United Nations A/HRC/WGEID/128/1



Distr.: General 6 December 2022

Original: English

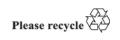
Human Rights Council Working Group on Enforced or Involuntary Disappearances 128th session 19–28 September 2022

Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances*

I. Communications

- 1. Between 14 May 2022 and 28 September 2022, the Working Group on Enforced or Involuntary Disappearances transmitted 298 cases under its urgent procedure, to El Salvador (1), Pakistan (4), the Russian Federation (287), Saudi Arabia (2) and Uzbekistan (4).
- 2. The Working Group also decided to transmit two cases tantamount to enforced disappearance under its urgent humanitarian procedure, to Hamas (2).¹
- 3. At its 128th session, held in Geneva from 19 to 28 September 2022, the Working Group decided to transmit 162 newly reported cases of enforced disappearance, to Algeria (1), Chile (1), the Democratic People's Republic of Korea (9), Egypt (14), India (1), Iraq (1), Lebanon (1), Pakistan (39), the Russian Federation (72), Saudi Arabia (6) the Syrian Arab Republic (13) and Uganda (4).
- 4. The Working Group clarified 34 cases, in Bangladesh (9), China (1), El Salvador (1), the Russian Federation (9), Pakistan (13) and Türkiye (1). A total of 23 cases were clarified on the basis of information provided by Governments, and 11 cases on the basis of information provided by other sources.
- 5. Between 14 May 2022 and 28 September 2022, the Working Group transmitted 17 communications jointly with other special procedure mechanisms. The communications consisted of three joint urgent appeals, sent to Australia (1), Egypt (1) and Iran (Islamic Republic of) (1); one other letter to Mexico (1); and 13 joint allegation letters, sent to Brazil (1), Colombia (1), Egypt (2), El Salvador (1), India (1) Iran (Islamic Republic of) (1), Iraq (1), Lebanon (1), Libya (1), the Russian Federation (2) and the Sudan (1).
- 6. At the session, the Working Group reviewed and adopted three general allegations, comprising one joint general allegation concerning El Salvador, Guatemala, Honduras, Mexico and Nicaragua, one concerning the Sudan and one concerning the United Arab Emirates (see annex II). It also held discussions on future and potential country visits, including on its forthcoming visits to Honduras and Kenya, to be conducted in 2023.

The Working Group stresses that the cases addressed to Hamas do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.





^{*} The annexes to the present document are reproduced as received, in the language of submission only.

II. Other activities

- 7. At the session, the Working Group welcomed the new member of the Working Group, Grażyna Baranowska (Poland), who took up her functions on 1 August 2022, replacing Henrikas Mickevičius (Lithuania), whom the Working Group thanks for his dedication and service.
- 8. Aua Baldé (Guinea-Bissau) was elected as the new Chair Rapporteur of the Working Group and Gabriella Citroni (Italy) as the Vice-Chair.
- 9. On 21 September 2022, the Working Group adopted a joint statement on illegal intercountry adoptions, ² together with the Committee on the Rights of the Child, the Committee on Enforced Disappearances, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children.
- 10. The session coincided with the presentation to the Human Rights Council of the Working Group's annual report,³ its report on the country visit to Cyprus⁴ and its stocktaking study conducted to mark the thirtieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance.⁵ On 23 September 2022, the Working Group held a public event to mark the anniversary of the Declaration, at which a video⁶ on the history and importance of the Declaration, prepared with the valuable support of the Argentinian human rights organization, Memoria Abierta, was presented.
- 11. The Working Group held discussions on a number of projects, including the forthcoming thematic report on new technology and enforced disappearance, for which the Working Group has called for submissions from various stakeholders. The Working Group agreed to initiate consultations in view of a future thematic study on enforced disappearance and elections, and it made substantial progress in reviewing and updating its methods of work.
- 12. To continue enhancing cooperation with the Committee on Enforced Disappearances, the Working Group held a joint meeting, at which ongoing and future projects were discussed, including the intention to develop a joint in-depth analysis of the temporal element of enforced disappearance and the corresponding obligations of States.
- 13. The Chair of the Working Group participated in a panel on enforced disappearance and transitional justice, a side event organized by the Permanent Mission of Honduras to the United Nations and other international organizations in Geneva on the margins of the fifty-first session of the Human Rights Council.
- 14. The Working Group held meetings with representatives of the Governments of Azerbaijan, France, Japan, Libya, Portugal, Ukraine, Uruguay and Venezuela (Bolivarian Republic of). The Working Group also met with relatives of disappeared persons and with representatives of non-governmental organizations working on the issue.
- 15. The Working Group will hold its 129th session from 6 to 10 February 2023 in Santiago.
- 16. A list of intersessional activities conducted by the Working Group during the reporting period is contained in annex III.

² CED/C/9.

³ A/HRC/51/31.

⁴ A/HRC/51/31/Add.1.

⁵ A/HRC/51/31/Add.3.

⁶ See www.ohchr.org/en/special-procedures/wg-disappearances/videos.

Available from www.ohchr.org/en/calls-for-input/2023/call-inputs-thematic-study-working-group-enforced-or-involuntary.

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

Algeria

Standard procedure

17. Under its standard procedure, the Working Group transmitted one case to the Government, concerning El Hasnaoui Abdelaziz, who was allegedly abducted at the end of December 1975 by Algerian police officers from his place of residence. The abduction reportedly happened against the backdrop of mass arrests and deportations of Moroccan citizens in Algeria.

Australia

Joint urgent appeal

18. On 26 September 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the situation of three Australian children currently being held in Roj camp in the north-east of the Syrian Arab Republic.⁸

Azerbaijan

Information from the Government

19. On 28 September 2022, the Government transmitted information concerning 17 cases, but it was considered insufficient to clarify the cases.

Bangladesh

Clarification from sources

20. On the basis of information provided by sources, the Working Group decided to clarify the case of Imam Mahady Hasan, who is reportedly at liberty.

Clarification

21. On the basis of information previously provided by the Government, the Working Group decided to clarify eight cases, following the expiry of the period prescribed by the sixmonth rule, concerning Mohammad Rafiqul Islam, Shamim Uddin Prodhan, Mohammad Akhter Hossain, Mohammad Siddiqur Rahman, Mohammad Abdullah Al Faruq, M. Hasinur Rahman and Mohammad Altaf Howlader, who are reportedly at liberty, and Mohammad Mahmud Hasan, who is reportedly in prison.

Application of the six-month rule

22. On 18 and 22 September 2022, the Government provided information on three outstanding cases, on the basis of which the Working Group decided to apply the six-month rule.

Information from the Government

23. On 18 September 2022, the Government transmitted information concerning one case, but it was considered insufficient to clarify the case.

See AUS 4/2022. All communications, and replies thereto, mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

⁹ A/HRC/WGEID/126/1, para. 28.

Bhutan

Information from the Government

24. On 5 August 2022, the Government transmitted information concerning one case, but it was considered insufficient to clarify the case.

Brazil

Joint allegation letter

- 25. On 20 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged killings of 69 individuals and the enforced disappearance of three individuals, reportedly by members of law enforcement in the course of police operations and while certain individuals were in custody, in the period from 1999 to 2020.¹⁰
- 26. On 6 September 2022, the Government of Brazil replied to the joint allegation letter sent on 20 June 2022.¹¹

Chile

Standard procedure

27. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Silvio Francisco Bettancourt, who was reportedly arrested in September 1973 by the Chilean authorities.

China

Clarification

28. On the basis of information previously provided by the Government regarding the fate and whereabouts of Tenzin Choephel, the Working Group decided to clarify the case following the expiry of the period prescribed by the six-month rule.¹²

Press release

- 29. On 10 June 2022, the Working Group, together with other special procedures' mechanisms, issued a press release urging the Government of China to cooperate fully with the United Nations human rights system and to grant unhindered access to independent experts who had received and were seeking to address allegations of significant human rights violations and the repression of fundamental freedoms in the country.¹³
- 30. On 7 September 2022, the Working Group, together with other special procedures' mechanisms, issued a press release expressing profound concerns over systematic human rights violations and their widespread effects on individuals and minorities in the Xinjiang Uyghur Autonomous Region of China. They reiterated their call for the Human Rights Council to convene a special session on China. 14

¹⁰ See BRA 7/2022.

¹¹ See reply to BRA 7/2022.

¹² A/HRC/WGEID/125/1, para. 99.

¹³ See www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible.

¹⁴ See www.ohchr.org/en/press-releases/2022/09/xinjiang-report-china-must-address-grave-human-rights-violations-and-world.

Colombia

Joint allegation letter

- 31. On 30 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the killing of 11 persons and the enforced disappearance of two others in the context of a military operation on 28 March 2022 in the village of Alto Remanso, Puerto Leguízamo, Putumayo, as well as the irregularities related to the investigation of those facts.¹⁵
- 32. On 26 August 2022, the Government of Colombia replied to the joint allegation letter sent on 30 June 2022.¹⁶

Democratic People's Republic of Korea

Standard procedure

- 33. Under its standard procedure, the Working Group transmitted nine cases to the Government, concerning the following individuals:
- (a) An individual who was allegedly detained in around 2011 by authorities of China and later returned to the Democratic People's Republic of Korea and detained by the Ministry of State Security;
- (b) An individual who was allegedly detained in around 1998 by agents of the Ministry of State Security of the Democratic People's Republic of Korea;
- (c) Man-Taek Han, who was allegedly detained in the early hours of 28 December 2004 at a hotel in Yanji, Yanbian Korean Autonomous Prefecture, Jilin Province, China, by the Ministry of Public Security; he was subsequently returned to the Democratic People's Republic of Korea, after being reportedly held in Chinese custody until around 6 January 2005:
- (d) Geum-Man Hwang, who was allegedly detained at 4 a.m. on 18 January 1976 in his residence in Onsong-gun, Hamgyeongbuk-do Province, Democratic People's Republic of Korea, by the State Security Department;
- (e) Hye-Hwa Jang, who was allegedly detained on 10 January 2010 during a night raid, along with other people from Hyesan City by agents of the Ministry of State Security;
- (f) Seung-Hui Jeong, who was allegedly abducted in around March 2007 by agents of the Democratic People's Republic of Korea while in her residence in Sinuiju City, North Pyongan Province;
- (g) Hye-Shin Paek, who was allegedly abducted in March 2007 by agents of the Democratic People's Republic of Korea in her residence in Sinuiju City, North Pyongan Province:
- (h) Cheol-Min Seong, who was allegedly detained in March 2007 with a group of other people while attempting to escape to the Republic of Korea by authorities of China in Sichuan Province. Mr. Seong was returned to the Democratic People's Republic of Korea and detained by the Ministry of State Security;
- (i) Kyung-Hui Song, who was allegedly abducted on 10 January 2010 from her home in Hyesan City during a night raid, along with other people related to her, by agents of the Ministry of State Security and thereafter detained. Ms. Song was allegedly pregnant at the time of her disappearance.

Information from the Government

34. On 22 July, the Government of the Democratic People's Republic of Korea replied to a letter transmitted by the Working Group on 20 June regarding 362 outstanding cases

¹⁵ See COL 8/2022.

¹⁶ See reply to COL 8/2022.

previously transmitted to the Government. However, the Government's response did not provide substantive information on the cases under consideration by the Working Group.

Observation

35. The Working Group would like to reiterate its previous concerns regarding the non-substantive replies of the Government of the Democratic People's Republic of Korea and its persistent failure to acknowledge or provide information on the numerous outstanding cases brought to its attention.

Dominican Republic

Information from the Government

36. On 26 August 2022, the Government transmitted information concerning two cases, but it was considered insufficient to clarify the cases.

Egypt

Standard procedure

- 37. Under its standard procedure, the Working Group transmitted 14 cases to the Government, concerning the following individuals:
- (a) Hisham Salem Saeed Salem Khalil, who was reportedly last seen on 15 December 2019, in the custody of the police at Al Nasr City Police Station;
- (b) Hassan Mohamed Abdelsalam Mady Moaz, who was reportedly arrested by Egyptian police forces on 16 October 2020 at a police checkpoint in front of the Burj Al Arab branch of Fathallah shopping mall and taken to an unknown location;
- (c) An individual who was allegedly arrested on 29 November 2019 in his apartment by the Egyptian security forces wearing official uniforms and taken to an unknown location along with his laptop and mobile phone;
- (d) An individual who was allegedly arrested on 6 April 2019 by a group of Egyptian policemen, some of whom were wearing civilian clothes, while he was shopping;
- (e) An individual who was allegedly arrested on 13 February 2018 in front of the Railway Club in the city of Nasr by members of the Egyptian security forces wearing official uniforms:
- (f) Taha Abdul Moneim Abdo Ismail Salama, who was abducted by an unidentified group of armed men on 17 July 2019; an investigation and search was subsequently conducted by the National Security Agency, which on 24 December 2019, reported that he was being held at Al Galaa military camp in Ismailia, Egypt, but provided no further information;
- (g) Mohamed Salah Ahmed Mohamed Bayoumi, who was allegedly detained by police officers wearing civilian clothes a street away from his residence in Amr bin al-As, Boulaq Al-Dakrour, Giza Governorate;
- (h) Jaafar Abdo Abdulaziz Abdul Jawad Bakhit, who was allegedly arrested on 30 October 2018 at 6 p.m. in front of his residence in Ezba Al Nahda Village of Kema in Aswan by two State security officers wearing civilian clothes;
- (i) Mahmoud Essam Mahmoud Ahmed Khatab, who was allegedly arrested on 6 December 2017 at about 2 p.m. in his residence in Shalabi City, Matreyeh, Cairo, by armed State security officers in civilian clothes;
- (j) Mohamed Abdullatif Abdulrahman Omar, who was reportedly arrested on 27 January 2020 at Cairo International Airport by an airport officer in charge of controlling passports and was subsequently taken to a restricted access room at the airport;

- (k) Hossam Mohamed Mahmoud Al Zatan, who was reportedly arrested on 10 March 2020 at his place of residence by police officers and State Security agents;
- (l) Mahmoud Mohamed Mahmoud Al Zatan, who was reportedly arrested on 7 December 2017 at his workplace at al-Bukhari Electricity Company by officers allegedly belonging to the Fourth Division of the Arish Police Station;
- (m) Ahmed Hassan Mostafa, who was allegedly disappeared on 19 February 2019; he was last seen on 19 March 2019 through a video call, and it is believed that the National Security Agency is responsible for his disappearance and that he might be detained at the National Security detention centre in El-Abassia;
- (n) Waleed Hussein Abdelazeem Rezq, who was reportedly arrested on 18 May 2019 by agents of the National Security Agency; Mr. Rezq's arrest was reportedly not followed by a trial.

Information from sources

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

Information from the Government

39. On 12 July 2022, the Government transmitted information concerning one case, but it was considered insufficient to clarify the case.

Joint urgent appeal

40. On 30 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the arbitrary detention, enforced disappearance and prosecution of Abdulbaqi Saeed Abdo, who faced the risk of imminent deportation.¹⁷

Joint allegation letter

- 41. On 29 July 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning allegations of enforced disappearance, arbitrary detention, torture or cruel, inhuman or degrading treatment and denial of access to timely and adequate medical care, leading to the death under State custody of Ayman Mohammed Ali Omar Hadhoud, and the failure to adequately investigate the causes and circumstances of his death in line with applicable international standards.¹⁸
- 42. On 9 August 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the violations of due process and fair trial standards in the arrest and sentencing of Moaaz Al-Sharqawy by the Emergency State Security Court in May 2022, his enforced disappearance, torture and ill-treatment in 2018 and the continued inclusion of his name on the terrorist watch list, despite the lack of evidence.¹⁹

El Salvador

Urgent procedure

43. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Flor Verónica Cerón de Montes, who was allegedly arrested on 13 June 2022 at the police station in the city of Tonacatepeque by agents of the National Civil Police.

¹⁷ See EGY 4/2022.

¹⁸ See EGY 5/2022.

¹⁹ See EGY 6/2022.

Information from the Government

44. On 10, 12 and 23 September 2022, the Government transmitted information concerning nine cases, but it was considered insufficient to clarify them.

Clarification

45. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Walter Roberto Cuestas, following the expiry of the period prescribed by the six-month rule.²⁰ Mr. Cuestas is reportedly deceased.

General allegation

46. 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 El Salvador. The allegations referred to the enforced disappearances in Mexico of migrants from Mesoamerican countries, including El Salvador. They were focused on the shortcomings, both in States of origin and States of transit, in preventing such disappearances, searching for the victims, investigating and punishing those responsible and ensuring that the families of the victims had access to information, could be associated with the search and investigation processes and obtained adequate psychosocial support and reparation for the harm that they had suffered (see annex II).

Joint allegation letter

47. On 1 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning human rights violations committed in the context of the implementation of the state of exception and the related regime and the recent reforms to criminal legislation in El Salvador. They have resulted in an excessive use of force by police and military agents and the alleged arbitrary detention of hundreds of persons without arrest warrants, sometimes subjected to short-term enforced disappearance, as well as torture or cruel, inhuman or degrading treatment.²¹

Gambia

Information from sources

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

Guatemala

General allegation

49. 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 Guatemala. The allegations refer to the enforced disappearances in Mexico of migrants from Mesoamerican countries, including Guatemala. They were focused on the shortcomings, both in States of origin and States of transit, in preventing such disappearances, searching for the victims, investigating and punishing those responsible and ensuring that the families of the victims had access to information, could be associated with the search and investigation processes and obtained adequate psychosocial support and reparation for the harm that they had suffered (see annex II).

²⁰ A/HRC/WGEID/126/1, para. 56.

²¹ See SLV 2/2022.

Guinea

Information from sources

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

Honduras

Information from the Government

51. On 19 August 2022, the Government transmitted information concerning 123 cases, but it was considered insufficient to clarify them.

General allegation

52. 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 Honduras. The allegations refer to the enforced disappearances in Mexico of migrants from Mesoamerican countries, including Honduras. They were focused on the shortcomings, both in States of origin and States of transit, in preventing such disappearances, searching for the victims, investigating and punishing those responsible and ensuring that the families of the victims had access to information, could be associated with the search and investigation processes and obtained adequate psychosocial support and reparation for the harm that they had suffered (see annex II).

India

Standard case

53. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Mohamed Obaidul Hassan, allegedly last seen outside his home on 25 August 2016. It is believed that he was abducted by a group of people who are members of Trinamool Congress, the ruling political party in West Bengal.

Joint allegation letter

54. On 29 July 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the continued lack of identification and preservation of unmarked and mass grave sites in India-administered Kashmir, including the failure to conduct forensic investigations or search processes for the forcibly disappeared and the lack of progress made in identifying the remains of individuals buried in those graves in accordance with international standards.²²

Islamic Republic of Iran

Standard procedure

55. Under its standard procedure, the Working Group transmitted two cases to the Government, concerning Hadi Rashedi and Hashem Shaabani Nejhad, who were allegedly detained at the Doctor Hesabi school in Bandar Khomeini city by five agents of the intelligence services of the Islamic Revolutionary Guard Corps on 26 February 2011.

²² See IND 6/2022.

Joint allegation letter and press release

- 56. On 16 May 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the enforced disappearance of Ebrahim Babaie since 21 December 2021.²³
- 57. On 15 August 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning allegations of the systematic targeting of members of the Baha'i religious minority group, including through a series of arrests of individuals, the destruction of homes and the confiscation of land belonging to members of the Baha'i minority in the country. The allegations received also refer to the alleged enforced disappearance of one person, Afif Naemi.²⁴

Press release

- 58. On 22 August 2022, the Working Group, together with other special procedure mechanisms, issued a press release urging the Iranian authorities to stop the persecution and harassment of religious minorities and to end the use of religion to curtail the exercise of fundamental rights.²⁵
- 59. On 28 September 2022, the Working Group, together with other special procedure mechanisms, issued a press release urging the Government of the Islamic Republic of Iran to immediately halt the executions of two women sentenced to death in relation to their support for the human rights of lesbian, gay, bisexual and transgender people.²⁶

Iraq

Standard procedure

60. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Abdullah Abdulkareem Dawood Owaid Al Abbasi. Mr. Al Abbasi was reportedly detained at the Al-Tarbiya library on Mutanabbi Street in Baghdad on 20 April 2006 by members of the Iraqi Army.

Joint allegation letter

61. On 15 September 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged failure of the Government of Iraq to conduct prompt, impartial and effective investigations into the disappearances and potentially unlawful deaths of victims of Da'esh, to criminally prosecute and sanction the perpetrators of those crimes and to provide full reparation to victims, in line with international standards.²⁷

Lebanon

Standard procedure

62. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Hashem Muthlej, who was allegedly detained on 23 April 2022 by the General Security and the Military Intelligence Directorate after being rescued by the members of the navy of Lebanon at approximately three nautical miles off the coast of Tripoli, in the north of Lebanon.

²³ See IRN 8/2022.

²⁴ See IRN 15/2022.

²⁵ See www.ohchr.org/en/press-releases/2022/08/iran-un-experts-alarmed-escalating-religious-persecution.

²⁶ See www.ohchr.org/en/press-releases/2022/09/iran-un-experts-demand-stay-execution-two-women-including-lgbt-activist.

²⁷ See IRQ 3/2022.

Joint allegation letter

63. On 21 September 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the lack of effective and independent investigations to identify dead and missing persons, including people on the move, such as migrants, refugees and asylum-seekers, and to clarify the causes and circumstances of their deaths, following the shipwreck off the coast of Tripoli on 23 April 2022, which had resulted in the death of at least seven individuals, while 33 individuals were still missing.²⁸

Libya

Joint allegation letter

64. On 23 September 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the failure to conduct effective investigations into the potentially unlawful deaths in Tarhuna during the period when the region was reportedly under the control of the Al-Kany militia and concerning a case of a disappearance, torture and subsequent death in custody in the Benghazi police station.²⁹

Mexico

Information from the Government

65. On 26 August 2022, the Government transmitted information concerning 100 cases, but it was considered insufficient to clarify them.

Joint other letter

66. On 23 September 2022, the Working Group transmitted, jointly with other special procedure mechanisms, a letter concerning the approved legislative reforms that are aimed at transferring the operational and administrative control of the National Guard to the Ministry of National Defence and the constitutional reform initiative aimed at extending the participation of the armed forces in security tasks.³⁰

General allegation

67. 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 enforced disappearances in Mexico of migrants from Mesoamerican countries. They were focused on the shortcomings, both in States of origin and States of transit, in preventing such disappearances, searching for the victims, investigating and punishing those responsible and ensuring that the families of the victims had access to information, could be associated with the search and investigation processes and obtained adequate psychosocial support and reparation for the harm that they had suffered (see annex II).

Morocco

Information from sources

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

²⁸ See LBN 2/2022.

²⁹ See LBY 7/2022.

³⁰ See MEX 11/2022.

Nicaragua

General allegation

69. 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 Nicaragua. The allegations refer to the enforced disappearances in Mexico of migrants from Mesoamerican countries, including Nicaragua. They were focused on the shortcomings, both in States of origin and States of transit, in preventing such disappearances, searching for the victims, investigating and punishing those responsible and ensuring that the families of the victims had access to information, could be associated with the search and investigation processes and obtained adequate psychosocial support and reparation for the harm that they had suffered (see annex II).

Oman

Information from the Government

70. On 10 June 2022, the Government transmitted information concerning one case, but it was considered insufficient to clarify the case.

Pakistan

Urgent procedure

- 71. Under its urgent procedure, the Working Group transmitted four cases to the Government, concerning the following individuals:
- (a) Gulzar Ahmed, who was allegedly abducted on 9 April 2022 at Killi Ferozabad, Khuzdar, by the Police Counter Terrorism Department and intelligence agents;
- (b) Shoaib Ahmed, who was allegedly abducted on 10 April 2022 at Bashir Goth, Gulshan Iqbal, Karachi, Sindh, by Pakistan Rangers and intelligence agents;
- (c) Zaheer Ahmed, who was allegedly abducted on Airport Road in Mohen Jo Daro on 14 June 2022 by Pakistan Rangers and members of other security forces;
- (d) Nisar Ahmed Panhwar, who was allegedly abducted at his home in Karachi on 30 August 2022 by members of the Sindh Rangers and the Sindh Police.

Standard procedure

72. Under its standard procedure, the Working Group transmitted 39 cases to the Government (see annex I).

Application of the six-month rule

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

Information from the Government

74. On 18 May 2022, the Government transmitted information concerning six cases, but it was considered insufficient to clarify them.

Clarification

75. On the basis of information previously provided by the Government, the Working Group decided to clarify 12 cases following the expiry of the period prescribed by the sixmonth rule (see A/HRC/WGEID/126/1, para. 100). The cases concern: Siddique Khan, Farhad Khan, Farid Ullah, Zardali Khan, Jahanzeb Khan, Osama Khalid, Rabnawaz Khan,

and Gul Rahman, who are reportedly in detention; Yasir, who is reportedly deceased; and Sattar Khan, Sabaina Ijaz and Khalid Haider, who are reportedly at liberty.

Clarification based on information from sources

76. On the basis of information provided by sources, the Working Group decided to clarify the case of Baloch Khan, who is reportedly at liberty.

Russian Federation

Urgent procedure

- 77. Under its urgent procedure, the Working Group transmitted to the Government 287 cases of enforced disappearances of Ukrainian citizens in the context of the armed conflict in Ukraine during the combat engagement or in the territory of Ukraine occupied by the Russian Federation, concerning the following individuals:
- Ivan Kysylchak, Dmytro Vasylchuk, Andrii Brynevskyi, Artem Chornyi, Nazarii Svyryd, Yuliia Matvieieva, Artem Matvieiev, Andrii Panchuk, Artem Kobylivskyi, Serhii Holubenko, Danylo Lavryk, Bohdan Tislak, Andrii Orel, Ruslan Kurtmallaev, Oleksandr Zikranets, Oleksandr Hrytsai, Oleksandr Baldzhy, Artur Boykov, Kostiantyn Ishchenko, Oleksii Manannikov, Maksym Dukhovyi, Roman Perevedentsev, Viktor Hurov, Yevhen Taranenko, Roman Dedera, Volodymyr Burkaka, Artem Belenko, Dmytro Latyshev, Vladyslav Ostapenko, Igor Oleinik, Ruslan Zarianych, Yevhen Bazylevskyi, Bogdan Glushchenko, Oleh Ivanenko, Mykola Semeniuk, Andrii Shmarovskyi, Vladyslav Skliarov, Ivan Syrytsia, Serhii Taraniuk, Denis Trysevych, Andrii Solntsev, Artur Nykyforov, Eduard Nedvyha, Maksym Tarasevych, Serhii Hryhoriev, Serhii Pilchak, Stanislav Buzun, Viktor Yurchenko, Dmytro Yeshchenko, Oleksii Sydorenko, Vitalii Drozdov, Yaroslav Oliinichenko, Vadym Fortuna, Tymur Amilakhanov, Vadym Sotnykov, Vadym Shvets, Igor Fedusov, Vadym Marchenko, Vitalii Titarenko, Yurii Korop, Oleksandr Rudenko, Volodymyr Nepomniashchyi, Andrii Turas, Yaroslav Radzimirskiy, Serhii Stratichuk, Fedir Matviienko, Yevhenii Kovalenko, Artem Fedorychko, Stanislav Uzikov, Dmytro Rudash, Mykyta Yelisieiev, Yuliia Voroshanska, Vadym Petliushenko, Ivan Filipov, Viktor Yakovenko, Mykyta Shastun, Andrii Priakhin, Serhii Hekaliuk and Oleksandr Demenko, who disappeared between 5 March and 18 May 2022 in the Donetsk region of Ukraine;
- (b) Oleksandr Sekerin Deniz Oleinikov, Vadym Dovbyshev and Andrii Kravets, who disappeared between 23 March and 22 April 2022 in the Kharkiv region of Ukraine;
- (c) Maksym Novikov, Oleksandr Zarivnyi, Roman Ishchenko, Igor Protokovylo, Oleksandr Pavlenko and Iryna Horobtsova, who disappeared between 16 March and 13 May 2022 in the Kherson region of Ukraine;
- (d) Bohdan Shcherba, Ramiz Musaiev, Roman Kissel, Roman Vuiko, Oleksandr Bondarenko, Volodymyr Zakharov and Serhii Dorokhov, who disappeared between 26 February and 15 March in the Kyiv region of Ukraine;
- (e) Anton Avramov, Oleksandr Adoniev, Serhii Adruh, Rustam Aliiarov, Artem Andrusenko, Vitalii Artamonov, Kyrylo Astashov, Kostiantyn Babych, Andrii Babchynskyi, Serhii Bezruchko, Antolii Bondarenko, Oleksandr Bordiukhovskyi, Dmytro Brahida, Oleksandr Brytan, Vitalii Brovko, Viktor Burenok, Maksym Vasylchenko, Yevhen Veremeienko, Vitalii Verteletskyi, Oleksandr Vinichenko, Valentyn Vlasov, Artem Vovk, Yevhen Vovk, Ruslan Vorona, Serhii Harkusha, Ihor Hatsko, Oleksandr Hluzd, Zakhar Hliatsevych, Yevhen Holin, Yevhenii Holovinov, Yurii Honchar, Roman Honcharenko, Roman Horilyk, Ihor Hrek, Oleksandr Hrechko, Bohdan Hryban, Mykola Hrytsyk, Oleksandr Hryshko, Andrii Hryshchenko, Mykola Hruzd, Vladyslav Danylenko, Vladyslav Datsko, Mykola Dehtiar, Volodymyr Derba, Hennadii Detsiuk, Petro Donets, Dmytro Donchenko, Vladyslav Doroshok, Ruslan Drahun, Artem Druz, Denys Dubrova, Vitalii Dushyn, Heorhii Yesaulkov, Viacheslav Zhyhyr, Denys Zmyria, Serhii Zaburdaiev, Vladyslav Zaliubych, Valentyn Zinovchuk, Vitalii Zmushko, Demian Zolotarov, Vladyslav Zubok, Pavlo Ivasutych, Vitalii Ivashchenko, Hennadii Ihnatenko, Valerii Yovenko, Yaroslav Kalchenko, Roman Kamka, Andrii Karpenko, Viacheslav Kasian, Oleksandr

Kachanenko, Dmytro Kyhym, Oleksii Kyrylenko, Denys Kyrychanskyi, Dmytro Kysil, Bohdan Kiriienko, Andrii Klintukhov, Hennadii Kobzar, Ivan Kovalchuk, Oleksii Kozlenko, Vladyslav Kolibaba, Volodymyr Kolibaba, Roman Komlash, Andrii Korzh, Bohdan Korniiets, Mykhailo Korchan, Vladyslav Koriakin, Volodymyr Kotkov, Serhii Kravchenko, Vladyslav Krasnyk, Dmytro Kulish, Ivan Kupriienko, Mykola Kushnarov, Maksym Kushnerenko, Artem Lutchenko, Oleksii Lutchenko, Leonid Makarets, Andrii Malofiienko, Oleksandr Martyniuk, Mykola Marfych, Artem Matvieienko, Ihor Matsyiako, Mykhailo Medvediev, Yurii Yevheniiovych Melnyk, Yurii Oleksiiovych Melnyk, Ruslan Mozol, Oleksii Moloiko, Yurii Muzychenko, Artem Naboichenko, Oleksandr Nazarenko, Oleksandr Naumenko, Oleksandr Nesterenko, Vasyl Neshcheret, Mykhailo Nikonorenkov, Valerii Oleksiienko, Serhii Orel, Andrii Ostapenko, Ruslan Otroshchenko, Ihor Pavliuk, Oleh Petrenko, Serhii Pylkin, Vitalii Pihor, Yurii Pindak, Roman Polehenko, Serhii Polosmak, Artem Popok, Volodymyr Protsenko, Serhii Reshetnyk, Roman Roi, Andrii Rubakha, Vladyslav Savchenko, Serhii Savchuk, Oleksandr Saponenko, Vladyslav Sapsai, Vitalii Selezen, Roman Serdiuk, Vladyslav Seleznov, Andrii Sierkin, Denys Syvoraksha, Maksym Syzov, Oleksii Sylenok, Oleksandr Sych, Oleksandr Soia, Andrii Starynshchak, Taras Stremenovskyi, Andrii Supik, Bohdan Susha, Vitalii Tymonia, Viktor Tkach, Serhii Tkachenko, Serhii Tokmyn, Oleksandr Trukhan, Oleksandr Tukun, Artem Turianytsia, Maksym Fedorchenko, Oleksandr Khandohii, Serhii Chobotar, Oleksandr Chub, Arkadii Shein, Andrii Shemeiko, Serhii Shepka, Bohdan Shydlovskyi, Volodymyr Shylo, Oleksandr Shyrokan, Serhii Shcherbatyi, Oleksandr Shcherbachenko, Vladyslav Yakymenko, Yaroslav Yakubets and Dmytro Yarmak, who disappeared on 24 February 2022 after being captured by the Russian armed forces in the Chornobyl Nuclear Power Plant in Slavutych, Kyiv region, Ukraine;

- (f) Oleksii Shapovalov, Borys Kozlovskyi, Andrii Kilchevskyi, Viktor Saveliev, Oleksandr Skoriak, Anton Kolesnikov, Serhii Poltavets, Artur Georgiu, Viacheslav Ilnytskyi, Mykola Lytvyn, Yevhen Kerhetski, Vladyslav Kliuchko, Andrii Zaiats, Vadym Dodachko, Maksym Butkevych and Vasyl Hekmaniuk, who disappeared between 8 March and 28 June 2022 in the Luhansk region of Ukraine;
- (g) Vyacheslav Zavalny, Igor Artemenko, Daria Kalian, Tetiana Antoniuk, Danylo Antoniuk, Mykhailo Zaiarin and Oksana Zaiarina, who disappeared between 24 March and 25 June 2022 in the Zaporizhzhia region of Ukraine.
- 78. In accordance with the Working Group's methods of work, a copy of the cases was communicated to the Government of Ukraine. A copy of 175 of the cases was also sent to the Government of Belarus.

Standard procedure

- 79. Under its standard procedure, the Working Group transmitted to the Government cases regarding 72 citizens of Ukraine who disappeared in the context of the armed conflict in Ukraine after the combat engagement or in the territory of Ukraine occupied by the Russian Federation, concerning the following individuals:
- (a) Yakiv Shumeiko, Andrii Chikishev, Kostiantyn Peshko, Serhii Pylypas, Oleksandr Horevoi, Volodymyr Khudolei, Oleksii Sova, Vitalii Bap, Oleksandr Veremiiev, Maksym Hermak, Serhii Lebediev, Oleksandr Topalov, Vitalii Zarutskyi, Serhii Makodziob, Ihor Horodenskyi, Yulii Pylypei, Maksym Polehenko, Serhii Hrytsiv, Vasyl Pistunenko, Andrii Shutov, Viacheslav Kukharyk, Serhii Ustymenko, Yurii Borodin, Oleh Chernov, Andrii Pasichnyk, Pavlo Budash, Ruslan Shulha, Mykola Lypa, Oleksandr Teslia, Andrii Kaviuk, Andrii Bannikov, Oleksandr Shepelia, Yevhen Uimanov, Hennadii Uimanov, Oleksandr Maslovskyi, Valerii Mokryi, Oleksandr Burdeinyi, Liudmyla Usenko, Roman Ivanov, Volodymyr Maidanik, Serhii Alieksieievych, Yaroslav Otrok, Oleksii Petrenko, Eduard Sukhanov, Serhii Slauta, Roman Zarudnyi, Serhii Lapshyn, Yosyp Ponomarenko, Valentyn Soltanovskyi, Volodymyr Kucheriavenko, Serhii Zelenskyi, Ivan Slobozheniuk and Yurii Zhyvaha, who disappeared between 6 March and 14 September in the Donetsk region of Ukraine;

- (b) Mykola Maslii, Oleksandr Zaporozhets, Ruslan Simanishyn, Yaroslav Vediashov and Vitalii Kravchenko, who disappeared between 1 March and 13 July 2022 in the Kharkiv region of Ukraine;
- (c) Serhii Kabakov, who disappeared on 21 July 2022 in the Kherson region of Ukraine:
- (d) Raisa Prodan and Ivan Remez, who disappeared between 25 February and 4 March 2022 in the Kyiv region of Ukraine;
- (e) Oleksandr Tryfonov, Oleksandr Moskvitenko, Dmytro Mynovskyi and Volodymyr Polskoy, who disappeared between 9 March and 16 June 2022 in the Luhansk region of Ukraine;
- (f) Serhii Kutsenko, who disappeared on 29 August 2022 in the Mykolaiv region of Ukraine;
- (g) Ivan Rieznik, who disappeared on 23 March 2022 in the Sumy region of Ukraine;
- (h) Serhii Tabachuk, Nazar Borovytskyi, Yurii Kaiov and Ivan Kalika, who disappeared between 19 March and 1 September 2022 in the Zaporizhzhia region of Ukraine;
- (i) Roman Fedorovych, who disappeared on 19 April 2022 in the south of Ukraine.

Information from the Government

80. On 1 July, 3 August, 17 August and 26 September 2022, the Government of the Russian Federation transmitted information concerning 172 cases, but it was considered insufficient to clarify them.

Information from sources

81. Sources provided information on 10 outstanding cases, but it was considered insufficient to clarify them.

Clarification based on information from sources

82. On the basis of information provided by sources, the Working Group decided to clarify the case of Iryna Danilovich, who is reportedly in pretrial detention, and the cases of Yuliia Voroshanska, Tetiana Antoniuk, Danylo Antoniuk, Mykhailo Zaiarin, Oksana Zaiarina, Viktoriia Andrusha, Oleksandr Babych and Serhiy Pryima, who are reportedly at liberty.

Joint allegation letter

- 83. On 21 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance and ill-treatment of the journalists and human rights defenders Oleh Baturin and Serhiy Tsyhipa and the alleged threats, physical violence, home searches, arbitrary detentions, enforced disappearances and killings of human rights defenders, among other civil society representatives, in the territories of Ukraine occupied by the Russian Federation.³¹
- 84. On 30 August 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of Irina Danilovich, her alleged arbitrary detention, ill-treatment, criminalization, the search of her home and the seizure of her electronic devices and documents, as well as her designation as a "mass media foreign agent", all of which was reportedly in connection with her legitimate human rights work and the exercise of the freedom of expression.³²

³¹ See RUS 8/2022.

³² See RUS 10/2022.

Saudi Arabia

Urgent procedure

- 85. Under its urgent procedure, the Working Group transmitted two cases to the Government, concerning the following individuals:
- (a) Abdullah Saleh Abdullah Alduraibi, who was allegedly arrested in the office of the Presidency of State Security in Riyadh by State agents after being summoned for interrogation and taken to an unknown location;
- (b) Shaima Homoud Fahad Aldughfly Albugamy, who was allegedly arrested in April 2022 by State Security officers and taken to an unknown location.

Standard procedure

- 86. Under its standard procedure, the Working Group transmitted six cases to the Government, concerning the following individuals:
- (c) Sarah Aljabri, who was allegedly detained on 16 March 2020 in Al Falah District of Riyadh by State security officers;
- (d) Omar Aljabri, who was allegedly detained on 16 March 2020 in Al Falah District of Riyadh by State security officers;
- (e) Ali Maziad, who was taken from his home on 8 August 2021 by seven men in civilian clothes, who were later identified as being connected to the Presidency of State Security forces;
- (f) Majid Almuzaini, who was allegedly arrested and detained on 20 June 2020 by Saudi State security officers and is being held in an unknown location;
- (g) Salem Almuzaini, who was allegedly arrested and detained on 24 August 2020 at the Presidency of State Security location on King Fahad Road in Al Olaya by State Security officials:
- (h) Abdulrahman Aljabri, who was allegedly detained on 14 May 2020 by State Security officers and is being held in an unknown location.
- 87. In accordance with its methods of work, a copy of one case involving a national of Lebanon has been communicated to the Government of Lebanon.

Spain

Information from the Government

88. On 24 August 2022, the Government of Spain transmitted information concerning two cases, but it was considered insufficient to clarify the cases.

Information from sources

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

Sudan

General allegation

90. 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 Sudan. The allegations refer to the practice of enforced disappearance, which started under the regime of the former President, Omar al-Bashir, and continues to be perpetrated after the coup d'état, in the context of mass protests and with the emergency order in place; law enforcement personnel have been subjecting people to excessive use of force, extrajudicial killings, torture and other cruel

and inhuman treatment, sexual and gender-based violence and enforced disappearances, with impunity (see annex II).

Joint allegation letter

91. On 24 June 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning allegations of arbitrary detention, enforced disappearance, torture and ill-treatment of hundreds of peaceful protesters, human rights defenders and people with a perceived affiliation with the opposition to the military coup of 25 October 2021.

Press release

92. On 3 June 2022, the Working Group, together with other special procedure mechanisms, issued a press release expressing serious concerns about the continued use of excessive force by the Sudanese authorities against peaceful protesters and called for those responsible to be held to account and justice to be served.³³

Syrian Arab Republic

Standard procedure

- 93. Under its standard procedure, the Working Group transmitted 13 newly reported cases to the Government, concerning the following individuals:
- (a) An individual who was allegedly last seen on 13 May 2012 in the Military Security Branch in Idlib;
- (b) An individual who was allegedly last seen in January 2015 at Military Branch 215 in Damascus, which belongs to the Raid and Storming Brigade of the Military Security Forces;
- (c) An individual who was allegedly arrested on 6 November 2012 at his place of residence by members of the Military Security Forces;
- (d) An individual who was allegedly arrested on 15 November 2012 at around 12 a.m. on Al-Bab Street by persons driving in a vehicle reportedly belonging to the Free Army and allegedly detained thereafter in Branch 227 of the Military Security Forces in Damascus;
- (e) An individual who was allegedly last seen at Military Branch 215 in Damascus several months after his arrest on 21 January 2013;
- (f) An individual who was allegedly last seen at the Air Force Intelligence branch in the Mezzeh district of Damascus five months after his arrest in January 2012;
- (g) An individual who was allegedly arrested at his place of residence on 26 May 2012 by members of the Syrian Arab Army accompanied by personnel of the Military Intelligence Division;
- (h) An individual who was allegedly arrested on 25 January 2013 at a checkpoint at the entrance to the town of Al Salamiya in the eastern suburbs of Hama governorate by members of the Syrian Arab Army and taken to an unknown location;
- (i) An individual who was allegedly arrested on 10 August 2012 in the Bab Sharqi area in Damascus by unidentified persons, and who has not been seen since, although it is believed that he is being held in Branch 227 of the Military Intelligence Division, in Damascus;
- (j) An individual who was allegedly last seen in the Palestine Branch of the Syrian Arab Army in Damascus a few months after his arrest on 11 February 2012 allegedly by

³³ See https://www.ohchr.org/en/press-releases/2022/06/sudan-un-experts-urge-authorities-ensure-immediate-accountability-past-and.

members of the Syrian Arab Army, at a military checkpoint on the road towards Al-Abzimo village in the Aleppo region;

- (k) An individual who was allegedly last seen in Sednaya Prison near Damascus in early 2013;
- (l) An individual who was allegedly arrested on 21 July 2012 at the Nassib border crossing, in the city of Nassib in the suburbs of Daraa governorate, by personnel from Syrian military security forces and who has not been seen since;
- (m) An individual who was allegedly last seen on 25 January 2016 at Seydnaya military prison located north of Damascus.

Türkiye

Information from the Government

94. On 23 September 2022, the Government transmitted information concerning 13 cases, but it was considered insufficient to clarify the cases.

Clarification

95. On the basis of information previously provided by the Government of Türkiye, following the expiry of the period prescribed by the six-month rule, the Working Group decided to clarify the case of Sevilay Gürbüz, who according to the information provided by the Government was released from Sincan T-Type prison on 19 October 2021.³⁴

Uganda

Standard procedure

- 96. Under its standard procedure, the Working Group transmitted four newly reported cases to the Government, concerning the following individuals:
- (a) Michael Ssemuddu, who was allegedly abducted, along with persons associated with him, on 21 November 2020 at about 6 p.m. at Masanafu junction in Kampala by individuals believed to belong to the Ugandan security forces driving a so-called "drone van";
- (b) John Bosco Kibalama, who was allegedly abducted on 3 June 2019 in Kampala along Gayaza road between Kanyanya and Mpererwe, by persons believed to belong to the Ugandan security forces;
- (c) Wangolo Shafik, who was allegedly arrested on 3 December 2020 at a mobile money stall in Nansana, Wakiso district, in northern Kampala, by individuals believed to belong to the Ugandan security forces;
- (d) Martin Lukwago, who was allegedly abducted on 23 November 2020 while playing a board game in Bugolobi Market in Kampala by unidentified men believed to belong to the Ugandan security forces.

United Arab Emirates

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 United Arab Emirates. The allegations refer to the rise in the number of enforced disappearances registered in the United Arab Emirates. Human rights defenders, journalists, lawyers and members of religious

³⁴ A/HRC/WGEID/125/1, para. 139.

minority groups are especially targeted and subjected to short-term disappearances. The information also concerns cases attributable to the security forces of the United Arab Emirates in the context of the armed conflict in Yemen (see annex II).

Uzbekistan

Urgent procedure

- 98. Under its urgent procedure, the Working Group transmitted four cases to the Government concerning the following individuals:
- (a) Oralbay Dosnazarov, who was allegedly abducted in Nukus, Karakalpakstan, on 2 July 2022;
- (b) Esimkan Kanaatov, who was allegedly abducted by agents of the State Security Service in Karakalpakstan on 3 July 2022;
- (c) Tabiskan Kanaatov, who was allegedly abducted by agents of the State Security Service in Karakalpakstan on 7 July 2022;
- (d) Duletkeldi Nadirbaev, who was allegedly abducted by agents of the Ministry of the Interior in Tahtakopir on 5 July 2022.

Information from the Government

99. On 24 August 2022, the Government of Uzbekistan transmitted information concerning four cases, but it was considered insufficient to clarify the cases.

Bolivarian Republic of Venezuela

Application of the six-month rule

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

State of Palestine

Information from sources

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

Annex I

Standard procedure cases

Pakistan

- 1. Under its standard procedure, the Working Group transmitted 39 cases to the Government, concerning:
- (a) Omer Awwab Khan, allegedly abducted outside of Ratta Imral Railway Hospital Rawalpindi on 7 June 2022, by members of an intelligence agency.
- (b) Jamil Mahmood Khan, allegedly abducted near the Tarnol Railway tracks, in Islamabad on 20 April 2022, by members of an intelligence agency.
- (c) Wahid Bhatti, allegedly abducted near the Tarnol Railway tracks, in Islamabad on 20 April 2022, by members of an intelligence agency.
- (d) Muhammad Akbar, allegedly abducted at his home in Baghbanpura, Jallah Jeem, Mailsi, Waharri, Pakistan, on October 2013, by members of an intelligence agency.
- (e) Zahid Hussain, allegedly abducted at his home in Goja, Palo Dheri, Mardan, June 2017, by members of an intelligence agency.
- (f) Falak Zaib, allegedly abducted at his village in Walayat Khel in November 2022, by members of an intelligence agency.
- (g) Asfand Yar, allegedly abducted at the Shabqadar Police station in July 2014, by members of an intelligence agency.
- (h) Wajid Ullah, allegedly abducted at the Shabqadar Police station in July 2014, members of an intelligence agency.
- (i) Tehseen Ullah, allegedly abducted at the Shabqadar Police station in July 2014, by members of an intelligence agency.
- (j) Syed Zaman Shah, allegedly abducted in Chaghi in March 2022, members of an intelligence agency.
- (k) Hikmat Ullah, allegedly abducted in Chaghi in March 2022, by members of an intelligence agency.
- (l) Muhammad Imran Razeeq, allegedly abducted outside City Bakery in Allahabad, Westridge, Rawalpindi on 12 February 2022, by members of an intelligence agency.
- (m) Babo Rehman, allegedly abducted in Bakhai in January 2016, members of an intelligence agency.
- (n) Naqeeb Ullah, allegedly abducted in New Ghari, Charsadda road, Peshawar on 1 October 2014, by members of an intelligence agency.
- (o) Abdul Rasheed, allegedly abducted at his shop in Chour Chowk, Rawalpindi on 1 June 2017, by members of an intelligence agency.
- (p) Irfan Ullah, allegedly abducted in Nur Pur Shahan, Islamabad on 2 December 2015, by members of an intelligence agency.
- (q) Morsaleen Khan, allegedly abducted in a Mosque in Mardan road, Charsadda, on 4 October 2017, by members of an intelligence agency.
- (r) Maaz Ullah Khan, allegedly abducted in Hizrabad, Naqa Sika Nagar, Sindh, on 14 June 2014, by members of an intelligence agency.
- (s) Hanif Ullah, allegedly abducted at his house in Khyber Pakhtunkhwa, on 2 January 2010, by a military Major and members of the Peace Committee.

- (t) Fayaz Ali, allegedly abducted in Faquerabad, Jail road, Quetta, on 30 August 2021, by members of an intelligence agency.
- (u) Muhammad Yasir allegedly abducted at a house in Mansehra, on 24 August 2021, by the police and Pakistani rangers.
- (v) Mufti Muhammad Sikandar Hayat, allegedly abducted in the Mosque at Nur Pur Thal, Khusab on 2 December 2021, by members of an intelligence agency.
- (w) Ibad Ul Hassan Zaidi, allegedly abducted at the gate of Imam Bargah, Golimar, on 9 July 2015, by Pakistani Rangers.
- (x) Syed Muhammad Azhar Abbas Jaffri, allegedly abducted near his office located in Clifton, Karachi, Sindh, on 26 February 2021, by the police.
- (y) Syed Abrar Ahmed Rizvi, allegedly abducted at his home in Karachi on 19 September 2019, by the police.
- (z) Syed Azhar Hussain Rizvi, allegedly abducted at his home in Karachi, on 22 July 2017, by the police.
- (aa) A 16-year old boy, allegedly abducted at the road outside Higher Secondary School, City Baddah, District Larkana, on 15 June 2022, by the police.
- (bb) Sarmad Ali Raza, allegedly abducted at the road outside Higher Secondary School, City Baddah, District Larkana, on 15 June 2022, by the police.
- (cc) Abdul Moeez Khan, allegedly abducted at his home in Karachi on 3 June 2022 by members of a law enforcement agency.
- (dd) Syed Ali Mehdi Naqvi, allegedly abducted at his home in Karachi on 12 March 2018, by members of a law enforcement agency.
- (ee) Ghulam Rasool, allegedly abducted at his home in Karachi on 27 July 2022, by members of a law enforcement agency.
- (ff) Ashiq Ali, allegedly abducted at his home in Karachi on 27 July 2022, by members of a law enforcement agency.
- (gg) Mashooq Ali, allegedly abducted at his home in Karachi on 27 July 2022, by members of a law enforcement agency.
- (hh) Syed Qamar Abbas Rizvi, allegedly abducted at his home in Karachi on 25 February 2017, by Pakistani Rangers.
- (ii) Habib Ur Rehman, allegedly abducted at his home in Attock, on 15 March 2015, by agents of the Inter-Services Intelligence (ISI).
- (jj) Wazeer Nohani, allegedly abducted at his home in Taluka Sehwan District Jamshoro, on 28 April 2022, by the police.
- $(kk)\,$ An 11-year old boy, allegedly abducted at his home in Taluka Sehwan District Jamshoro, on 28 April 2022, by the police.
- (ll) Inayat Ullah, allegedly abducted in Turbat City, district Kech Balochistan, on 7 September 2015, by members of the Inter-Service Intelligence (ISI).
- (mm) Nauman Nadeem, allegedly abducted at Babul Ilm Imam Bargah, North Nazimabad, Karachi on 2 August 2015, by Pakistani Rangers.

Annex II

[English/Spanish only]

General allegations

México, Guatemala, Honduras, El Salvador, Nicaragua

- 1. El Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias (en adelante, "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 adelante, "la Declaración") en México, Guatemala, Honduras, El Salvador y Nicaragua. La presente alegación general se enfoca principalmente en las desapariciones forzadas en México de personas migrantes originarias de países de Mesoamérica; y en las carencias tanto en los países de tránsito como en los Estados de origen para prevenirlas, buscar a las víctimas, investigar y sancionar a los responsables y asegurar que las familias de las víctimas tengan acceso a la información, puedan ser asociadas a los procesos de búsqueda e investigación y cuenten con medidas adecuadas de apoyo psicosocial y de reparación por el daño padecido.
- 2. Se alega, en este sentido, la ausencia de mecanismos de coordinación entre los países de origen de las víctimas y México, como país de tránsito en el que desaparecen las personas migrantes.

México

- 3. De acuerdo con información oficial, en México hay más de 100 mil personas desaparecidas y 52 mil cuerpos hallados pendientes de identificación. Sin embargo, según la información recibida, se desconoce cuántas de estas personas son migrantes, por lo que no existe una cifra real sobre el número de personas migrantes desaparecidas en el país. De hecho, en el Registro Nacional de Personas Desaparecidas y No Localizadas (RNPDNL), al mes de septiembre de 2022, se reportaban solamente 90 personas migrantes desaparecidas. Según la información recibida, esta cifra no se acercaría de ninguna manera a la realidad y, el hecho de que se desconozca el número real de las personas migrantes desaparecidas en México dificulta cuando no imposibilita toda medida de búsqueda e investigación eficaces.
- 4. Según se ha informado, el Estado mexicano no ha adoptado acciones suficientes a nivel regional para prevenir, investigar y eliminar las desapariciones forzadas de personas migrantes, a pesar de estar contemplada dicha obligación en la Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, en vigor desde el año 2017.
- 5. Si bien se han creado mecanismos transnacionales en materia de búsqueda, identificación e investigación de desapariciones de personas migrantes, como el Mecanismo de Apoyo Exterior, la Comisión Forense, la Mesa de Búsqueda de Personas Migrantes Desaparecidas y los Bancos Forenses, de acuerdo a las alegaciones recibidas, estos han sido impulsados por las víctimas, comités de familiares, organizaciones acompañantes y personas expertas; y su funcionamiento resulta inefectivo por falta de voluntad política, que repercute negativamente en la necesidad de garantizar recursos humanos, técnicos y económicos suficientes.
- 6. Por otro lado, se afirma que hay una descoordinación entre autoridades encargadas de la búsqueda de personas migrantes desaparecidas; principalmente entre la Fiscalía General de la República (FGR) y la Comisión Nacional de Búsqueda de Personas Desaparecidas en México (CNB), así como falta de coordinación con las fiscalías estatales y comisiones locales de búsqueda, y con instituciones de otros países de la región. Inclusive se ha mencionado un "bloqueo" por parte de la Fiscalía de Derechos Humanos de la FGR y su Unidad de Migrantes

en relación con el objetivo de avanzar en el desarrollo de protocolos e inclusive en la búsqueda y la investigación de casos concretos.

- 7. En este sentido, se ha informado que en 2021 la CNB dio a conocer a los comités de familiares de personas migrantes desaparecidas y sus representantes un proyecto de Lineamientos del Mecanismo de Apoyo Exterior de Búsqueda e Investigación (MAE), que tiene el objetivo de cumplir con las obligaciones internacionales de México y las recomendaciones que se le han hecho desde distintos mecanismos internacionales de protección a los derechos humanos; entre ellos la necesidad de cooperación entre México y los países de origen y destino de las personas migrantes, de la participación de las víctimas y de la sociedad civil, así como la necesidad de redoblar esfuerzos para prevenir e investigar las desapariciones de migrantes, y localizar a las víctimas.
- 8. De acuerdo con la información recibida, los lineamientos han sido aprobados, pero no se han hecho públicos; por ello, las víctimas y sus representantes no tienen certeza acerca de la incorporación de muchas de sus preocupaciones, propuestas y sugerencias, vertidas a partir de un foro abierto a la sociedad civil organizado por la CNB. Entre ellos, la inclusión de pautas para la coordinación y colaboración entre el MAE y otras instituciones vinculadas a su labor como la Comisión Ejecutiva de Atención a Víctimas (CEAV), el Instituto Nacional de Migración (INM) y la Comisión Mexicana de Ayuda a Refugiados (COMAR); la coordinación con los bancos de datos forenses existentes, a fin de sentar las bases para la cooperación y coordinación regional con otros países; la armonización de prácticas con otros países de la región para la identificación forense a nivel regional; y la necesidad de otorgamiento de visas humanitarias para que las familias puedan viajar desde los países de origen a México y participar en los procesos de búsqueda e identificación.
- 9. Además, se alega que la FGR, que debía coordinar las acciones del MAE junto a la CNB y la Secretaría de Relaciones Exteriores (SRE), se ha excusado de participar activamente en la coordinación a partir de una interpretación errónea de su autonomía constitucional, por lo que quedaría a su completa discreción la interacción con las demás instituciones. Tampoco se han podido establecer las obligaciones de la FGR en materia de investigación de los delitos contra personas migrantes, así como las acciones de coordinación que debe establecer con otras instituciones para investigar con un enfoque de macro criminalidad.
- 10. Las personas migrantes, un grupo en situación particular de vulnerabilidad frente a las desapariciones forzadas, han sido inclusive víctimas de masacres, como las perpetradas a partir de 2010 en Camargo, San Fernando y Cadereyta, entre las conocidas porque las víctimas fueron encontradas en fosas clandestinas o se hallaron sus restos abandonados a lado de la carretera. Se alega que aún no existen mecanismos eficientes en la FGR para la investigación de estos delitos y que el efecto es que los casos permanecen impunes, sin sentencias condenatorias, en una situación que se describe como de impunidad generalizada, que propicia la repetición crónica de las violaciones porque se envía un mensaje de tolerancia a los perpetradores.
- 11. Se afirma asimismo que la FGR no cuenta con la estructura para investigar y analizar los casos de desaparición y masacres de migrantes, y que suele organizar las investigaciones por delito (desaparición, delincuencia organizada, derechos humanos, trata de personas), según la competencia del ministerio público actuante. Esto generaría una visión atomizada y desarticulada del fenómeno criminal, con lo que dificultaría el trabajo con una mirada de macro criminalidad; y las investigaciones no se realizarían tampoco con perspectiva transnacional, pese a que los autores y víctimas tienen ese carácter.
- 12. El cuadro se completa según la información recibida por el Grupo de Trabajo en la ausencia de investigaciones de los altos mandos; limitándose las investigaciones existentes a mandos medios o bajos, sean estos funcionarios o miembros del crimen organizado.
- 13. Según la información recibida, más del 60 por ciento de las personas detenidas confiesan de manera voluntaria y espontánea los hechos y/o la pertenencia a grupos de criminalidad organizada; mientras que gran parte de ellas presenta lesiones acreditadas en las diligencias periciales. Se ha denunciado ante la Comisión Nacional de los Derechos Humanos que el método para llegar a esas declaraciones se ha basado en actos de tortura y tratos crueles e inhumanos.

- 14. De acuerdo con las alegaciones, aun en este contexto no se han tomado medidas para diseñar y poner en funcionamiento una comisión especial de investigación, como han recomendado las Oficinas de la Alta Comisionada para los Derechos Humanos en Guatemala, Honduras y México; ni una comisión especial multidisciplinaria, como recomendó el Comité contra las Desapariciones Forzadas luego de su visita a México en 2021.
- 15. Se plantea asimismo que en México el sistema y las instituciones que se encargan de la atención a las víctimas han tenido retrocesos, incluso pérdida de recursos financieros para afrontar el pago de indemnizaciones. Las familias de personas migrantes víctimas de desapariciones o ejecuciones no habrían podido acceder a la reparación del daño, y tampoco existirían mecanismos que garanticen la accesibilidad a este derecho desde el extranjero. Según la información, la Comisión Ejecutiva de Atención a Víctimas (CEAV) no ha adecuado sus procedimientos de manera de garantizar el acceso a las víctimas, que en ocasiones encuentran obstáculos para recabar toda la documentación solicitada por la Comisión.
- 16. Asimismo, se afirma que se ha implementado una política migratoria sin enfoque de derechos humanos, haciendo uso de la Guardia Nacional y otros cuerpos militares como un aparato de control migratorio. En este sentido, se ha informado acerca del impacto de la militarización de la seguridad pública en la política migratoria, que se habría intensificado con la firma de acuerdos migratorios promovidos por Estados Unidos y aceptados por México en 2019. Según la información, desde entonces se ha delegado a las fuerzas militares responsabilidades en materia migratoria en violación de normativa nacional e internacional de derechos humanos y de los refugiados. Según las alegaciones, durante 2021, 19 de las 32 delegaciones estatales del Instituto Nacional de Migración estuvieron a cargo de personal con formación especializada en tareas militares, trabajo penitenciario y seguridad pública. En este contexto se habrían documentado casos de migrantes y solicitantes de asilo que perdieron la vida porque las autoridades militares no cumplieron con el deber de diligencia; casos de arrestos ilegales y arbitrarios, únicamente por su perfil racial; múltiples casos de violencia contra las mujeres; así como múltiples denuncias de uso excesivo de la fuerza.

El Salvador

- 17. De acuerdo a lo informado, la situación en El Salvador se caracteriza por la ausencia de una visión transnacional de justicia, búsqueda y verdad en contexto de personas desaparecidas en la migración; la carencia de registros y estadísticas; una situación de retroceso al acceso de la información pública; y debilidades en el monitoreo y control del accionar de las autoridades, en especial de la Fiscalía General de la República en torno a los patrones de las desapariciones en diversos contextos.
- 18. Asimismo, se describe una situación de debilidad en la coordinación y cooperación con otros Estados respecto a la protección a personas salvadoreñas frente a la desaparición forzada en contexto de movilidad humana; situación que, sumada a desapariciones forzadas ocurridas en suelo salvadoreño, habría generado la naturalización social de la desaparición, el silencio y miedo de la población.
- 19. Se informa también acerca de la ausencia de una política criminal que aborde la desaparición forzada desde un enfoque de investigaciones serias, exhaustivas, imparciales y concluyentes; que coincidiría con la complicidad de autoridades en la impunidad al no existir sanciones a funcionarios por la omisión o falta de debida diligencia en las investigaciones.

Honduras

20. En relación con la situación de los migrantes hondureños desaparecidos, se ha informado acerca del desconocimiento de los estándares internacionales en materia de derechos humanos por lo que concierne a la desaparición forzada por parte de los fiscales y entes de justicia, circunstancia que operaría como uno de los principales obstáculos para el cumplimiento de las obligaciones internacionales del Estado.

- 21. Según las alegaciones, el Ministerio Público no recurre a métodos de investigación efectivos que permitan establecer patrones criminales, identificar a los perpetradores y localizar a las víctimas.
- 22. Se afirma, asimismo, que ha habido falta de voluntad política para crear los mecanismos idóneos para combatir las estructuras sistemáticas de impunidad; y que no existe una normativa interna, ni mecanismos eficaces o protocolos claros para denunciar la desaparición de una persona fuera del territorio nacional, ni existen mecanismos de búsqueda e investigación efectivos para que desde Honduras se pueda obtener información sobre una persona que desaparece en la ruta migratoria.
- 23. Por otro lado, se recibió información acerca de la denegación de peticiones por parte del Ministerio Público de recibir denuncias y actuar frente a desapariciones forzadas de migrantes fuera de Honduras con base en que los actos no ocurrieron dentro de la jurisdicción del Estado.

Guatemala

- 24. Según la información recibida, se ha establecido en Guatemala un Grupo de Trabajo contra la Desaparición Forzada, conformado por distintas organizaciones de la sociedad civil, desde el que se impulsó la propuesta de ley 35-90, que se presentó al pleno del Congreso de la República de Guatemala el 18 de enero de 2007. El objetivo de esta ley ha sido la creación de una Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y otras Formas de Desaparición, como un ente autónomo de carácter humanitario para el diseño, evaluación y ejecución de los planes de búsqueda de las personas víctimas de desaparición a través del estudio, documentación, sistematización, análisis, registro y seguimiento de los casos de desaparición forzada u otras formas de desaparición. De acuerdo con la información recibida, hasta la fecha esta iniciativa continúa en proceso de discusión sin ser aprobada.
- 25. En Guatemala, el Ministerio de Relaciones Exteriores (MINEX) habría ofrecido medidas de apoyo a las familias de las personas desaparecidas, aunque se limitarían únicamente a los costes asociados a la repatriación de los restos de las personas migrantes.
- 26. La Comisión Forense mexicana tiene más de 100 cuerpos pendientes de identificación, correspondientes a la masacre de 72 migrantes, las 48 fosas clandestinas de San Fernando y la masacre de Cadereyta. En ese contexto se alega que la Unidad de Asuntos Internacionales de la Fiscalía del Ministerio Público de Guatemala no ha permitido la participación del Equipo Argentino de Antropología Forense en el grupo de peritos expertos de la Comisión Forense para realizar las exhumaciones solicitadas por las familias en fosas clandestinas donde habría cuerpos que podrían corresponder a las víctimas de masacres, en un proceso desgastante para las familias luego de 12 años desde los hechos.

Nicaragua

- 27. De acuerdo con la información recibida, se ha observado un incremento del flujo migratorio de personas desde Nicaragua hacia Estados Unidos, lo que se habría traducido en un incremento de las detenciones, secuestro y desapariciones de estas personas en este contexto. Entre las víctimas se cuenta a niños y niñas de corta edad.
- 28. En este sentido, el Grupo de Trabajo recibió información acerca de la desaparición en Coahuila, México, de Sofía Abigail Caballero Huete, niña de 3 años y 11 meses de nacionalidad nicaragüense, cuyo paradero se desconoce desde el 17 de mayo de 2022, momento en el que cruzaba el Río Bravo, en Piedras Negras, junto a su madre y su tío en una caravana de 100 migrantes.
- 29. El cuerpo de su madre, Irma Yaritza, fue localizado en las orillas del Río Bravo al día siguiente por las autoridades mexicanas, mientras que su tío logró llegar a Estados Unidos. Según las alegaciones, si bien autoridades mexicanas acudieron al lugar y varias personas, incluidos niños, fueron rescatadas, varios migrantes habrían perdido la vida o desaparecido. Sin embargo, no habría habido reportes oficiales en relación con los eventos.

- 30. En este contexto, tampoco se habría iniciado la búsqueda de Sofía hasta que se iniciaron acciones legales por parte de allegados a su familia ante las autoridades del estado de Coahuila y federales; ello a pesar de que entre las ropas de su madre se había encontrado documentación de la niña.
- 31. Por otro lado, su bien los familiares de Sofía acudieron ante el consulado de Nicaragua en Estados Unidos, alegadamente no han recibido apoyo, tampoco en el país de origen.
- 32. Según se informó, no existe ningún tipo de articulación ni canales de comunicación entre las autoridades mexicanas y las nicaragüenses para la atención de los familiares ni la búsqueda de Sofía. Según la descripción recibida por el Grupo, a pesar de la existencia de normas y protocolos para la búsqueda, en la práctica prima la burocracia, sin que se implementen planes estratégicos en los que se incorpore el análisis de contexto ni metodologías de búsqueda trasnacional.
- 33. El Grupo de Trabajo llama la atención de los Gobiernos sobre los artículos 2, 3, 13 y 19 de la Declaración que se relacionan directamente con las alegaciones anteriores.
- 34. El Grupo de Trabajo también llama la atención de los Estados acerca de sus informes temáticos sobre Desapariciones Forzadas en el contexto de la migración y sobre normas y políticas públicas para la investigación eficaz de las desapariciones forzadas, en particular sus párrafos 87 a 89. Asimismo, sobre los Principios rectores para la búsqueda de personas desaparecidas del Comité contra las Desapariciones Forzadas, en particular sus principios 2, 3, 5, 9, 12, 13 y 16.
- 35. El Grupo de Trabajo estaría agradecido por la cooperación y toda la información que puedan proveer los Gobiernos de Sus Excelencias sobre las siguientes preguntas:
- 36. Si los hechos relatados en la presente alegación son exactos. Si no es así, ¿cuáles son los hechos reales?
- 37. ¿Qué medidas de coordinación han tomado a nivel regional para prevenir, investigar, sancionar y eliminar las desapariciones forzadas, así como para buscar a las personas migrantes desaparecidas y asistir a las víctimas y, en caso de fallecimiento de las personas desaparecidas, en su exhumación e identificación y en la restitución de sus restos mortales?
- 38. Sírvanse informar qué medidas han tomado los Estados para combatir de forma eficiente los fenómenos vinculados a la delincuencia organizada transnacional y macrocriminalidad que provocan la desaparición o masacre de personas migrantes; facilitar la búsqueda transnacional en vida y la búsqueda forense de las personas migrantes desaparecidas; y atender las causas de la migración forzada.
- 39. En particular, sírvase el Gobierno de México proveer la siguiente información:
- (a) Qué políticas de coordinación se han tomado entre las autoridades encargadas de la búsqueda de las personas migrantes; en particular entre la Fiscalía General de la República y la Comisión Nacional de Búsqueda de Personas Desparecidas; así como a nivel de las Fiscalías estatales especializadas y las comisiones de búsqueda.
- (b) Sírvanse informar si los lineamientos del MAE han sido aprobados, y en ese caso, cuándo está previsto que sean públicos. Asimismo, aclarar si han sido tenidas en cuenta las observaciones y sugerencias realizadas por las víctimas y la sociedad civil.
- (c) ¿Qué estructuras se han desarrollado en la FGR para investigar los casos de desapariciones y masacres de migrantes con un enfoque que tenga en cuenta el contexto y con una mirada de macro criminalidad? Asimismo, sírvanse informar qué avances se han hecho en relación con las propuestas de las Oficinas de la Alta Comisionada para los Derechos Humanos en Guatemala, Honduras y México para la creación de una comisión especial de investigación; así como del Comité contra la Desapariciones Forzadas de crear una comisión especial multidisciplinaria.
- (d) ¿Qué medidas de prevención, investigación y sanción se han tomado en relación con las denuncias de hechos de torturas y malos tratos a personas acusadas de haber participado en desapariciones forzadas?

- (e) ¿Qué medidas existen en México para la reparación del daño a las familias de personas migrantes desaparecidas y para brindarles apoyo psico-social?
- (f) Sírvase informar si se han tomado medidas para el otorgamiento de visas humanitarias a familiares de personas migrantes para que puedan viajar y participar en procesos de búsqueda de sus queridos e investigaciones.
- (g) Sírvase brindar información sobre el impacto que tendrá la militarización de las políticas de seguridad y migratorias en los derechos de las personas migrantes y solicitantes de asilo. Asimismo, sírvase explicar qué medidas se han tomado para investigar las violaciones a los derechos humanos de las personas migrantes presuntamente perpetradas por personal militar de acuerdo a los estándares internacionales de protección; y qué medidas de protección y prevención se han implementado.
- 40. En particular, sírvase el Gobierno de El Salvador proveer la siguiente información:
- (a) ¿Qué medidas se han tomado para apoyar a las familias de personas migrantes salvadoreñas desaparecidas fuera del Estado en la búsqueda de sus seres queridos?
- (b) Sírvase informar si cuenta el Estado con registros y estadísticas de personas salvadoreñas desaparecidas en contexto de migración; y en ese caso, sírvase compartir esa información con el Grupo de Trabajo.
- (c) ¿Qué medidas ha tomado el Estado, y en particular la Fiscalía General de la República, para llevar adelante investigaciones serías, exhaustivas e imparciales en relación con la desaparición de personas migrantes?
- 41. En particular, sírvase el Gobierno de Honduras proveer la siguiente información:
- (a) ¿Qué medidas se han tomado para apoyar a las familias de personas migrantes hondureñas desaparecidas fuera del Estado en la búsqueda de sus seres queridos?
- (b) Sírvase informar si cuenta el Estado con registros y estadísticas de personas hondureñas desaparecidas en contexto de migración; y en ese caso, sírvase compartir esa información con el Grupo de Trabajo.
- (c) ¿Qué mecanismos o protocolos existen en Honduras para denunciar la desaparición de personas hondureñas en el exterior? ¿Qué mecanismos de búsqueda existen para obtener información sobre personas desaparecidas en las rutas migratorias?
- (d) Sírvase informar si el Ministerio Público tiene algún impedimento normativo para investigar las desapariciones de personas migrantes hondureñas fuera del Estado.
- 42. En particular, sírvase el Gobierno de Guatemala proveer la siguiente información:
- (a) ¿Qué medidas se han tomado para apoyar a las familias de personas migrantes guatemaltecas desaparecidas fuera del Estado en la búsqueda de sus seres queridos?
- (b) Sírvase informar si cuenta el Estado con registros y estadísticas de personas guatemaltecas desaparecidas en contexto de migración; y en ese caso, sírvase compartir esa información con el Grupo de Trabajo.
- (c) Sírvase informar qué pasos ha dado el estado para crear una institución autónoma y humanitaria para la búsqueda de las personas desaparecidas, incluidas las personas migrantes, en línea con la propuesta realizada por el Grupo de Trabajo contra la Desaparición Forzada formado por distintas organizaciones de la sociedad civil.
- (d) ¿Qué medidas ha tomado el Estado para reparar las desapariciones de personas migrantes y otorgar medidas de apoyo psico-social a sus familiares?
- (e) Sírvase informar si el Ministerio Público de Guatemala ha opuesto algún obstáculo a la participación de peritos expertos en la Comisión Forense mexicana, encargados de realizar exhumaciones solicitadas por las familias en fosas clandestinas en las que podrían haber restos de víctimas guatemaltecas.
- 43. En particular, sírvase el Gobierno de Nicaragua proveer la siguiente información:
- (a) ¿Qué medidas se han tomado para apoyar a las familias de personas migrantes nicaragüenses desaparecidas fuera del Estado en la búsqueda de sus seres queridos?

- (b) Sírvase informar si cuenta el Estado con registros y estadísticas de personas nicaragüenses desaparecidas en contexto de migración; y en ese caso, sírvase compartir esa información con el Grupo de Trabajo.
- (c) ¿Qué medidas ha tomado el Estado para reparar las desapariciones de personas migrantes y otorgar medidas de apoyo psico-social a sus familiares?
- (d) Sírvase informar qué medidas ha tomado el gobierno para buscar y localizar a la niña Sofía Abigail Caballero Huete, incluyendo los esfuerzos de cooperación con otros estados. Asimismo, si ha brindado algún tipo de apoyo a la familia en Nicaragua o a través de las representaciones del estado en el exterior.

Sudan

- 44. The Working Group received information concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, 'the Declaration') in Sudan.
- 45. According to information received, the Government of Sudan has engaged in the practice of enforced disappearance for decades. Under the regime of the former President Omar al-Bashir, enforced disappearances were employed by security and intelligence agencies to silence human rights defenders, opposition leaders, students, academics, and journalists, within and outside the country. It is reported that, in October 2018, a Sudanese national was arrested abroad and forcibly returned to Sudan with the cooperation of a foreign Government. Upon arrival, the Government of Sudan initially refused to disclose his whereabouts to relatives. The person was eventually released by the Sudanese Transitional Military Council on 15 April 2019.
- 46. The National Intelligence and Security Service (hereafter, 'NISS') was reported to have committed enforced disappearance lasting from weeks to several months during which victims were arbitrarily detained, tortured and later freed.
- According to the information received, the practice of enforced disappearance in Sudan reached a critical point in December 2018, following the nationwide pro-democracy protests, which called for the removal of former President Omar al-Bashir and the installation of a new democratically elected Government. The sources have reported that, throughout the protests, which lasted for months, NISS, alongside other security forces, attacked multiple protest sites, killing, injuring and forcibly disappearing hundreds of protestors. According to the sources, it is in this context that, on 3 June 2019, security forces launched violent attacks against peaceful protestors in what has become known as "Khartoum massacre" leading to the killing of at least 36 up to 127 people and the injuring of over 700 people. During and subsequent to the Khartoum massacre, widespread human rights violations were allegedly committed against protesters, including extrajudicial killings, cruel and inhuman treatment, torture, excessive use of force, sexual and gender-based violence and enforced disappearances. While the exact number of disappeared persons is yet to be confirmed, it is reported that at least 100 people were forcibly disappeared during this period, of which 40 were later found dead. It is further reported that hundreds of protestors were detained on 3 June 2019, many of which were released in the subsequent months, while others are yet to be accounted for.
- 48. It is further reported that the National Investigation Committee established in September 2019 to investigate on the Khartoum massacre has not yielded results, for several reasons, including failure to undertake thorough investigations and lack of independence of its members. According to the sources, while the Committee initially undertook some investigative steps, including the questioning of over 3,000 people; it did not make public the results of its investigations, neither it took steps to hold accountable those responsible for the gross human rights violations concerned. According to the sources, while the Committee has referred to the existence of mass graves in West Omdurman, no steps were taken to exhume or preserve the graves. It is further reported that, on 7 March 2022, security forces raided the main office of the Committee, forcing its members to halt their activities. Concerns have been expressed as to the tampering of documents collected by the Committee.

- 49. According to the sources, the military coup of 25 October 2021 has further worsened the human rights situation in Sudan. Following the coup, the military issued the Emergency Order No. 3, implementing a state of emergency and empowering the Sudanese security forces and military to arrest, detain and punish those considered in violation of such order. As a result, hundreds of people were reportedly arbitrary detained, subjected to ill-treatment, held in *incommunicado* detention, forcibly disappeared and killed.
- 50. It is further reported that the Sudanese authorities have not cooperated with international investigations teams, such as the Argentine Forensic Anthropology Team which, during a visit to the country in July 2021, was prevented from accessing the morgue by the Public Prosecutor.
- 51. According to the sources, the Sudanese legislation has historically provided for broad immunities for members of the Sudanese armed forces, police and the General Intelligence Service (hereafter, 'GIS', formerly NISS). The immunity from prosecution for acts committed in the line of duty is provided for police officers under Article 45(1) of the Police Act 2008 and for the military under Article 42(2) of the Armed Forces Act 2007. Immunities can be waived upon request from the Public Prosecutor and conditioned to the approval of the higher-ranking officials. It is reported that the Public Prosecution's requests for waiver of immunities of security and regular forces have been systematically ignored.
- 52. It is further reported that Sudanese domestic law does not explicitly criminalize enforced disappearances as autonomous offences.
- 53. To substantiate their claims, sources have referred to several cases of persons allegedly forcibly disappeared, whose fate and whereabouts remain unknown to date. The sources have further highlighted the prevailing climate of impunity in Sudan, whereby the authorities have failed to search for the disappeared persons or to hold accountable the perpetrators, despite the repeated demands by the families.
- 54. The Working Group would like to bring to the Government's attention Arts. 2, 3, 4, 7, 9, 10, 13, and 18 of the Declaration, which are directly related to the present allegation.
- 55. The Working Group would be grateful for the cooperation and observations of Sudanese authorities on the following questions:
- (a) Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
- (b) Please inform on any steps taken to investigate the allegations of arrests, arbitrary detention, cruel and inhuman treatment, torture, excessive use of force, sexual and gender-based violence, enforced disappearance, including *incommunicado* detention.
- (c) Please provide details on the steps taken to prevent forcible return from abroad and subsequent enforced disappearances of Sudanese nationals.
- (d) Please provide information on the measures taken to ensure that the mechanisms established to deal with the Khartoum massacre, including the National Investigation Committee, are able to carry out prompt, thorough, independent and impartial investigations and to prevent the tampering of the documents collected by the Committee in the context of its investigations. Please provide information on the measures taken to ensure that the results carried out by the Committee are made public.
- (e) Please provide information on the measures taken to exhume, respect, identify and return to the families the mortal remains found in burial sites, including but not limited to mass graves located in West Omdurman. What are the measures adopted to secure the burial sites and prevent any form of manipulation and spoliation.
- (f) Please provide information on measures taken by the Sudanese authorities, including the military leadership, to carry out an immediate, impartial and transparent investigation, in accordance with applicable international standards, and about its outcomes, including the identification of perpetrators of the gross human rights violations at stake. In addition, please indicate if any judicial or other inquiry has been undertaken in relation to the above-mentioned allegations. Have any penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

- (g) Please provide information on the current status of the Emergency Order No. 3 and the measures taken to ensure that the implementation of such order complies with international human rights standards, namely, the right not to be subject to enforced disappearances in all circumstances, including the state of emergency.
- (h) How do you ensure that those who are alleged to have committed an enforced disappearance are suspended from any official duties during the investigations and prosecutions? Please provide information on the measures taken to ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from immunity or any other measures that might have the effect of exempting them from any criminal proceedings or sanction.
- (i) Please provide information on the measures taken to ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty.
- (j) How do the Sudanese authorities ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?
- (k) Please provide information on the criminal legal framework dealing with allegations of enforced disappearance and clarify whether the latter is codified as a separate criminal offence under the domestic legislation.
- (l) Please provide information on the steps undertaken to recognise the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-state communications pursuant to Arts. 31 and 32 of the International Convention on the Protection of All Persons from Enforced Disappearance.
- 56. The Working Group requests the Sudanese authorities to provide a response to the above questions within 60 days.

United Arab Emirates

- 57. 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 United Arab Emirates.
- 58. According to the sources, in the last decade, there has been a conspicuous rise in the number of enforced disappearances registered in the United Arab Emirates. Notably, these cases seem to respond to a pattern, whereby human rights defenders, journalists, lawyers and members of religious minorities are especially targeted. These enforced disappearances tend to be short-term and victims re-surface alive after periods ranging from few weeks to several months, usually to be charged and subjected to trial. Pursuant to the information received by the Working Group, persons subjected to enforced disappearance in the described context are often tortured and ill-treated, in order to make them sign confessions. Many of these enforced disappearances have been reportedly facilitated by the application of the Law on Combating Terrorism, which contains an overly vague definition of terrorist offences and considerably lowers the safeguards granted to persons deprived of their liberty pursuant to this legislation.
- 59. The sources informed the Working Group that the perpetration of human rights violations, including enforced disappearances, is enabled by the exceptional powers entrusted to the State Security Apparatus ("SSA") under the Federal Decree-Law No. 2 of 2003. Article 14 of the latter tasks the SSA with combating, among others, terrorist activities and features of organised crime. Allegedly, the SSA may arrest and detain individuals for prolonged periods of time, with little to no judicial oversight or due process guarantees. In particular, the applicable legislation allows the president of the SSA to order detention of suspects of activities that fall under the mandate of the SSA for up to 60 days, which can be renewed for another 30 days, prior to being brought before the public prosecution. Allegedly, the SSA systematically uses administrative detention for prolonged periods of time, thus facilitating the placement outside the protection of the law of persons deprived of their liberty.

- 60. According to the information submitted to the Working Group, arrests carried out by the SSA which often result in the enforced disappearance of the person apprehended would follow a pattern. Namely, victims are arrested in their homes, without a warrant, frequently by SSA forces dressed in civilian clothes. Victims are then brought to secret detention facilities, where they are kept incommunicado for periods ranging from few weeks to some months and subjected to torture and ill-treatment. Authorities fail to provide information on these detainees and usually deny that they were deprived of their liberty in the first place. Persons deprived of their liberty in this context are reportedly not entitled to access legal counsel and, where they are foreigners, they are not granted consular protection.
- 61. Moreover, the Working Group received information on more than 300 cases of enforced disappearance attributable to security forces of the United Arab Emirates in the context of the armed conflict in Yemen. In particular, persons suspected of pertaining or supporting the Houthi armed group have reportedly been deprived of their liberty and subjected to enforced disappearance in detention facilities in Yemen either controlled by forces of the United Arab Emirates or local groups backed by the United Arab Emirates. In this realm, Al-Rayyan International Airport, Rabwet Khalaf, 7th of October prison, Al Jalaa Camp, Waddah Hall, and former Emirati military headquarters in Yemen have allegedly been used as secret detention sites.
- 62. The sources also informed the Working Group that the principle of non-refoulement has frequently been violated. In particular, Emirati authorities would fail to adopt adequate measures to ensure that persons are not expelled, returned or extradited to other States where there are substantial grounds to believe that they would be in danger of enforced disappearance. Reportedly, in a number of cases, Pakistani Shia Muslims have been apprehended and deported to Pakistan, exposed to the imminent risk of enforced disappearance.
- 63. Furthermore, the Working Group learned from the sources that, under the current criminal legislation, enforced disappearance is not codified as a separate crime and this entails a number of consequences that make it extremely difficult, if not virtually impossible, to hold perpetrators accountable, hindering investigations and fostering impunity. According to the information received, under the applicable legislation, the offences of kidnapping, arresting, detaining or illegally depriving a person of his or her freedom in any way, are codified. However, there is no autonomous offence of enforced disappearance that encompasses all the constitutive elements of the crime as defined under international law.
- 64. Reportedly, no investigation is undertaken on cases of enforced disappearance, unless there has been a formal complaint. However, persons willing to lodge such a complaint encounter a number of legal and practical obstacles, thus being left without any effective remedy in the face of their acute suffering.
- 65. Additionally, sources reported that relatives of disappeared persons have been facing unjustified interferences in their right to lodge complaints and seek remedies and have been subjected to reprisals, threats and episodes of harassment. In particular, the Working Group was informed that, where victims of enforced disappearance are foreign nationals, their relatives are exposed to the risk of being returned to their country of origin should they decide to take steps with the Emirati authorities with regard to the disappearance of their loved ones. In this climate of generalised fear, instances of reprisals have allegedly not been subjected to any prompt, thorough and impartial investigations.
- 66. The Working Group would like to bring to the Government's attention Arts. 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, and 18 of the Declaration, which are directly related to the present allegation.
- 67. 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 preventative measures adopted to guarantee that human rights defenders, journalists, lawyers and members of religious minorities

peacefully exercise their rights to freedom of expression, freedom of assembly, freedom of association and freedom of religion, without being subjected to enforced disappearance.

- (c) Please clarify how the definition of terrorist offences contained in the Law on Combating Terrorism complies with international standards on the matter and how are individuals arrested or detained pursuant to this legislation afforded the safeguards due to any persons deprived of their liberty.
- (d) Please provide information on the measures undertaken to ensure that the State Security Apparatus ("SSA") is subjected to strict supervision, including a clear chain of command. In particular, kindly detail how do the prerogatives entrusted to the SSA with regard to prolonged administrative detention without judicial supervision align with international law. How is the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty and identifying the authority ordering or carrying out the deprivation of liberty guaranteed?
- (e) 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.
- (f) 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.
- (g) Kindly provide information on the measures undertaken to guarantee that persons deprived of liberty can communicate with their legal counsel and, if they are foreigners, with their consular authorities in accordance with international law.
- (h) Kindly provide information on whether the United Arab Emirates are involved in the detention of individuals in the context of the Yemeni armed conflict and which are the guarantees offered to ensure that no one is held in secret detention in sites controlled by Emirati forces of Emirati-backed local groups.
- (i) Please provide information on the measures undertaken to ensure the respect of the principle of non-refoulement.
- (j) 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 Emirati 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.
- (k) How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforce disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that enforced disappearances are promptly, thoroughly and impartially investigated by the authority even if there has been no formal complaint?
- (l) What are the measures taken to ensure that all those involved in the investigation of an enforced disappearance, and, in particular, witnesses, complainants and their relatives, are protected against reprisals and intimidations? In particular, has any investigation into alleged reprisals against relatives of disappeared persons and their representative organisations been carried out? If not, what are the reasons? Otherwise, what are the results or progress of such investigations?
- (m) The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days.

Annex III

Intersessional activities of the members

- 1. On 25 May 2022, Aua Baldé attended a meeting with NGO group, Missing Voices from Kenya.
- 2. On 25 May 2022, Gabriella Citroni delivered a guest lecture on *Recent Trends in Enforced Disappearance*, in the context of the online Course on *International Human Rights Law and Kashmir: Prospects and Challenges*, organised by the Oxford Kashmir Forum, at the University of Oxford.
- 3. On 14 June 2022, Angkhana Neelapaijit participated as a speaker on the topic of global and regional challenges of enforced disappearance, at a webinar seminar entitled, "International Convention on the Protection of All Person from Enforced Disappearances: manual on reporting and sharing best practices", organised by the OHCHR Regional Officer for South East Asia.
- 4. On 30 June 2022, Angkhana Neelapaijit participated as a speaker in a webinar seminar of "Best Practices to Prevent Enforced Disappearance in ASEAN" organized by Thailand Department of Rights and Liberties Protection (MOJ) together with the International Committee of Jurists (ICJ).
- 5. On 5 July 2022, Anghkana Neelapaijit gave an opening remark speech on "The situation of enforced disappearances in Syria" in a webinar organized by Syria Legal Development Programe (SLDP), Truth and Justice Charter Coalition and the Global Centre for the Responsibility to Protect.
- 6. On 25 July 2022, Gabriella Citroni was interviewed by the Uruguayan TV channel TVCiudad, for the programme "Ciudad Viva", concerning the visit of the Working Group to Uruguay and its preliminary findings.
- 7. On 2 August 2022, Luciano Hazan participated at the conference organized by the Public Defender Service of the Province of Santa Fe, Argentina, on *Enforced disappearance* as a practice of institutional violence.
- 8. On 24 August 2022, Aua Baldé delivered a lecture at the Faculdade de Direito de Bissau on Enforced Disappearance.
- 9. On 24 August 2022, Luciano Hazan participated in an international conference *Five* years after the approval of the General Law on Disappearances. How has it contributed?, organized by the Center for Human Rights Fray Juan de Larios in Mexico.
- 10. On 27 August 2022, Angkhana Neelapaijit gave a keynote speech on "Enforced Disappearance in ASEAN" on the "International day of the Disappeared"- organized by Amnesty International Thailand and Alliance. At 14 Tula Foundation, Bangkok, Thailand.
- 11. On 30 August 2022, Grażyna Baranowska participated in a webinar organised by the International Coalition Against Enforced Disappearances.
- 12. On 30 August 2022, Luciano Hazan participated in the regional forum Disappearances of migrants in Central America and Mexico in light of the recommendations of human rights mechanisms for the protection of human rights, organized by the OHCHR regional office in Panama, the government of Panama and the Central American Council of Human Rights Procurators.
- 13. On 30 August 2022, Luciano Hazan was also interviewed by the National Radio of Argentina on the International Day of the Victims of Disappearances.
- 14. On 30 August 2022, Gabriella Citroni participated remotely in an event in Mexico City to launch the third edition of OHCHR's publication on enforced disappearance in Mexico: *La desaparición forzada en México: una mirada desde los organismos del sistema de Naciones Unidas*. Gabriella Citroni and Luciano Hazan wrote the prologue to this third edition of the book.

- 15. On 30 August 2022, Gabriella Citroni was also interviewed by CNN-Español, for the programme Aristegui Noticias, on the International Day for the Victims of Enforce Disappearance.
- 16. On 2 September 2022, Gabriella Citroni participated remotely as a speaker, in the event *A diez años del modelo de diálogo e interlocución en Coahuila*, organised by the Academia Interamericana de Derechos Humanos de la Universidad de Coahuila, Saltillo in Mexico.
- 17. On 13 September 2022, Aua Baldé and Gabriella Citroni imparted a 2-hour virtual meeting with 20 representatives of Thai governmental agencies to illustrate and discuss the mandate and methods of work of the Working Group, as well as standards and policies on investigation and search for disappeared persons.
- 18. On 5 and 6 September 2022, Luciano Hazan participated in the *International Seminar* on state obligation to Search for the Disappeared Persons: Advances, challenges and perspectives, in Bogota, organized by the National Unit for the Search of the Disappeared of Colombia.