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**Human Rights Council**

**Working Group on Enforced or Involuntary Disappearances**

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

130th session (8–12 May 2023)

I. Communications

1. Between 10 February and 12 May 2023, the Working Group on Enforced or Involuntary Disappearances transmitted 12 cases under its urgent procedure, to China (1), Egypt (2), India (1), Iran (Islamic Republic of) (1), Pakistan (4), Saudi Arabia (1), Tajikistan (1) and Thailand (1).
2. The Working Group also decided to transmit 18 cases tantamount to enforced disappearance under its urgent humanitarian procedure, to the de facto authorities in Afghanistan (1) and Yemen (17).[[2]](#footnote-3)
3. At its 130th session, held in Geneva from 8 to 12 May 2023, the Working Group decided to transmit 64 newly reported cases of enforced disappearance, to Armenia (12), Azerbaijan (1), Chad (1), Colombia (1), the Democratic People’s Republic of Korea (22), Equatorial Guinea (3), Iran (Islamic Republic of) (4), Pakistan (6), Saudi Arabia (1), the Syrian Arab Republic (12) and Yemen (1).
4. The Working Group clarified 21 cases, concerning Bangladesh (2), Iran (Islamic Republic of) (1), Pakistan (5), the Russian Federation (9), Saudi Arabia (2), Venezuela (Bolivarian Republic of) (1) and the de facto authorities in Myanmar (1). A total of 8 cases were clarified on the basis of information provided by Governments, concerning Bangladesh (2), Pakistan (5) and Venezuela (Bolivarian Republic of) (1), and 13 cases on the basis of information provided by other sources, concerning Iran (Islamic Republic of) (1), Saudi Arabia (2), the Russian Federation (9) and the de facto authorities in Myanmar (1).
5. Between 10 February and 12 May 2023, the Working Group transmitted 10 communications jointly with other special procedure mechanisms. The communications consisted of five joint urgent appeals, sent to Argentina (1), Iran (Islamic Republic of) (1), Luxembourg (1), Mexico (1) and South Sudan (1). Three joint allegation letters were sent, to Ethiopia (1), Peru (1) and Tajikistan (1), and two other joint letters were sent, to Sri Lanka (1) and to “other actors”, namely the Wagner Group (1).[[3]](#footnote-4)
6. At the session, the Working Group reviewed and adopted two general allegations, concerning Algeria and Yemen (see annex I). The Working Group also considered the response from the Government of Mexico to the general allegation transmitted during its 129th session.[[4]](#footnote-5)
7. The Working Group would like to express appreciation to the Government of Bolivia for the information provided through communication NV-MBNV-337/202, dated 19 September 2022, which was not considered at previous sessions due to a clerical error. The information will be given due consideration at the 131st session, taking place in September 2023.

II. Other activities

1. At the session, the Working Group welcomed Ana Lorena Delgadillo Pérez, its newest member, from Latin America and the Caribbean. She brings a wealth of experience in the protection of victims of human rights violations and will strengthen its work in the fight against enforced disappearance. Ms. Delgadillo Pérez’s appointment represents a historic milestone for the mandate, as it is the first time in more than 40 years that the mechanism has five women experts. The Working Group bid farewell to Luciano Hazan, whose expertise and commitment have contributed significantly to the implementation of the Working Group’s mandate worldwide. The Working Group thanked Mr. Hazan for his remarkable contribution to the activities of the Working Group.
2. At the session, the Working Group held discussions on internal matters and a number of projects, including potential country visits, the call for inputs for a joint statement to be issued with the Committee on Enforced Disappearances on the notion of short-term enforced disappearance,[[5]](#footnote-6) and the upcoming annual report and addenda thereto to be presented to the Human Rights Council at its fifty-fourth session, to be held in September 2023. The Working Group also discussed its report on the country visit to Honduras, conducted from 20 to 29 March 2023.
3. At the session, the Working Group held a preliminary internal consultation with experts from the Office of the United Nations High Commissioner for Human Rights (OHCHR) on its forthcoming thematic study on elections and enforced disappearances, with a view to holding further consultations in September 2023.
4. At the session, the Working Group held meetings with representatives of the Governments of Angola, Azerbaijan, Bangladesh, Bhutan, Brazil, China, El Salvador, Nepal and Ukraine. The Working Group also met with a number of relatives of disappeared persons from several countries and with lawyers and representatives of non-governmental organizations and national human rights institutions working on the issue of enforced disappearance in various countries.
5. On 11 May 2023, the Working Group had the opportunity to provide several officials from various ministries and institutions in Egypt with remote training on enforced disappearance and the Working Group’s methods of work and activities. The Working Group regrets that, following the session, it had to transmit an intersessional urgent action procedure to Egypt concerning a reported enforced disappearance of an individual who was arrested on the same day as the training was held. The Working Group expresses its hope that the training paved the way for a full-fledged country visit to Egypt.
6. A list of other activities conducted by the Working Group during the reporting period is contained in annex II.
7. The Working Group will hold its 131st session from 18 to 27 September 2023.

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

Algeria

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation in Algeria of the Declaration on the Protection of All Persons from Enforced Disappearance. The allegations refer to the lack of effective State responses to hundreds of cases of enforced disappearance perpetrated during the conflict in the 1990s, both in terms of research activities and investigations aimed at identifying, prosecuting and punishing those responsible, as well as reparations. In addition, the sources provided credible and disturbing information concerning acts of harassment of relatives of disappeared persons and human rights defenders, and of members of associations whose purpose is to contribute to the establishment of the circumstances of enforced disappearances and the fate of disappeared persons (see annex I).

Armenia

Standard procedure

1. Under its standard procedure, the Working Group transmitted 12 cases to the Government, concerning:

(a) Ramin Abdullayev, an Azerbaijani national and a soldier, born on 23 July 1956, who disappeared on 27 January 1992 after a combat engagement with the Armenian armed forces near Dashalti in the Shusha district of Azerbaijan;

(b) Mehman Aliev, an Azerbaijani national and a soldier, born on 20 May 1973, who disappeared on 4 October 1992 after being captured by the Armenian armed forces near the village of Çıldıran in the Kalbajar district of Azerbaijan;

(c) Adalat Abbasov, an Azerbaijani national and a soldier, born on 25 May 1970, who disappeared on 15 November 1992 after a combat engagement with the Armenian armed forces near the village of Çıldıran in the Kalbajar district of Azerbaijan;

(d) Mirpasa Agayev, an Azerbaijani national, born on 27 April 1972, who disappeared on 17 February 1993 after being captured by the Armenian armed forces in the village of Mehmana in the Kalbajar district of Azerbaijan;

(e) Zahid Abdulov, an Azerbaijani national, born on 3 March 1973, who disappeared between 26 and 28 February 1993 after being captured by the Armenian armed forces in the Khojali district of Azerbaijan;

(f) Mehdi Agayev, an Azerbaijani national, born on 1 June 1944, who disappeared on 24 July 1993 after being captured by the Armenian armed forces in the Aghdam district of Azerbaijan;

(g) Kamil Aliev, an Azerbaijani national, born on 17 August 1966, who disappeared on 23 July 1993 after having sustained an injury from a gunshot fired by the Armenian armed forces in the Aghdam district of Azerbaijan;

(h) Alemdar Abdullayev, an Azerbaijani national and a soldier, born on 10 April 1972, who disappeared on 28 December 1993 after a combat engagement with the Armenian armed forces in the Aghdam district of Azerbaijan;

(i) Tahir Aliev, an Azerbaijani national and a soldier, born on 27 August 1969, who disappeared on 25 January 1994 after a combat engagement with the Armenian armed forces in the Aghdara district of Azerbaijan;

(j) Vatan Aliyev, an Azerbaijani national and a soldier, born on 13 April 1972, who disappeared on 17 February 1992 after a combat engagement with the Armenian armed forces near the village of Garadaghli in the Khojavand district of Azerbaijan;

(k) Yusif Aliyev, an Azerbaijani national, born on 1 January 1937, who disappeared on 31 March 1993 after his car was hit by the Armenian armed forces in the Kalbajar district of Azerbaijan;

(l) Ganire Aliyeva, an Azerbaijani national, born on 1 January 1938, who disappeared on 31 March 1993 after the car in which she was travelling was hit by the Armenian armed forces in the Kalbajar district of Azerbaijan.

1. In accordance with the Working Group’s methods of work, copies of all of those cases were forwarded to the Government of Azerbaijan.

Azerbaijan

Standard procedure

1. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Aleksander Yeghiazaryan, an Armenian soldier, born on 12 December 1986, who disappeared on 21 October 2022 after being captured by the Azerbaijani armed forces near Zangilan.
2. In accordance with the Working Group’s methods of work, a copy of this case was forwarded to the Government of Armenia.

Information from sources

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

Application of the six-month rule

1. The Working Group examined the updated information dated 1 February 2023 transmitted by the Government of Armenia regarding the case of Vazgen Andreasyan and decided to apply the six-month rule, in accordance with its methods of work.

Bangladesh

Clarification

1. On the basis of information previously provided by the Government, the Working Group decided to clarify two cases, following the expiry of the period prescribed by the six-month rule.[[6]](#footnote-7) The cases concern Mohammad Zayedur Rahman and Mohammad Iqbal Hossain Sarkar, who are reportedly in detention.

Chad

Standard procedure

1. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Yasser Saadawi Teleb Abdelsayed, an Egyptian national, allegedly arrested in September 2020 at his place of residence by persons dressed in plain clothes, believed to be agents of the Chadian intelligence service or police. In accordance with the Working Group’s methods of work, a copy of the case was forwarded to the Government of Egypt.

China

Urgent procedure

1. On 7 March 2023, under its urgent procedure, the Working Group transmitted one case to the Government concerning Kamilai Wayiti, a 19-year old Uighur student who was allegedly arbitrarily detained on 12 December 2022 by local police officers in Atushi, Xinjiang Uighur Autonomous Region. Prior to her detention, Ms. Wayiti had reportedly expressed support for the “white paper protests” on a WeChat videopost, after which the post was eventually flagged by the Chinese authorities and deleted. It is further reported that persons connected to Ms. Wayiti have been unable to verify her whereabouts and well-being.

Information from the Government

1. The Working Group considered the reply of the Government of China, dated 15 February 2023, regarding 38 cases from the Xinjiang Uighur Autonomous Region. The Working Group considered the information provided regarding six of the cases to be insufficient to establish their fate and whereabouts, and therefore decided to keep them under its review.

Application of the six-month rule

1. On the basis of the reply provided by the Government of China on 15 February 2023, the Working Group decided to apply the six-month rule to 32 cases, in accordance with its methods of work.

Colombia

Standard procedure

1. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Reynaldo Navarro Correa, who was abducted and subsequently forcibly disappeared on 10 August 1997 by individuals allegedly belonging to the Autodefensas Unidas de Colombia (United Self Defence Forces of Colombia) paramilitary group and whose fate and whereabouts remain unknown.

Democratic People’s Republic of Korea

Standard procedure

1. Under its standard procedure, the Working Group transmitted 22 cases to the Government, concerning:

(a) Gu Ui Hwe, an agricultural worker born on 29 March 1924 in Seoul, who had been residing in the city of Bucheon-si, Gyeonggi-do Province, Republic of Korea, and who was allegedly abducted by a person acting in support, or with the acquiescence, of the Democratic People’s Republic of Korea;

(b) An individual, an employee in a car company, born in North Hamgyong Province, who was allegedly arbitrarily detained in 2004 in China and forcibly returned to the Democratic People’s Republic of Korea by agents of that State;

(c) Kang Hee-suk, an office worker, born on 17 March 1916 in Seoul, who had been residing in the village of Seodong-ri, Gyeongsangbuk-do, Republic of Korea, and who was allegedly abducted on 22 July 1950 by two men wearing armbands of the People’s Commissariat of the Democratic People’s Republic of Korea;

(d) Kim Byung-in, a businessman, born on 24 August 1917 in Seoul, who had been residing in the city of Busan, Republic of Korea, and who was allegedly abducted by agents of the Democratic People’s Republic of Korea;

(e) Kim Kyu-heung, an elementary school teacher at the Gayul Primary School (currently Bukpo Primary School) in Packryoungdo, born on 2 April 1917, who had been residing in Gyeonggi-do Province, Republic of Korea, and who was allegedly abducted in August 1950 from his residence by the army of the Democratic People’s Republic of Korea;

(f) Kim Juhyeon, a farmer, born on 25 September 1914, who had been residing in Gyeonggi-do Province, Republic of Korea, and who was allegedly arbitrarily detained on 20 September 1950 at his residence by agents of the Democratic People’s Republic of Korea. In 1952, he was listed as a Korean war abductee by the Republic of Korea;

(g) Kim Ok-jin, born on 13 November 1910 in the city of Jeonju-si, Jeonbuk Province, Republic of Korea, who had been residing in Seoul, and who was allegedly abducted in 1952 by agents of the Democratic People’s Republic of Korea;

(h) Kim Soon-Geon, a businessman, born in Seoul on 4 June 1910, who had been residing in Seoul, Republic of Korea, and who was allegedly abducted on 7 August 1950 by agents of the Democratic People’s Republic of Korea;

(i) Kim Song-guk, an office worker and Executive Director of Dongyang Fabric Company, born on 7 January 1913 in Hwanghe-do Province, Republic of Korea, who was allegedly abducted on 27 July 1950 by agents of the Democratic People’s Republic of Korea;

(j) Kim Taebong, a farmer, born on 10 March 1906 in Wonju-shi city, Gangwon-do Province of the Republic of Korea, who was allegedly abducted on 5 August 1950 near his residence in Seogok-ri village by agents of the Democratic People’s Republic of Korea;

(k) Kim Tae-sun, a public officer, born on 1 August 1907 in the town of Eunha-myeon, Daecheon-ri, Republic of Korea, who was allegedly abducted on 15 August 1950 in his home by a group of officers of the Political Security Department of the Democratic People’s Republic of Korea;

(l) Kim Yong-chan, a lawyer born on 15 June 1896 in Seoul, who was allegedly abducted in August 1950 by agents of the Democratic People’s Republic of Korea;

(m) Kim Yongdeuk, a shipping industry employee, born on 3 November 1922 in the village of Cheolsan-ri, Yangsa-myeon, Republic of Korea, who was allegedly abducted on 25 September 1950 in his village by agents of the Democratic People’s Republic of Korea;

(n) Kim Young-moo, a member of the National Assembly of the Republic of Korea, born in Seoul on 13 September 1889, who was allegedly abducted around 28 September 1950 by agents of the Democratic People’s Republic of Korea;

(o) Kim Yeon-tae, an agricultural worker, born on 1 November 1919 in the city of Incheon, Republic of Korea, who was allegedly abducted on 27 September 1950 by agents of the Democratic People’s Republic of Korea;

(p) Kim Young-wook, a government-affiliated travel agency operator, born on 15 February 1917 in Jongno-gu, Seoul, who was allegedly abducted around 1950 by the police of the Democratic People’s Republic of Korea;

(q) Lee Byeong-Deok, an employee of Kyeongnam Corporation and Training Director at the Korea Young Men’s Association, born on 16 February 1929 in Jung-gu, Seoul, who was allegedly abducted on 26 July 1950 by officials of the Internal Affairs Department of the Democratic People’s Republic of Korea;

(r) Lee Bong-Gyu, a judge of the High Court of the Republic of Korea, born on 18 August 1916 in Boseong-gun, Jeollanam-do, Republic of Korea, who was allegedly abducted on 28 August 1950 at the Inui-dong Courthouse in Jongro-gu, Seoul, by agents of the Democratic People’s Republic of Korea;

(s) Lee Ju-shin, Chief Prosecutor of Seoul District Prosecutor’s Office, born on 15 September 1910 in the Republic of Korea, who was allegedly abducted on 9 July 1950 on a backstreet in Seoul by an intelligence officer of the Democratic People’s Republic of Korea;

(t) Park Chanmun, a prison officer, born on 10 April 1918 in Neung-ri, Gyeonggi-do Province of the Republic of Korea, who was allegedly abducted in June 1950 at his residence in Seoul by agents of the Democratic People’s Republic of Korea;

(u) Park Yongchul, Chief of the Inspection Department of the Galwol-dong Branch of the Korea Young Men’s Association, born on 25 August 1918 in Pocheon, Gyeonggi-do Province of the Republic of Korea, who was allegedly abducted on 2 July 1950 by agents of the Democratic People’s Republic of Korea;

(v) Min Gyeonghak, a public official in Bucheon, born on 8 May 1923 in Jak-dong, Bucheon-shi, Republic of Korea, who was allegedly abducted in 1950 in his residence in Bucheon by agents of the Democratic People’s Republic of Korea.

Information from the Government

1. The Working Group considered the reply of the Government of the Democratic People’s Republic of Korea, dated 21 April 2023, and reiterated its regret at the lack of substance in the responses and the continued failure by the authorities to provide information on the cases transmitted by the Working Group under its humanitarian procedure.

Egypt

Urgent procedure

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

(a) Mostafa Mohamed el Sayed Hussein, who was allegedly arrested on 26 January 2023 and taken to an unknown location by officers belonging to the national security agency;

(b) Mohamed Ibrahim Farid Jabr, who was allegedly arrested in front of his home on 13 February 2023 by officers believed to belong to the State security forces.

Equatorial Guinea

Standard procedure

1. Under its standard procedure, the Working Group transmitted three cases to the Government. The cases concern three individuals, who were all allegedly abducted on 15 November 2019 at Juba airport, South Sudan, by agents of the Equatorial Guinean security services in collaboration with the presidential security forces and South Sudanese security services.
2. In accordance with the Working Group’s methods of work, copies of all of those cases were forwarded to the Governments of Spain and of South Sudan.

Ethiopia

Joint allegation letter

1. On 13 February 2023, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the alleged enforced disappearance on 1 December 2021of 29 Karayu Oromo individuals, including several community leaders, and the subsequent killing of 14 of them.[[7]](#footnote-8)

Honduras

Country visit

1. The Working Group would like to thank the Government of Honduras for the support provided prior to and during its visit to Honduras from 20 to 29 March 2023.

Press release

1. The Working Group issued a press release,[[8]](#footnote-9) calling on the Government to transform its political will to tackle enforced disappearances into concrete action and to step up efforts to ensure the rights of victims of enforced disappearances in the areas of truth, justice, reparation and memory.

India

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Amritpal Singh, a Sikh preacher who was allegedly abducted on 17 March 2023 by the Punjab police while holding a rally in the city of Shahkot, Jalandhar district, and whose fate and whereabouts remain unknown.

Information from the Government

1. The Working Group considered the reply of the Government of India, dated 10 May 2023, concerning the case of Amritpal Singh, which was considered insufficient to clarify his fate and whereabouts. In this regard, the Working Group reiterated the State’s obligations under article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance to provide accurate information on the detention and the place or places of detention promptly to the family, legal representatives or any other persons with a legitimate interest, and to make up-to-date registers available to them and to any other competent authority seeking to trace the whereabouts of the disappeared person.

Islamic Republic of Iran

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Delir Mardookhi, who was reportedly last seen on 10 February 2023 while he was leaving his home to report to police station No. 11 in Mariwan city, at the request of a police officer who had called him earlier that day.

Standard procedure

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

(a) Karimi Narmen, who was arrested on 9 May 1962 by officers believed to belong to the Islamic Revolutionary Guard Corps;

(b) A person under the age of 18 who was arrested in 1981 in Tabriz and whose fate and whereabouts remain unknown;

(c) Mansour Abdali, who was last seen in 1998 in Mahabab prison in West Azerbaijan province, and whose fate and whereabouts remain unknown;

(d) A person under the age of 18 who was arrested on 4 November 1982 at her home in Mahabab by officers believed to belong to the Islamic Revolutionary Guard Corps.

Joint urgent appeal

1. On 31 March 2023, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning the reported arbitrary detention, enforced disappearance since July 2022 and possible torture, ill-treatment and execution of Pejman Fatehi, Vafa Azarbar, Mohammad (Hazhir) Faramarzi and Mohsen Mazloum, who are members of the Kurdish minority.[[9]](#footnote-10)

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify the case of Jalil Ahmadi, who is reportedly at liberty.

Iraq

Information from the Government

1. On 12 April 2023, the Government transmitted information on one case, but it was considered insufficient to clarify the case.

Kazakhstan

Information from other concerned States

1. On 25 April 2023, the Government of Uzbekistan transmitted information concerning one outstanding case registered under the records of Kazakhstan. Nevertheless, the information was considered insufficient to clarify the case.

Kyrgyzstan

Follow-up report

1. The Working Group decided to postpone consideration of the follow-up report on the implementation of recommendations made following its visit to Kyrgyzstan in 2019,[[10]](#footnote-11) which was to have taken place in 2023. This decision is taken in the light of the insufficient inputs received from other relevant stakeholders.

Mexico

Joint urgent appeal and reply

1. On 13 February 2023, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning the reported enforced disappearance of two human rights defenders, Ricardo Lagunes and Antonio Diaz in the State of Michoacán. They had been working to protect human rights, including the right to a healthy environment and the rights of Indigenous Peoples, in the context of the extractive activities of a Luxembourg-based company, part of an Argentine-Italian business conglomerate.[[11]](#footnote-12)
2. The joint urgent appeal was also transmitted to Argentina[[12]](#footnote-13) and Luxembourg[[13]](#footnote-14) as concerned countries.
3. On 3 and 5 April and 3 May 2023, the Government of Mexico provided replies to the joint urgent appeal.[[14]](#footnote-15) On 14 April 2023, the Government of Argentina provided a reply to the joint urgent appeal.[[15]](#footnote-16) On 6 April 2023, the Government of Luxembourg provided a reply to the joint urgent appeal.[[16]](#footnote-17)
4. The Working Group acknowledges the responses received, but remains deeply concerned at the reported enforced disappearance of the two human rights defenders. It calls on the three Governments concerned to keep it and the other special procedures mechanisms that sent the joint allegation letter regularly updated on the progress made in the investigations and in the search activities, as well as the efforts made to ensure mutual cooperation with one another.

Pakistan

Urgent procedure

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

(a) An individual who was allegedly abducted on 4 February 2023 by State agents of Pakistan as he was shopping near his residence in Karachi;

(b) Soofi Shah Inayat, a student who was allegedly abducted on 17 February 2023 by State agents in Karachi;

(c) A person under the age of 18 who was allegedly abducted from his home on 14 March 2023 by Frontier Corps paramilitary forces;

(d) Akash Ramchandani, who was allegedly abducted from his residence at 5.30 a.m. on 11 April 2023, allegedly by a group of State agents.

Standard procedure

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

(a) An individual who was allegedly abducted on 4 August 2021 in North Waziristan, allegedly by members of the counter-terrorism department;

(b) An individual who was also allegedly abducted on 4 August 2021 in North Waziristan on his way home, allegedly by four members of the counter-terrorism department;

(c) An individual who was allegedly abducted from his home on 21 December 2004, allegedly by members of the counter-terrorism department;

(d) An individual who was allegedly abducted from his home on 5 August 2014, allegedly by members of the counter-terrorism department;

(e) An individual who was allegedly abducted at Major Fruit Chaat Kala Gujran in Jhelum on 8 December 2022, allegedly by members of the counter-terrorism department;

(f) Kalari Khan, who was allegedly abducted in Quetta on 5 May 2017 by members of the Pakistani military.

Information from sources

1. Sources provided information regarding one outstanding case, but it was considered insufficient to clarify the case.

Clarification

1. On the basis of information previously provided by the Government, the Working Group decided to clarify five cases, following the expiry of the period prescribed by the six-month rule.[[17]](#footnote-18) The cases concern Abdul Kalam and one other individual, who are reportedly at liberty, and Noor Dat Khan, Taib Ullah and one other individual, who are reportedly in prison.

Peru

Joint allegation letter and reply

1. On 24 February 2023, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning alleged excessive use of force resulting in a high number of unlawful killings, arbitrary detentions, one case of short-term enforced disappearance, stigmatization and violations of the right to due process of participants in the protests that began on 7 December 2022.[[18]](#footnote-19)
2. On 21 April 2023, the Government of Peru provided a reply to the joint allegation letter.[[19]](#footnote-20) The Working Group acknowledges the response, but wishes to reiterate its concerns and calls on the Government of Peru to keep it and the other special procedure mechanisms that sent the joint allegation letter updated on the progress made in the investigations into the alleged gross human rights violations committed and any measures taken to hold those responsible accountable.

Russian Federation

Information from sources

1. Sources provided information on 145 outstanding cases, but it was considered insufficient to clarify the cases.

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify nine cases, concerning Mykhailo Mazur, Maksym Tkachuk and Artem Matvieiev, who were reportedly released from detention, and Oleksandr Yurchenko, Viktor Baranik, Mykhailo Shapran, Artem Hrebeshkov, Sergii Myronichev and Roman Andriichenko, who are reportedly in detention in a known location.

Application of the six-month rule

1. The Government of Ukraine provided information, on the basis of which the Working Group decided to apply the six-month rule to 57 cases, concerning Andrii Ahurbash, Pavlo Kryvenko, Serhii Topchyi, Vasyl Boiko, Viktor Futorian, Serhii Tamaza, Oleksandr Kushnerenko, Andrii Tabakin, Vladyslav Svichevskyi, Anton Lishchynskyi, Vladyslav Kazmiruk, Oleh Kolodinskyi, Eduard Soloviov, Artem Sliepukhin, Denys Maholenets, Serhii Lysov, Pavlo Artiukhov, Dmytro Vitkovskyi, Ivan Pankin, Ihor Khrystozevych, Mykyta Chernov, Yevhen Chekhivskyi, Oleksandr Reshynskyi, Volodymyr Simonov, Oleh Krushovskyi, Danylo Chebotarov, Oleksandr Hanzheiev, Ihor Dubyk, Vladyslav Solonchuk, Yevhen Uhrin, Pavlo Horban, Yelizar Kholomieiev, Volodymyr Sapun, Volodymyr Hasenko, Ivan Dovhan, Anton Sydorenko, Ruslan Fomin, Yevhenii Polishchuk, Viktor Linnikov, Vitalii Holdenko, Denys Haiduk, Ivan Sakov, Denys Tymchenko, Petro Dedushko, Vadym Oleinikov, Vitalii Korotkov, Pavlo Kryvda, Stanislav Pererva, Dmytro Lomonosov, Vasyl Zaiarnyi, Mykola Perets, Oleh Vorona, Ivan Kuzmenko, Vadym Sukach, Yurii Marchenko, Yan Klymenko and Volodymyr Kucheriavenko, who were reportedly released from detention.

Joint other letter

1. On 1 March 2023, the Working Group, jointly with other special procedure mandate holders, transmitted an allegation letter to the Wagner Group concerning the recruitment of prisoners serving custodial sentences in Russian penitentiary facilities for the private military and security contractor known as the Wagner Group, and their deployment in Ukraine.[[20]](#footnote-21)

Saudi Arabia

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Hassan Muhammad al-Rabea, who was allegedly expelled by the Moroccan authorities and extradited to Saudi Arabia on 6 February 2023. The case was subsequently clarified based on information from sources (see para. 60 below).

Standard procedure

1. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Ahmed Muhammad Ali, who was arrested on 8 October 2022 at the Riyadh International Book Fair and whose fate and whereabouts remain unknown. In accordance with the Working Group’s methods of work, a copy of the case was forwarded to the Government of Egypt.

Clarification based on information from sources

1. On the basis of information provided by sources, the Working Group decided to clarify the cases of Hassan Muhammad al-Rabea, who is reportedly in prison in a known location, and Marwan Alaa Naji al Muraisy, who is reportedly at liberty.

Information from sources

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

Application of the six-month rule

1. The Government provided information on two outstanding cases, on the basis of which the Working Group decided to apply the six-month rule, in accordance with its methods of work.

South Sudan

Joint urgent appeal

1. On 14 March 2023, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning the alleged abduction and subsequent enforced disappearance from Nairobi of human rights defender Morris Mabior Awikjok, who was allegedly deported to South Sudan. The letter also concerned his detention and torture and the lack of information provided to his family members.[[21]](#footnote-22)

Sri Lanka

Joint other letter

1. On 28 April 2023, the Working Group transmitted a letter, jointly with other special procedure mechanisms, concerning the proposed Anti-Terrorism Act published on 17 March 2023, which represents the latest development in the legislative amendments proposed by the Government of Sri Lanka in response to the challenges posed by the Prevention of Terrorism Act of 1979, and concerning the Rehabilitation Bill, passed by the Parliament on 18 January 2023. The previous proposed draft of the Rehabilitation Bill included provision for the establishment of a bureau for the rehabilitation of “drug addicts, war warriors and violent extremists”. The special procedure mandate holders raised concerns about several provisions of those legislative instruments that seemed to be in direct contradiction to the international human rights law obligations of Sri Lanka.[[22]](#footnote-23)

Syrian Arab Republic

Standard procedure

1. Under its standard procedure, the Working Group transmitted 12 cases to the Government, concerning:

(a) An individual who was allegedly last seen in 2014 in Saydnaya Prison near Damascus;

(b) An individual who was arrested in April 2012 at a checkpoint allegedly controlled by agents of the Syrian military intelligence services;

(c) An individual who was arrested on 12 March 2013 at a checkpoint near Shinshar, Homs Governorate, allegedly by soldiers believed to belong to the 18th Division of the Syrian Arab Army;

(d) An individual who was arrested at a checkpoint while on his way to the University of Aleppo on 12 August 2014 in Al-Ramouseh neighbourhood, Aleppo, allegedly by agents believed to belong to the Syrian military intelligence services;

(e) An individual who was arrested on 1 September 2013 at the Al-Amouri entrance checkpoint in the Salah al-Din neighbourhood of Aleppo, allegedly by agents believed to belong to the Syrian military intelligence services;

(f) An individual who was arrested on 15 January 2015 in the Al-Joura neighbourhood of Dayr al-Zawr city, allegedly by agents believed to belong to the Syrian military intelligence services;

(g) An individual who was abducted on 2 November 2013 in Raqqah city, Raqqah Governorate, allegedly by three unidentified masked persons;

(h) An individual who was abducted on 2 January 2013, allegedly by a group of men in civilian clothing, who were conducting a raid of a butcher’s shop in the Mazzah neighbourhood, Damascus;

(i) An individual who was last seen on 15 October 2012 at Branch 227 of the military intelligence directorate located in Damascus;

(j) An individual who was arrested on 10 February 2012 at the Al Rayis gas station, Al Inshaat neighborhood, Homs city, by officers believed to belong to the political security department;

(k) An individual who was last seen on 8 May 2013 at Branch 215, a brigade believed to be affiliated with the Syrian military intelligence division;

(l) An individual who was abducted in Raqqah city, Raqqah Governorate, on 2 November 2013, allegedly by three unidentified masked persons.

Tajikistan

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Abdullohi Shamsiddin, a citizen of Tajikistan born on 16 March 1990, who disappeared on 18 January 2023 after being escorted by security agents of Tajikistan on board an aeroplane flying from Istanbul to Dushanbe.

Information from sources

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

Information from other concerned States

1. On 12 April 2023, the Government of Türkiye transmitted information concerning one outstanding case registered under the records of Tajikistan, which was considered insufficient to clarify the case.

Joint allegation letter

1. On 12 May 2023, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the alleged arbitrary detention, enforced disappearance and prosecution of human rights defenders. The Working Group noted with concern that some of them had allegedly been subjected to enforced disappearance at the initial stages of deprivation of liberty.[[23]](#footnote-24)

Follow-up report

1. The Working Group decided to postpone the consideration of the follow-up report on the implementation of recommendations made following its visit to Tajikistan in 2019,[[24]](#footnote-25) which was to have taken place in 2023. This decision is taken in the light of the insufficient inputs received from other relevant stakeholders.

Thailand

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Duong Van Thai, a refugee, blogger and independent journalist, allegedly abducted on 13 April 2023 by Vietnamese security forces while driving his motorbike in the northern outskirts of Bangkok, along Lamphu road, Thanyaburi district, Pathum Thani province, in Thailand.

Observation

1. At the session, the Working Group reiterated its concern regarding the practice of international transfers in violation of article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance and the principle of non-refoulement. The Working Group recalled its 2021 study on enforced disappearances in the context of transnational transfers,[[25]](#footnote-26) and underlined the importance of ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one’s choice.

Türkiye

Information from the Government

1. On 9 February 2023, the Government transmitted information concerning six outstanding cases, but it was considered insufficient to clarify the cases.

United Arab Emirates

Information from sources

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

Application of the six-month rule

1. The Government provided information on one outstanding case, on the basis of which the Working Group decided to apply the six-month rule in accordance with its methods of work.

Bolivarian Republic of Venezuela

Clarification

1. On the basis of information previously provided by the Government, the Working Group decided to clarify one case, following the expiry of the period prescribed by the six-month rule.[[26]](#footnote-27) The case concerns Gilbert Alexander Caro Alfonzo, who is at liberty.

Viet Nam

Information from sources

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

Yemen

Standard procedure

1. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Zakaria Qassim, who was abducted on 27 January 2018 at his residence in Aden, allegedly by four masked armed men believed to belong to the Aden security management counter-terrorism forces.

General allegation

1. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation in Yemen of the Declaration on the Protection of All Persons from Enforced Disappearance. The allegations refer to a reported increase in the commission of gross human rights violations, including enforced disappearance, in the context of the armed conflict in Yemen, which has been ongoing since 2015, and in particular in the period from January 2017 to December 2022. The Working Group also raised its concern about acts tantamount to enforced disappearance attributable to actors exercising government-like functions or de facto control over territory and population and the failure by the State to adopt effective preventive measures, to conduct investigations and search activities, and to ensure accountability thereon (see annex I).

IV. Information concerning acts tantamount to enforced disappearance attributable to non-State actors reviewed by the Working Group during the session

Afghanistan (de facto authorities)

Urgent procedure

1. Under its urgent procedure, the Working Group transmitted one case to the de facto authorities in Afghanistan.

Myanmar (de facto authorities)

Clarification

1. The Working Group decided to clarify one case, following the submission of updated information by the sources regarding the detention of the individual.

Yemen (de facto authorities in Sana’a)

Standard procedure

1. Under its standard procedure, the Working Group transmitted 17 cases to the de facto authorities in Sana’a, concerning:

(a) Ali Ahmed Ali Hiyam Falat al Guhiashi Falat, who was abducted on 8 March 2019 at Althera’a village, Bani Al-Handi, Al Gharb, Hajjah Governorate, allegedly by members of an armed group believed to be affiliated with the de facto authorities in Sana’a;

(b) Abdullah Mohammed Hussein Ahmed al Karda’I, who was last seen on 20 June 2022 in the central security camp prison located in Hadah Street, Sana’a;

(c) Mohamed Abdulhamaid Saif Abdulkafi al Sharabi, who was abducted on 3 June 2016 in Ta’izz, allegedly by members of an armed group believed to be affiliated with the de facto authorities in Sana’a;

(d) Ahmed Mohammed Hussein al Za’kari al Hajoori, who was abducted on 9 March 2019 in Beit al Kulah, Al Za’akirah, Kusher district, Hajjah Governorate, allegedly by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(e) Muslim Ahmed Mohammed Hussein al Za’kari, who was last seen in 2019 in the National Security Prison at Sarf in eastern Sana’a;

(f) Samir Abdurahman Ali Saif al Awadhi, who was abducted on 19 May 2021 in Ta’izz, allegedly by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(g) Nabeel Saleh Hussein Mohammed al Hanek, who was arrested on 13 August 2020 between Medghal District and Ma’rib, allegedly by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(h) Mohammed At Taweel, who was last seen in October 2021 in the central security camp prison located in As-Sabeen, Hadah, Sana’a;

(i) Ammar Ali Abdullah Alihadi, who was arrested on 24 April 2020 near Harad, Hajjah Governorate, by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(j) Najeeb Ahmed Abdullah An Namashah, who was arrested on 11 March 2019 at a checkpoint in Kusher District, in the Ar-Rakb area of Ahim, by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(k) Hizam Ahmed Ali Hizam Falat Falat al Juhiashi, who was arrested on 8 March 2019 in the Al-Thera’a area by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(l) Mohamed Humaid, who was abducted in January 2021 at the Al-Yatamah market, Jawf Governorate, by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(m) Fawzi Obaid, who was abducted on 7 May 2015, near Madhbah bridge, Sana’a, by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(n) Ebrahim al Hubaishi, who was last seen during the night of 21 September 2014 in Sawad Hanash, Sana’a;

(o) Yahya Qassim Ali Riaban, who was arrested on 11 March 2019 at a checkpoint located on the main road in the city of Hajjah by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(p) Yahya Saleh Ali al Aiazari, who was abducted on 19 September 2014 next to the building of Yemen TV and Radio and One Day Hall by members of an armed group allegedly affiliated with the de facto authorities in Sana’a;

(q) Mohamed Ali Abdullah al Hadi, who was abducted on 8 March 2019 at Althera’a village of Bani al Handi by members of an armed group allegedly affiliated with the de facto authorities in Sana’a.

Annex I

[English/French only]

General allegations

Algérie

1. Le Groupe de travail a reçu des informations des sources concernant les obstacles rencontrés dans la mise en œuvre de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées (ci-après, «la Déclaration») en Algérie.

2. Le Groupe de travail a reçu des allégations préoccupantes concernant l’absence de réponses efficaces de la part de l’État face à des centaines de disparitions forcées perpétrées pendant le conflit dans les années 1990, tant en termes d’activités de recherche que d’enquêtes visant à identifier, poursuivre et sanctionner les responsables, ainsi qu’en matière de réparations. Par ailleurs, les sources ont fourni des informations crédibles et troublantes concernant des actes de harcèlement à l’encontre de proches de personnes disparues et de défenseurs et défenseuses des droits humains, ainsi que d’associations ayant pour objet de contribuer à l’établissement des circonstances de disparitions forcées et du sort des personnes disparues.

3. Le Groupe de travail a appris des sources qu’au cours des derniers mois, l’une des avocats assistant les proches des personnes disparues et travaillant pour l’association SOS Disparus à Alger aurait été suivie à plusieurs reprises par des agents des renseignements généraux, alors qu’elle se rendait au bureau. Elle aurait même été ouvertement menacée que son travail avec l’association la mettrait en danger, car cela serait perçu comme une forme de “trahison à la patrie”. A l’une de ces occasions, les agents ont également menacé la présidente de l’association – qui ne réside pas dans le pays – de représailles si elle se rendait en Algérie.

4. En outre, il a été signalé au Groupe de travail que, dans la soirée du 25 janvier 2023, deux policiers – l’un en civil et l’autre en uniforme – se sont présentés au bureau de SOS Disparus à Alger et ont déclaré qu’ils cherchaient le propriétaire des lieux pour lui laisser une convocation, sans en préciser les motifs. Dans le passé, des épisodes similaires auraient conduit à la résiliation des contrats de bail avec l’association par les propriétaires par crainte de représailles.

5. Les événements décrits dans les paragraphes précédents auraient généré un climat de peur parmi les employés de l’association des familles des disparus à Alger, entraînant la démission de l’un d’entre eux. En raison du stress et de la peur générée par les événements illustrés, un autre employé de l’association aurait besoin de suivi psychologique. Le Groupe de travail a pris note avec préoccupation que cette situation entrave concrètement le travail de l’association et empêche les personnes concernées d’exercer librement leur droit de constituer et de participer à une organisation, laissant finalement les proches des personnes disparues sans assistance effective.

6. Par ailleurs, le Groupe de travail a été informé que, bien que depuis mai 2003 des représentants des autorités algériennes aient publiquement reconnu l’existence de milliers de tombes marquées «sous X» (dont plus de 3 300 au cimetière d’El Alia à Alger, 89 au cimetière central de Constantine, et d’autres à Messelmoun et Sidi Moussa), qui pourraient contenir les dépouilles mortelles de victimes de disparition forcée, à ce jour, aucune action efficace n’aurait été entreprise par les autorités pour préserver ces sites et pour respecter, exhumer, identifier et restituer les restes aux familles d’une manière digne et assurer adéquatement la participation des familles au processus. Cette situation concernerait également des charniers, qui sont souvent apparus dans le cadre de travaux de construction (notamment à Jijel, El Harrach, Tizi Ouzou, Laghouat, Bana, Bordj Bou Arredj et Ain Zaâtout) et qui, à ce jour, n’ont pas non plus été sécurisés et conservés ou fouillés conformément aux normes internationales applicables. Les circonstances décrites sont la source d’une préoccupation et d’une angoisse particulières, compte tenu également du fait que de nombreux proches de personnes disparues vieillissent et que beaucoup sont déjà décédés. En effet, aucune banque de données génétiques n’aurait été établie à ce jour, compromettant ainsi la possibilité d’identifier les restes mortels.

7. Le Groupe de travail a également appris que, d’après les témoignages d’anciens détenus, il y aurait des sites de détention secrets situés dans la région de Tindouf (en particulier, dans les localités connues sous les noms de Rabouni, Bouguelfa, Aadim Rih, Roueda, 9 juin, Poste Rachid, Djebilet et Commando/Commandant) où des personnes disparues pendant le conflit des années 1990 ont été vues vivantes. Cette information, qui a enflammé l’espoir des proches de personnes disparues de retrouver leurs proches vivants, est publiquement disponible sur les médias et a été signalée aux autorités algériennes depuis 2003. Cependant, aucune enquête efficace et approfondie ou activité de recherche n’auraient été menée dans cette affaire. Notamment, la situation préoccupante dans la région de Tindouf a déjà été portée à l’attention de votre Gouvernement dans une précédente allégation générale du Groupe de travail, à laquelle malheureusement aucune réponse n’a été reçue.

8. Selon les informations reçues par le Groupe de travail des sources, la situation décrite ci- dessus est aggravée par l’existence d’une législation nationale défectueuse, qui permet l’impunité, entretient un climat de peur parmi les proches des personnes victimes de disparition forcée et ceux qui les assistent. La législation concernée a aussi forcé des centaines de proches à déclarer la personne disparue décédée uniquement pour avoir accès à une aide financière, bien qu’ils ne connaissent ni le sort ni le lieu où se trouvent leurs proches.

9. Premièrement, la disparition forcée n’est pas codifiée en tant qu’infraction autonome dans la législation pénale applicable. Cela, en soi, entrave les activités de recherche, les enquêtes et les poursuites contre les personnes présumées responsables de ce crime.

10. Deuxièmement, l’Ordonnance n° 06-01 du 27 février 2006 portant la mise en œuvre de la Charte pour la paix et la réconciliation nationale contient plusieurs dispositions contraires au droit international des droits humains, comme l’ont déjà relevé à plusieurs reprises d’autres mécanismes internationaux, notamment le Comité des droits de l’homme et le Comité contre la torture.[[27]](#footnote-28) En effet, les mécanismes internationaux des droits humains ont recommandé à l’État à plusieurs reprises de déclarer ladite ordonnance nulle ou de modifier substantiellement les dispositions pertinentes. Les recommandations émises à cet égard, y compris dans nombreux constatations sur des communications individuelles, n’auraient pas été mises en œuvre.

11. D’une part, les articles 29 à 39 de l’Ordonnance prévoient que, pour avoir accès à une indemnisation, les proches des personnes disparues doivent obtenir un jugement déclarant la victime décédée. L’art. 30 stipule qu’est déclarée décédée par jugement toute personne n’ayant plus donné signe de vie et dont le corps n’a pas été retrouvé après investigations, par tous les moyens légaux, demeurées infructueuses. La décision constatant le décès de la personne disparue peut être rendue sur requête de l’un des héritiers, de toute personne y ayant intérêt ou du ministère public. Cela a pour effet que les personnes victimes de disparition forcée peuvent être déclarées décédés contre la volonté de leurs familles. Conformément à l’article 37, seuls ceux qui ont obtenu un jugement définitif déclarant le décès de la personne disparue peuvent obtenir une indemnisation. Ce dernier, en vertu de l’article 38, exclut toute autre réparation du fait de la responsabilité civile de l’État.

12. En plus, l’article 45 de l’Ordonnance accorde une amnistie au personnel chargé de l’application des lois, y compris les forces armées et les services de sécurité (« éléments des forces de défense et de sécurité de la République ») impliqués dans la perpétration de disparitions forcées, excluant tout type de recours effectif pour les victimes de violations graves des droits humains et favorisant l’impunité.

13. Par ailleurs, l’article 46 de l’Ordonnance prévoit une peine d’emprisonnement et une amende pour quiconque qui « utilise ou instrumentalise les blessures de la tragédie nationale, pour porter atteinte aux institutions de la République algérienne démocratique et populaire, fragiliser l’Etat, nuire à l’honorabilité de ses agents qui l’ont dignement servie, ou ternir l’image de l’Algérie sur le plan international ». Cette disposition aurait été utilisée pour menacer de punir des défenseurs et défenseures des droits humains, des journalistes, des militants et des proches de personnes disparues, entravant finalement la liberté d’expression et portant atteinte au droit de tous d’avoir accès, tant au niveau national qu’international, à un recours effectif contre les violations des droits humains.

14. Le Groupe de travail souhaite attirer l’attention du gouvernement sur les dispositions suivantes de la Déclaration, à savoir les articles 4, 5, 13, 18 et 19, qui sont directement liées aux présentes allégations.

15. Le Groupe de travail souhaite porter à l’attention du Gouvernement les Principes directeurs concernant la recherche des personnes disparues, ainsi que son observation générale sur le droit à la reconnaissance en tant que personne devant la loi dans le cadre de disparitions forcées (en particulier, les paragraphes 8 à 10) ; la section thématique sur « Réparations et disparitions forcées » incluse dans son rapport annuel pour l’année 2012 (en particulier, par. 50); et l’étude sur « les disparitions forcées ou involontaires et les droits économiques, sociaux et culturels » (en particulier, les paragraphes 23-25 et 31).

16. Le Groupe de travail serait reconnaissant au Gouvernement de Votre Excellence de la coopération et des observations du Gouvernement sur les questions suivantes:

(a) Veuillez fournir toute information supplémentaire et tout commentaire que vous pourriez avoir sur les allégations susmentionnées.

(b) Veuillez fournir des informations sur les mesures prises pour veiller à ce que les proches des personnes disparues, leurs avocats et toute personne les assistant soient protégés contre tout mauvais traitement, et tout acte d’intimidation ou de représailles. En particulier, veuillez informer sur les mesures prises pour enquêter sur les incidents d’intimidation et de représailles contre des proches de personnes disparues, leurs avocats et l’association SOS Disparus et pour veiller à ce que les responsables soient identifiés, poursuivis et sanctionnés.

(c) Veuillez fournir des informations sur les mesures prises pour rechercher les personnes disparues pendant le conflit des années 1990, notamment en localisant les lieux de sépulture et les fosses communes, en les sécurisant et en les préservant, et en procédant aux exhumations conformément aux normes internationales applicables, en identifiant et en respectant les dépouilles mortelles et les restituant aux familles d’une manière digne et assurer adéquatement la participation des familles au processus.

(d) Veuillez informer des mesures prises pour enquêter sur les allégations concernant l’existence de lieux de détention secrets dans la région de Tindouf, pour les localiser et y avoir accès et, le cas échéant, pour identifier et libérer toutes les personnes qui y sont détenues.

(e) Veuillez fournir des informations sur le cadre juridique pénal applicable pour traiter les allégations de disparition forcée et préciser si cette dernière est codifiée en tant qu’infraction pénale autonome. En cas d’absence d’un crime autonome de disparition forcée, veuillez indiquer quelles sont les infractions utilisées dans les enquêtes pénales concernant les personnes disparues. Veuillez préciser si une réforme législative est envisagée afin de garantir que la disparition forcée soit codifiée en tant qu’infraction autonome dans la législation pénale nationale.

(f) Veuillez informer sur les mesures prises pour garantir que toute personne qui commet, ordonne, sollicite ou incite à commettre, tente de commettre, est complice ou participe à une disparition forcée, est tenue pénalement responsable. Veuillez illustrer comment les dispositions de l’Ordonnance n° 06-01 du 27 février 2006 portant la mise en œuvre de la Charte pour la paix et la réconciliation nationale, et notamment les articles 45 et 46, respectent cette obligation internationale.

(g) Veuillez également fournir des informations sur les mesures prises pour abolir l’obligation en cas de disparition qui fait dépendre le droit à l’indemnisation de la volonté de la famille de faire déclarer le décès d’un membre de la famille disparu et pour veiller à ce que toute indemnisation ou autre forme de réparation reflète de manière adéquate la gravité de la violation et le préjudice subi.

(h) Veuillez fournir des informations sur les mesures prises pour mettre en œuvre les recommandations relatives aux disparitions forcées de la disparition forcée contenues dans les observations finales et les constatations sur les communications individuelles rendues par les organes conventionnels des Nations Unies, y compris le Comité es droits de l’homme et le Comité contre la torture.

17. Le Groupe de travail prie le Gouvernement de Votre Excellence de fournir une réponse aux questions ci-dessus dans les 60 jours. Cette allégation générale sera publiée avec le rapport post-session du Groupe de travail et sur son site Web, où toute réponse reçue par votre Gouvernement sera également publiée.

Yemen

18. 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 Yemen.

19. The Working Group received alarming allegations related to the armed conflict ongoing in the country since 2015, and concerning, in particular, the period from January 2017 to December 2022. The information gathered suggests that, during this period, there has been an increase in the commission of gross human rights violations, including enforced disappearance, in conjunction with the failure by the State to adopt effective preventive measures, to conduct investigations and search activities, and to ensure accountability.

20. According to the sources, next to enforced disappearances, also acts tantamount thereto are committed, which are disappearances attributable to actors exercising Government-like functions or *de facto* control over territory and population, such as the Houtis. The Working Groups has been informed that all parties involved in the armed conflict would be implicated – to different degrees – in the commission of enforced disappearances or acts tantamount thereto, in the country. In particular, sources documented 24 cases tantamount to enforced disappearance allegedly perpetrated between 2017 and 2022 in prisons controlled by the Houtis, especially against political opponents, women and members of religious minorities. Pursuant to the information received, these actors are allegedly not conducting search activities and investigations to clarify the fate and whereabouts of the disappeared persons. Neither is the State investigating those acts or attempting to bring those responsible to justice.

21. The Working Group received information that suggests that the Yemeni Government has not adopted adequate preventive measures and is failing to carry out effective search activities and investigations, whilst perpetrators are not held accountable and victims of enforced disappearance or acts tantamount thereto and their families do not obtain redress for the harm suffered. Indeed, according to the information submitted to the Working Group, Yemeni legislation and policies are at odds with international human rights law and, in particular, with the Declaration.

22. Firstly, enforced disappearance is not codified as an autonomous offence under the applicable criminal legislation. This, *per se*, hinders preventative efforts, as well as search activities, investigations and prosecution of those allegedly responsible for this crime.

23. Secondly, sources held that the divisions among the parties in the armed conflict reflected upon the judiciary and law enforcement agencies in the country, which were consequently polarised and fragmented. In particular, this fragmentation led to a deterioration of legal, judicial, and fair trial guarantees, among others, for persons deprived of their liberty, including those who may be subjected to enforced disappearance.

24. This, notably, would have led to several instances of secret detention and would have undermined the right to a prompt and effective remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty; the collection of accurate and updated information on all persons deprived of their liberty; and the disclosure of such information to relatives of persons deprived of their liberty or any other person having a legitimate interest.

25. Similarly, pursuant to the submission received by the Working Group, the situation described in the previous paragraphs is compounded by the lack of communication with the outside world of the persons deprived of their liberty, as well as their lack of access to legal counsel, and the impossibility to challenge the lawfulness of the deprivation of liberty and, in case of unlawful detention, to obtain a prompt release and redress.

26. In particular, the Working Group was informed that, in many cases, persons considered to be political opponents have been deprived of their liberty by State authorities without any warrant and kept in secret detention for periods from 5 to 8 months, while their families and legal representatives did not have any information on their fate or whereabouts. In all these cases, allegedly, the Public Prosecution failed to perform any monitoring role and authorities in charge of detention did not ensure the enjoyment of fundamental guarantees to those in custody. In one of the cases reported to the Working Group, the fate and whereabouts of the person deprived of his liberty remain unknown to date.

27. Allegedly, in many of the cases falling under the circumstances described in the previous paragraphs, while being held in secret detention, the persons concerned were ill-treated, forced to confess one or more crimes, charged with such crimes without having access to a lawyer to defend themselves and prosecuted, often by military tribunals, to be later sentenced to death. The Working Group has also learned that, oftentimes, those sentenced to death are not informed about when or how the capital sentence would be carried out. Pursuant to international human rights law, this amounts to a form of cruel, inhuman and degrading treatment.

28. Finally, the Working Group has been informed about the fact that the military judiciary is often involved in the investigation and prosecution of cases which might be related to enforced disappearance or acts tantamount to enforced disappearance. In the face of the described situation, perpetrators allegedly enjoy an almost total impunity and victims have not obtained any form of redress.

29. The Working Group would like to bring to the Government’s attention Arts. 3, 4, 7, 9, 10, 12, 13, 16 and 19 of the Declaration, which are directly related to the present allegation.

30. The Working Group would be grateful for your Excellency’s Government cooperation and observations on the following questions:

(a) Please provide any additional information and any comment you may have on the above-mentioned allegations.

(b) 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. In case of the absence of a separate crime of enforced disappearance under the Yemeni legislation, please inform on which are the offences used in criminal investigations concerning reports of disappeared persons. Kindly clarify whether there is any legislative reform envisaged in order to assure that enforced disappearance is codified as a separate offence under domestic criminal legislation.

(c) Please provide information on the measures taken by the Yemeni Government to investigate on acts tantamount to enforced disappearance attributed to the Houtis and the measures undertaken to search for those disappeared and inform their families, representatives and any persons having a legitimate interest about their fate and whereabouts.

(d) Please provide information on the applicable legislation concerning arrest warrants and how does it allow any person deprived of his or her liberty to take proceedings before a court so that the latter may decide without delay on the lawfulness of the deprivation of liberty. Kindly illustrate how the Yemeni legislation on pre-trial detention complies with international law. In particular, kindly detail the measures adopted to ensure that any person deprived of liberty is authorised to communicate with, and be visited by, his or her family, counsel or any other person of choice.

(e) Please provide information on whether official up-to-date registers of all persons deprived of their liberty are maintained in every place of detention and the measures taken to ensure that relatives of persons deprived of their liberty, their counsel or any other person having legitimate interest have access to the information contained in such registers. Furthermore, please inform on the measures adopted to ensure that no one is held in secret detention.

(f) Please provide detailed information on how your Government ensures that any person having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority. Furthermore, please inform on how your Government ensures that enforced disappearances are promptly, thoroughly and impartially investigated by the authorities, even if there has been no formal complaint.

(g) Kindly inform on the measures taken to guarantee that any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to, or participates in, an enforced disappearance, is held criminally responsible.

(h) Please provide detailed information on the measures adopted to guarantee that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts and not by military courts. Moreover, kindly clarify whether and how, during the relevant investigations, the persons concerned are suspended from any official duties.

(i) Please provide detailed information on the applicable legislation and the measures undertaken to ensure that any victim of enforced disappearance (thus including the disappeared person and any other person having suffered a direct harm) obtains adequate compensation and integral reparation, including measures of rehabilitation and satisfaction, for the harm suffered.

31. The Working Group requests your Excellency’s Government to provide a response to the above questions within 60 days.

Replies to general allegations

Mexico

32. During the session, the Working Group considered the response[[28]](#footnote-29) to the General Allegation transmitted to the Government of Mexico during its 129th session.

33. The Working Group acknowledges the efforts made by the Government of Mexico in providing information concerning obstacles in relation to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance, as well as the investigative steps taken in relation to the cases referred to in the general allegation. However, the Working Group reaffirms its deep concern at the killings of persons who were searching for their disappeared loved ones and recalls that, according to article 13, paragraph 3, of the Declaration, the State has the obligation to protect all persons involved in the investigation of cases of enforced disappearance and in the search for disappeared persons, including relatives, from ill-treatment and any act of intimidation or reprisal. In addition, paragraph 5 of the same provision requires that any act of intimidation or reprisal be investigated and punished accordingly. In this regard, the Working Group encourages the Government of Mexico to maintain the communication channels with the Working Group open and keep it informed, of the progress and results of the investigations mentioned in the reply to the General Allegation. On its part, the Working Group remains available to provide assistance to the Government of Mexico in the implementation of its obligations pursuant to the Declaration and to overcome any obstacles it may encounter.

Annex II

Intersessional activities of the members

1. On 18 February 2023, Ms. Aua Baldé attended the World Human Rights Pre-Forum in Rabat to share the Working Group’s experience on Transitional Justice and Memory.

2. On 17 March 2023, Members Ms. Aua Baldé, Ms. Grażyna Baranowska and Mr. Luciano Hazan took part in the Regional Forum for the regional cooperation for search, investigation and prevention of the disappearance of persons in the context of migration, which took place in Panama City and was organized by Regional OHCHR for Central America and the Caribbean. The same delegation also visited a Migration Reception Station and a cemetery where solemn burials take place in the province of Darién at the invitation of the *Defensoría del Pueblo de Panamá*.

3. On 20 March 2023, Ms. Angkhana Neelapaijit represented the Working Group in the expert’s consultation meeting organized by the Special Rapporteur on trafficking in persons on conflicted-related trafficking and accountability.

4. On 5 April 2023, Ms. Aua Baldé Balde gave a lecture on, “The Right to Life in the Work of the UN Working Group on Enforced or Involuntary Disappearances” at the Faculté de droit Université Level in Canada.

5. On 24 April 2023, Ms. Grażyna Baranowska presented the work of the Working Group to governmental representatives of Laos at the “Workshop on the Human Rights Council’s Human Rights Mechanisms and Pre-ratification Workshop on the International Convention for the Protection of All Persons from Enforced Disappearance” organized by the OHCHR in Bangkok.

6. On 8 May 2023, Ms. Gabriella Citroni and Ms. Grażyna Baranowska took part in the IHL Talk “Hidden Horrors of Armed Conflict” organized by the Geneva Academy of International Humanitarian Law and Human Rights to discuss the issue of missing and forcibly disappeared migrants in the aftermath of armed conflicts.

1. \* The annexes to the present document are reproduced as received, in the languages of submission only. [↑](#footnote-ref-2)
2. The Working Group stresses that the cases addressed to the de facto authorities in Afghanistan and Yemen 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 OTH 8/2023 and the reply thereto. All communications, and replies thereto, mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments. [↑](#footnote-ref-4)
4. See https://www.ohchr.org/sites/default/files/documents/issues/disappearances/comments-states/comments-states-mexico-129-es.pdf. [↑](#footnote-ref-5)
5. See https://www.ohchr.org/en/calls-for-input/2023/call-inputs-view-issuing-joint-statement-notion-short-term-enforced. [↑](#footnote-ref-6)
6. [A/HRC/WGEID/128/1](http://undocs.org/en/A/HRC/WGEID/128/1), para. 22. [↑](#footnote-ref-7)
7. See ETH 2/2023. [↑](#footnote-ref-8)
8. OHCHR, “Honduras must transform political will into concrete action to tackle enforced disappearances: UN experts”, press release, 30 March 2023. [↑](#footnote-ref-9)
9. See IRN 5/2023. [↑](#footnote-ref-10)
10. See [A/HRC/45/13/Add.2](http://undocs.org/en/A/HRC/45/13/Add.2). [↑](#footnote-ref-11)
11. See MEX 1/2023. [↑](#footnote-ref-12)
12. See ARG 1/2023. [↑](#footnote-ref-13)
13. See LUX 1/2023. [↑](#footnote-ref-14)
14. See reply to MEX 1/2023. [↑](#footnote-ref-15)
15. See reply to ARG 1/2023. [↑](#footnote-ref-16)
16. See reply to LUX 1/2023. [↑](#footnote-ref-17)
17. [A/HRC/WGEID/128/1](http://undocs.org/en/A/HRC/WGEID/128/1), para. 73. [↑](#footnote-ref-18)
18. See PER 1/2023. [↑](#footnote-ref-19)
19. See reply to PER 1/2023. [↑](#footnote-ref-20)
20. See OTH 8/2023 and reply thereto. [↑](#footnote-ref-21)
21. See SSD 1/2023. [↑](#footnote-ref-22)
22. See LKA 4/2023. [↑](#footnote-ref-23)
23. See TJK 1/2023. [↑](#footnote-ref-24)
24. [A/HRC/45/13/Add.1](http://undocs.org/en/A/HRC/45/13/Add.1). [↑](#footnote-ref-25)
25. See [A/HRC/48/57](http://undocs.org/en/A/HRC/48/57), sect. IV. [↑](#footnote-ref-26)
26. [A/HRC/WGEID/128/1](http://undocs.org/en/A/HRC/WGEID/128/1), para. 100. [↑](#footnote-ref-27)
27. Comité des droits de l'homme, *Observations finales sur l'Algérie* du 27 juillet 2018, par. 7, 11-14 et 29-33; et Comité contre la torture, *Observations finales sur l'Algérie* du 16 mai 2008, par. 11-13. Le Comité des droits de l'homme a rendu nombreuses constatations sur des communications individuelles: voir, entre autres, Affaire *Drif et Rafraf c. Algérie*, communication n° 3320/2019, constatations du 8 juillet 2022; Affaire *Boutarsa c. Algérie*, communication n° 3010/2017, constatations du 8 juillet 2022; Affaire *Ferhati c. Algérie*, communication n° 3125/2018, constatations du 8 juillet 2022; et affaire *Djaou c. Algérie,* communication n° 2808/2016, constatations du 24 octobre 2022. [↑](#footnote-ref-28)
28. See reply Mexico General Allegation – 129th session. [↑](#footnote-ref-29)