|  |  |  |  |
| --- | --- | --- | --- |
|  |  | A/HRC/WGEID/129/1 | |
|  | **Advance Edited Version** | | Distr.: General  1 May 2023  Original: English |

**Human Rights Council**

**Working Group on Enforced or Involuntary Disappearances**

**129th session**

6–10 February 2023

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 29 September 2022 and 10 February 2023, the Working Group on Enforced or Involuntary Disappearances transmitted 481 cases under its urgent procedure, to Azerbaijan (1), Egypt (2), Iran (Islamic Republic of) (1), Malaysia (1), Nicaragua (1), Pakistan (2), the Russian Federation (469) Saudi Arabia (3) and Viet Nam (1).

2. The Working Group also decided to transmit 4 cases tantamount to enforced disappearance under its urgent humanitarian procedure, to the de facto authorities in Afghanistan (1), Myanmar (1) and Yemen (2).[[2]](#footnote-3)

3. At its 129th session, held in Santiago, Chile from 6 to 10 February 2023, the Working Group decided to transmit 87 newly reported cases of enforced disappearance, to Armenia (20), China (16), the Democratic People’s Republic of Korea (11), Iran (Islamic Republic of) (8), Kazakhstan (1), Pakistan (16), the Russian Federation (1) and the Syrian Arab Republic (14).

4. The Working Group clarified 24 cases, concerning Egypt (4), Jordan (1), Saudi Arabia (4), Nicaragua (1), Pakistan (10), the Russian Federation (4) and the de facto authorities in Myanmar (1). A total of 11 cases were clarified on the basis of information provided by Governments, concerning Egypt (1), Jordan (1), Saudi Arabia (3), Pakistan (5) and the Russian Federation (1), and 14 cases on the basis of information provided by other sources, concerning Egypt (3), Saudi Arabia (1), Myanmar (1), Nicaragua (1), Pakistan (5) and the Russian Federation (3).

5. Between 29 September 2022 and 10 February 2023, the Working Group transmitted 32 communications jointly with other special procedure mechanisms. The communications consisted of 10 joint urgent appeals, sent to Chad (1), Iran (Islamic Republic of) (3), Nicaragua (1), Saudi Arabia (1), the Sudan (1), Sweden (1), the United Arab Emirates (1) and Viet Nam (1), 3 other letters, sent to El Salvador (1), Guatemala (1) and Tajikistan (1), and 19 joint allegation letters, sent to Bangladesh (1), China (2), Egypt (1), the Gambia (1), Honduras (1), Iran (Islamic Republic of) (3), Lebanon (1), Mali (1), Mexico (1), Pakistan (1), Panama (1), Peru (1), the Russian Federation (1), Sri Lanka (2) and Uganda (1).

6. At the session, the Working Group reviewed and adopted 2 general allegations, concerning the Syrian Arab Republic and Mexico (see annex I). It also held discussions on future and potential country visits, including on its forthcoming visits, to Honduras, which was confirmed for 20 to 29 March 2023, and Kenya, which had been requested and was envisaged for later in 2023.

II. Other activities

7. On 3 February 2023, the Working Group closed its call for written submissions to inform its upcoming report on new technology and enforced disappearance. The Working Group received four submissions from States and 24 submissions from national human rights institutions, academia and civil society organizations.[[3]](#footnote-4)

8. The Working Group decided that its next thematic report, in 2024, would be focused on the topic of elections and enforced disappearance. An internal consultation would be held in May 2023 on the margins of its 130th session, in Geneva.

9. At the session, the Working Group revised a number of internal documents, including its methods of work and communication form. It adopted a revised version of the methods of work[[4]](#footnote-5) and a communication form for presenting cases related to acts tantamount to enforced disappearance attributable to non-State actors exercising Government-like functions or de facto control over a territory and population.

10. On 7 February 2023, the Working Group met with a delegation of Chile, comprising members of various government authorities and ministries, headed by the Minister of Justice and Human Rights of Chile, in relation to technical cooperation with the Working Group in the design and development of the national plan for the search for victims of enforced disappearance.

11. The Working Group also met with a number of relatives of disappeared persons in Chile and with lawyers and representatives of non-governmental organizations working in this area. The Working Group expresses gratitude for their testimonies and reiterates its solidarity with victims of enforced disappearance and their families. The Working Group listened to their concerns and carefully registered them, especially those regarding the lack of tangible results vis-à-vis the passing of time, bearing in mind the advanced age of many of the family members. In this context, the Working Group stresses the crucial importance that the search for the truth, and in particular the establishment of the fate and whereabouts of the disappeared persons, is recognized and undertaken as an immediate priority.

12. While in Chile, the Working Group also had the opportunity to carry out visits to memorial places, such as the Museo de la Memoria y los Derechos Humanos and Londres 38.

13. During the session, the Working Group also held meetings with representatives of the Governments of Portugal and Japan.

14. A list of other activities conducted by the Working Group during the reporting period is contained in annex II.

15. The Working Group will hold its 130th session from 8 to 12 May 2023 in Geneva.

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

Argentina

Information from sources

16. Sources provided information on four outstanding cases, but it was considered insufficient to clarify them.

Armenia

Standard procedure

17. Under its standard procedure, the Working Group transmitted 20 cases of enforced disappearance that occurred during the armed conflict in the Nagorno-Karabakh region to the Government of Armenia, concerning:

(a) Sabuhi Aliyev, an Azerbaijani national, born in 1981 and a minor at the time, who disappeared in the night between 25 and 26 February 1992; he had been with a group of local residents who had been fleeing the area and were caught in the shelling in the forest near Dahraz village by the armed forces of Armenia;

(b) Qiyas Aliyev, an Azerbaijani national, born in 1937, who disappeared on 23 July 1993, after the armed forces of Armenia had opened fire at his car in Aghdam district;

(c) Nasraddin Aliyev, an Azerbaijani national, born on 1 October 1951, who had been serving as a police officer, and who disappeared on 14 September 1991 in Buzluq village in Goranboy district, after being captured by the armed forces of Armenia;

(d) Nadir Aliyev, an Azerbaijani national born in 1943, who disappeared on 31 March 1993 in Kalbajar District in the area called “Tunnel”, near Zulfugarli village, after being captured by the armed forces of Armenia;

(e) Firdovsi Aliyev, an Azerbaijani national born in 1956, who disappeared in the night between 25 and 26 February 1992; he had been with a group of local residents who had been fleeing the area and were caught in the shelling in the forest near Dahraz village by the armed forces of Armenia;

(f) Elgiz Aliyev, an Azerbaijani national born in 1984 and a minor at the time, who disappeared in the night between 25 and 26 February 1992; according to information received, he had been among a group of residents who had been fleeing the area towards Aghdam district and were caught in the shelling by the armed forces of Armenia;

(g) Elchin Aliyev, an Azerbaijani national, born in 1982 and a minor at the time, who disappeared in the night between 25 and 26 February 1992; he had been with a group of local residents who had been fleeing the area and were caught in the shelling in the forest near Dahraz village by the armed forces of Armenia;

(h) Baylar Aliyev, an Azerbaijani national, born on 26 July 1962, who disappeared near the village of Javahirli, Aghdam district, after having been wounded in battle with the armed forces of Armenia on 13 April 1994;

(i) Bahruz Aliyev, an Azerbaijani national, born on 20 January 1964, and a soldier who had been serving in the army of Azerbaijan, who disappeared between 4 and 5 May 1994 in Tartar district;

(j) Azer Aliyev, an Azerbaijani national, born on 14 June 1969, and a soldier who had been serving in the army of Azerbaijan, who disappeared in 1992 during battle with the armed forces of Armenia in Shelli village, Aghdam district;

(k) Ayyar Aliyev, an Azerbaijani national, born on 10 November 1961, and a soldier who had been serving in the army of Azerbaijan, who was last seen on 19 January 1994 in Seyidahmadli village, Fuzuli district;

(l) Asif Aliyev, an Azerbaijani national, born on 22 January 1954, who was last seen between 10 and 20 January 1993 in Kalbajar district, in the area called “Tunnel”, and had been injured as a result of an attack by the armed forces of Armenia on a car he was driving;

(m) Adalat Aliyev, an Azerbaijani national, born on 18 September 1973, and a soldier who had been serving as in the army of Azerbaijan, who was last seen on 14 February 1994, during the battle with the armed forces of Armenia in Bozlu village, Khalbajar district;

(n) Cahan Alishova, an Azerbaijani national, born in 1936, who was last seen on 31 March 1993, in Kalbajar district, in the area called “Tunnel”, after the car that she was in came under fire and she was reportedly wounded on her right leg;

(o) Vahid Aliyev, an Azerbaijani national, born on 16 April 1970, who was last seen on 19 March 1993, in Sirik village, Jabrayil district; he was reported injured by the armed forces of Armenia and hospitalized in Hadrut district;

(p) Tural Aliyev, an Azerbaijani national, born in 1982, and a minor at the time, who disappeared on 31 March 1993, in Kalbajar district, in the area called “Tunnel”; according to information received, he was last seen in captivity with 26 other people being held in Khankendi at the Third Children’s Hospital;

(q) Talat Aliyev, an Azerbaijani national, born on 22 May 1972, and a soldier who had been serving in the army of Azerbaijan, and who was last seen on 24 April 1994, in the battle area of Shurabad village, Taghibayli, Aghdam district;

(r) Sherif Aliyev, an Azerbaijani national, born on 9 June 1973, and a soldier who had been serving in the army of Azerbaijan, who disappeared after being injured during the battle with the armed forces of Armenia on 15 February 1993 in Getavan village, Aghdara region;

(s) Shakir Aliyev, an Azerbaijani national, born on 8 May 1968, and a soldier who had been serving in the army of Azerbaijan, who was last seen on 8 May 1992 in Kirs mountain, Shusha district, during an attack of the army post by the armed forces of Armenia;

(t) Salim Aliyev, an Azerbaijani national, born in 1987 and a minor at the time, who disappeared in the night between 25 and 26 February 1992, during the occupation of the Khojaly region by the armed forces of Armenia; according to information received, he was among a group of residents who had been fleeing the area when they were caught in the shelling in the forest near Dahraz village by the armed forces of Armenia.

Azerbaijan

Urgent procedure

18. On 27 December 2022, the Working Group transmitted a case under its urgent procedure, concerning Vazgen Andreasyan, an Armenian citizen, born on 17 January 2003, and a serviceman of the Armenian armed forces, who disappeared on 13 September 2022 after the Azerbaijani special forces (Yashma unit), took control over military post 115-116, of the Champarak military unit in Verin Shorzha, Gegharkunik province of Armenia. He was not among Armenian prisoners of war returned by Azerbaijan, nor were his remains among those repatriated, yet his fellow soldiers last saw him alive and uninjured during the military engagement with the Azerbaijani forces.

Information from sources

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

Bangladesh

Joint allegation letters

20. On 22 December 2022, the Working Group transmitted a joint allegation letter[[5]](#footnote-6) to the Government authorities regarding allegations of a smear campaign undertaken by several media outlets targeting the non-governmental organization Odhikar and its secretary, Adilur Rahman Khan, and allegations of harassment and intimidation against members of the non-governmental organization Maayer Daak. The Working Group raised its concern also concerning the alleged attempts in various media outlets to undermine the credibility of the humanitarian procedure of the Working Group.

21. The Working Group thanks the Government for the reply[[6]](#footnote-7) and looks forward to having a constructive dialogue about the allegations and the corresponding reply, including at the next session of the Working Group, to be held from 8 to 12 May 2023 in Geneva.

Chad

Joint urgent appeal

22. On 3 November 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning serious allegations of excessive and lethal use of force during demonstrations against the extension of the transition period, resulting in reportedly 80 deaths, as well as the arbitrary arrest and detention, disappearance and torture of peaceful demonstrators, human rights defenders and journalists.[[7]](#footnote-8)

23. On 2, 3 and 16 January 2023, the Government of Chad provided replies to the joint urgent appeal of 3 November 2022.[[8]](#footnote-9)

China

Standard procedure

24. Under its standard procedure, the Working Group transmitted 16 cases to the Government, concerning:

(a) Dokyab and Gyaltsen, who were allegedly arbitrarily detained by the Chinese police on 21 August 2020 while eating at a restaurant in Chenduo, Tibet Autonomous Region; It was reported that they were both detained following a dispute in a meeting with Chinese authorities on land confiscation;

(b) Lotse, who was allegedly arbitrarily detained on 25 July 2022 by the Chinese police without an arrest warrant; it was reported that Lotse was detained for setting up a WeChat group named “Happy 80th Birthday” commemorating the birth dates of Tibetan religious figures;

(c) Sardak and Topgha, who were allegedly arbitrarily detained on 18 June 2022 by Chinese Public Security Bureau officials following a night raid at the Meru Monastery in Lhasa, Tibet Autonomous Region; they were reportedly taken to the local Public Security Bureau Office located at Beijing East Road 12;

(d) Sherab Dorjee, who was allegedly arbitrarily detained on 16 August 2021 by the Chinese local police in Trotsik Township, Ngawa, Tibet Autonomous Region and Qiang Autonomous Region; it is believed that his detention was related to his involvement in student organizations and his opposition to the county government’s mandatory Chinese language policy in his school;

(e) Tenzin Nyima and Wangchen Nyima, who were allegedly arbitrarily detained on 15 August 2021 by the local police authorities of Daofu, Ganzi, Tibet Autonomous Region; it was reported that their detention might be related to their religious background and affiliation with the Nenang Monastery in Luhuo County;

(f) Youdon, who was allegedly arbitrarily detained on 11 July 2022 by the local Chinese police authorities in her hometown in Tsarang Township, Anduo County; it was reported that the Chinese police had accused her of keeping a picture of the Dalai Lama in her residence;

(g) Zumkar, a mother of two children who was allegedly arbitrarily detained on 23 June 2022 by the local Chinese police in her hometown in Tsarang Township, Anduo County; it was reported that the local police found pictures of the Dalai Lama in her residence;

(h) Pema Rinchen, a Tibetan writer and activist who was allegedly arbitrarily detained on 5 April 2022 by Chinese State agents during a protest against the 100th anniversary of the Chinese Communist Party in Seda County;

(i) Drubpa Kyab Gangkye, who was allegedly arbitrarily detained on 23 March 2021 by State agents in Tibet Autonomous Region and subjected to incommunicado detention, and whose fate and whereabouts are unknown;

(j) Gangbu Yudrum, a Tibetan activist who was allegedly arbitrarily detained on 22 March 2022 by the authorities of Tibet Autonomous Region following a police crackdown on protesters ahead of the 100th anniversary of the Chinese Communist Party;

(k) Tsering Dolma, a Tibetan activist who was allegedly arbitrarily detained on 2 April 2021 by Chinese State agents during a protest against the 100th anniversary of the Chinese Communist Party in Ganzi, Tibetan Autonomous Region;

(l) Samdup, a Tibetan activist who was allegedly arbitrarily detained on 5 April 2022 by State agents during a protest against the commemoration of the 100th anniversary of the Chinese Communist Party in Ganzi Tibetan Autonomous Prefecture of Sichuan Province;

(m) Seynam, a Tibetan writer and environmentalist who was allegedly arbitrarily detained on 23 March 2022 by Chinese State agents in Seda County.

Information from the Government

25. The Working Group considered the reply of the Government of China, dated 11 November 2022, regarding 38 cases of alleged enforced disappearances in the Xinjiang Uighur Autonomous Region and determined it insufficient to clarify their fate or whereabouts.

Joint allegation letters

26. On 1 December 2022, the Working Group transmitted an allegation letter,[[9]](#footnote-10) jointly with several special procedure mandate holders, concerning allegations of the denial of legal assistance, torture and ill-treatment, incommunicado detention and enforced disappearance of Huang Xueqin, Wang Jianbing, He Fangmei, Yang Maodong and Tang Jitian. The Working Group also raised its concern for the alleged widespread use of measures to prevent the spread of the coronavirus disease (COVID-19) pandemic to deter activists and human rights defenders from exercising, defending or promoting human rights. At the session, the Working Group considered the response of the Government dated 10 January 2023 and decided to continue reviewing the cases of Ms. Huang and Ms. He.

27. On 19 December 2022, the Working Group transmitted an allegation letter, jointly with several special procedure mandate holders, to follow up on the engagement with the Government authorities since 2017 regarding the Xinjiang Uighur Autonomous Region.

Democratic People’s Republic of Korea

Standard procedure

28. Under its standard procedure, the Working Group transmitted 11 cases to the Government, concerning:

(a) Kim Jeom-Seok, a lawyer born on 30 January 1913 in the Republic of Korea who was allegedly abducted on 8 July 1950 at 2 p.m. in his residence at 43 Namyeong-dong, Yongsan-gu, Seoul, by State agents of the Democratic People’s Republic of Korea;

(b) Han Gui-Dong, a fisher born around 1953 in Jumunjin, Gangwon Province, Republic of Korea who was allegedly abducted on 23 May 1968 in the sea near Sokcho, Gangwon Province, around the military demarcation line, in the East Sea, by the military of the Democratic People’s Republic of Korea;

(c) Kim Chol-Ju, a fisher born around 1931 in the Republic of Korea who was allegedly abducted on 4 February 1972 along with other persons aboard the Ahnyoung No. 35 fishing boat presumably by the navy of the Democratic People’s Republic of Korea;

(d) Kim Il-Bong, a fisher born in 1950 in the Republic of Korea who was allegedly abducted on 4 February 1972 along with other persons aboard the Ahnyoung No. 36 fishing boat, presumably by the navy of the Democratic People’s Republic of Korea;

(e) Park Sang-Guk, a fisher born in 1944 in the Republic of Korea who was allegedly abducted on 4 February 1972 along with other persons aboard the Ahnyoung No. 36 fishing boat, presumably by the People’s Navy of the Democratic People’s Republic of Korea;

(f) Jeon Do-Min, a fisher born on 12 January 1951 in the Republic of Korea, allegedly abducted on 8 November 1968 while on a fishing expedition off the coast of Yangyang, Gangwon Province of the Republic of Korea, 3 miles south of the demarcated fishing restriction line in the East Sea, by the People’s Navy of the Democratic People’s Republic of Korea;

(g) Cheong Kang-Yeol, a fisher born in 1936 in the Republic of Korea, allegedly abducted on 2 July 1968 while aboard of the Changmyeong fishing boat by armed naval soldiers of the Democratic People’s Republic of Korea;

(h) Lee Seon-Il, born around 1950 in the Republic of Korea, allegedly abducted on 28 May 1967 on the coastal waters near Yonpyeong Island in the Republic of Korea, the West Sea, around the fishing restriction line by the People’s Navy of the Democratic People’s Republic of Korea;

(i) An individual who was allegedly detained in March 2009 while at home by agents of a State security agency;

(j) An individual who was allegedly detained in March 2009 by State agents of the Democratic People’s Republic of Korea;

(k) An individual who was allegedly detained in April 2009 while at home by agents of a security agency of the Democratic People’s Republic of Korea.

Egypt

Urgent procedure

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

(a) Walid Fouad Al Ghunaimi Al Maghazi, who was allegedly arrested in front of his home in Giza on 17 September 2022 and taken to an unknown location by officers believed to belong to the Egyptian national security forces affiliated with the Ministry of the Interior;

(b) Yusuf Hossam Yousef Hossam Mohamed Talat Salem Elghamry, who was reportedly arrested at his home on 25 October 2022 by Egyptian State security officers.

Clarification based on information from sources

30. On the basis of information provided by sources, the Working Group decided to clarify the cases of Mr. Al Maghazi and Mr. Elghamry, who are both reportedly in prison, as well as the case of Karim Yaser Abdulnabi Abdulazim, who is reportedly at liberty.

Information from sources

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

Clarification

32. 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.[[10]](#footnote-11) The case concerns Omar Maher Abdel Zaher El Desouky, who is reportedly in prison.

Joint allegation letter

33. On 11 November 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the alleged enforced disappearance, torture and ill-treatment of, and medical negligence affecting, the human rights defender Ahmed Shawky Abdelsattar Mohamed Amasha.[[11]](#footnote-12)

El Salvador

Information from sources

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

Joint other letter

35. On 12 October 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning comments and suggestions on legislative decrees Nos. 333, 358, 396, 427, 459, 476 and 503, by which the Government of El Salvador had been extending the emergency regime in force in the country, as well as comments in relation to legislative decrees Nos. 337, 339, 341 and 342, by which reforms to the Criminal Code, the Code of Criminal Procedure, the Special Law against Acts of Terrorism and the Juvenile Criminal Code had been approved by the Legislative Assembly on 27 and 30 March 2022.[[12]](#footnote-13)

36. On 12 December 2022, the Government of El Salvador provided a reply to the joint allegation letter of 12 October 2022.[[13]](#footnote-14) The Working Group thanks the Government for the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

Gambia

Joint allegation letter

37. On 23 November 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the failure by authorities to undertake an adequate forensic investigation to determine the fate and whereabouts of persons forcibly disappeared between July 1994 to January 2017, the delay in putting in place accountability measures and concerns about reprisals against Isatou Ayeshah Jammeh, a victim of human rights violations and a human rights defender.[[14]](#footnote-15)

Guatemala

Joint other letter

38. On 19 December 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the initiative of Law No. 6099, entitled “Law for the strengthening of peace”, which sought to establish the extinction of criminal responsibility and punishment by absolute amnesty for those responsible for crimes and serious violations of human rights committed during the internal armed conflict in Guatemala.[[15]](#footnote-16)

39. On 25 December 2022, the Government of Guatemala provided a reply to the joint allegation letter dated 19 December 2022.[[16]](#footnote-17) The Working Group welcomes the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

Honduras

Joint allegation letter

40. On 6 October 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the alleged criminalization of defenders of the rights of the Garifuna people, including Miriam Miranda, the General Coordinator of the Fraternal Black Organization of Honduras, and Edy Tábora, its lawyer and a member of the legal board of the Committee for the Search and Investigation of the Disappeared from Triunfo de la Cruz, a group created in February 2021 by the Organization and the relatives of four members of the Garifuna community of Triunfo de la Cruz who were subjected to enforced disappearance as of July 2020.[[17]](#footnote-18)

41. On 7 February 2023, the Government of Honduras provided a reply to the joint allegation letter of 6 October 2022.[[18]](#footnote-19) The Working Group thanks the Government for the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

Islamic Republic of Iran

Urgent procedure

42. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Jalil Ahmadi, who was allegedly arrested in front of his home in Marivan on 1 October 2022 by officers in plain clothes believed to belong to the Ministry of Intelligence of Marivan and forcibly taken to an unknown location.

Standard procedure

43. Under its standard procedure, the Working Group transmitted eight cases to the Government, concerning:

(a) Hossein Peyambernejad, who was reportedly last seen on 5 August 1983 in prison and whose fate and whereabouts remain unknown;

(b) A minor who was reportedly last seen on 5 August 1983 in prison and whose fate and whereabouts remain unknown;

(c) Sarmadin Eftekhari, who was arrested sometime between January and February 1982 by officers believed to belong to the Islamic Revolutionary Guard Corps;

(d) Mastore Shahsawary, who was arrested in his home in Sanandaj and whose fate and whereabouts remain unknown;

(e) Ibrahim Hekmet, who was arrested in June 1980 at his home in Baneh by officers believed to be members of the Islamic Revolutionary Guard Corps;

(f) Ghazizadeh Ezatollah, who was arrested on 13 April 1983 at his home by members the Islamic Revolutionary Guard Corps and forcibly disappeared from Urmia Prison in September 1983;

(g) A minor who was arrested in May 1983 and last seen at Darya Prison in August 1983;

(h) Ebrahim Amini, who was last seen in prison on 10 December 1982 and whose fate and whereabouts remain unknown.

Information from sources

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

Joint urgent appeals

45. On 20 October 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, calling upon the Government to immediately cease the use of force and other alleged human rights violations, including the enforced disappearance against protesters demonstrating in response to the death of Mahsa Amini on 16 September 2022.[[19]](#footnote-20)

46. On 20 December 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning the arrest and detention of Oliver Vandecasteele, a 41-year-old Belgian humanitarian worker, and his subsequent ill-treatment, including prolonged incommunicado detention, and critical health condition.[[20]](#footnote-21)

Joint allegation letters

47. On 14 October 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the alleged failure to comply with the Government’s obligation to ensure the locating, protecting, preserving and exhuming of mass and unmarked grave sites, the investigation thereof in compliance with international standards, with a view to exhuming, respecting and identifying those buried therein, and the search for forcibly disappeared persons, in connection with the enforced disappearance and summary executions of political dissidents between July and early September 1988 in 32 cities in the Islamic Republic of Iran.[[21]](#footnote-22)

48. On 14 December 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning allegations of the increase in the systematic targeting of members of the Baha’i religious minority, including through arrest, summoning for interrogation and mistreatment at places of detention.[[22]](#footnote-23)

49. On 19 December 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged arbitrary arrest, continued detention, torture and ill-treatment of Maziar Shahbakhsh and a minor. Mr. Shahbakhsh was reportedly subjected to enforced disappearance for four months after his arrest.[[23]](#footnote-24)

Jordan

Clarification

50. 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.[[24]](#footnote-25) The case concerns Hamdan Zouhair, who is reportedly at liberty.

Kazakhstan

Standard procedure

51. Under its standard procedure, the Working Group transmitted to the Government the case of Makset Kanatbayev, a national of Uzbekistan born on 23 March 1990, who had been working and living at Altyn Orda market in Almaty, and who disappeared on 6 January 2022, after being arrested in Almaty by unidentified police agents wearing black uniforms and masks, at the intersection of Abay and Antynsarin streets, near the Moskva market.

Lao People’s Democratic Republic

52. On 13 December 2022, the Working Group issued a press release, jointly with other special procedure mandate holders, to mark the ten-year anniversary of the enforced disappearance of development worker Sombath Somphone, urging the authorities to effectively search and thoroughly investigate all cases of enforced disappearance. The mandate holders reiterated their call upon the Laotian authorities to request international assistance and refrain from undertaking any measures that would violate the spirit and purpose of the International Convention for the Protection of All Persons from Enforced Disappearance, signed by the authorities in 2008.

Lebanon

Joint allegation letter

53. On 28 November 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the referral to Lebanese military jurisdiction of the investigation into the death of Bashar Abdel Saud, a Syrian refugee, who had reportedly died on 31 August 2022, shortly after being arrested and tortured by Lebanese security forces, and the subsequent lack of an effective, impartial and independent investigation into the circumstances of his death.[[25]](#footnote-26)

54. On 3 March 2023, the Government of Lebanon provided a reply to the joint allegation letter of 28 November 2022.[[26]](#footnote-27) The Working Group thanks the Government for the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

Malaysia

Urgent procedure

55. On 16 January 2023, under its urgent action procedure, to the authorities of Malaysia, the Working Group transmitted the case of Amran Hassan, who was reportedly detained on 30 December 2022 by the Malaysian police at the Kuala Lumpur airport and whose fate and whereabouts are unknown. The Working Group transmitted a copy of the communication to the Government of Bangladesh, in accordance with its methods of work. The Working Group considered the replies from Malaysia and Bangladesh, both received on 19 January 2023, and thanks them for the cooperation.

Application of the six-month rule

56. The Working Group examined the updated information dated 2 March 2023 transmitted by the Government of Malaysia regarding the case of Amran Hassan and decided to apply the six-month rule in accordance with its methods of work.

Mali

Joint allegation letter

57. On 30 December 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning arbitrary executions, enforced disappearances, looting, burning and sexual violence committed during military operations carried out in 2022 by the Malian armed forces, accompanied by Russian military and security personnel recruited by the so-called “Wagner-group”, in the Mopti region in central Mali.[[27]](#footnote-28)

Mexico

Information from the Government

58. On 4 January 2023, the Government transmitted information concerning 24 cases, but it was considered insufficient to clarify them.

Application of the six-month rule

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

Joint allegation letter

60. On 9 December 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mandate holders, concerning the killings of Esmeralda Gallardo Sánchez and María del Carmen Vázquez, two women who were searching for disappeared persons in Mexico in the context of increasing aggressions against relatives and groups searching for disappeared persons in the country.[[28]](#footnote-29)

61. On 7 February 2023, the Government of Mexico provided a reply to the joint allegation letter of 9 December 2022.[[29]](#footnote-30) The Working Group thanks the Government for the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

General allegation

62. 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 Mexico. The allegations refer to the assaults and killings of women who were searching for their missing relatives, the shortcomings in protection against and the alleged impunity for those acts, the challenges and difficulties related to the search and forensic crisis and the difficulties in the participation of relatives and their organizations in two policy development projects reportedly taking place in Mexico (see annex I).

Morocco

Information from sources

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

Nicaragua

Urgent procedure

64. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Oscar René Vargas Escobar, who was allegedly arrested on 22 November 2022 at a home located in Colonia Bolonia, Managua, by agents of the National Police of Nicaragua.

Clarification based on information from sources

65. On the basis of information provided by sources, the Working Group decided to clarify the case of Oscar René Vargas Escobar, who is reportedly being held at the detention facility known as El Chipote.

Joint urgent appeal

66. On 3 January 2023, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning the case of Mr. Escobar, a 76-year-old person who was deprived of his liberty and in a precarious state of health, and who was allegedly subjected to enforced disappearance for a period of 14 days.[[30]](#footnote-31)

Pakistan

Urgent procedure

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

(a) Faheem Jan, a publisher and human rights defender, who was allegedly detained on 25 August 2022 by the police at the Urdu Bazar in Karachi;

(b) Abdul Rehman Khan, who was abducted at his home on 3 June 2022 by members of Pakistani law enforcement agencies.

Standard procedure

68. Under its standard procedure, the Working Group transmitted 16 cases to the Government, concerning:

(a) Sami ullah Mohmand, a businessman who was allegedly abducted in December 2017 at the Quaid-e-Azam Airport in Karachi by State agents after returning from a business trip to Saudi Arabia;

(b) Aleem Khan Mohmand, who was allegedly abducted on 1 March 2012 in Pir Qila Shabqadr by State agents;

(c) Noor Alam Mohmand, who was allegedly abducted on 2 January 2022 in Islamabad by officials of the Counter-Terrorism Department;

(d) Abdul Hadi Nill, who was allegedly abducted on 4 August 2021 in North Waziristan by four State agents;

(e) Abdullah Nill, who was allegedly abducted on 2 January 2022 at the Fruit Market of Islamabad by State agents;

(f) Muhammad Rasool Nill, who was allegedly abducted on 11 January 2022 in Rawalpindi, Punjab Province, by State agents;

(g) Muhammad Nabi Pathan, who was allegedly abducted by State agents on 6 February 2022 from the Ferdos Market Pur Wadhai in Rawalpindi;

(h) Nizam Ud Din Nill, who was allegedly abducted on 4 August 2021 in North Waziristan by State agents;

(i) Zafeer ullah Safi, who was allegedly abducted on 28 May 2017 in Mohmand District by State agents, presumably from an intelligence agency;

(j) Abdullah Umer, a businessman and law student, who was allegedly abducted on 19 June 2015 in Islamabad by State agents, presumably from an intelligence agency;

(k) Haseeb Ahmed, who was allegedly abducted on 18 June 2013 at a shopping centre in Mardanby, presumably by members of an intelligence agency;

(l) Falak Nazz Afghani, who was allegedly abducted on 16 September 2009 in a bazaar in Mingora city by State agents, presumably from an intelligence agency;

(m) Altaf Ali Shah Syed, who was allegedly abducted on 19 December 2009 in Swat, Kabal, by State agents, presumably from an intelligence agency;

(n) Habib Ur Rehman Nill, who was allegedly abducted on 13 March 2011 at the Sialkot Combined Military Hospital by State agents, presumably from an intelligence agency;

(o) Ali Abdullah Nill, a doctor who was allegedly abducted on 10 July 2010 at the Jinnah Hospital in Lahore by State agents, presumably from an intelligence agency;

(p) Mudasir Iqbal, who was allegedly abducted on 16 February 2011 in New Shadbagh Chowk, Lahore, by members of a Pakistani intelligence agency.

Clarification

69. The Working Group decided to clarify, in accordance with its methods of work, five cases on the basis of information provided by sources, regarding Muhammad Yasir Nil, Omer Awwab Khan Nil, Jamil Mahmood Khan Nil, Wahid Bhatti Nil and Abdul Hafeez Muhammad Ramzan.

70. The Working Group also clarified three cases on the basis of information provided by the Government of Pakistan, following the application of the six-month rule, regarding Aman Ullah Nil, Hafeez Ullah and Muhammad Noor Syed.

71. The Working Group further clarified the two cases of Muhammad Afzal Asghar Ali and Muhammad Imran Muhammad Shafi, on the basis of information provided by the Government of Saudi Arabia, in line with its working methods.

Joint allegation letter

72. On 27 December 2022, the Working Group transmitted an allegation letter,[[31]](#footnote-32) jointly with other special procedure mandate holders, concerning the death under unclear circumstances of former senator Usman Kakar, and calls by the National Assembly Standing Committee on Human Rights and non-governmental organizations upon the Government to investigate the alleged existence of a “kill list” naming Mr. Kakar and several other individuals, including Farhatullah Babar, another former senator, and human rights defenders Fazal-ur Rehman Afridi and Gul Bukhari.

Panama

Joint allegation letter

73. On 9 December 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the humanitarian situation in the Darien Gap affecting migrants transiting through that area, where deaths and disappearances continue to be reported.[[32]](#footnote-33)

74. On 13 and 17 February 2023, the Government of Panama provided a replies to the joint allegation letter of 9 December 2022.[[33]](#footnote-34) The Working Group thanks the Government for the response, but retains a number of concerns and looks forward to continuing the dialogue with the Government.

Peru

Joint allegation letter

75. On 13 December 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the emergency situation, in terms of funding, structure and personnel, of the Institute of Legal Medicine and Forensic Sciences and the negative impact that it had on the search and identification of forcibly disappeared persons and on access to truth and justice regarding enforced disappearances, extrajudicial executions and torture and cruel, inhuman or degrading treatment committed during the internal armed conflict in the country between 1980 and 2000.[[34]](#footnote-35)

Qatar

Application of the six-month rule

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

Russian Federation

Urgent procedure

77. Under its urgent procedure, the Working Group transmitted to the Government 469[[35]](#footnote-36) cases of the enforced disappearance of Ukrainian citizens in the context of the armed conflict in Ukraine during the combat engagement in, or in the territory of, Ukraine, occupied by the Russian Federation, concerning:

(a) Oleksandr Reshynskyi, who had disappeared on 25 March 2022 in Chernihiv region;

(b) Oleksii Kramarenko, Ruslan Herasymenko, Artur Sirenko (Syrenko), Bohdan Syrota, Petro Dedushko, Andrii Pluhatoryk, Serhii Semenov, Andrii Toporovskyi, Dmytro Pavlenko, Mykhailo Pavlenko, Ihor Aldokhin, Stanislav Sopilniak, Viktor Linnikov, Artur Stoianenko, Oleksandr Semak, Vadym Oleinikov, Leonid Pridun, Andrii Setrin, Serhii Osetrov, Oleh Kotov, Kostiantyn Bulba, Yehor Kolosovskyi, Andrii Rubanyk, Kostiantyn Struk, Leonid Astapov, Oleksandr Rudnychok and Volodymyr Hasenko, who had disappeared in Kharkiv region between 7 March and 17 September 2022;

(c) Oleh Obodovskyi, Enver Veliliaiev, Mykola Dukin, Vasyl Iskra, Oleksandr Bezruchko, Taras Mazur and Ivan Sakov, who had disappeared in Kherson region between 24 February and 28 September 2022;

(d) Yaroslav Malynovskyi, Vladyslav Popovych, Artem Sereda, Oleksii Petruk, Oleksandr Navrotskyi, Sviatoslav Kolchus, Ruslan Kuvshynov, Roman Levytskyi, Serhii Shpak, Yaroslav Platonov and Yaroslav Hrokh, who had disappeared in Kyiv region between 25 February and 20 March 2022;

(e) Maksym Kozel, Serhii Lakei, Serhii Panovskyi, Andrii Derektorenko, Serhii Kazymir, Oleksandr Poplinskyi, Mykhailo Chursa, Serhii Klymenko, Yurii Fesak, Oleksandr Kovalenko, Mykhailo Hnatiuk, Borys Podopryhora, Kostiantyn Somochkin, Leonid Kravets, Andrii Savchuk, Volodymyr Zabrodskyi, Oleksandr Bondarenko, Mykhailo Kravchenko, Borys Baklanovskyi, Gleb Silutin, Vitalii Kudria, Yurii Volovyk, Ruslan Savchuk, Artem Soldatenko, Illia Khomenkov, Yurii Marchenko, Ivan Anyshchenko, Ivan Dovhan, Maksym Tkachuk, Ivan Melnyk, Ruslan Kruts, Mykhailo Murza, Ruslan Chuprov, Mykola Synyshyn, Marian Kovalchuk, Andrii Hryzyi, Andrii Oliinyk, Yurii Mykytiuk, Viktor Volovych, Denys Barinov, Yevhen Chepets, Mykola Zhabynets, Vitalii Holdenko, Vasyl Nezbrytskyi, Maksym Tolochyk, Vitalii Dzhos, Roman Kotenko, Vadym Filoniuk, Yaroslav Storozhylov, Vladyslav Cherednyk, Volodymyr Sokol, Vitalii Luchko, Stanislav Chuiko, Oleksandr Beloshitskyi and Valentyn Trusov, who had disappeared in Donetsk region between 7 March and 4 October 2022;

(f) Dmytro Doroshenko, Dmytro Shcherbak, Volodymyr Zaitsev, Ohannes Arutiunian, Serhii Polukhin, Anton Boiko, Oleksandr Danko, Ruslan Fomin, Oleksii Honcharov, Maksym Kolbasin, Dmytro Lomonosov, Volodymyr Lopatin, Maksym Chilieiev, Andrii Mazur, Vitalii Papenko, Mykola Perets, Yevhen Polishchuk, Serhii Shastun, Dmytro Shevchenko, Ivan Sokolenko, Andrii Soskida, Vladyslav Striukov, Vadym Sukach, Ihor Terekhov, Serhii Yakymenko, Dmytro Yatsenko, Artur Vorona, Oleh Borodachov, Oleh Hrek, Viktor Kotiash, Hryhorii Kyrylenko, Ruslan Ostapenko, Oleksandr Pasko, Oleksii Dyhol, Oleksandr Kryklia, Dmytro Tkachenko, Yurii Komlyk, Roman Nechyporenko, Maksym Bozhko (Bozhenko), Ivan Petrovskyi, Valerii Karpenko, Denys Chebanenko, Andrii Zhyzhoma, Artur Zhyzhoma, Serhii Borodin, Denys Haiduk, Volodymyr Huzar, Anatolii Isaienkov, Yelizar Kholomieiev, Yurii Machulian, Oleksandr Stetsenko, Oleksandr Stoliarchuk, Vasyl Zaiarnyi, Oleksandr Proskurnia, Anton Sydorenko, Oleh Vorona, Mykola Herasymenko, Vladyslav Herykh, Pavlo Horban, Vitalii Korotkov, Ihor Laskavyi, Oleksandr Kovalov, Denys Kryhulskyi, Pavlo Kryvda, Danylo Kryvda, Ivan Kuzmenko, Oleksii Yatsenko, Yaroslav Padashulia, Volodymyr Pitsurenko, Ivan Poplavskyi, Oleksandr Serhiienko, Mykola Smyrnov, Viktor Liashenko, Ivan Bochkarov, Viacheslav Horban, Yan Klymenko, Maksym Lisiura, Vladyslav Pohrebniak, Oleksii Pronkin, Andrii Savchenko, Volodymyr Kudretov, Denys Tymchenko, Serhii Horokhov, Mykhailo Mazur, Denys Nerivnyi, Oleksandr Tymoshchuk, Serhii Kulish, Andrii Svyrydchenkov, Mykhailo Antonov, Dmytro Sobolevskyi, Ivan Kryvorot, Stanislav Pererva, Dmytro Triukhan, Viacheslav Kuchkovskyi, Oleh Lukianenko, Anton Kazmin, Bohdan Partytskyi, Vladyslav Zinenko, Kostiantyn Babarykin, Denys Maholenets, Artem Hrebeshkov, Igor Siora, Andrii Trush, Viktor Soliakov, Vladyslav Kazmiruk, Oleksandr Honcharov, Leonid Onyshchenko, Roman Andriichenko (Andreichenko), Dmytro Klymovych, Oleksandr Kornieiev, Oleksandr Nikolin, Oleksandr Osipchuk, Mykola Furman (Alieinik), Stanislav Krainiuk, Stepan Rybakov, Mykola Kovalov, Halyna Noskova, Roman Osypenko, Ruslan Husak, Oleksii Tyshchenko, Oleh Cherneha, Oleksandr Dutka, Serhii Khvalko, Ivan Panasiuk, Yurii Pysmennyi, Volodymyr Romanovskyi, Artur Shkeul, Viktor Futorian, Volodymyr Ivanov, Stanislav Mitskyi (Mytskyi), Valentyn Prokhorov, Serhii Makarevych, Pavlo Danyliuk, Anton Kolomiiets, Anton Volovych, Kyrylo Volovych, Serhii Lysov, Volodymyr Matviichuk, Dmytro Andronov, Oleh Boiko, Artem Bruskov, Vadym Bykanov, Andrii Fedorovych, Dmytro Haliuk, Artem Hryshchenko, Ivan Huba, Stanislav Kalinachenko, Vitaliy Karakay, Nazar Kharlamov, Valentyn Kharlamov, Mykhailo Kirdielov, Yehor Kolovorotnyi, Ihor Kopytsia, Valentyn Krotenko, Dmytro Kucheruk, Ruslan Kulinich, Vladyslav Liashuk, Mykola Mushchenko, Oleh Muzlov, Bohdan Pieshkov, Bohdan Potapov, Dmytro Pustovar, Oleksii Shamanskyi, Serhii Shtefan, Oleksandr Skomorokha, Andrii Tabakin, Oleh Tkachenko, Serhii Tokach, Serhii Vasyliev, Volodymyr Vysotskyi, Maksym Diachuk, Dmytro Chepelskyi, Andrii Lishchynskyi, Serhii Nedilkovych, Ivan Poliakov, Vladyslav Solonchuk, Volodymyr Simonov, Yevhenii Verbytskyi, Vasyl Boiko, Volodymyr Kucherenko, Serhii Kuprei, Dmytro Malimon, Vitalii Matviienko, Vitalii Mychkin, Oleksandr Sobyna, Oleksandr Sotnyk, Vladyslav Svichevskyi, Mark Tkach, Oleksandr Troshchynskyi, Mykhailo Karskanov, Andrii Shydlovskyi, Serhii Andriievskyi, Pavlo Artiukhov, Vitalii Babiuk, Roman Bublyk, Pavlo Burykin, Mykola Velychko, Viktor Veresklia, Dmytro Vitkovskyi, Oleksii Hlebov, Oleksandr Dubrovin, Oleksandr Karpov, Oleksandr Kiriienko, Maksym Konovalenko, Oleksandr Kuzmin, Oleksandr Linichenko, Oleksandr Malovichko, Vladyslav Miroshnyk, Stepan Mozolo, Andrii Moiseienko, Ivan Pankin, Andrii Petrenko, Andrii Petrov, Bohdan Ponomarov, Serhii Rulyk, Dmytro Seliutin, Artur Sidor, Oleksii Tkach, Ihor Khrystozevych, Yan Khydoba, Mykyta Chernov, Yevhen Chekhivskyi, Volodymyr Chukhin, Andrii Akymov, Bogdan Chernoshtan, Dmytro Chornyi, Oleh Chuprynchuk, Vladyslav Durytsyn, Volodymyr Karpenko, Oleksandr Kuibar, Maksym Maksymenko, Armen Ohanesian, Mykyta Petryk, Maksym Piddubnyi, Kostiantyn Poperechnyi, Kostiantyn Romaniuk, Artur Rud, Vitalii Semotiuk, Serhii Shelest, Ivan Smetaniuk, Vladyslav Stetsenko, Kostiantyn Zatsarenko, Dmytro Braiko, Denys Cheremisov, Serhii Fedorenko, Serhii Kravtsov, Yurii Lehenkyi, Yevhenii Malik, Oleksandr Nedaivodin, Dmytro Pavlovskyi, Pavlo Yashchuk, Artur Smilianets, Volodymyr Androsovych, Volodymyr Tsema-Bursov, Denys Dubieliev, Ivan Kovalchuk, Andrii Verteletskyi, Roman Yurtin, Yurii Muzychuk, Pavlo Vysotskyi, Yevhen Kholodnyi, Valerii Saltan, Mykhailo Shapran, Mykyta Timonin, Viktor Kuzmenko, Viktor Baranik, Bohdan Bereza, Hanna Turivska-Linnyk, Roman Burashvili, Yaroslav Chubko, Oleksii Chokan, Artem Hondiul, Valerii Karelin, Serhii Kerdyvar, Maksym Liutyi, Oleksii Maksymov, Danylo Murashkyn, Artem Novikov, Dmytro Samatov, Serhii Tamaza, Vasyl Trehubenko, Oleh Yatsyshyn, Andrii Bohdan, Danylo Chebatarev, Vladyslav Hapych, Artur Khabalov, Denys Makeiev, Artem Sliepukhin, Fedir Ulakhly, Viacheslav Zahranchuk, Volodymyr Reznik, Oleh Krushovskyi, Mykhailo Kovtun, Danylo Bozhko, Dmytro Dorofeiev, Valentyn Hoiman, Oleksii Kachuievskyi, Artem Nyshchuk, Yevhen Shcherbatiuk, Maksym Shevtsov, Eduard Soloviov, Yevhenii Solodovnyk, Dmytro Orel, Andrii Stepanov, Oleksandr Stepanov, Ivan Tereshchenko, Yevhen Uhryn, Ihor Zmozhnyi, Serhii Bychkov, Oleg Didenko, Oleksandr Hanzheiev, Viktor Gordevskiy, Andrii Drevetskyi, Illia Kolesnikov, Oleksandr Koliuda, Tamara Miroshnikova, Oleksandr Panov, Semen Severin, Kateryna Sushko, Oleksandr Samofalov, Artem Dehtyar, Ihor Dubyk, Oleksandr Konopliastyi, Pavlo Kryvenko, Yevhen Zhylchenko, Oleksandr Kushnerenko, Pavlo Shevchuk, Rostislav Sierikov, Volodymyr Sapun, Yurii Slobodianiuk, Denys Kuzmenko, Serhii Topchyi, Viktor Borenko, Oleksandr Savkov, Andrii Shevchuk, Volodymyr Stoliar, Maksym Tiutiun, Valerii Chuba, Volodymyr Shevchenko, Pavlo Chelyshev, Yevhen Voronyk, Oleksandr Dakhnenko, Volodymyr Khochyn, Danylo Muzyka, Andrii Polezhaiev, Serhii Ponomarenko, Bohdan Ravlikovskyi, Vladyslav Symonov, Ihor Titovskyi, Valerii Vasyliev, Vitalii Hryzhak, Oleh Kolodinskyi, Sergii Myronichev, Ihor Kalinichenko, Serhii Storozhuk, Andrii Svynar, Artem Stupnytskyi, Bohdan Todchuk, Oleksandr Yurchenko, Vasyl Vorotyntsev, Oleksandr Zhytnyk, Dmytro Ahapitov, Ivan Antoniuk, Valerii Bashkisser, Andrii Kruk, Andrii Ahurbash and Iryna Navalna, who had disappeared in Mariupol, Donetsk region, between 5 March and 27 September 2022;

(g) Anzhelika Tankovska, a Ukrainian citizen, who had disappeared in Rostov region of the Russian Federation on 10 October 2022.

78. In accordance with the Working Group’s methods of work, copies of all of those cases were forwarded to the Government of Ukraine. Copies of 12 of those cases were also sent to the Government of Belarus.

Standard procedure

79. Under its standard procedure, the Working Group transmitted to the Government the case of Usman Magomadov, a Russian national born in 1957, who had been residing in Mesker-Yurt, Chechnya, Russian Federation, and who disappeared on 28 March 2002, after being abducted by the Russian soldiers at military checkpoint No. 136 near the town of Argun, Chechnya.

Information from sources

80. Sources provided updated information on 176 outstanding cases, but it was considered insufficient to clarify them.

Clarification based on information from sources

81. On the basis of information provided by sources, the Working Group decided to clarify the cases of Yaroslav Viediashov, Yuliia Matvieieva and Mykyta Shastun, who had been released from captivity and were returned to the Government-controlled territory of Ukraine.

Clarification

82. 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.[[36]](#footnote-37) The case concerns Zarema Abuyazitovna Musaeva, who was reportedly detained.

Joint allegation letter

83. On 20 January 2023, the Working Group transmitted an allegation letter,[[37]](#footnote-38) jointly with several other special procedure mandate holders, concerning the reports of the recruitment of prisoners serving their custodial sentences in Russian penitentiary facilities for the private and military contractor known as the “Wagner Group” and their subsequent deployment in Ukraine. Some inmates may have been subjected to or exposed to the risk of enforced disappearance. Furthermore, the Wagner Group, currently taking active part in the hostilities in Ukraine, may be involved in the enforced disappearance of Ukrainian prisoners of war.

Saudi Arabia

Urgent procedure

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

(a) Eid Hammoud al-Mashhouri al-Howeiti, who had been arrested at his place of work in September 2022 by agents dressed in civilian clothes believed to be from the Saudi Mabahith forces;

(b) Sulaiman Mohammed Moussa al-Howeiti, who had been arrested in September 2020 while at work in Maqna.

Clarification based on information from sources

85. On the basis of information provided by sources, the Working Group decided to clarify the case of Ali Maziad, who was reportedly at liberty.

Information from sources

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

Information from the Government

87. On 21 December 2022, the Government transmitted information concerning one outstanding case, but it was considered insufficient to clarify the case.

Clarification

88. On the basis of information previously provided by the Government, the Working Group decided to clarify three cases, following the expiry of the period prescribed by the six-month rule.[[38]](#footnote-39) The cases concern Muammar al-Qaddafi Nagy al-Qanawy, Muhammad Imran Muhammad Shafi and Muhammad Afzal Asghar Ali, who were reportedly executed.

Joint urgent appeal

89. On 22 November 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning Hussein Abo al-Kheir, who had been allegedly arbitrarily detained and held incommunicado for a period that, under the circumstances, would amount to an enforced disappearance and was at risk of being imminently executed.[[39]](#footnote-40)

Sri Lanka

Joint allegation letter

90. On 16 January 2023, the Working Group sent an allegation letter,[[40]](#footnote-41) jointly with several other special procedure mandate holders, concerning the continued use of excessive force against protesters participating in the demonstrations in August and September 2022, and the continued detention of two protesters, Wasantha Mudalige and Galwewa Siridhamma Thero, and the previous detention of Hashan Jeewantha, under the Prevention of Terrorism Act.

91. On 8 November 2022, the Working Group transmitted an allegation letter,[[41]](#footnote-42) jointly with several other special procedures mandate holders, concerning acts allegedly committed in the Matale District during the Janatha Vimukthi Peramuna uprising, including enforced disappearance, arbitrary detention, torture and extrajudicial killings by government security forces between May 1989 and January 1990.

State of Palestine (Hamas)

Information from sources

92. Sources provided updated information on two outstanding cases involving Hamas, but it was considered insufficient to clarify them.

Sudan

Joint urgent appeal

93. On 14 November 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning a minor who was wrongfully transferred to the Sudan in April 2019 and whose fate and whereabouts remained unknown.[[42]](#footnote-43)

Sweden

Joint urgent appeal

94. On 14 November 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning a minor who had been wrongfully transferred to the Sudan in April 2019 and whose fate and whereabouts remained unknown.[[43]](#footnote-44)

Syrian Arab Republic

Standard procedure

95. Under its standard procedure, the Working Group transmitted 14 newly reported cases to the Government, concerning:

(a) An individual who had been allegedly arrested on 14 August 2012 at a farm in T’ara town by agents of Syrian military security forces;

(b) An individual who had been allegedly arrested on 14 August 2012 at a farm in T’ara town by agents of Syrian military security forces;

(c) An individual who had been allegedly arrested on 3 November 2013 near the University of Kalamoon by Syrian regime forces personnel;

(d) An individual who had been allegedly arrested on 3 November 2013 near the University of Kalamoon by members of the Syrian military forces;

(e) An individual who had been allegedly arrested on 3 November 2013 near the private University of Kalamoon, in Deir Atiyah, An-Nabek District, Rif Dimashq Governorate, by members of the Syrian military forces;

(f) An individual who had been allegedly arrested on 1 July 2012 in a cafeteria between the Al-Baramkeh and Al-Zahira neighbourhoods of Damascus by members of Branch 215 of the Military Intelligence Division;

(g) An individual who had been allegedly arrested on 6 September 2012 in Halab al Jadida by members of the Syrian military forces;

(h) An individual who had been allegedly arrested on 16 August 2013 in the city of Al Qutayfah, Rif Dimashq Governorate, by members of the Syrian military forces;

(i) An individual who had been allegedly arrested on 8 July 2013 at the individual’s workplace in Aleppo by members of the Syrian military forces;

(j) An individual who had been allegedly arrested in November 2015 at the individual’s place of residence in Jdaidet Artouz by members of the Syrian military forces;

(k) An individual who had been allegedly last seen on 5 June 2014 in the red building of Sednaya military prison in Damascus Governorate;

(l) An individual who had been allegedly arrested on 17 June 2013 at the Al Masna’ Border Crossing at the Syrian-Lebanese border;

(m) An individual who had been allegedly arrested on 28 March 2014 at the individual’s residence by members of the Syrian regime’s air security force;

(n) An individual who had been allegedly arrested in June 2013 at a checkpoint near the Syrian regime’s First Division in Al Kiswa town by agents of the Syrian military security forces.

Information from sources

96. Sources provided updated information on seven outstanding cases, but it was considered insufficient to clarify them.

General allegation

97. 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 Syrian Arab Republic. The allegations referred to the failure to adopt adequate preventive measures and to carry out effective search activities and investigations in the face of the increasing number of enforced disappearances since the beginning of the Syrian armed conflict, while perpetrators were not held accountable and victims of enforced disappearance and their families could not obtain redress for the harm suffered (see annex I).

Tajikistan

Joint other letter

98. On 23 January 2023, the Working Group transmitted an allegation letter,[[44]](#footnote-45) jointly with other special procedure mechanisms, concerning the Law on combatting Terrorism and the Criminal Code of the Republic of Tajikistan, which posed serious human rights challenges in relation to the overly broad definition of terrorism, the negative and disproportionate impact of the legislation on particular groups, due process, and the right to liberty and security of person, which might lead to enforced disappearances.

Uganda

Joint allegation letter

99. On 9 December 2022, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning Lawrence Kitatta, who had been subjected to harassment, intimidation and retaliation for his journalistic work, and Esther Alexandra Marinos and Mushldi Zalqaw Mutebi, who had been allegedly subjected to enforced disappearance, arbitrary detention, torture and ill-treatment, including sexual assault by members of the Ugandan security forces.[[45]](#footnote-46)

United Arab Emirates

Joint urgent appeal

100. On 7 December 2022, the Working Group transmitted an urgent appeal, jointly with other special procedure mechanisms, concerning Sherif Osman, who had purported to be at imminent risk of extradition and had been allegedly subjected to a period of enforced disappearance following his arrest.[[46]](#footnote-47)

Uzbekistan

Application of the six-month rule

101. The Working Group examined the information transmitted by the Government of Uzbekistan on 15 November 2022 regarding the cases of Oralbay Dosnazarov, Esimkan Kanaatov, Tabiskan Kanaatov and Dauletkeldi Nadirbaev and decided to apply the six-month rule in accordance with its methods of work.

Viet Nam

Urgent procedure

102. On 1 December 2022, the Working Group decided to transmit the case of Dong Guangping to the authorities of Viet Nam under its urgent procedure. On 15 December 2022, the Working Group transmitted an urgent appeal,[[47]](#footnote-48) jointly with other special procedure mandate holders, regarding the case. Similar letters were also sent to China and Canada, in accordance with its methods of work.

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

Islamic Emirate of Afghanistan (de facto authorities)

Urgent procedure

103. On 28 December 2022, the Working Group transmitted a case under its urgent procedure to the de facto Taliban authorities in Afghanistan.

Myanmar (de facto authorities)

Clarification based on information from a source

104. The Working Group considered the information provided by a source and decided to clarify the case of Samson Hkalam, in line with its methods of work, clarification which was transmitted to the de facto authorities under its urgent procedure on 13 December 2022. The Working Group reiterated that the clarification of a case did not exonerate the de facto authorities from their due diligence obligations to further investigate, provide justice and compensation to the family of the victim and to prevent similar cases from occurring in the future.

Yemen (de facto authorities in Sana’a)

Information from sources

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

Annex I

General allegations

México

1. El Grupo de Trabajo recibió información de fuentes fidedignas sobre obstáculos encontrados en la aplicación de la Declaración sobre la Protección de Todas las Personas contra las Desapariciones Forzadas en México.

(a) La presente alegación general se enfoca en distintos aspectos: las agresiones y homicidios a mujeres buscadoras de sus familiares desaparecidos, las deficiencias en materia de protección y la alegada impunidad por estos hechos; los desafíos y dificultades relacionados a la búsqueda y la crisis forense; y las dificultades en la participación de los familiares y sus organizaciones en dos proyectos de desarrollo normativo.

(b) Según la información recibida, se ha registrado en el país una alarmante sucesión de agresiones contra las mujeres buscadoras de sus familiares desaparecidos, contándose en los últimos años a más de 12 familiares asesinadas, 5 de ellas en el año 2022. En todos los casos, se habían registrado agresiones previas relacionadas con la labor de búsqueda, que no generaron mecanismos de prevención que pudieran evitar lo acontecido posteriormente.[[48]](#footnote-49)

(c) El l Grupo de Trabajo recibió información relacionada con los homicidios de las Sras. Marisela Escobedo (Chihuahua, 2010), Sandra Luz Hernández (Culiacán, 2012), Cornelia San Juana Guevara (Estado de México, 2016), Miriam Rodríguez (Tamaulipas, 2017), Zenaida Pulido (Michoacán, 2019), María Del Rosario Zavala (Guanajuato, 2020), Gladys Aranza Ramos (Sonora, 2022), Blanca Esmeralda Gallardo (Puebla, 2022), Rosario Lilián Rodríguez (Sinaloa, 2022), Ana Luisa Garduño (Morelos, 2022), María Del Carmen Vázquez (Guanajuato, 2022), y del Sr. Francisco Javier Barajas Piña (Guanajuato, 2021).

(d ) Un aspecto común relacionado con todos los casos judiciales abiertos para investigar estos hechos ha sido, según la información recibida, una ausencia generalizada de justicia. Se ha descripto en este sentido que las familias se sienten en riesgo al acudir a las fiscalías a realizar las denuncias de los hechos por existir colusión entre funcionarios y delincuencia organizada, habiendo sospechas de que se haya filtrado información entregada a las autoridades.

(e) Según la información, la protección que se ofrece a personas – como los familiares buscadores arriba mencionados – que reciben amenazas por la labor llevada a cabo, no es individualizada ni atiende al contexto y tipos de riesgo de cada zona del país. De acuerdo a la alegación, el Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas, existente desde 2012, ha resultado poco eficaz dado que su accionar es tardío y caracterizado por formalidades burocráticas. Asimismo, se ha informado el Grupo que dicho Mecanismo frecuentemente planifica medidas que no se cumplen, que ponen en riesgo nuevamente a los buscadores y buscadoras.

(f) De acuerdo a la información recibida, los hechos descriptos dan cuenta de la falta de coordinación interinstitucional para implementar medidas de protección. Si bien se reconocen esfuerzos de la Secretaría de Gobernación (SEGOB), se destaca que se han focalizado en la identificación forense y no en el resto de las problemáticas relacionadas a las desapariciones forzadas. Sobre este aspecto, se ha explicado que la crisis forense se ve agravada por un conflicto entre la SEGOB y las fiscalías, lo que denotaría también en este aspecto una carencia de apertura y colaboración interinstitucional.

(g) Se ha informado asimismo que las búsquedas se han concentrado en la investigación forense, pero que esos esfuerzos no han tenido un correlato en la búsqueda con vida de las personas desaparecidas. En este sentido, se ha sostenido que la mayoría de las comisiones de búsqueda que integran el Sistema Nacional de Búsqueda tienen poco personal y presupuesto; y que, si bien existe un Protocolo Homologado de Búsqueda, los funcionarios interesados no tienen conocimiento sobre su aplicación y resultados. Los Consejos Ciudadanos, por su parte, no han sido creados en todos los estados de la Federación, ya que los gobiernos locales no han alentado el cumplimiento de este compromiso.

(h) En relación con la crisis forense, que incluye el registro en los servicios médico forenses de más de 52,000 personas fallecidas cuyos restos fueron hallados pero no identificados, se ha informado sobre la creación de instituciones extraordinarias como el Mecanismo Extraordinario de Identificación Forense (MEIF), el Centro Nacional de Identificación Humana; y el Centro Regional de Identificación Humana de Saltillo, Coahuila. Sin embargo, se ha sostenido que el MEIF aún no se ha consolidado, el Centro Nacional no ha logrado aún resultados concretos y el Centro Regional ha logrado muy pocas identificaciones. En este sentido, se informó que el MEIF habría cerrado el año 2022 con sólo 3 acuerdos de colaboración celebrados con las fiscalías de San Luis Potosí, Zacatecas y Tamaulipas. Además, su equipo coordinador se redujo de 7 a 2 personas expertas y su único equipo de campo está en el estado de San Luis Potosí.

(i) Si bien se ha destacado la creación de estas instituciones, se ha informado al Grupo de Trabajo sobre la ausencia de registros, bases de datos y bancos que se requieren para tener toda la información forense que permita ejercicios de identificación masiva coordinada entre las entidades federativas. Se informó que tampoco ha existido un esfuerzo por fortalecer a los servicios forenses, los cuales en su gran mayoría dependen de las fiscalías.

(j) Según se informó, la falta de atención con perspectiva psicosocial impera en todas las instituciones, por lo que el trato a las víctimas no es competente, en particular en los estados donde los procesos de búsqueda resultan revictimizantes y la atención de las instituciones no es integral.

(k) En relación con la persecución penal de la desaparición forzada se ha descripto una impunidad casi absoluta, con solo 36 sentencias condenatorias en un universo de más de 112,000 desapariciones, lo que demostraría, según se alega, la nula importancia que las fiscalías asignan a la investigación de estos delitos y a la identificación de los responsables y a su posterior enjuiciamiento y sanción.

(l) Se ha informado asimismo que se presentó en la Cámara de Diputados una iniciativa de reforma constitucional por medio de la cual se pretende reconocer el derecho a ser buscadas de las personas desaparecidas, según lo establecido en la jurisprudencia de la Suprema Corte de Justicia de México. Dicha iniciativa fue dictaminada y aprobada el 25 de enero de 2023 en la Comisión de Puntos Constitucionales sin haberse informado previamente a las familias de personas desaparecidas, por lo que se ha sostenido que se ha violado el derecho de consulta y participación de las familias en el marco de la iniciativa.

(m) Además, según se ha alegado, le iniciativa implica desvincular la búsqueda de la investigación penal, lo cual ha sido señalado como un hecho regresivo para las familias y contrario al derecho internacional de los derechos humanos. Si bien se hicieron planteos para retirar el proyecto y someterlo a un proceso participativo y de diálogo con las familias, las autoridades legislativas se habrían negado a ello.

(n) Finalmente, el Grupo de Trabajo recibió información sobre una iniciativa de la Comisión Nacional de Búsqueda para recabar comentarios sobre el Reglamento de la Ley General en materia de Desaparición Forzada de Personas, Desaparición cometida por Particulares y del Sistema Nacional de Búsqueda; pero se alega que esta medida no ha implicado tampoco un proceso participativo para las familias de personas desaparecidas, toda vez que se ha tratado de una consulta en línea, lo que habría sido interpretado como un límite a una participación lo más amplia posible.

(o) El Grupo de Trabajo llama la atención del Gobierno sobre los siguientes artículos 2, 3, y 13.3-6 de la Declaración que se relacionan directamente con las alegaciones anteriores.

(p) Asimismo, el Grupo de Trabajo desea poner de relieve las observaciones generales interpretativas de la Declaración y estudios temáticos que ha llevado adelante y que se encuentran relacionados con la alegación que se transmite:

* Observación general sobre las mujeres afectadas por las desapariciones forzadas, UN Doc. A/HRC/WGEID/98/2, de 14 de febrero de 2013.
* Informe temático sobre las normas y políticas públicas para la investigación eficaz de las desapariciones forzadas, A/HRC/45/13/Add.3, del 7 de agosto de 2020.

(q) Además, el Grupo de Trabajo quiere hacer referencia a los Principios 1, 5, 13 y 14 de los Principios rectores para la búsqueda de personas desaparecidas (CED/C/7 de 2019) que establecen, respectivamente, que la búsqueda de una persona desaparecida debe realizarse bajo la presunción de vida; debe respetar el derecho a la participación; debe interrelacionarse con la investigación penal; y debe desarrollarse en condiciones seguras.

(r) El Grupo de Trabajo estaría agradecido por la cooperación y toda la información que pueda proveer el Gobierno de Su Excelencia sobre las siguientes preguntas:

(a) Sírvase proporcionar cualquier información o comentario adicional en relación con las alegaciones mencionadas arriba?

(b) ¿Qué medidas y políticas se han tomado para garantizar la protección de las personas que buscan a sus familiares desaparecidos?

(c) ¿Se han iniciado investigaciones penales relacionadas con el asesinato de las personas buscadoras de sus seres queridos desaparecidos y cuáles han sido los resultados de esas investigaciones?

(d) ¿Qué medidas se han tomado para mejorar la coordinación entre la SEGOB y la Comisión Nacional de Búsqueda con la Fiscalía Nacional de la República?

(e) ¿Qué políticas se están llevando a cabo para potenciar la búsqueda con vida de las personas desaparecidas?

(f) ¿Qué avances se han dado en relación con las respuestas diseñadas frente a la crisis forense y qué medidas se han tomado para sobrellevar los obstáculos encontrados y garantizar los recursos humanos, técnicos y financieros necesarios?

(g) ¿Qué políticas públicas se han diseñado entre los distintos estamentos del Estado como el Poder Ejecutivo, la Fiscalía Nacional de la República y el Poder Judicial para resolver la crisis de impunidad frente a los Cientos de miles de desapariciones forzadas?

(h) ¿Qué medidas se han tomado o se tomarán para garantizar que las víctimas de desapariciones forzadas y las organizaciones que las representan puedan participar activamente tanto en el proceso legislativo para incorporar el derecho de todas las personas desaparecidas a ser buscadas como en la reglamentación de la Ley General en materia de Desaparición Forzada de Personas, Desaparición cometida por Particulares y del Sistema Nacional de Búsqueda? En este mismo sentido, ¿qué mecanismos ofrecerá al Estado para posibilitar la participación de los familiares de migrantes desaparecidos?

(s) Le agradeceríamos proporcionar una respuesta dentro de sesenta días.

Syrian Arab Republic

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 Syrian Arab Republic.

2. Since the beginning of the armed conflict, the number of enforced disappearances perpetrated across the country has been constantly on the raise. Notwithstanding the existence of a serious underreporting, already in 2014, the Working Group was alarmed by the scale of enforced disappearances in Syria, including as documented by the Independent International Commission on Inquiry in Syria (A/HRC/WGEID/102/1, paras. 156-157). The Working Group thus decided to express its grave concern in relation to the enforced disappearances in the country by writing to the President of the Human Rights Council, the President of the General Assembly, the Security Council, the Secretary-General and the Joint Special Representative for Syria to request the adoption of any appropriate action that they may deem appropriate. In particular, the Working Group requested in 2014 the President of the Security Council to bring the matter to the attention of the Council for any appropriate action, including a possible referral of the matter to the International Criminal Court (A/HRC/WGEID/102/1, para. 157 and A/HRC/27/49, para. 32).

3. Furthermore, in February 2021, the Working Group sent a general allegation to the Syrian Arab Republic concerning the widespread practice of enforced disappearance against Sunni Muslims in Aleppo, Damascus, Homs, Idlib, Latakia and Rif-Dimashq. At the time of writing, no response has been received and this shows a worrisome ongoing lack of cooperation with the Working Group on the part of the Syrian authorities (A/HRC/51/31, para. 74).

4. In the face of the utmost gravity of the above-described situation, the sources informed the Working Group that the Syrian 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 and their families cannot obtain redress for the harm suffered. Indeed, according to the information submitted to the Working Group, Syrian legislation is at odds with international human rights law and, in particular, with the Declaration, on several counts.

5. Firstly, enforced disappearance is not codified as an autonomous offence under the applicable criminal legislation. The sources reported to the Working Group that the Syrian legislation equates enforced disappearance with kidnapping or deprivation of liberty. Albeit these offences may form part of an enforced disappearance, neither, alone, reflects the complexity and the particularly serious nature of the crime at stake, nor is sufficient to encompass all the elements of an enforced disappearance. The lack of codification of enforced disappearance as an autonomous offence reportedly hinders the prevention of the crime and jeopardises investigations, whilst favouring impunity for perpetrators.

6. Secondly, the Working Group was informed that, pursuant to a legislative decree adopted in 2011 (i.e. legislative decree No. 55) and its subsequent amendments, the judicial police and its delegates are enabled to investigate a broad range of crimes – including State security crimes – and to detain persons for a period of 7 days, renewable with the permission of the Public Prosecutor for up to 60 days, without access to any guarantee or judicial review. The sources referred to the Working Group that, in practice, the provisions concerned are mostly used to detain political opponents, who are deprived of their liberty without being brought before any judicial authority for more than 60 days and without having access to legal representatives or family members. During the period concerned, persons deprived of their liberty are de facto placed outside the protection of the law and exposed to increased risks of being subjected to human rights violations, including enforced disappearance, torture or other forms of ill-treatment.

7. The described situation is allegedly worsened by the lack of official up-to-date registers of all persons deprived of their liberty and the virtual impossibility for persons with a legitimate interest (e.g. relatives of persons deprived of their liberty, their representatives or counsels or civil society organisations) to have access to information on persons deprived of their liberty and, in particular, their fate and whereabouts. The sources emphasised that the existing mechanism – under the responsibility of the Ministries of Justice, Interior, and National Reconciliation – mandated to inquire about the fate and whereabouts of persons disappeared during the conflict has proven ineffective.

8. Similarly, the sources pointed out that the practice– usually several years after the enforced disappearance begun – to issue a death certificate without specifying the cause of death, clarifying whether there has been an investigation and the corresponding results, and without handing over to the family the body of the person concerned, cannot be regarded as an effective form to establish the fate and whereabouts of the disappearance and does not put an end to the obligations of the State.

9. Moreover, the Working Group learned that, in fact, relatives of disappeared persons have frequently had to pay bribes to obtain information on the whereabouts of their loved ones, visit them, or expedite their presentation to a judicial authority. Reportedly, instances of harassment and reprisals have also been frequent, as referred to in a general allegation sent by the Working Group to the Government (A/HRC/WGEID/123/1, Annex I, para. 38), to which no response has been received.

10. Thirdly, the sources informed the Working Group that, since 2011, almost 20 amnesty laws were enacted (the latest being Law No. 3 and No. 7 of 2022), including acts meant to extend the effectivity of previous amnesty laws. The sources informed the Working Group that, in practice, these laws had the effect of exempting persons who have or are alleged to have committed gross human rights violations, including enforced disappearances, from any criminal proceedings or sanctions.

11. In addition, the sources reported to the Working Group that the applicable Syrian legislation does not allow the prosecution of the members of the army, its intelligence branches, of the members of the Internal Security Forces and the General Intelligence Department. Allegedly, members of the army or the military intelligence division could be prosecuted only pursuant to a prosecution order issued by the Commander-in-Chief of the Army and Armed Forces or the Chief Staff. Were the said prosecution order to be issued, the case would be dealt with by a military court. In the case of members of the internal security forces, they are administratively affiliated with the Ministry of Interior and subjected to the jurisdiction of the military judiciary, unless a Police Disciplinary Court decides that a case should be prosecuted by the ordinary judiciary. The described situation has reportedly resulted in the almost total impunity of perpetrators of gross human rights violations, including enforced disappearances.

12. The Working Group would like to bring to the Government’s attention Arts. 2, 3, 4, 9, 10, 12, 13, 16 and 18 of the Declaration, which are directly related to the present allegation.

13. 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 progress in the response to previous communications sent to your Excellency’s Government, either through the humanitarian procedure or in the form of general allegations.

(c) 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 Syrian 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.

(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 Syrian legislation on pre-trial detention (and especially legislative decree No. 55 of 2011 and subsequent amendments) 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 the mechanism under the responsibility of the Ministries of Justice, Interior and National Reconciliation concretely allows families to inquire about the fate and whereabouts of persons disappeared during the conflict.

(g) Please provide information on the applicable legislation concerning the release of certificates of deaths, the competent authorities and the procedure followed to issue such documents, their contents and the circumstances under which they can be issued in the absence of the body of the person concerned. Moreover, kindly illustrate whether the families that receive these certificates are allowed to dispute their contents and, if so, through which procedure.

(h) Kindly illustrate 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. In particular, has any investigation into alleged instances of bribery against relatives of disappeared persons and harassment against them and their representative organisations been carried out? If not, what are the reasons? Otherwise, what are the results or progress of such investigations?

(i) How does your Government ensure 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? 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?

(j) Kindly provide detailed information on whether the amnesty laws adopted since 2011 in the Syrian Arab Republic are applicable to persons who have or are alleged to have committed enforced disappearance and have the effect to exempt them from any criminal proceedings or sanctions. In particular, kindly provide information on the number of persons charged with, or condemned for, kidnapping or arbitrary deprivation of liberty, that benefitted from any amnesty law or pardon over the last decade.

(k) 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. In particular, please clarify whether, under the applicable legislation, any category of persons enjoys privileges, immunities, or special dispensations from trials and, if so, how is this compatible with international law.

(l) 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.

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

Annex II

Intersessional activities of the members

1. On 11 October 2022, the Chair of the Working Group, Ms. Aua Baldé participated in “Desaparecimentos Forçados: desafios actuais”, conferência de abertura do VII Congresso fe Direitos Humanos do Centro de Direitos Humanos da Universidade de Coimbra.

2. On 18 October 2022, Ms. Aua Baldé addressed the UN General Assembly, Third Committee which as followed by an interactive dialogue.

3. On 25 October 2022, Ms. Aua Baldé attended the 73rd session of the African Commission on Human and Peoples’ Rights in Banjul and participated in a panel on the launch of the Guidelines on the Protection of all Persons from Enforced Disappearances in Africa.

4. On 5 November, Ms. Aua Baldé participated online in the Meeting for Truth and Justice: 50th Anniversary of the abduction and disappearance of trade-unionist and political activist Houcine EL MANOUZI.

5. On 25 October 2022, the Vice-Chair of the Working Group, Ms. Gabriella Citroni had an intervention at the conference “*Nature juridique et portée de la Déclaration 30 ans après*”, intervention at the conference “*30e anniversaire de la Déclaration sur la protection de toutes les persones contre les disparitions forces*”, organised by *Association française pour les Nations Unies, Université Phantéon-Assas and Società Italiana per l’Organizzazione Internazionale*, Paris (France).

6. From 9 to 12 November 2022, Ms. Gabriella Citroni conducted a non-official visit to Mexico, during which she, inter alia, met with civil society organisations and associations and representatives of more than 10 associations of families of disappeared persons from across the country. On 10 November, Ms. Gabriella Citroni took part in “30 Aniversario de la Declaración de las Naciones Unidas sobre la protección de todas las personas contra las desapariciones forzadas”, organised by OHCHR-Mexico and Movimiento por nuestros desaparecidos en México, Mexico City (Mexico). On 11 November, she delivered a speech “Estándares internacionales en material de declaración de ausencia por desaparición forzada”, at the Instituto de Defensoría Pública, Mexico City (Mexico).

7. On 23 November 2002, Ms. Aua Balde and Mr. Luciano Hazan had a working meeting with the Ministry of Justice of the Gambia to discuss the status of the implementation of the Working Group´s recommendations after the visit to the Gambia in 2017 and the follow-up report to the visit in 2021.

8. On 23 November 2022, Ms. Gabriella Citroni made an online intervention “*Las aportaciones en materia de protección de los derechos a la verdad y a la justicia de la sentencia de la Suprema Corte de Justicia de la Nación*” in the context of the forum “Una mirada de la Sentencia del Caso Edmundo Reyes Amaya y Gabriel Alberto Cruz Sánchez desde el Sistema Internacional de los derechos humanos”, organised by relatives of disappeared persons in Mexico and the Mexican NGO Comité Cerezo.

9. On 24 November 2022, Ms. Gabriella Citroni gave a speech “La disparition forcée, phénomène global en mutation: La lutte des familles et de la société civile face aux nouveaux défis” at an event on enforced disappearance “La disparition forcée: mobilisations entre pasée et futur”, at the University of Geneva Human Rights Week.

10. On 6 December 2022, Ms. Gabriella Citroni participated in the conference “*La desaparición forzada en el contexto de una cultura de violencia*”, organised by the University of Milano-Bicocca, in the framework of a joint project with the University Iberoamericana of Mexico City, Milano.

11. From 21 to 25 October 2022, Ms. Angkhana Neelaphaijit undertook an academic visit to Pakistan and participated in a conference, meetings and trainings with civil society and victims.

12. From 25 to 26 November 2022, Mr. Luciano Hazan participated at the International Conference for the defense of Human Rights Chiapas Autonomous University and gave a speech on the Strategies for the fight against the impunity for enforced disappearance.

13. On 17 October 2022, Ms. Grażyna Baranowska gave an interview in TOK FM on enforced disappearances. On 17 January 2023, she delivered a speech on disappeared persons at the Winter School of the Cologne/Bonn Academy “The Future of Eastern Europe”, Cologne University, and on 19 January 2023 participated in the event “Migration and involuntary disappearances” at Hertie School Berlin.

14. On January 26th 2023, Mr. Luciano Hazan participated as an observer on behalf of the WGEID at the 2nd meeting of the Special Commission for the Search of Edmundo Reyes Amaya and Gabriel Alberto Cruz Sánchez, established in Mexico as a consequence of the amparo proceeding 51/2020, decided by the Supreme Court of Justice.

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 case addressed to the Islamic Emirate of Afghanistan does 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/calls-for-input/2023/call-inputs-thematic-study-working-group-enforced-or-involuntary. Not all submissions are posted on the web page, owing to requests for confidentiality. [↑](#footnote-ref-4)
4. [A/HRC/WGEID/129/2](http://undocs.org/en/A/HRC/WGEID/129/2). [↑](#footnote-ref-5)
5. See BGD 4/2022. All communications, and replies thereto, mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments. [↑](#footnote-ref-6)
6. See the reply to BGD 4/2022 of 22 February 2022. [↑](#footnote-ref-7)
7. See TCD 3/2022. [↑](#footnote-ref-8)
8. See replies to TCD 3/2022 of 2 and 3 January and 16 January 2023. [↑](#footnote-ref-9)
9. See CHN 10/2022. [↑](#footnote-ref-10)
10. [A/HRC/WGEID/127/1](http://undocs.org/en/A/HRC/WGEID/127/1), para. 32. [↑](#footnote-ref-11)
11. See EGY 14/2022. [↑](#footnote-ref-12)
12. See SLV 4/2022. [↑](#footnote-ref-13)
13. See the reply to SLV 4/2022. [↑](#footnote-ref-14)
14. See GMB 4/2022. [↑](#footnote-ref-15)
15. See GTM 7/2022. [↑](#footnote-ref-16)
16. See the reply to GTM 7/2022. [↑](#footnote-ref-17)
17. See HND 2/2022. [↑](#footnote-ref-18)
18. See the reply to HND 2/2022. [↑](#footnote-ref-19)
19. See IRN 23/2022. [↑](#footnote-ref-20)
20. See IRN 29/2022. [↑](#footnote-ref-21)
21. See IRN 22/2022. [↑](#footnote-ref-22)
22. See IRN 27/2022. [↑](#footnote-ref-23)
23. See IRN 28/2022. [↑](#footnote-ref-24)
24. [A/HRC/WGEID/127/1](http://undocs.org/en/A/HRC/WGEID/127/1), para. 51. [↑](#footnote-ref-25)
25. See LBN 3/2022. [↑](#footnote-ref-26)
26. See the reply to LBN 2/2022. [↑](#footnote-ref-27)
27. See MLI 3/2022. [↑](#footnote-ref-28)
28. See MEX 14/2022. [↑](#footnote-ref-29)
29. See the reply to MEX 14/2022. [↑](#footnote-ref-30)
30. See NIC 6/2022. [↑](#footnote-ref-31)
31. See PAK 8/2022. [↑](#footnote-ref-32)
32. See PAN 1/2022. [↑](#footnote-ref-33)
33. See the reply to PAN 1/2022. [↑](#footnote-ref-34)
34. See PER 7/2022. [↑](#footnote-ref-35)
35. The Working Group transmitted 475 cases, including six cases that were transmitted twice. Those cases were only counted once in the statistics for the Russian Federation. [↑](#footnote-ref-36)
36. [A/HRC/WGEID/126/1](http://undocs.org/en/A/HRC/WGEID/126/1), para. 110. [↑](#footnote-ref-37)
37. See RUS 17/2022. [↑](#footnote-ref-38)
38. [A/HRC/WGEID/127/1](http://undocs.org/en/A/HRC/WGEID/127/1), paras. 91 and 92. [↑](#footnote-ref-39)
39. See SAU 11/2022. [↑](#footnote-ref-40)
40. See LKA 5/2022. [↑](#footnote-ref-41)
41. See LKA 3/2022. [↑](#footnote-ref-42)
42. See SDN 7/2022. [↑](#footnote-ref-43)
43. See SWE 5/2022. [↑](#footnote-ref-44)
44. See TJK 5/2022. [↑](#footnote-ref-45)
45. See UGA 6/2022. [↑](#footnote-ref-46)
46. See ARE 3/2022. [↑](#footnote-ref-47)
47. See VNM 7/2022. [↑](#footnote-ref-48)
48. AL MEX 14/2022, enviada el 9 de diciembre de 2022. Agradecemos la respuesta recibida el 9 de febrero de 2023. [↑](#footnote-ref-49)