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**Human Rights Council**

**Working Group on Enforced or Involuntary Disappearances**

**127th session**

9–13 May 2022

Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances[[1]](#footnote-2)\*

I. Communications

1. Between 11 February and 13 May 2022, the Working Group on Enforced or Involuntary Disappearances transmitted 26 cases under its urgent procedure, to Egypt (2), Pakistan (7), the Russian Federation (13) and Saudi Arabia (4).
2. The Working Group also decided to transmit a case tantamount to enforced disappearance under its urgent humanitarian procedure, to the Libyan National Army.[[2]](#footnote-3)
3. At its 127th session, held in Geneva from 9 to 13 May 2022, the Working Group decided to transmit 44 newly reported cases of enforced disappearance, to Azerbaijan (2), Bangladesh (2), China (3), Egypt (1), Iran (Islamic Republic of) (2), Pakistan (24), Saudi Arabia (1), the Syrian Arab Republic (6) and Uganda (3).
4. The Working Group clarified 44 cases, in Egypt (16), Iran (Islamic Republic of) (2), Kuwait (1), Pakistan (15), the Russian Federation (1), Saudi Arabia (4), Türkiye (1), Uruguay (1), Uzbekistan (2) and Venezuela (Bolivarian Republic of) (1). A total of 25 cases were clarified on the basis of information provided by Governments, and 19 cases on the basis of information provided by other sources.
5. Between 11 February and 13 May 2022, the Working Group transmitted 15 communications, most of them jointly with other special procedure mechanisms. The communications consisted of two prompt intervention letters, sent to Bangladesh (1) and Mexico (1); two joint urgent appeals, sent to Trinidad and Tobago (1) and Ukraine (1); and 11 joint allegation letters, sent to Bangladesh (1), Brazil (1), China (1), Ethiopia (1), the Gambia (1), the Netherlands (1), Poland (1), Sri Lanka (1), the Syrian Arab Republic (1) and Tunisia (1), as well as to other actors (Executive Council of the Autonomous Administration of North and East Syria) (1).
6. At the session, the Working Group reviewed and adopted six general allegations, concerning Brazil, the Russian Federation, Rwanda, Sri Lanka, Türkiye and Uganda (see annex III). It also held discussions on future and potential country visits, including on its forthcoming visit to Uruguay, from 7 to 14 July 2022. The Working Group also held preliminary discussions on a number of projects, including a meeting of experts on its current thematic focus, new technologies and enforced disappearance. The Working Group discussed its annual report and addenda thereto, to be presented to the fifty-first session of the Human Rights Council, in September 2022, and adopted the study to mark the thirtieth anniversary of the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance, which will also be presented to the Council in September 2022.

II. Other activities

1. At the session, the Working Group welcomed the new member of the Woking Group from the Asia-Pacific Region, Angkhana Neelapaijit, who took up her functions on 1 May 2022, replacing of Tae-Ung Baik, whom the Working Group thanks for his dedication and service.
2. The Working Group held virtual and in-person meetings with relatives of disappeared persons and with representatives of non-governmental organizations working on the issue. They also received a presentation on the Mendez principles on effective interviewing for investigations and information-gathering, which the Working Group supports and will take into consideration in its recommendations to States.
3. The Working Group also held meetings during its session with representatives of the Governments of Cyprus, Japan, Portugal and Spain.
4. During the session, the Working Group also decided to issue a periodic newsletter,[[3]](#footnote-4) aimed at strengthening its links and interaction with victims, civil society organizations, experts, State authorities and other stakeholders and informing the public about its work.
5. A list of other activities conducted by the Working Group during the reporting period is contained in annex IV.

III. Information concerning enforced or involuntary disappearances in States reviewed by the Working Group during the session

Azerbaijan

Standard procedure

1. Under its standard procedure, the Working Group transmitted two cases to the Government, concerning:

(a) Narek Hovhannisyan, an Armenian national allegedly captured by Azerbaijani armed forces in October 2020 during the recent conflict in and around the Nagorno-Karabakh region;

(b) Nerses Iskanyan, an Armenian national allegedly captured by Azerbaijani armed forces in November 2020 during the recent conflict in and around the Nagorno-Karabakh region.

Bangladesh

Standard procedure

1. Under its standard procedure, the Working Group transmitted two cases to the Government, concerning:

(a) Isruq Ahmed Fahim, allegedly abducted on 26 August 2017 in Satmasjid Road, Dhanmondi, Dhaka, by agents presumably associated with the Rapid Action Battalion, a subdivision of the Bangladesh Police.

(b) Ahmad Bin Quasem, allegedly arrested on 5 August 2016 in a raid at his house in Dhaka, by agents of the Rapid Action Battalion.

Joint allegation letter

1. On 22 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the desecration and destruction of the Gayanasarana Buddhist Monastery, located in Falaharia, Chittagong district, the acts of violence perpetrated against the monks there, who are members of the Buddhist minority, which led to the enforced disappearance and subsequent death as a result of ill-treatment of Ronankor Vikku, and the prolonged detention and judicial harassment of the monastery’s principal, the Venerable Saranankar Mahathera.[[4]](#footnote-5)

Prompt intervention letter and reply

1. On 21 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged acts of intimidation and harassment against relatives of disappeared persons, human rights defenders and civil society organizations in Bangladesh because of their work and cooperation with international bodies and United Nations mechanisms in the field of human rights. [[5]](#footnote-6)
2. On 12 May 2022, the Government provided a reply to the joint urgent appeal sent on 21 February 2022.[[6]](#footnote-7)

Press release

1. On 14 March 2022, the Working Group, together with other special procedure mechanisms, issued a press release calling upon Bangladesh to immediately cease reprisals against human rights defenders and relatives of forcibly disappeared persons for their activism and cooperation with international human rights bodies and United Nations mechanisms.[[7]](#footnote-8)

Brazil

Joint allegation letter

1. On 27 April 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the ruling of the Supreme Federal Court of Brazil of 11 May 2020, denying the extradition of an individual to Argentina for the investigation of four interrelated judicial cases concerning crimes against humanity and grave human rights violations committed between 1976 and 1979.[[8]](#footnote-9)

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Brazil. The allegations refer mainly to legislative changes expanding the competence of military jurisdiction to investigate and prosecute crimes committed by military personnel (see annex III).

China

Standard procedure

1. Under its standard procedure, the Working Group transmitted three cases referring to the same family to the Government, concerning Lee Hong-Gi, Soon-Nyeo Ryang and Tae-In Lee, nationals of Democratic People’s Republic of Korea, who were allegedly detained on 6 January 2021 by Chinese Public Security Officers in Shenyang, Liaoning Province. In April 2021, they all reportedly disappeared from Yanji prison in Jilin Province, China.
2. In accordance with the Working Group’s methods of work, copies of the relevant cases were communicated to the Governments of Japan and the Democratic People’s Republic of Korea.

Information from the Government

1. On 14 March 2022 and 8 April 2022, the Government transmitted information concerning four cases, but the information was considered insufficient to clarify them.

Information from sources

1. Sources provided information on 21 outstanding cases, but the information was considered insufficient to clarify them.

Joint allegation letter and reply

1. On 17 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter regarding the arrest, detention and subsequent enforced disappearance of the Tibetan writer, Lobsang Lhundup (pen name of Dhi Lhaden), the musician, Lhundrup Drakpa, and the teacher, Rinchen Kyi, allegedly in connection with their cultural activities in favour of the Tibetan minority language and culture.[[9]](#footnote-10)
2. On 14 April 2022, the Government provided a reply to the joint allegation letter sent on 17 February 2022.[[10]](#footnote-11)

Colombia

Information from the Government

1. On 8 April 2022, the Government transmitted information concerning a case, but the information was considered insufficient to clarify it.

Cyprus

Press release

1. On 12 April 2022, at the end of its official visit to Cyprus, the Working Group issued a press release urging faster progress to fulfil the rights of relatives of the missing in Cyprus. While recognizing the considerable achievements, notably due to the long-standing work of the bicommunal Committee on Missing Persons in Cyprus, the Working Group referred to the slowing down of the search process and the significant remaining challenges.[[11]](#footnote-12)

Ecuador

Information from the Government

1. On 25 April 2022, the Government transmitted information concerning five cases, but the information was considered insufficient to clarify them.

Egypt

Urgent procedure

1. On 8 March 2022, under its urgent procedure, the Working Group transmitted one case to the Government, concerning Omar Maher Abdel Zaher El Desouky, who was allegedly arrested on 20 December 2021 at Cairo International Airport by police security forces and taken to an unknown location.
2. On 29 April 2022, under its urgent procedure, the Working Group transmitted one case to the Government, concerning Karim Yaser Abdulnabi Abdulazim, who was allegedly arrested on 12 April 2022 at 1:30 a.m., by Al Sharqiyyah Governorate security forces at a supermarket where he worked and then taken to an unknown destination.

Standard procedure

1. Under its standard procedure, the Working Group transmitted a case to the Government, concerning Mahmoud Mamdouh Fouad Abdelnabi, who was allegedly arrested on 1 August 2017 at Cairo International Airport by State security agents. He was last seen in Tora Reception prison in November 2021.

Application of the six-month rule

1. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Omar Maher Abdel Zaher El Desouky.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify 14 cases following the expiry of the period prescribed by the six-month rule, concerning:

(a) Mostafa Fouad Abdelawad, who was released from detention;

(b) Sobhi Abdelhadi Abdelhakim, who was released from detention;

(c) Amer Fadl Abdelnaim, who was released from detention;

(d) Mohamed Abdessalam, who was released from detention;

(e) Imad Atifi Hammam, who was released from detention;

(f) Nasser Khayri Shahata Al Mahdi, who was released from detention;

(g) Majdi Mohamed Ali Mohamed Farghali, who was released from detention;

(h) Nasser Suleiman Yassin Abdenasser, who was released from detention;

(i) Maysara Mahmoud Fouad Abdelmoniem, who was released from detention;

(j) Abduallah Kilany Abdeljaber Abdelaal, who is currently detained in Gamasa high-security prison;

(k) Yahia Osama Yahia Abu Salama, who is currently detained in Tora No. 2 high-security prison;

(l) Islam Mohamed Temsah Metwally, who is currently detained, in Tora N°2 high-security prison;

(m) Ahmed Mohamed Mansi El-Sayed Salem, who is currently detained in Istiqbal high-security prison;

(n) Abdulaziz Gamal Metwally Ibrahim, who is currently detained in Tora high-security prison.

Information from the Government

1. On 21 April 2022, the Government transmitted information concerning two cases, but the information was considered insufficient to clarify them.

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify the cases of Omar Adel Abdelfattah Mohamed Abdelsalam and Motaz Sobaih, who are currently in detention in a known location.

Information from sources

1. Sources provided information on seven outstanding cases, but the information was considered insufficient to clarify them.

Discontinuation

1. The Working Group decided, exceptionally, and in accordance with paragraph 28 of its methods of work, to discontinue its consideration of 14 outstanding cases, concerning:

(a) Mohammad Ali Mohammad Farghali

(b) Abdel-Nasir Mohammad,Abdel-Wahhab

(c) Nahil Mohammad Ali H. Al-Battugi

(d) Sayyid Ali Hassan Ibrahim

(e) Mansour,Al-Kikhia

(f) Mostafa Moh’d Abha Authman

(g) Amgad, El Shenawy

(h) Mohamed A’tiya Hafez Ibrahim

(i) Ahmed ‘Abd Al-Rahman Hussein

(j) Goma’a Mohamed Abdel Aziz

(k) Diaa El-Din Gad

(l) Adel Hassan Salih Musa

(m) Reda, Fathy Mohamed Ibrahim

(n) Samy Bakry Orani Morsi

1. The cases may, however, be reopened at any time, in accordance with paragraph 29 of the Working Group’s methods of work.[[12]](#footnote-13)

Press release

1. On 13 April 2022, the Working Group, together with other special procedure mechanisms, issued a press release deploring Egypt’s recent and ongoing collective expulsions of Eritrean asylum-seekers, and calling upon the authorities to immediately halt any further forced returns.[[13]](#footnote-14)

El Salvador

Information from the Government

1. On 10 May 2022, the Government transmitted information concerning eight cases, but the information was considered insufficient to clarify them.

Ethiopia

Joint allegation letter and reply

1. On 14 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning allegations of racial discrimination, xenophobia and related intolerance against members of the Tigrayan ethnic group, as well as other serious human rights violations committed against them, since the outbreak of the conflict between the Federal Government of Ethiopia and its armed forces and the Tigray People’s Liberation Front in November 2020.[[14]](#footnote-15)
2. On 14 April 2022, the Government provided a reply to the joint allegation letter sent on 14 February 2022.[[15]](#footnote-16)

Observations

1. The Working Group would like to thank the Government for its comprehensive reply to the joint allegation letter (ETH 3/2021). The Working Group welcomes the measures taken by the Government to address allegations of gross human rights violations, including enforced disappearances, connected to the conflict in the Tigray, Afar and Amhara regions, while continuing to be concerned about ongoing reports of enforced disappearances, in particular in Tigray.
2. The Working Group expresses the hope that the Government will meet its due diligence obligations and conduct effective, impartial, independent, transparent and thorough investigations, punish the perpetrators and provide reparations to the victims or their families. The Working Group notes that prolonged incommunicado detention and any deprivation of liberty, followed by a refusal to acknowledge it or concealment of the fate or whereabouts of the disappeared person, are constitutive elements of enforced disappearance. As stipulated in the guiding principles for the search for disappeared persons,[[16]](#footnote-17) the search for the disappeared is a continuing obligation, which should begin without delay, be independent and impartial and be interrelated to a criminal investigation. The Working Group recalls that, under international law, the State has the primary responsibility to ensure that the relatives, legal representatives, journalists and civil society working for the protection of human rights and of people from enforced disappearance are free from any form of violence, harassment or discrimination of any kind.

Gambia

Joint allegation letter

1. On 31 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged decision of the Amnesty Recommendation Committee of the Truth, Reparation and Reconciliation Commission to recommend the granting of amnesty to Sanna Sabally, who is accused of serious human rights violations that may reach the threshold of crimes against humanity.[[17]](#footnote-18)

Honduras

Information from a Government

1. On 7 February 2022, the Government of El Salvador transmitted information concerning two cases registered under the records of Honduras, but the information was considered insufficient to clarify them.
2. In accordance with the Working Group’s methods of work, copies of the relevant cases were communicated to the Government of El Salvador.

Iran (Islamic Republic of)

Standard procedure

1. Under its standard procedure, the Working Group transmitted two cases to the Government, concerning:

(a) Hadi Rashedi, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, who was allegedly detained at the Doctor Hesabi school, in Bandar Khomeini city, by five agents of the intelligence services of the Revolutionary Guard of the Islamic Republic of Iran on 26 February 2011; It is reported that Mr. Rashedi was detained in prison from February 2011 to 2013 and was last seen in the prison in Karun, Ahwaz city, before being transferred to an unknown location;

(b) Hashem Shaabani Nejhad, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, who was allegedly arrested by the intelligence services of the Revolutionary Guard, while on his way home from the Shaikh Ansari School in Ramshir, Khalaf Abad. It is reported that Mr. Shaabani Nejhad was detained from 2011 until he was last seen in the prison of Karun, Ahwaz city, on 6 December 2013, before being transferred to an unknown location.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Adwaiy Muhammed, following the expiry of the period prescribed by the six-month rule.[[18]](#footnote-19)

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify the case of Foad Abufatleh, who was reportedly released from detention.

Jordan

Application of the six-month rule

1. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Hamdan Zouhair.

Libya

Urgent procedure

1. In September 2019, the Working Group announced that it would begin documenting violations that might be tantamount to enforced disappearance perpetrated by non-State actors. Accordingly, the Working Group considered one such case allegedly perpetrated in the part of the territory of Libya that is controlled by the Libyan National Army.
2. Under its urgent procedure, the Working Group transmitted to the Libyan National Army a communication concerning Osama Muhammad Saleh Al Ghafir Al Obeid, a colonel in the Libyan army, who was allegedly arrested on 12 July 2016 in the Sidra area during an operation led by General Khalifa Haftar’s militias commanded by Brigadier General Mahmoud Ahmouda. He was last seen on 15 February 2022 at the Tariq bin Ziyad Brigade prison by a former prisoner.
3. In accordance with the Working Group’s methods of work, a copy of the case was communicated to the Government of Libya.

Mexico

Prompt intervention letter

1. On 9 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning the aggressions against Alma Rosa Villalobos Valdes and members of her family, who were allegedly detained, beaten and subjected to other ill-treatment by agents of the Criminal Investigation Agency of Guanajuato. Ms. Villalobos Valdes is a member of the organization Hasta Encontrarte, a collective dedicated to protecting and defending the human rights of women who are victims of disappearance or homicide in the state of Guanajuato.[[19]](#footnote-20)

Observations

1. The Working Group remains concerned about the continuing receipt of allegations concerning acts of harassment, threats and violence perpetrated against family members and collectives searching for disappeared persons in Mexico, as well as the criminalization and persecution of activists and civil society organizations that support them. In this respect, the Working Group recalls article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance, which establishes that any person who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated. Article 13 also states that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

Netherlands

Joint allegation letter

1. On 2 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged automatic immigration detention of Venezuelan migrants and asylum-seekers, including children, arriving irregularly in Curaçao, where they are held in dire conditions of detention for indefinite periods of time.[[20]](#footnote-21)
2. On 29 April 2022, the Government provided a reply to the joint urgent allegation letter sent on 2 March 2022.[[21]](#footnote-22)

Pakistan

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted seven cases to the Government, concerning:

(a) Muhammad Akbar Khan, allegedly abducted on 26 March 2022, at the Balosan Mosque, Mohallah Balili, District Quetta, Balochistan, by Pakistani military secret service agents;

(b) Gulnar Jan, allegedly abducted on 5 January 2022, at Tehsil Wana, District South Waziristan, Khyber Pakhtunkhwa, by members of the Pakistani military;

(c) Raza Ullah, allegedly abducted on 31 January 2022, in his village in District South Waziristan, Khyber Pakhtunkhwa, by members of the Pakistani military;

(d) A 17-year-old national of Pakistan allegedly abducted on 4 February 2022, in his village near River Tochi in District North Waziristan, Khyber Pakhtunkhwa, by members of the Pakistani military.

(e) Salam Khan, allegedly abducted on 16 February 2022, at Burrund, Post Office and Tehsil Tiarza, District South Waziristan, Khyber Pakhtunkhwa, by members of the Pakistani military;

(f) Deen Rasool, allegedly abducted on 22 February 2022, in Islamabad, by Pakistani military and secret service agents;

(g) Rahim Ullah, allegedly abducted on 25 February 2022, from Bannu Township, District Bannu, Khyber Pakhtunkhwa, by members of the Pakistani military.

Standard procedure

1. Under its standard procedure, the Working Group transmitted 24 cases to the Government (see annex I).
2. In accordance with the Working Group’s methods of work, a copy of one case was communicated to the Government of Afghanistan.

Application of the six-month rule

1. The Government provided information on three outstanding cases, on the basis of which the Working Group decided to apply the six-month rule.

Information from the Government

1. On 6 January, 20 April, 28 April and 29 April 2022, the Government transmitted information concerning 27 cases, but the information was considered insufficient to clarify them.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Muhammed Idris Khattak, following the expiry of the period prescribed by the six-month rule.[[22]](#footnote-23) Mr. Khattak is reportedly in detention.

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify 14 cases, concerning:

(a) Ulfat Altaf, who was reportedly released from detention;

(b) Sajjad, who was reportedly released from detention;

(c) Abid, who was reportedly released from detention;

(d) Farhad, who was reportedly released from detention;

(e) Dost Khan, who was reportedly released from detention, yet later extrajudicially killed by State agents;

(f) Mir, who was reportedly released from detention;

(g) Sadam Hussain, who was reportedly extrajudicially killed by State agents;

(h) Khuda Bakhsh, who was reportedly released from detention;

(i) Sudheer, who was reportedly released from detention;

(j) Nadir Ali, who was reportedly released from detention;

(k) Zubair Ahmed, who was reportedly released from detention;

(l) Talal Ahmed, who was reportedly released from detention;

(m) Nasir Hussain, who was reportedly released from detention;

(n) Muslim, who was reportedly released from detention.

Information from sources

1. Sources provided information on two outstanding cases, but the information was considered insufficient to clarify them.

Duplicate

1. The Working Group found that the case of Ehsan Ullah had been registered twice and decided to delete the duplicate. The case of Mr. Ullah remains outstanding.

Observations

1. The Working Group is concerned about the information received reporting acts of harassment, intimidation and threats perpetrated against the relatives of forcibly disappeared persons, which have led to delays in the reporting of the disappearances of those individuals. In this respect, the Working Group recalls article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance, which establishes that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State is to promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint.[[23]](#footnote-24)
2. Article 13 also provides that steps are to be taken to ensure that all those involved in the investigation, including witnesses, are protected against ill-treatment, intimidation or reprisal.

Peru

Press releases

1. On 23 February 2022, the Working Group, together with other special procedure mechanisms, issued a press release welcoming the cultural heritage status bestowed on *El Ojo que Llora* (The Eye that Cries) monument in Lima, which was built in memory of the thousands of victims from the decades-long period of violence in Peru, and calling upon authorities to redouble efforts to protect the site and its supporters.[[24]](#footnote-25)
2. On 2 March 2022, the Working Group, together with other special procedure mechanisms, issued a press release expressing dismay at the decision of the Constitutional Court of Peru to restore a presidential pardon and to release former president Alberto Fujimori, saying that it represented an unacceptable regression in the country’s fight against impunity for gross human rights violations committed during his administration.[[25]](#footnote-26)

Poland

Joint allegation letter

1. On 30 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the situation of migrants and asylum-seekers, including families and children, attempting to reach Poland through its border with Belarus. Concerns included persons allegedly stranded at the border and such persons being held in detention facilities in Poland, where they were allegedly subjected to dire conditions of detention.[[26]](#footnote-27)
2. On 27 May 2022, the Government provided a reply to the joint urgent appeal letter sent on 30 March 2022.[[27]](#footnote-28)

Russian Federation

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted 26 cases to the Government (see annex II).
2. In accordance with the Working Group’s methods of work, copies of the cases were communicated to the Government of Ukraine. Copies of two cases were sent to the Government of Belarus. A copy of one case was sent to the Government of the United States of America.

Application of the six-month rule

1. The Government provided information on an outstanding case, on the basis of which the Working Group decided to apply the six-month rule.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Magomed Gadaev, following the expiry of the period prescribed by the six-month rule.[[28]](#footnote-29)

Information from the Government

1. On 12 May 2022, the Government transmitted information concerning three cases, but the information was considered insufficient to clarify them.

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the Russian Federation. The allegations refer mainly to the enforced disappearances of representatives of local authorities, journalists, civil society activists, captured Ukrainian soldiers and retired military personnel of the armed forces, especially those who took part in the hostilities in the period 2014–2021, as well as civilians, committed by Russian armed forces and affiliated armed groups in the recently occupied Ukrainian territories of the Donetsk, Luhansk, Zaporizhzhia, Kyiv, Mykolaiv, Sumy, Kharkiv, Kherson, Poltava and Chernihiv regions (see annex III).

Press releases

1. On 28 February 2022, the Working Group, together with other special procedure mechanisms, issued a press release calling upon the Russian Federation to immediately end its aggression against Ukraine and call off its unnecessary and unprovoked military attack.[[29]](#footnote-30)
2. On 8 March 2022, the Working Group, together with other special procedure mechanisms, issued a press release calling upon the Russian Federation to immediately end its invasion of Ukraine, to avoid further bloodshed and loss of life. The experts said that intentional attacks against civilians and civilian objects could amount to war crimes and that those responsible should be held to account and prosecuted.[[30]](#footnote-31)

Observations

1. The Working Group is deeply concerned by the numerous reports it has received concerning enforced disappearances perpetrated by the Russian armed forces against civilians, local officials, human rights defenders, journalists and priests in the occupied parts of Ukraine since the beginning of the invasion. Prisoners of war have also reportedly been subjected to enforced disappearance.
2. The Working Group reiterates that, pursuant to customary international humanitarian law, enforced disappearance is prohibited. Similarly, each party to a conflict must take all feasible measures to register and account for persons reported missing as a result of armed conflict and must provide the family members of such persons with any information that it has on their fate and whereabouts.
3. Furthermore, article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance stipulates that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. In this regard, the Working Group stresses that a failure to acknowledge a deprivation of liberty by State agents or the refusal to acknowledge detention are constitutive elements of an enforced disappearance regardless of the duration of the deprivation of liberty or concealment concerned. The Working Group also underscores the fact that procedural safeguards upon arrest and during the first hours of deprivation of liberty are essential to prevent possible human rights violations. Such safeguards include immediate registration and judicial oversight of the detention, the notification of family members as soon as an individual is deprived of liberty and the assistance of a defence lawyer of the individual’s choosing.
4. Bearing in mind the gravity of the situation, the Working Group expressed its wish to meet with representatives of the Russian Federation during the session, to no avail. It reiterates its willingness to hold a meeting at the earliest possible occasion, recalling that the Working Group’s next session is to be held from 19 to 28 September 2022.

Rwanda

Information from sources

1. Sources provided updated information on two outstanding cases, but the information was considered insufficient to clarify them.

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Rwanda. The allegations refer to the practice of enforced disappearance of Rwandan political opponents, human rights defenders, journalists and other perceived critics of the Government, both within and outside the country (see annex III).

Saudi Arabia

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted four cases to the Government, concerning:

(a) Hemdullah Abduweli, a national of China of Uighur ethnicity, who was allegedly forcibly disappeared from Al Dhahban prison in Jeddah on 20 March 2022; Mr. Abduweli had been previously detained by the Saudi local police in Al Masfalah village in Makkah Province on 20 November 2020;

(b) Nurmemet Rozi, a national of China of Uighur ethnicity, who allegedly disappeared from Al Dhahban prison in Jeddah on 20 March 2022; Mr. Rozi had been previously arrested by the Saudi local police in Al Masfalah village in Makkah Province on 20 November 2020;

(c) Abula Buheliqiemu, a national of China of Uighur ethnicity, who was allegedly detained on 31 March 2022 near Mecca, presumably by the authorities of Saudi Arabia for the purpose of returning her to China;

(d) Baibure Miremaiti, Ms. Buheliqiemu’s 13-year-old daughter, who was taken away, presumably by the authorities of Saudi Arabia; it is believed that Ms. Miremaiti might also have been deported to China, along with her mother.

1. In accordance with the Working Group’s methods of work, copies of the four above-mentioned cases were communicated to the Government of China.

Standard procedure

1. Under its standard procedure, the Working Group transmitted a case to the Government, concerning Abdulwahhab Al-Doweesh, a national of Saudi Arabia, who was arrested on 14 August 2021 at the Naif College for National Security in Riyadh by agents of the Presidency of State Security and taken to an unknown location.

Application of the six-month rule

1. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to three cases, concerning Muhammad Afzal Asghar Ali, Muhammad Imran Muhammad Shafi and Muammar Gaddafi Muhammad Omar al-Qenawi.
2. In accordance with the Working Group’s methods of work, copies of the cases of Muhammad Afzal Asghar Ali and Muhammad Imran Muhammad Shafi was communicated to the Government of Pakistan, and a copy of the case of Muammar Gaddafi Muhammad Omar al-Qenawi was communicated to the Government of Egypt.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Meghnath Bhusal, Saud Faleh ‘Awad ‘al-’Anzi and Sultan Hamid Marzouk `al-’Anzi, following the expiry of the period prescribed by the six-month rule.[[31]](#footnote-32)
2. In accordance with the Working Group’s methods of work, a copy of the case of Meghnath Bhusal has been communicated to the Government of Nepal.

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify the case of Lina Alsharif, prior to expiry period prescribed by the six-month rule.[[32]](#footnote-33) Ms. Alsharif is currently detained in a known location.

Information from sources

1. Sources provided updated information on two outstanding cases, but the information was considered insufficient to clarify them.

Observations

1. The Working Group is especially concerned about a 13-year-old girl and women being among the victims of enforced disappearance. It wishes to recall that States are under the obligation to take special measures that respond to the extreme vulnerability of the persons concerned, in the light of the Working Group’s general comments on children and enforced disappearances and on women affected by enforced disappearances.[[33]](#footnote-34)
2. The Working Group is concerned about the allegations it has received, concerning acts of reprisals against relatives of disappeared persons. The Working Group wishes to recall article 13 of the Declaration on the Protection of all Persons from Enforced Disappearance, which establishes that each State is to ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Also, steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

Spain

Information from sources

1. Sources provided updated information on an outstanding case, but the information was considered insufficient to clarify it.

Sri Lanka

Information from the Government

1. On 12 April 2022, the Government transmitted information concerning four cases, but the information was considered insufficient to clarify them.

Information from sources

1. Sources provided updated information on an outstanding case, but the information was considered insufficient to clarify it.

Prompt intervention letter

1. On 22 April 2022, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning the alleged assault and excessive use of force by police officers of relatives of disappeared persons during a protest in Jaffna, which resulted in the injuries suffered by several women. The allegations received also refer to a context of increased surveillance and harassment of relatives of disappeared persons in Sri Lanka, including against members of the Tamil minority, and the obstruction of their activities by security agencies.[[34]](#footnote-35)

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Sri Lanka. The allegations refer mainly to relatives of disappeared persons, especially in the northern provinces of the country, being increasingly subjected to harassment and intimidation, including through police surveillance, as well as facing interference with their attempts to gather, mark anniversaries or protest (see annex III).

Press release

1. On 2 March 2022, the Working Group, together with other special procedure mechanisms, issued a press release calling for an immediate moratorium on the use of the Prevention of Terrorism Act and urging the Government to substantively review and revise the legislation so that it in compliance with international human rights law.[[35]](#footnote-36)

Observations

1. The Working Group is concerned about the allegations it has received, concerning the increase in acts of harassment and intimidation of relatives of disappeared persons, especially in the northern provinces of the country, and including through police surveillance and interferences in their attempts to gather and undertake their human rights related work.
2. The Working Group recalls the Declaration on the Protection of All Persons from Enforced Disappearance, in particular article 13 (3) and (5) thereof, which establishes that that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal and that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.
3. The Working Group also recalls its general comment on women affected by enforced disappearances,[[36]](#footnote-37) its report on standards and public policies for the effective investigation of enforced disappearances[[37]](#footnote-38) and its study on enforced disappearance and economic, social and cultural rights.[[38]](#footnote-39)

Syrian Arab Republic

Standard procedure

1. Under its standard procedure, the Working Group transmitted six newly reported cases to the Government, concerning:

(a) Ahmad Tawouz, allegedly detained on 25 May 2015 by the Syrian armed forces near the Salah al Din neighbourhood in Aleppo city;

(b) Ahmad Maqboul, allegedly detained in March 2013 by the Syrian armed forces during a raid on his home;

(c) Bashar Dabbak, allegedly detained on 29 July 2012 in Damascus by air force intelligence agents based at Mazzeh Airport;

(d) Jihad Assaf, allegedly detained on 18 October 2012 by agents reportedly affiliated with the State Security Department during a raid in his neighbourhood;

(e) Mohamad Al-Awad, allegedly detained on 31 March 2013 by the Syrian armed forces at the Damascus-Al-Qutayfah checkpoint and last seen in June 2013 at District Branch No. 227, which is reportedly administered by military intelligence forces;

(f) Osama Habbali, allegedly detained on 18 August 2012 by military security agents at the Syrian Arab Republic-Lebanon border.

Thailand

Information from sources

1. Sources provided updated information concerning 23 outstanding cases, but the information was considered insufficient to clarify them.

Reopening of cases

1. In accordance with paragraph 29 of its methods of work, the Working Group decided to reopen the case of Sak Sae Ung, based on information provided by a source.

Trinidad and Tobago

Joint urgent appeal

1. On 25 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the ongoing practice of pushbacks of migrants by the Coast Guard of Trinidad and Tobago, including a recent incident regarding the interception of a boat with 39 Venezuelan migrants and asylum-seekers onboard, including 10 children, and the alleged use of firearms during that operation, which reportedly resulted in the death of a 1-year-old child and the injury of his mother.[[39]](#footnote-40)

Tunisia

Joint allegation letter

1. On 17 March 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the excessive use of force in the alleged arrests and enforced disappearances of Noureddine Bhiri and Fathi Beldi under house arrest, as well as the alleged reprisals against Abdelrazzak Al Kilani, Mr. Bhiri’s lawyer.[[40]](#footnote-41)

Türkiye

Information from the Government

1. On 10 May 2022, the Government transmitted information concerning three cases, but the information was considered insufficient to clarify them.

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Davut Altinkaynak, following the expiry of the period prescribed by the six-month rule.[[41]](#footnote-42)

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Türkiye. The allegations refer mainly to the lack of criminalization of enforced disappearance as a separate crime, which renders it extremely difficult, if not virtually impossible, to hold perpetrators accountable (see annex III).

Uganda

Standard procedure

1. Under its standard procedure, the Working Group transmitted three newly reported cases to the Government, concerning John Ddamulira, Vincent Nalumoso and a third person allegedly abducted by agents believed to be associated with the security services of Uganda during the run-up to the general election held in January 2021.

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Uganda. The allegations refer to a massive campaign against those opposed to the Government, which included a series of extrajudicial killings, arbitrary detentions, abductions and acts of excessive use of force against several government critics before, during and after the general election held in January 2021. Serious allegations were also reported regarding attacks by Ugandan State agents on members of, or persons with perceived affiliation with, the opposition in the diaspora (see annex III).

United Arab Emirates

Information from sources

1. Sources provided updated information on an outstanding case, but the information was considered insufficient to clarify it.

Uruguay

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Eduardo Bleier Horowitz, following the expiry of the period prescribed by the six-month rule.[[42]](#footnote-43) The remains of Mr. Bleier Horowitz have reportedly been identified and returned to his family.
2. The Working Group thanks the Government for its acceptance of the Working Group’s request to visit the country. The visit will take place from 7 to 14 July 2022.

Uzbekistan

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the cases of Rahmiddin Saparov and Alisher Haydarov, following the expiry of the period prescribed by the six-month rule.[[43]](#footnote-44)

Venezuela (Bolivarian Republic of)

Clarification based on information from the Government

1. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Freddy Alejandro Guevara Cortes, following the expiry of the period prescribed by the six-month rule.[[44]](#footnote-45) Mr. Guevara Cortes is reportedly in detention.

Annex I

Standard procedure cases

Pakistan

1. The Working Group transmitted 24 cases to the Government, concerning:

(a) Abdul Rab, an Afghan national allegedly abducted on 2 September 2018, at Soorkhab Camp, Quetta, Balochistan, by Pakistani military agents.

(b) Ain Ud Din, allegedly abducted on 14 July 2021, at his home in Karachi, by Pakistani Rangers and military agents.

(c) Samar Din, allegedly abducted on 15 October 2021, at his village in District North Waziristan, Khyber Pakhtunkhwa, by Pakistani military agents.

(d) Saif Ullah, allegedly abducted on 18 October 2019, at his shop on Khushal Post Office, District North Waziristan, Khyber Pakhtunkhwa, by Pakistani military agents.

(e) Mehtab Ullah, allegedly abducted on 29 September 2021, at his motorcycle showroom at Haso Khel, District North Waziristan, Khyber Pakhtunkhwa, by Pakistani military agents.

(f) Zahir Shah, allegedly abducted on 4 June 2013, at his home in Rawalpindi, Punjab, by Pakistani military agents.

(g) Misbah Ullah, allegedly abducted on 29 October 2018, at his Madrassa in District North Waziristan, Khyber Pakhtunkhwa, by Pakistani military agents.

(h) Saddam Hussain, allegedly abducted on 6 May 2015, at his home in District Mardan, Khyber Pakhtunkhwa, by Pakistani military agents.

(i) Farhad Khan, allegedly abducted on 28 April 2012, at Karkhano Market, District Peshawar, Khyber Pakhtunkhwa, by Pakistani military agents.

(j) Nek Bar Ullah, allegedly abducted on 9 November 2021, at Khazana Military Check-Post, Tehsil Mir Ali, District North Waziristan, Khyber Pakhtunkhwa, by Frontier Corps agents.

(k) Gibrail Khan, allegedly abducted on 16 April 2016, at his tent at Baka Khel Refugee Camp, District Bannu, Khyber Pakhtunkhwa, by Pakistani military agents.

(l) Fida Ullah Khan, allegedly abducted on 14 October 2021, at Hakim Bharat Road, Tehsil Bharat, District Bannu, Khyber Pakhtunkhwa, by Pakistani military and Counter Terrorism Department agents.

(m) Awal Khan, allegedly abducted on 1 March 2013, at Qom Mamuzai, District Orakzai Agency, Khyber Pakhtunkhwa, by Pakistani military agents.

(n) Mr. Rahat Khan, allegedly abducted on 31 January 2014, at his workshop in Sangu, Post Office Barra Fort, District Peshawar, Khyber Pakhtunkhwa by Pakistani military agents.

(o) Shams Ul Faraz, allegedly abducted on 18 June 2013, at his home in Qasba Colony, District Karachi, Sindh, by Pakistani military agents.

(p) Ikhlaq Ahmed, allegedly abducted on 16 November 2021, at the Frontier Corps check post at Kolwai Bazar Absar, District Kech, by Frontier Corps agents.

(q) Noor Zaman, allegedly abducted on 5 September 2009, at a relative’s house at Pegha Peshawar, by Pakistani military secret services’ agents.

(r) Muhammad Moavia Hassan, allegedly abducted on 04 February 2019, at Nawab Town Mosque, by Pakistani military secret services’ agents.

(s) Muhammad Ayyub, allegedly abducted on 28 April 2017, at Gambat National Highway Khairpur District, Sindh, by Pakistani military secret services’ agents.

(t) Riaz Ahmed, allegedly abducted in 2010, at Shaheed Inwacham Hazara Tehsil Kabal Swat, Khyber Pakhtunkhwa, by Pakistani military secret services’ agents.

(u) Pathan Khan Zuhrani, allegedly abducted on 11 November 2019, at Goth Haji Jungi Khan Goth Gaggar Phatak Bin Qasim Karachi Sindh, by Pakistani military secret services’ agents.

(v) Saeed Ahmed, allegedly abducted on 05 August 2021, at Lateef Town, Osmania Hotel, Karachi, Sindh, by Pakistani military secret services’ agents.

(w) Muhammad Abbad Gull, allegedly abducted in June 2014, at Shah Waziristan, by Pakistani military secret services’ agents.

(x) Fayyaz Ali, allegedly abducted on 30 August 2021, at his home in Faqeerabad, Jail Road Quetta, Balochistan, by members of the Police Counterterrorism Department and the Frontier Corps.

Annex II

Urgent procedure cases

Russian Federation

1. Under its urgent procedure, the Working Group transmitted 26 cases to the Government concerning:

(a) Serhiy Tsyhipa, a Ukrainian national, allegedly abducted on 12 March 2022 in Nova Kakhovka, by the Russian armed forces.

(b) Oleg Baturin, a Ukrainian national, allegedly abducted on 12 March 2022, near the central bus station in Kakhovka, by the Russian armed forces.

(c) Serhiy Pryima, a Ukrainian national, allegedly arrested on 13 March 2022, in a raid on his house in Melitopol, by the Russian armed forces.

(d) Ivan Samoidiuk, a Ukrainian national allegedly abducted on 19 March 2022 at a checkpoint in Enerhodar, by the Russian armed forces.

(e) Oleksandr Babych, a Ukrainian national allegedly abducted on 28 March 2022 from the Сity Council of Hola Prystan, by armed men believed to belong to Russian armed forces.

(f) Victoria Andrusha a Ukrainian national allegedly abducted on 25 March 2022, in a raid on her home in Staryi Bykiv village, by the Russian armed forces.

(g) Serhiy Khrypun a Ukrainian national allegedly abducted on 24 March 2022, in a raid at his workplace in Nove village, by the Russian armed forces.

(h) Viktor Maruniak, a Ukrainian national allegedly abducted on 21 March 2022 in Stara Zbur’ivka, by officers presumably affiliated with the Russian intelligence services.

(i) Dmitry Bodyu, a national of the United States of America, allegedly arrested on 19 March 2022 in a raid at his house in Melitopol, by the Russian armed forces.

(j) Yevhen Guryanov, a Ukrainian national allegedly arrested on 18 March 2022 in a raid at his house in Bucha, by the Russian armed forces.

(k) Vadym Nikolaiev a Ukrainian national allegedly abducted on 17 March 2022, in a raid on his home in Ruski Tyshky village, by the Russian armed forces.

(l) Denys Butenko, a Ukrainian national allegedly arrested on 9 March 2022, in Bucha, by the Russian armed forces.

(m) Oleksandr Levak, a Ukrainian national allegedly abducted on 5 March 2022 in Lubomyrivka village, by the Russian armed forces.

(n) Yevhen Levak, a Ukrainian national allegedly abducted on 5 March 2022 in Lubomyrivka village, by the Russian armed forces.

(o) Mykyta Buzinov a Ukrainian national allegedly abducted on 4 March 2022, in Mykhailo-Kotsiubynske, by the Russian armed forces.

(p) Vladyslav Dmytrovych Danylenko, a Ukrainian national allegedly abducted on 24 February 2022, in an attack on the Chornobyl Nuclear Power Plant, by the Russian armed forces.

(q) Dmytro Khyliuk, a Ukrainian national and a journalist, allegedly abducted on 3 March 2022, in Kozarovychi village, by the Russian armed forces.

(r) Vasyl Volokhin, a Ukrainian national allegedly abducted on 5 March 2022, in Dymer village, by the Russian armed forces.

(s) Volodymyr Mykolaienko, a Ukrainian national and a former mayor of Kherson, allegedly abducted on 18 April 2022, in Kherson, by the Russian armed forces.

(t) Ms. Iryna Danilovich was allegedly abducted on 29 April 2022, in Koktebel, by the Russian law enforcement agents.

(u) Denys Baranchuk, a Ukrainian national, was allegedly abducted on 8 March 2022, in Bucha, by the Russian armed forces.

(v) Andrii Kanarovskyi, a Ukrainian national and a member of the Ukrainian armed forces, disappeared after being allegedly captured on 15 March 2022, near Volnovakha, by the Russian armed forces.

(w) Ms. Liliia Pavrinidis, a Ukrainian national and a member of the Ukrainian armed forces, disappeared after being allegedly captured on 18 March 2022, in an attack on Mariupol by the Russian armed forces.

(x) Roman Shulha, a Ukrainian citizen, allegedly abducted on 20 March 2022, in Tolokun, by the Russian armed forces.

(y) Ms. Liudmyla Shevchenko and Igor Steblevskyi, both Ukrainian nationals, allegedly abducted on 22 March 2022, in Hostomel village, by the Russian armed forces.

1. In accordance with the Working Group’s methods of work, copies of the cases were communicated to the Government of Ukraine. Copies of the cases of Mr. Vladyslav Dmytrovych Danylenko and Mr. Denys Baranchuk were also sent to the Government of Belarus, and a copy of the case of Mr. Dmitry Bodyu, to the Government of the United States of America.

Annex III

General allegations

Brazil

1. The Working Group received information from sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in Brazil.
2. According to the sources, in 2017, the Brazilian Parliament adopted Law No. 13.491/17,[[45]](#footnote-46) which modified Article 9 of the Military Criminal Code, expanding the definition of military crimes in peacetime and the jurisdiction of military courts. The Law expressly expands the jurisdiction of the Military Justice of the Union to investigate and prosecute acts committed by military personnel under certain circumstances, namely, (i) in the fulfilment of duties prescribed by the President of the Republic or by the Ministry of State for Defence; (ii) in actions involving security of military institutions or military mission and (iii) in activities of military nature, including peace operations.
3. Pursuant to information received, notwithstanding the fact that the Law 13.491/17 excludes intentional killings committed by State-level military personnel, from military jurisdiction, a few months after the Law was enacted, more than a thousand proceedings were transferred from ordinary courts to military courts in the country. In connection to this, the Working Group learned of research conducted in the state of Paraná which revealed that 71% of criminal inquiries into intentional killing of civilians by State-level military personnel was followed by military police procedures.
4. It is further indicated that, in 2018, the Bahia State Court of Justice ruled on the basis of Law No. 13.491/17 that the alleged enforced disappearance of Mr. Davi Fiúza fell under military jurisdiction, transferring the case to the military justice system. Initial investigations into the alleged enforced disappearance of Mr. Davi Fiúza led to the indictment of 17 military police officers for abduction/kidnapping, murder and hiding of the body before ordinary courts of the State of Bahia. The case is reportedly currently stalled in the military justice system.
5. According to the information received, Brazil is yet to adopt legislation recognizing enforced disappearance as an autonomous crime. The Bill 6240/2013, which addresses this gap is currently pending, still awaiting the approval by National Congress.
6. The Working Group was also informed that there are currently several proceedings under Direct Unconstitutionality Action (*Ação Directa de Inconstitucionalidade*) - including actions No. 5901, 5032, 4164 and 5804 - pending before the Federal Supreme Court of Brazil, which challenge the constitutionality of Law No. 13.491/17 and the competence of military jurisdiction to investigate and prosecute crimes committed by military personnel. Notwithstanding these proceedings, the Supreme Court has shied away from ruling on such issues and has systematically postponed court sessions concerning the constitutional review of the military jurisdiction in Brazil.
7. The Working Group would like to bring to the Government’s attention Arts. 2, 3, 4, 13, 14, 16 and 18 of the Declaration, which are directly related to the present allegation.
8. The Working Group would be grateful for your Excellency’s Government’s cooperation and observations on the following questions:
9. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
10. Please provide information on the applicable criminal legal framework to deal with allegations of enforced disappearance and clarify whether the latter is codified as a separate criminal offence. If not, please provide any updates on the progress of the adoption of Bill No. 6240/2013.
11. Please provide information on the measures taken to ensure that Law No. 13.491/17 is not used to hinder the access to an impartial and independent justice system.
12. Please provide information on how your Excellency’s Government ensures that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts, to the exclusion, in particular, of military courts.
13. How does your Excellency’s Government ensure that enforced disappearances are investigated and prosecuted by an independent State authority? How does it ensure that enforced disappearances are promptly, thoroughly and impartially investigated by the said authority and that no measures are taken to curtail or impede such investigations?
14. How does your Excellency’s Government ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction, including amnesty laws?
15. Please provide information on the current status of the proceedings pending before the Federal Supreme Court of Brazil that challenge the constitutionality of Law No. 13.491/17, in particular the Direct Unconstitutional Actions No. 5901, 5032, 4164, 5804. Please explain the reasons for the repeated and ongoing postponements of the Supreme Court’s sessions concerning the constitutional review of military jurisdiction.
16. Please provide information on the status of the judicial proceedings on the alleged enforced disappearance of Mr. David Fiúza and, in particular, whether such proceedings abide by international human rights standards, including the State’s duty to ensure that those accused are tried solely by ordinary courts.
17. Please provide information on the measures taken to tackle and reverse the reported trend in the state of Paraná, whereby criminal inquiries into intentional killing of civilians by State-level military personnel are followed by military police proceedings.
18. The Working Group requests your Excellency’s Government to provide a response to the above questions within 60 days.

Russian Federation

1. The Working Group received information from the sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in the Russian Federation.
2. The sources informed the Working Group that they have documented enforced disappearances of representatives of local authorities, journalists, civil society activists, retired servicemen of the armed forces, especially those who took part in the hostilities in 2014-2021, as well as regular civilians committed by Russian armed forces and affiliated armed groups in the recently occupied Ukrainian territories of Donetsk, Luhansk, Zaporizhzhia, Kyiv, Mykolaiv, Sumy, Kharkiv, Kherson, Poltava and Chernihiv regions. The highest number of cases has been recorded in the Kyiv, Kherson and Zaporizhzhia regions. Several of the enforced disappearances were presumably carried out by members of the Russian intelligence agencies, as witnesses noted the specific manner of communication, the different uniforms from those of the regular Russian military, and the usage of the special equipment.
3. According to one of the sources, between 24 February 2022 and 29 April 2022, there have been recorded 293 cases of enforced disappearances. Six persons were found dead, 121 were released, and the whereabouts of 166 people remain unknown. Another source alleges 139 cases of enforced disappearances during the same period. There is still no information about the fate and whereabouts of 65 persons, 67 persons were released, 7 were found dead or died after their release in the aftermath of torture endured in captivity. The real number of enforced disappearances is likely higher.
4. The sources report that Russian armed forces and affiliated armed groups have held abducted persons in improvised places of detention, including in schools, buildings of government institutions, warehouses, barns, and industrial buildings in the territory of Ukraine under their control. After several days or weeks of secret detention, many of the victims were reportedly transferred to the territory of the Russian Federation, Crimea or the territory of Donetsk and Luhansk regions controlled by the Russian affiliated armed groups before 24 February 2022. They were then held there in penal institutions.
5. Four families, according to the sources, have shared with them reliable information that their abducted relatives are being held in the detention facilities in the Bryansk and Kursk regions of the Russian Federation. In one instance, the family learnt about the transfer to Russia from news on Russian television. In all four cases, relatives of the victims of enforced disappearances still do not have any official information from Russia regarding the whereabouts and state of health of these individuals. According to the sources, this exemplifies a more general practice of transfers of captives from Ukraine to the territory of the Russian Federation.
6. The sources further assert that, commonly, relatives of Ukrainian prisoners of war (hereinafter ‘POWs’) cannot obtain information about their place of detention and their fate. Reportedly, neither the Russian Federation nor affiliated armed groups have created information bureaus, as required under the 1949 four Geneva Conventions. The sources state that they have received information about Ukrainian POWs being held in penal institutions together with abducted civilians and presumably some of them have been released during so-called ‘exchanges of prisoners of war’ held between Ukraine and the Russian Federation. There is no reliable information about the procedures followed in the course of such ‘exchanges’. At the same time, there are grounds to believe, as the sources maintain, that some of the victims of the enforced disappearance were ‘exchanged’ for Russian POWs.
7. While in captivity, several forcibly disappeared persons, as the sources allege, have been subjected to torture and ill-treatment by Russian military personnel or intelligence agents. In particular, reappeared persons have allegedly given testimony that, while being forcibly disappeared, they were kept tied and blindfolded for several days, were provided no or scarce food, and were held in overcrowded rooms with no sanitation. In particular, the sources have received reliable confirmation about the use of torture on abducted Ukrainian civilians in the Pre-trial Detention Center № 2 of the Novozybkov town, Bryansk region.
8. The Working Group would like to bring to the Government’s attention Arts. 2, 4, 7, 10, 12, 13 and19 of the Declaration, which are directly related to the present allegation.
9. The Working Group would be grateful for your Excellency’s Government cooperation and observations on the following questions:
10. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
11. Please inform on how the Government ensures that families of allegedly forcibly disappeared persons can exercise their right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority.
12. Please inform of any searches of allegedly forcibly disappeared persons and investigations undertaken into alleged enforced disappearances committed in Ukraine by the armed forces and intelligent agencies of the Russian Federation, and affiliated armed groups. Please inform about the applicable law, including what criminal law provisions codify enforced disappearance as a separate criminal offense, and share the results of the searches and investigations.
13. Please inform on how the Government ensures that persons deprived of their liberty are held in an officially recognized places of detention and accurate information on the detention of such persons and their place or places of detention, including transfers, is made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information. What are the rules and procedures to prevent ill-treatment, including the torture, of detainees?
14. Please provide information on how the Government ensures that Ukrainian prisoners of war (POWs) are treated in accordance with international humanitarian law, including how families of POWs can obtain information about their whereabouts and their fate. Has the Russian Federation set up information bureaus, as required under the 1949 four Geneva Conventions? Please explain the rules and procedures, and practices on the exchanges of POWs of war between Ukraine and the Russian Federation. Is true that some Ukrainian civilians have been exchanged for Russian POWs?
15. Please inform on how your Government ensures the right of victims of enforced disappearance and their relatives to an effective remedy, including cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
16. The Working Group requests your Excellency’s Government to provide a response to the above questions within 60 days.

Rwanda

1. The Working Group received information from sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in Rwanda.
2. According to information received there is a practice of enforced disappearances of Rwandan political opponents, human rights defenders, journalists, and other perceived critics of the Government, both within and outside the country.
3. According to the sources, the current regime has engaged in a systematic campaign of targeting anyone who expresses any form of opposition or dissenting opinion, particularly those whose views differ from the Government’s narrative on genocide.
4. It has been reported that the patterns of enforced disappearance in the country start as early as 1993 and continued throughout these years. Between 1993 and 2004, the practice of enforced disappearance reportedly mainly targeted Hutus for a variety of reasons, including their perceived affiliation to the former Hutu-dominated regime, allegations of crimes committed during the genocide, and attempts to reduce the majority of Hutus.
5. It has been reported that Rwandans who have attempted to draw attention to allegations of crimes committed by the Rwanda Patriotic Front (hereafter, ‘RPF’) have been subjected to several human rights violations, including enforced disappearance. It is further reported that Hutu survivors of RPF crimes, who sought information from authorities on the fate and whereabouts of their loved ones, were often targeted, while those who tried to hold members of the RPF accountable during grassroots Gacaca hearings also faced persecution or prosecution. According to the information received, witnesses of RPF crimes who were believed to be willing to testify before the United Nations International Criminal Tribunal for Rwanda (hereafter, ‘ICTR’) were threatened in some form, often subjected to enforced disappearance, within Rwanda and in the neighbouring countries where they had fled, including Uganda, Tanzania, Zambia, Burundi, Kenya or the Democratic Republic of Congo (hereafter, ‘DRC’).
6. According to the information received, the practice of enforced disappearance targeting refugees – which commenced after the 1994 genocide - continues until today. It is reported that, between 1996 and 1997, the Rwandan Defence Force (hereafter, ‘RDF’) have conducted several security operations in the eastern part of the DRC to track down members of the Rwandan Armed Forces, leading to the killing and enforced disappearance of thousands of Rwandan refugees, mainly Hutus. Within this context, it is further reported that, between March and September 2014, the Government conducted military operations in the districts bordering DRC, resulting in the enforced disappearance and killing of hundreds of refugees. The fate and whereabouts of at least 150 people who disappeared in those circumstances remain unknown. In addition, Rwandan refugees who tried to raise international awareness of, or were willing to talk about, RPF crimes were allegedly tracked down and killed or disappeared; including former RPF soldiers who were willing to testify before a French court regarding the downing of the presidential plane on 6 April 1994, that triggered the genocide.
7. The information received further refers to the practice of enforced disappearance against Tutsis who were part of the RPF’s ruling inner circle and who subsequently fell out of favour with the Government.
8. The Working Group has also received information that Rwandese, including journalists and civil society actors who have been outspoken critics of the RPF’s political and economic governance, have mysteriously disappeared ahead in the run-up to the 2015 Constitution referendum, which amended the presidential term limits and the 2017 presidential elections. Furthermore, according to the sources, since the referendum, the Government has increased its crackdown on potential political opposition, with the ongoing targeting, intimidation, and harassment and enforced disappearance of those opposed to the Government.
9. According to the information received, the practice of enforced disappearance has also included the targeting of the Rwandan diaspora activists who have sought to raise awareness about the human rights abuses happening in Rwanda and who were living in various African countries, as well as in the United States of America, Australia and Europe.
10. The information received further highlights patterns of transnational enforced disappearance, targeting Rwandan living abroad. In such circumstances, while some of the victims later reappear in a Rwandan Court; others’ fate and whereabouts remain unknown. It is further alleged that, in order to carry out successful operations against its own citizens abroad, the Government of Rwanda likely relies on the co-operation of other Governments.
11. The sources also reported that information and communication technology (hereafter, ‘ICT’) has been used in the furtherance of the practice of enforced disappearance. It has been mentioned that, in the more recent cases of enforced disappearance, after the victims have been forcibly disappeared, their cell phones were disconnected. Furthermore, according to the information received, surveillance software such as Pegasus has been used to monitor the WhatsApp messaging services of the targeted individuals. It is further stated that several high-profile critics of the regime, including opposition members and commentators who have used social media or YouTube to express themselves were subjected to enforced disappearance.
12. It is reported that Rwanda does not have specific legal provisions criminalising enforced disappearance as an autonomous offence and the existing legislation fails to offer sufficient protection against this crime, leaving persons vulnerable to the discretionary practices of the institutions holding criminal justice powers. Pursuant to the information received, several key provisions, including in the Penal Code and in the legislation concerning genocide ideology, have been drafted in a vague and ambiguous manner, therefore enabling politically motivated judicial proceedings of persons previously subjected to enforced disappearance, as well as the crack down on civic spaces, i. e., the suppression of political dissent, limitation of registration and operation of independent non-governmental organizations.
13. According to the information received, while families reported the cases of enforced disappearance to several State institutions, including the Rwandan Investigation Bureau, the Ministry of Justice, and the National Human Rights Commission, little progress has been made in uncovering the fate and whereabouts of the disappeared or in holding accountable the perpetrators of such crimes, in particular, when concerning civilian officials and some members of State security forces.
14. The Working Group would like to bring to the Government’s attention Arts. 1, 2, 3, 4, 6, 9 and 13 of the Declaration, which are directly related to the present allegation.
15. The Working Group would be grateful for your Excellency’s Government’s cooperation and observations on the following questions:
16. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
17. Please explain what measures have been taken by your Government to ensure that Rwandese people, including journalists, human rights defenders and lawyers and political opponents can carry out their activities without any fear of threat of enforced disappearance or any other restrictions.
18. Please inform on how does your Government ensure the right to a prompt and effective judicial remedy as a means of determining the fate and whereabouts of persons deprived of their liberty?
19. Please provide information on how does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforce disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that complaints are promptly, thoroughly and impartially investigated by that authority? What steps does your Government take to protect relatives of disappeared persons from any form of reprisals?
20. How does your Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?
21. Please indicate any measures taken by the Rwandan Government to stop and prohibit targeted violence, including the practice of enforced disappearance, against Hutus.
22. Please list concrete measures taken to stop the practice of enforced disappearance allegedly committed by Rwandan security forces within and outside the country and to investigate on the corresponding allegations, identify those responsible and hold them accountable.
23. Please provide detailed and updated information on the status of investigations on all the case cases of enforced disappearance that have been reported to State institutions including, the Rwanda Investigation Bureau. Kindly inform on the measures in place to search for disappeared persons and establish their fate and whereabouts.
24. Please provide information on measures taken to prevent the use of surveillance software for illegal purposes, including the monitoring of communications of individuals. Please provide information on the measures taken to guarantee freedom of expression, including online, without the fear of being subjected to enforced disappearance.
25. Please provide information on the applicable criminal provisions vis-à-vis enforced disappearance, specifying whether the latter is codified as an autonomous offence under the domestic legislation, sanctioned with penalties that are commensurate to its extreme seriousness.
26. Please provide information on enforced disappearances of Rwandan citizens, including refugees, allegedly perpetrated abroad – both in neighbouring countries and in other continents. What measures have your government taken to afford to other States the greatest measures of mutual legal assistance in connection with criminal investigations and proceedings. Similarly, which measures are taken by Rwanda to afford other States assistance to support victims of enforced disappearance and, in the event of death, exhuming, identifying and returning their remains?

Sri Lanka

1. The Working Group received information concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in Sri Lanka.
2. According to the sources, in the last months of 2021 and the first trimester of 2022, relatives of disappeared persons have increasingly been subjected to harassment and intimidation, including through threatening phone calls at night, surveillance and unannounced visits by public officials and law enforcement officers.
3. Pursuant to the information received by the Working Group, the notorious repressive technique of the so-called ‘white van arrests’, widely used by State forces during the armed conflict (1983–2009) to target opponents and dissidents, has seemingly been used anew in a few occasions in the first months of 2022. In this context, the Working Group was informed of at least two incidents in different areas of the country (i.e. Kalmunai and Kalutara) where unidentified men claiming to be affiliated to State agencies approached in a white van two persons known to be involved in protests and political activities, in one case threatening and arresting the person concerned and, in the other, attempting to kidnap the person. Reportedly, none of the incidents was subjected to a thorough, independent and impartial investigation.
4. According to the information provided by the sources, associations of families of disappeared persons have also been experiencing interferences in their attempts to gather, mark anniversaries (including the International Day of the Victims of Enforced Disappearance) or to protest, including efforts to pre-emptively forbid their demonstrations through court orders – often under the pretext of COVID-19 restrictions – and taking photographs during their assemblies or using force against protestors. These incidents have been reported especially in the northern provinces of the country. Moreover, sources informed the Working Group about obstacles encountered in legally registering associations of relatives of disappeared persons and the corresponding implications on their ability to exercise their right to form and participate freely in organisations.
5. The sources further indicate that, over the past months, relatives of disappeared persons also faced an increasing number of obstacles in their quest for truth, justice and redress. On the one hand, the process of appointing the members of the Office of Missing Persons (hereinafter, ‘OMP’) has been reportedly lacking in transparency, undermining the trust of relatives of disappeared persons in the independence and impartiality of this institution, and seemingly impairing its regular functioning.[[46]](#footnote-47) Furthermore, the Government has allegedly suspended – without any apparent justification – the payment of a monthly allowance as interim relief to families of disappeared persons.
6. Moreover, pursuant to the information submitted by the sources, also the issuing of certificates of absence due to enforced disappearance with the purpose to regulate the legal situation of disappeared persons has ceased, while relatives are increasingly subjected to pressure to declare their loved ones dead. Allegedly, the fact that a disappeared person is declared dead negatively affects the continuation of criminal investigations and search activities.
7. The Working Group was also informed that the few ongoing proceedings against persons accused of having committed gross human rights violations, including enforced disappearances, are stalling. In particular, where those accused are members of the military, they complained of having been ‘politically targeted’. This has triggered the intervention of the Presidential Commission of Inquiry into ‘political victimization’ (established in 2020), which usually resulted in the recommendation that all the suspects in the ongoing proceedings should be acquitted and, instead of being subjected to any sanction, rewarded for their service. In these cases, according to the information received, the Presidential Commission of Inquiry recommended instead disciplinary action and/or the prosecution of the police officers who had conducted the investigation, lawyers and magistrates involved in the trials, under charges including ‘fabricating evidence’ or ‘corruption’.
8. The Working Group would like to bring to the Government’s attention Arts. 2, 7, 13, 16 and 19 of the Declaration, which are directly related to the present allegation.
9. The Working Group would be grateful for your Excellency’s Government cooperation and observations on the following questions:
10. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
11. Please inform on the actions taken to prevent any instance of harassment, intimidation or reprisal against relatives of disappeared persons and their representatives and, where such incidents are reported, to ensure that they are promptly subjected to a thorough, impartial, independent investigation and those responsible are appropriately punished.
12. Please inform on any investigations undertaken into arrests or attempts of kidnapping allegedly committed in the first trimester of 2022 by groups of men approaching their targets in white vans and identifying themselves as State agents.
13. Please provide information on the measures taken by your Excellency’s Government to guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance. In particular, please specify how the Government ensures the full respect of the rights to freedom of movement, expression, and association as well as the right of peaceful assembly in the context of gatherings, commemorations and protests organised by relatives of disappeared persons. Moreover, please clarify what is the applicable legal framework and the process to legally register an association of relatives of disappeared persons.
14. Please provide information on the process of selection of the members of the OMP and the current situation – in terms of human, technical and financial resources – of the institution, as well as the measures taken to ensure that it continues carrying out its mandate in an independent, impartial and effective manner.
15. Please, provide information on how your Excellency’s Government ensures the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
16. Please inform on the reasons for suspending the payment of monthly allowances as interim relief to relatives of disappeared persons and whether there is any prospect of resuming such a payment in the near future.
17. Please provide information on why the issuing of certificates of absence due to enforced disappearance would have ceased and kindly illustrate what are the legal effects of declaring dead a disappeared person with regard to search activities and ongoing criminal investigations.
18. Please inform on how your Excellency’s Government ensures that persons who have or are alleged to have committed an enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction.
19. Please inform on the measures taken to ensure that persons participating in the investigation and prosecution of cases of enforced disappearance are protected against ill-treatment and any form of intimidation, including through threatening to subject them to criminal proceedings for their involvement in the investigations.
20. The Working Group requests your Excellency’s Government to provide a response to the above questions within 60 days.

Türkiye

1. The Working Group received information from the sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in Türkiye (Republic of).
2. According to the sources, under the current criminal legislation, enforced disappearance is not codified as a separate crime, which renders extremely difficult, if not virtually impossible, to hold perpetrators accountable. On the one hand, this allegedly entails an enhanced burden of proof, which does not reflect the peculiarities of this crime, that is by nature shrouded in secrecy and where some information and evidence are not available to the relatives of the disappeared person. On the other hand, this has allegedly resulted into the discontinuation of several cases of enforced disappearance, due to the failure to comply with the said burden.
3. The sources informed the Working Group that, in the absence of a separate crime of enforced disappearance in the domestic Criminal Code, in the few cases that are actually investigated, prosecutors refer to the provisions concerning homicide. Under the applicable criminal legislation, the prosecution of homicide is subjected to a statute of limitations of 20 years. Allegedly, this has already expired for most of the cases of enforced disappearances begun in the Nineties and the Turkish Constitutional Court already found such a state of limitation to be acceptable.
4. The allegations received by the sources and summarised in the two previous paragraphs seem to confirm the concerns expressed by the Working Group in its report on the country visit conducted in March 2016 (A/HRC/33/51/Add.1, paras. 15-20) and its subsequent follow-up report (A/HRC/45/13/Add.4, para. 13). The Working Group formulated specific recommendations to overcome the obstacles identified.
5. Additionally, sources reported that relatives of disappeared person have been facing unjustified interferences in their right to form and participate freely in associations concerned with attempting to establish the circumstances of enforced disappearances and the fate and whereabouts of disappeared persons and to assist victims. In particular, their gatherings and manifestations have allegedly been forbidden. These allegations seem to reflect concerns expressed by the Working Group in its follow-up report on the country visit (A/HRC/45/13/Add.4, paras. 18 and 22), which were the object of dedicated recommendations.
6. Moreover, the criminal prosecution of relatives of disappeared persons under the charges of ‘unlawful participation to protests’ is reportedly being used to trigger a chilling effect on civil society. According to the information received by the sources, criminal charges have been pressed against relatives of disappeared persons who are more than 80 years old, with the intention to stall their attempts to seek justice and redress for the harm suffered and to establish the fate and whereabouts of their loved ones.
7. The Working Group would like to bring to the Government’s attention Arts. 2, 3, 4, 13 and 17 of the Declaration, which are directly related to the present allegation.
8. The Working Group would be grateful for your Excellency’s Government cooperation and observations on the following questions:
9. Please provide any additional information and any comment you may have on the above-mentioned allegations.
10. Please provide information on the applicable criminal legal framework to deal with allegations of enforced disappearance and clarify whether the latter is codified as a separate criminal offence.
11. In case of the absence of a separate crime of enforced disappearance under Turkish legislation, please inform on which are the offences used in criminal investigations and which is the applicable statute of limitation. Kindly inform on how this reflects the continuous nature of an enforced disappearance.
12. Is any legislative reform envisaged in order to assure that enforced disappearance is codified as a separate offence under domestic criminal legislation and is sanctioned in a way that is commensurate to the gravity of the crime?
13. How does the application of a 20-year statute of limitation take into account the permanent nature of the crime of enforced disappearance and its continuous nature as a violation of multiple human rights?
14. What is the progress made in the implementation of the recommendations formulated by the Working Group in its country visit report (A/HRC/33/51/Add.1, para. 68) and in the subsequent follow-up report (A/HRC/45/13/Add.4, paras. 13, 18 and 22) concerning existing loopholes in the applicable legislation (notably, with respect to the lack of progress in relation to qualifying enforced disappearances as an autonomous crime and the applicable 20-year statute of limitation) and instances of harassment against family members of disappeared persons and hindrances in the exercise of their freedom of association and assembly?
15. How does your Government secure that persons alleged to have committed an enforced disappearance are suspended from any official duties during the investigation of the corresponding complaint?
16. How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforce disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that enforced disappearances are promptly, thoroughly and impartially investigated by the authority even if there has been no formal complaint?
17. How does your Government guarantee the right to form and participate freely in organisations of relatives of disappeared persons or working to support them? In particular, what are the preventative measures put in place to ensure that the pressing of criminal charges against human rights defenders and relatives of enforced disappearance is not used to silence them?
18. What are the measures taken to ensure that all those involved in the investigation of an enforced disappearance, and, in particular, witnesses, complainants and their relatives, are protected against reprisals and intimidations?
19. Has any investigation into alleged reprisals against relatives of disappeared persons and their representative organisations been carried out? If not, what are the reasons? Otherwise, what are the results or progress of such investigations?
20. The Working Group requests your Excellency’s Government to provide a response to the above questions within sixty days.

Uganda

1. The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Uganda.
2. It was reported that before, during and after the January 2021 general election, the authorities reportedly embarked on a massive campaign of terror against civilian population that was opposed the Government. The Security Forces conducted a series extrajudicial killings, excessive use of force, illegal arrests, detentions, abductions of several government critics. After the general elections, there was a public outcry reflecting an increase of allegations of people gone missing before, during and after the general elections. The Government recognized having a large number of people under detention in connection to penal offenses allegedly related to the electoral process. According to the allegations, there were a large number of people who were kidnapped by security forces. Victims of the alleged kidnaps by security forces were reportedly tortured, raped and often kept in unauthorized detention centers commonly known as “safehouses”. According to the information received, the detention centers -which were non gazetted to hold civilians- were operated by the Uganda People’s Defence Forces (UPDF), especially the Special Forces Command (SFC), the Chieftaincy of Military Intelligence (CMI), and Military Police (MP).
3. The wave of abductions and torture by security forces reportedly intensified during the pre-election campaign period in the second semester of 2020 through the January 2021 general election, resulting in a dramatic increase in the number of reported cases of enforced disappearance in the country. On 4 March 2021, Uganda’s Internal Affairs Minister admitted and tabled before parliament a list of 177 civilians believed to be held under detention.
4. The sources further indicated that men and women were illegally detained in various safehouses around the country. Some victims were held in military detentions and others were tried before the court martial, while other individuals were abducted by security forces and their whereabouts remain unknown. Some detainees who were tortured reported psychological and physical harm including broken backs, fingernails pulled out, genitals beaten, electrocution and burns; some women reported that they were raped by security forces while under detention. In some instances, breastfeeding mothers were snatched away from their babies and detained in safehouses for long periods of time. Security forces also reportedly abducted and illegally detained minor children at gunpoint.
5. Serious allegations were also reported regarding attacks on members or persons with perceived affiliation with the opposition in the diaspora by Ugandan State agents.
6. The sources further listed numerous cases of persons allegedly forcibly disappeared and for which the fate and whereabouts remain unknown to this day.
7. The Working Group would like to bring to the Government’s attention Arts. 2, 3, 7, 9, 10, 13, 16 and 19 of the Declaration, which are directly related to the present allegation.
8. The Working Group would be grateful for your Excellency’s Government cooperation and observations on the following questions:
9. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
10. Please inform on any investigations undertaken into allegations of arrests, arbitrary detention or enforced disappearances reportedly committed during or in the aftermath of the electoral period in 2020-2021 against opposition organizers, campaign staff, members and their supporters.
11. What steps does Your Excellency Government take to ensure that any ill-treatment, intimidation or reprisal or any other form of interference against the persons mentioned in the previous point is subjected to a prompt, thorough, independent and impartial investigation and those responsible are prosecuted and appropriately punished?
12. Please provide information on how does Your Excellency Government ensure that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts, to the exclusion, in particular, of military courts.
13. How does Your Excellency Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?
14. How does Your Excellency Government ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction?
15. Please provide information on how Your Excellency Government ensure the rights of persons deprived of liberty, notably measures on gender sensitivity for women, including breastfeeding mothers who were detained in safehouses and were reportedly snatched away for long periods of time from their babies and children.
16. How does Your Excellency Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

Annex IV

Intersessional activities of the members

1. On 17 February 2022, Luciano Hazan participated as a speaker in the presentation of the request of precautionary measures related to military archives to the Jurisdiction for the Peace in Colombia, organized by the Fundación “Hasta Encontrarlos”.
2. On 23 February 2022, Aua Baldé attended: PUC-Rio/IBAHRI informal Consultation with UN Treaty Bodies and Special Procedures.
3. On 23-24 February 2022, Henrikas Mickevičius participated in an expert meeting on the issue of missing persons in Syria, in Glion. Switzerland.
4. On 9 March 2022, Gabriella Citroni gave a speech on the “*Human Rights Obligations vis-à-vis Missing Migrants*”, in the webinar “*Missing Migrants, Missing Solutions? Preventing and resolving missing migrants cases and addressing the needs of their families through the Global Compact on Migrants*”, organized by the International Committee of the Red Cross and the International Organization for Migrations.
5. On 14 March 2022, Gabriella Citroni and Luciano Hazan intervened in a webinar on “*Retos y perspectivas a diez años del informe de misión a México del Grupo de Trabajo sobre Desapariciones Forzadas o Involuntarias*”, organized by the Office of the High Commissioner for Human Rights in Mexico, Ciudad de México.
6. On 29 March 2022, Gabriella Citroni and Luciano   
   Hazan gave an interview for the Mexican newspaper “Proceso”, available at: <https://www.proceso.com.mx/reportajes/2022/3/29/desapariciones-una-crisis-que-se-acerca-las-100-mil-victimas-283295.html>.
7. On 29 April 2022, Luciano Hazan participated as a speaker in a webinar organized by the Penitentiary Ombudsperson of Argentina on “Enforced disappearance: From the dictatorship to democracy”.
8. On 6 May 2022, Henrikas Mickevičius attended, on the margins of the Brussels VI Conference on Supporting the Future of Syria and the Region, an event on “Moving Forward on Truth and Justice: Addressing the crisis of missing persons and detention in Syria”.

1. \* The annexes to the present document are reproduced as received, in the language of submission only. [↑](#footnote-ref-2)
2. The Working Group stresses that the cases addressed to the Libyan National Army do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities. [↑](#footnote-ref-3)
3. See www.ohchr.org/en/node/102736. [↑](#footnote-ref-4)
4. See BGD 1/2022. All communications, and replies thereto, mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments. [↑](#footnote-ref-5)
5. See BGD 2/2022. [↑](#footnote-ref-6)
6. See the reply to BGD 2/2022. [↑](#footnote-ref-7)
7. Office of the United Nations High Commissioner for Human Rights (OHCHR), “UN experts urge Bangladesh to end reprisals against human rights defenders and relatives of the disappeared”, press release, 14 March 2022. [↑](#footnote-ref-8)
8. See BRA 5/2022. [↑](#footnote-ref-9)
9. See CHN 14/2021. [↑](#footnote-ref-10)
10. See the reply to CHN14/2021. [↑](#footnote-ref-11)
11. OHCHR, “UN experts: Urgent solution of the missing persons issue essential both for relatives and future of Cyprus”, press release, 12 April 2022. [↑](#footnote-ref-12)
12. A/HRC/WGEID/102/2 [↑](#footnote-ref-13)
13. OHCHR, “Egypt: UN experts condemn expulsions of Eritrean asylum-seekers despite risks of torture, arbitrary detention and enforced disappearance”, press release, 13 April 2022. [↑](#footnote-ref-14)
14. See ETH 3/2021. [↑](#footnote-ref-15)
15. See the reply to ETH 3/2021. [↑](#footnote-ref-16)
16. [CED/C/7](http://undocs.org/en/CED/C/7). [↑](#footnote-ref-17)
17. See GMB 2/2022. [↑](#footnote-ref-18)
18. [A/HRC/WGEID/125/1](http://undocs.org/en/A/HRC/WGEID/125/1), para. 65. [↑](#footnote-ref-19)
19. See MEX 2/2022. [↑](#footnote-ref-20)
20. See NLD 2/2022. [↑](#footnote-ref-21)
21. See the reply to NLD 2/2022. [↑](#footnote-ref-22)
22. [A/HRC/WGEID/125/1](http://undocs.org/en/A/HRC/WGEID/125/1), para. 99. [↑](#footnote-ref-23)
23. See also [CED/C/7](http://undocs.org/en/CED/C/7), principle 6. [↑](#footnote-ref-24)
24. OHCHR, “Peru: UN experts applaud ‘El Ojo que Llora’ memorial, warn against ‘denialist’ violence”, press release, 23 February 2022. [↑](#footnote-ref-25)
25. OHCHR, “Peru: Fujimori release undermines access to justice for victims – UN experts”, press release, 22 March 2022. [↑](#footnote-ref-26)
26. See POL 3/2022. [↑](#footnote-ref-27)
27. See the reply to POL 3/2022. [↑](#footnote-ref-28)
28. [A/HRC/WGEID/125/1](http://undocs.org/en/A/HRC/WGEID/125/1), para. 113. [↑](#footnote-ref-29)
29. OHCHR, “UN experts call for end to Russian aggression against Ukraine and urgent protection of human rights”, press release, 28 February 2022. [↑](#footnote-ref-30)
30. OHCHR, “Ukraine: Protecting life must be a priority - UN human rights experts”, press release, 8 March 2022. [↑](#footnote-ref-31)
31. [A/HRC/WGEID/125/1](http://undocs.org/en/A/HRC/WGEID/125/1), para. 119. [↑](#footnote-ref-32)
32. Ibid. [↑](#footnote-ref-33)
33. [A/HRC/WGEID/98/1](http://undocs.org/en/A/HRC/WGEID/98/1) and [A/HRC/WGEID/98/2](http://undocs.org/en/A/HRC/WGEID/98/2). [↑](#footnote-ref-34)
34. See LKA 1/2022. [↑](#footnote-ref-35)
35. OHCHR, “Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law”, press release, 2 March 2022. [↑](#footnote-ref-36)
36. [A/HRC/WGEID/98/2](http://undocs.org/en/A/HRC/WGEID/98/2). [↑](#footnote-ref-37)
37. [A/HRC/45/13/Add.3](http://undocs.org/en/A/HRC/45/13/Add.3), paras. 60–68. [↑](#footnote-ref-38)
38. [A/HRC/30/38/Add.5](http://undocs.org/en/A/HRC/30/38/Add.5), paras. 23–32. See also [CED/C/7](http://undocs.org/en/CED/C/7), principle 14. [↑](#footnote-ref-39)
39. See TTO 2/2022. [↑](#footnote-ref-40)
40. See TUN 3/2022. [↑](#footnote-ref-41)
41. [A/HRC/WGEID/125/1](http://undocs.org/en/A/HRC/WGEID/125/1), para. 139. [↑](#footnote-ref-42)
42. Ibid., para. 150. [↑](#footnote-ref-43)
43. Ibid., para. 152. [↑](#footnote-ref-44)
44. Ibid., para. 155. [↑](#footnote-ref-45)
45. BRAZIL. Law n. 13. 491/17. 13 October 2017. Available at: <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13491.htm> (in Portuguese). [↑](#footnote-ref-46)
46. The Working Group recalls the concerns already expressed in this regard, as well as the corresponding recommendations. See, among others, A/HRC/51/Add.2, para. 79; A/HRC/42/40/Add.1, para. 7; and joint allegations with other Special Procedures LKA 1/2020, 6/2020, 7/2020 and 5/2021. [↑](#footnote-ref-47)