked to torture, given that most acts of torture take place during the initial period of detention, when the detainee is completely stripped of the protection of the law. As such, most individuals who are forcibly disappeared are also subjected to one or more forms of torture or other ill-treatment. Given this situation and the widespread and systematic use of torture, REDRESS and partners recently published a [report](#) arguing that torture against dissenters in Egypt amounts to a crime against humanity.
17. Finally, in the context of internal conflicts, REDRESS has recently published a report on international crimes being committed in the internal conflict in Sudan ([REDRESS, Ruining a Country, Devastating its People, pp. 21-23 and 44](#)). The report indicates that both forces involved in the conflict have reportedly committed enforced disappearance, targeting doctors, journalists and activists. This situation follows a structural context in Sudan where, even prior to the current conflict, enforced disappearances were regularly employed with impunity by Sudan's military and security actors, including the Sudanese Armed Forces, Rapid Support Forces and Military Intelligence, against perceived opposition.

D. Recommendations

18. Based on the information submitted, REDRESS kindly requests the WGEID to consider the following:
 - a) To handle and respond promptly to urgent requests and communications related to enforced disappearance by victims in Africa.
 - b) To promote the exchange of technical knowledge and good practices to address enforced disappearance with the ACHPR, including in relation to individual cases and situations where enforced disappearance is widespread.
 - c) To consider publishing thematic reports and joint statements with the ACHPR and other African Union organs, to raise awareness and respond to the practice of enforced disappearance in Africa, including by promoting full reparation for victims.

- d) To assist in the collection of data on enforced disappearance, including by compiling and sharing statistics on the number of reported cases of enforced disappearance in African countries.
- e) To requests country visits and offer technical assistance to African States where enforced disappearance is prevalent and the legal framework to eradicate this crime needs to be strengthen.