



Assemblée générale

Distr. générale
28 janvier 2013
Français
Original: anglais

Conseil des droits de l'homme

Vingt-deuxième session

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Rapport du Groupe de travail sur les disparitions forcées ou involontaires*

Résumé

Le Groupe de travail sur les disparitions forcées ou involontaires a été le premier mécanisme thématique des droits de l'homme relevant de l'Organisation des Nations Unies chargé d'un mandat de portée mondiale. Son mandat initial découle de la résolution 20 (XXXVI) de la Commission des droits de l'homme en date du 29 février 1980. Ce mandat a été prorogé pour la dernière fois par le Conseil des droits de l'homme dans sa résolution 16/16 datée du 24 mars 2011.

Depuis sa création, le Groupe de travail a porté 53 986 cas à l'attention des gouvernements. Le nombre de cas dont il reste activement saisi parce qu'ils n'ont pas encore été élucidés, clos ou classés s'établit à 42 889. Ces cas concernent 84 États. Le Groupe de travail a été en mesure d'élucider 298 cas au cours des cinq dernières années.

Le présent rapport rend compte des communications et des cas examinés par le Groupe de travail pendant les trois sessions qu'il a tenues en 2012 et porte sur la période allant du 12 novembre 2011 au 9 novembre 2012. Il comporte, à l'annexe I, des sections sur 96 États et territoires. Ce rapport comporte également une section thématique sur les réparations en cas de disparition forcée et donne des informations sur les autres activités menées par le Groupe de travail.

* Les annexes au présent rapport sont distribuées telles qu'elles ont été reçues, dans la langue originale seulement.

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I. Introduction

1. Le Groupe de travail sur les disparitions forcées ou involontaires a été le premier mécanisme thématique des droits de l'homme relevant de l'Organisation des Nations Unies chargé d'un mandat de portée mondiale. Son mandat initial découle de la résolution 20 (XXXVI) de la Commission des droits de l'homme en date du 29 février 1980. Cette résolution faisait suite à la résolution 33/173 de l'Assemblée générale du 20 décembre 1978, dans laquelle l'Assemblée se déclarait inquiète d'informations en provenance de diverses régions du monde faisant état de disparitions forcées et priait la Commission des droits de l'homme d'examiner la question des personnes disparues. Le mandat du Groupe de travail sur les disparitions forcées ou involontaires a été prorogé pour la dernière fois par le Conseil des droits de l'homme dans sa résolution 16/16 datée du 24 mars 2011.

2. La tâche primordiale du Groupe de travail consiste à aider les familles à faire la lumière sur le sort des personnes qui auraient disparu et à en retrouver la trace. Dans l'accomplissement de son mandat humanitaire, il offre une voie de communication entre la famille des disparus, leurs proches et les gouvernements.

3. Suite à l'adoption de la résolution 47/133 de l'Assemblée générale et de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées, le Groupe de travail s'est vu confier pour mission de suivre les progrès accomplis par les États dans le respect des obligations découlant de la Déclaration. Dans sa résolution 7/12, le Conseil des droits de l'homme a encouragé le Groupe de travail à fournir l'assistance nécessaire à la mise en œuvre, par les États, de la Déclaration et des normes internationales existantes. L'année 2012 a marqué le vingtième anniversaire de la Déclaration. Les 30 et 31 octobre 2012, le Groupe de travail a organisé une cérémonie commémorative avec le soutien de l'Organisation internationale de la Francophonie et du Haut-Commissariat des Nations Unies aux droits de l'homme (voir également le paragraphe 14 ci-après).

4. Le présent rapport rend compte des communications et des cas examinés par le Groupe de travail pendant les trois sessions qu'il a tenues en 2012 et porte sur la période allant du 12 novembre 2011 au 9 novembre 2012.

5. Un résumé des activités menées pendant la période considérée est présenté sous forme de tableau pour chaque pays, complété par une description détaillée des domaines d'intervention (voir annexe I). Le Groupe de travail regrette le fait que la section en question, qui contient des renseignements pertinents sur les disparitions forcées dans le monde, ne sera pas traduite. Il étudie différentes modalités pour rendre compte de ses activités qui pourraient éventuellement rendre possible la traduction de ses rapports à l'avenir. Lorsqu'il n'y a pas eu d'informations communiquées par le gouvernement ou les sources, malgré le rappel annuel adressé par le Groupe de travail au sujet des cas en suspens, seul le tableau est fourni, assorti d'un renvoi à un document où les cas sont décrits.

6. Depuis sa création, le Groupe de travail a porté 53 986 cas à l'attention des gouvernements. Le nombre de cas dont il reste activement saisi parce qu'ils n'ont pas encore été élucidés, clos ou classés s'établit à 42 889. Ces cas concernent 84 États. Le Groupe de travail a été en mesure d'élucider 298 cas au cours des cinq dernières années.

7. Le Groupe de travail est préoccupé par le fait que de nombreuses communications ne soient toujours pas traduites en temps voulu car cela retarde leur examen par le Groupe de travail et empêche celui-ci de s'acquitter de son mandat humanitaire. Il regrette également qu'à la date de l'adoption du présent rapport (novembre 2012) son précédent rapport n'ait été traduit qu'en arabe.

8. Le site Web du Groupe de travail laisse à désirer. La majeure partie de son contenu est en anglais. Le Groupe de travail demande une nouvelle fois aux Nations Unies de lui fournir les ressources voulues pour mettre à jour le site Web et le rendre plus facile à consulter.

9. Le Groupe de travail apprécie les ressources humaines supplémentaires qui lui ont été fournies pendant la période examinée. Toutefois, il note qu'en dépit de tous ses efforts, il lui reste plus de 900 affaires à examiner. Le Groupe de travail s'est notamment donné pour priorité de résorber le retard pris dans l'examen des affaires. Il est donc indispensable que des moyens supplémentaires continuent à lui être fournis à l'avenir.

II. Activités du Groupe de travail sur les disparitions forcées ou involontaires du 12 novembre 2011 au 9 novembre 2012

A. Sessions, activités intersessions des membres du Groupe de travail et autres activités

10. Pendant la période considérée, le Groupe de travail a tenu trois sessions: la quatre-vingt-seizième session, du 12 au 16 mars 2012; la quatre-vingt-dix-septième session, du 9 au 13 juillet 2012; la quatre-vingt-dix-huitième session, du 31 octobre au 9 novembre 2012. Il a tenu ses trois sessions à Genève.

11. M. Jeremy Sarkin a été le Président-Rapporteur du Groupe de travail jusqu'au 11 mars 2012. Depuis le 12 mars 2012, M. Olivier de Frouville est le Président-Rapporteur du Groupe de travail, où siègent également Ariel Dulitzky, Jasminka Dzumhur, Osman El-Hajjé et Jeremy Sarkin.

12. Le 5 mars 2012, le Président-Rapporteur a présenté le rapport annuel du Groupe de travail pour l'année 2011 à la dix-neuvième session du Conseil des droits de l'homme et a pris part au dialogue interactif qui s'est engagé avec les États Membres.

13. Le 25 octobre 2012, le Président-Rapporteur du Groupe de travail s'est adressé à l'Assemblée générale à sa soixante-septième session et a pris part à un dialogue interactif avec les États Membres.

14. Les 30 et 31 octobre 2012, le Groupe de travail a organisé à Genève une manifestation destinée à célébrer le vingtième anniversaire de l'adoption de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées. Le 30 octobre, une journée de discussion thématique a été consacrée à l'examen des meilleures pratiques en matière de protection des femmes contre les disparitions forcées, des problèmes rencontrés et de l'impact de ces disparitions. Le 31 octobre, une demi-journée a ensuite été consacrée à un dialogue ouvert entre le Groupe de travail et des représentants des États. La première journée a été principalement consacrée aux incidences des disparitions forcées sur les femmes et sur le rôle des femmes en tant qu'acteurs du changement. Les participants ont souligné les conséquences, socioéconomiques et autres, des disparitions forcées sur les femmes et la vulnérabilité particulière des femmes pendant ces disparitions. Des femmes dont des proches ont disparu ont apporté leur témoignage et décrit l'action qu'elles mènent au premier plan de la lutte contre les disparitions forcées, tout en soulignant les difficultés auxquelles elles se heurtent dans leur lutte pour le droit à la vérité et à la justice. Le deuxième jour, le Groupe de travail et les États ont tenu un dialogue ouvert sur l'application de la Déclaration, les problèmes auxquels elle se heurte et les meilleures pratiques à cet égard dans le contexte de la prévention des disparitions forcées et la réalisation des droits des victimes à la justice, la vérité et à des réparations. Les membres du Groupe de travail ont présenté chacun des thèmes examinés, puis ils ont tenu un dialogue

interactif avec les États Membres. Différentes questions ont été mises en relief, dont la nécessité d'élaborer une stratégie générale de protection des témoins et des proches de personnes disparues, l'obligation pour les États de définir la disparition forcée en tant qu'infraction distincte dans leur Code pénal, l'importance de prévoir des mesures de réparation répondant aux besoins des femmes et la nécessité de concevoir le droit à la vérité comme un droit absolu.

15. Pendant la période considérée, tous les membres du Groupe de travail ont mené des activités concernant les disparitions forcées et, notamment, participé à des séminaires, des activités de formation, des ateliers et des conférences sur cette question.

B. Réunions

16. Pendant la période considérée, ont assisté aux sessions du Groupe de travail les représentants des Gouvernements des pays suivants: Algérie, Espagne, Gambie, Guatemala, Iran (République islamique d'), Japon, Maroc, Namibie, Pakistan, République de Corée, Serbie, Sri Lanka, Tadjikistan et Togo. Le Groupe de travail a tenu d'autres réunions informelles avec différents États tout au long de l'année. Il a également rencontré le Comité des disparitions forcées, des représentants d'organisations non gouvernementales internationales, d'organisations non gouvernementales de défense des droits de l'homme et d'associations de parents de personnes disparues et des familles ou des témoins.

C. Communications

17. Pendant la période sur laquelle porte le rapport, le Groupe de travail a porté 208 nouveaux cas de disparition forcée à l'attention de 21 gouvernements.

18. Le Groupe de travail a transmis 59 de ces cas au titre de la procédure d'action urgente aux Gouvernements des pays suivants: Algérie, Bangladesh, Mauritanie, Mexique, Ouzbékistan, Pakistan, Sri Lanka, République arabe syrienne, République centrafricaine, Tadjikistan, Thaïlande et Ukraine.

19. Pendant la même période, le Groupe de travail a élucidé 74 cas dans les pays suivants: Algérie, Argentine, Chili, Colombie, Égypte, Espagne, Iraq, Libye, Maroc, Myanmar, Pakistan, République arabe syrienne, Tadjikistan et Uruguay; 61 d'entre eux ont été élucidés à partir des informations fournies par le gouvernement et 13 autres grâce aux informations fournies par les sources.

20. Pendant la période considérée, le Groupe de travail a envoyé 10 lettres d'intervention rapide au sujet du harcèlement et des menaces dont avaient fait l'objet des défenseurs des droits de l'homme et des proches de personnes disparues dans les pays suivants: Algérie, Fédération de Russie, Inde, Mexique, Sri Lanka et Turquie. Toutes ces lettres ont été adressées conjointement avec d'autres titulaires de mandat au titre des procédures spéciales en tant que communications communes.

21. Le Groupe de travail a envoyé 16 appels urgents concernant des personnes qui avaient été arrêtées, placées en détention, enlevées, avaient fait l'objet d'une autre mesure de privation de liberté, avaient été victimes de disparition forcée ou risquaient de disparaître dans les pays suivants: Colombie, Émirats arabes unis, Inde, Iran (République islamique d'), Jordanie, Mali, Mexique, République arabe syrienne, République démocratique du Congo et Zimbabwe. Toutes ces communications ont été adressées en association avec d'autres mécanismes des procédures spéciales.

22. Pendant la période considérée, le Groupe de travail a porté trois allégations générales à l'attention des Gouvernements érythréen, lituanien et philippin¹ et adopté une allégation générale sur la Thaïlande. En association avec d'autres procédures spéciales, il a également porté deux allégations générales à l'attention des Gouvernements de la République populaire démocratique de Corée et de la Colombie (voir également l'annexe I).

D. Visites sur place

23. À l'invitation du Gouvernement de ces pays, le Groupe de travail s'est rendu au Chili et au Pakistan.

24. Le Groupe de travail, représenté par Ariel Dulitzky et Jasminka Dzumhur, a effectué une mission au Chili du 13 au 21 août 2012. Cette mission avait pour objet d'étudier les principales initiatives et mesures mises en œuvre par le Chili pour faire face aux disparitions forcées ou involontaires survenues pendant une période de son histoire marquée par des violations des droits de l'homme. Les experts ont également étudié l'avancement des enquêtes et des procédures judiciaires relatives aux cas de disparition forcée, ainsi que les problèmes liés aux droits à la vérité, à la justice et à des réparations dans le cas des victimes de disparition forcée. Le rapport sur la mission au Chili figure dans un additif au présent rapport (A/HRC/22/45/Add.1).

25. Le Groupe de travail, représenté par Olivier de Frouville et Osman El-Hajjé, s'est rendu au Pakistan du 10 au 20 septembre 2012. Cette mission avait pour objet de rassembler des renseignements sur les cas de disparition forcée et d'étudier les mesures prises par l'État pour prévenir ces disparitions et y mettre fin, notamment les questions qui concernent l'accès à la vérité, à la justice et à des réparations dans le cas des victimes de disparition forcée. Le rapport sur la mission au Pakistan figure dans un additif au présent rapport (A/HRC/22/45/Add.2).

26. Pendant la période considérée, le Groupe de travail a renouvelé ses demandes de visite dans les pays suivants: Algérie, Égypte, Fédération de Russie, Inde, Indonésie, Iran (République islamique d'), Ouzbékistan, Sri Lanka et Thaïlande.

27. Pendant la période considérée, le Groupe de travail a également demandé à se rendre en Libye et en Espagne. Le Gouvernement libyen a accepté la demande du Groupe de travail de se rendre en Libye au premier semestre 2013. Le Gouvernement espagnol a accepté la demande que lui avait adressée le Groupe de travail au sujet d'une mission en Espagne pendant le second semestre 2013.

28. Pendant la période considérée, le Gouvernement kirghize a invité le Groupe de travail à se rendre au Kirghizistan en 2013. Le Groupe de travail remercie les États qui lui ont adressé des invitations.

29. Le Groupe de travail a demandé à se rendre dans les pays et territoires suivants: Bélarus, Burundi, Croatie, Égypte, Fédération de Russie, Inde, Indonésie, Monténégro, Népal, Nicaragua, Ouzbékistan, Philippines, République arabe syrienne, Soudan, Soudan du Sud, Sri Lanka, Thaïlande et Zimbabwe. Aucune de ces requêtes n'a encore reçu de réponse favorable. Le Groupe de travail invite tous les États qui ont reçu une demande de visite à lui donner une réponse favorable, conformément à la résolution 21/4 du Conseil des droits de l'homme.

¹ Comme il est indiqué dans le rapport annuel précédent (voir A/HRC/19/58/Rev.1, par. 22), les résumés des trois allégations générales, examinées par le Groupe de travail à sa quatre-vingt-quinzième session, figurent dans l'annexe I.

30. À cet égard, le Groupe de travail rappelle que la République islamique d'Iran avait accepté qu'il se rende dans ce pays en 2004 et que la visite avait été reportée à la demande du Gouvernement. Il demande au Gouvernement iranien d'arrêter la date de cette visite.

E. Rapports complémentaires

31. Pendant la période considérée, le Groupe de travail a établi des rapports complémentaires sur l'application des recommandations qu'il avait faites à la suite des visites qu'il avait effectuées en El Salvador et au Maroc. Ces rapports complémentaires figurent dans l'additif au présent rapport (A/HRC/22/45/Add.3).

F. Communiqués de presse et déclarations

32. Le 11 novembre 2011, le Groupe de travail et le Comité des disparitions forcées ont publié un communiqué de presse commun à l'occasion de leur première réunion, tenue le mercredi 8 novembre 2011².

33. Le 30 août 2012, le Groupe de travail et le Comité des disparitions forcées ont publié une déclaration commune à l'occasion de la deuxième Journée internationale des victimes de disparition forcée. Le Groupe de travail a noté que, vingt ans après l'adoption de la Déclaration, la pratique des disparitions forcées continuait d'être utilisée dans certains pays pour réprimer des individus et intimider des personnes revendiquant leurs droits. Les experts ont également fait observer que d'autres pays n'avaient pas pris les mesures voulues pour faire la lumière sur des faits passés. Ils ont souligné que toutes les familles de victimes de disparition forcée devraient pouvoir exercer leurs droits à la vérité, à la justice et à des réparations, même lorsque ces disparitions avaient eu lieu des décennies plus tôt³.

34. Le 25 octobre 2012, le Groupe de travail et le Président du Comité des disparitions forcées ont publié le discours prononcé par le Président-Rapporteur du Groupe de travail à l'Assemblée générale dans un communiqué de presse commun⁴.

35. Le 8 novembre 2012, le Groupe de travail et le Comité des disparitions forcées ont publié une déclaration commune à l'issue de leur réunion annuelle, tenue le 1^{er} novembre 2012. Cette réunion a permis aux membres de ces deux organes des Nations Unies dont le mandat porte sur les disparitions forcées d'échanger des informations sur leurs activités respectives et de réfléchir à la coordination d'initiatives communes. Le Groupe de travail et le Comité ont réaffirmé leur volonté de coopérer et de coordonner les activités qu'ils entreprennent dans l'exercice de leurs mandats respectifs. Ils ont approuvé le principe d'une mise en commun des informations en permanence. La discussion a porté sur la complémentarité des procédures de ces deux organes, l'interprétation du droit international dans le domaine des disparitions forcées et les visites dans les pays. Le Groupe de travail et le Comité des disparitions forcées ont rappelé que la coordination et la cohérence étaient indispensables pour garantir aux victimes de disparition forcée une protection effective et que les actions menées par ces deux organes pour prévenir et combattre l'odieux crime de disparition forcée se complétaient et se renforçaient mutuellement⁵.

36. Pendant la période considérée, le Groupe de travail a également publié des communiqués de presse concernant la Chine, la Colombie, l'Espagne et le Mexique.

² Disponible à l'adresse suivante: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E.

³ Voir www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12472&LangID=E.

⁴ Voir www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12715&LangID=F.

⁵ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12754&LangID=E.

37. Le 23 décembre 2011, le Groupe de travail et trois titulaires de mandat au titre des procédures spéciales ont publié un communiqué de presse commun portant sur les allégations de maintien en détention au secret de Gao Zhisheng, éminent avocat spécialisé dans la défense des droits de l'homme, qui aurait été arrêté en 2006 en raison de ses prises de position contre les atteintes aux droits de l'homme en Chine. M. Gao aurait été accusé de subversion du pouvoir de l'État alors que sa culpabilité n'a jamais été établie devant les tribunaux. Au moment de la publication de ce communiqué de presse, on ignorait depuis vingt mois où se trouvait M. Gao⁶.

38. Le 8 février 2012, le Groupe de travail et d'autres titulaires de mandat ont publié un communiqué de presse portant sur le procès du juge Baltasar Garzón en Espagne et les répercussions de ce procès sur la procédure d'enquête et d'examen de plus de 100 000 disparitions forcées qui se seraient produites dans ce pays pendant la guerre civile et sous le régime de Franco. Le Groupe de travail a souligné que chaque investigation devait se poursuivre tant que le sort de la victime de disparition forcée restait non élucidé et qu'aucune loi d'amnistie ne devait exonérer un État de son obligation d'enquêter sur les disparitions et de poursuivre et sanctionner les auteurs de ces crimes⁷.

39. Le 14 mars 2012, le Groupe de travail a publié un communiqué de presse à l'occasion de la présentation du rapport sur sa mission au Mexique (A/HRC/19/58/Add.2). Bien qu'ayant conscience des défis qu'engendrait la complexité de la situation en matière de sécurité publique dans le contexte de la lutte contre la criminalité, les experts ont souligné qu'il existait des problèmes chroniques d'impunité, mis en évidence par l'absence d'enquêtes efficaces sur les cas de disparition forcée⁸.

40. Le 21 août 2012, le Groupe de travail a publié un communiqué de presse à la fin de sa mission officielle au Chili⁹.

41. Le 20 septembre 2012, le Groupe de travail a publié un communiqué de presse à la fin de sa mission officielle au Pakistan¹⁰.

42. Le 22 octobre 2012, le Groupe de travail et 10 titulaires de mandat au titre d'autres procédures spéciales ont publié un communiqué de presse commun dans lequel ils se déclarent préoccupés par le projet de réforme des dispositions de la Constitution colombienne concernant le droit pénal militaire, qui pourrait avoir de graves incidences sur le respect de la légalité et l'exercice des droits de l'homme en Colombie. Bien que ce projet de réforme semble prévoir que la compétence des juridictions militaires et des tribunaux de la police ne porterait pas sur les crimes de génocide, les crimes contre l'humanité ou les disparitions forcées, il pourrait aussi élargir la compétence de ces instances en les autorisant à enquêter sur d'autres cas d'atteintes graves aux droits de l'homme, à engager des poursuites et à se prononcer sur ces cas, ainsi que sur les crimes commis par les membres des forces privées de sécurité alors que ces crimes devraient relever de la justice ordinaire et des tribunaux de droit commun¹¹.

43. Il est fait référence aux communiqués de presse susmentionnés dans les sections pertinentes du présent rapport consacrées aux pays (voir l'annexe I).

44. Pendant la période considérée, le Groupe de travail a publié des bulletins d'information et des communiqués de presse au début et à la fin de chacune de ses trois sessions.

⁶ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E.

⁷ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E.

⁸ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11963&LangID=E.

⁹ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12451&LangID=E.

¹⁰ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12552&LangID=E.

¹¹ Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E.

G. Observations générales

45. En 2012, le Groupe de travail a établi le texte final de deux observations générales sur les enfants et les disparitions forcées et sur les femmes touchées par les disparitions forcées, qu'il a adoptées à sa quatre-vingt-dix-huitième session.

III. Réparations et disparitions forcées

46. À compter de l'année en cours, le Groupe de travail a décidé de faire figurer une section thématique dans ses rapports annuels. Eu égard au temps écoulé depuis l'adoption de son observation générale sur l'article 19 de la Déclaration (1997) et à l'évolution du droit international, il a choisi de consacrer la section thématique du présent rapport à la question du droit à réparation des victimes de disparition forcée.

47. Aux termes de l'article 19 de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées, «les victimes d'actes ayant entraîné une disparition forcée et leur famille doivent obtenir réparation et ont le droit d'être indemnisées de manière adéquate, notamment de disposer des moyens qui leur permettent de se réadapter de manière aussi complète que possible. En cas de décès de la victime du fait de sa disparition forcée, sa famille a également droit à indemnisation».

A. Définition de la réparation

48. Le Groupe de travail considère qu'à l'article 19 de la Déclaration, le terme «redress» recouvre essentiellement l'idée de «réparation» même s'il recouvre également celle de «recours utile»¹². Le droit à réparation est un droit de l'homme reconnu et fondamental, consacré par les instruments universels et régionaux relatifs aux droits de l'homme et dans d'autres instruments internationaux¹³. Le Groupe de travail observe une évolution de la portée du droit à obtenir réparation en droit coutumier, qui s'est produite au cours des dernières décennies.

49. Pour la première fois en droit international, le droit à obtenir réparation pour des actes de disparition forcée a été inscrit dans un instrument international juridiquement contraignant, la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées¹⁴. Il est précisé au paragraphe 5 de l'article 24 de la Convention que le droit d'obtenir réparation couvre les dommages matériels et moraux ainsi que, le cas échéant, d'autres formes de réparation telles que la restitution, la réadaptation, la satisfaction, y compris le rétablissement de la dignité et de la réputation et des garanties de non-répétition¹⁵.

¹² Voir également l'Observation générale n° 3 du Comité contre la torture sur l'article 14 de la Convention contre la torture (CAT/C/GC/3).

¹³ Ainsi que l'a récemment réaffirmé la Chambre de première instance I de la Cour pénale internationale dans le document intitulé «*Situation en République démocratique du Congo, Le Procureur c. Thomas Lubanga Dyilo, Décision sur les principes et procédures applicables aux réparations*», daté du 7 août 2012, par. 185.

¹⁴ Art. 24, par. 4: «Tout État partie garantit, dans son système juridique, à la victime d'une disparition forcée le droit d'obtenir réparation et d'être indemnisée rapidement, équitablement et de manière adéquate.».

¹⁵ La jurisprudence des juridictions régionales des droits de l'homme, en particulier celle de la Cour interaméricaine des droits de l'homme, a contribué à l'interprétation et au développement du droit à obtenir réparation. La jurisprudence de la Cour est de loin la plus élaborée et la plus créative pour ce qui est d'affirmer le droit des victimes à réparation.

1. La réparation en tant que conséquence d'une atteinte aux droits de la victime

50. Le Groupe de travail note que, dans la pratique, les mesures prises pour aider les proches à faire face aux conséquences de l'absence de la personne disparue sont assimilées à des mesures de réparation. Chacun a droit à la sécurité sociale et l'État a pour devoir de fournir à la famille une protection aussi large que possible. Toutefois, les mesures d'aide sociale ne s'appliquent pas au préjudice de l'obligation de l'État d'accorder des réparations aux victimes en raison d'une atteinte à leurs droits¹⁶. En outre, les proches d'une personne disparue ne devraient pas être tenus de présenter un certificat de décès pour pouvoir bénéficier d'avantages sociaux et/ou de mesures de réparation¹⁷. Dans ces observations générales sur l'article 19 de la Déclaration, le Groupe de travail dispose clairement qu'en règle générale aucune personne victime d'une disparition forcée ne sera présumée morte contre l'avis de sa famille¹⁸.

2. Définition des personnes ayant droit à obtenir réparation

51. Le Groupe de travail n'établit pas de distinction entre les victimes directes et les victimes indirectes, il estime que les personnes disparues et celles qui ont souffert en raison de cette disparition doivent être considérées comme des victimes de disparition forcée et ont donc droit à obtenir réparation¹⁹. Aux fins des réparations, il faudrait adopter une définition large de la victime, sans lien avec l'établissement de la responsabilité pénale et la condamnation de l'accusé²⁰.

52. Selon les Principes fondamentaux et directives concernant le droit à un recours et à réparation des victimes de violations flagrantes du droit international des droits de l'homme et de violations graves du droit international humanitaire²¹, on entend par «victimes» les personnes qui, individuellement ou collectivement, ont subi un préjudice, notamment une atteinte à leur intégrité physique ou mentale, une souffrance morale, une perte matérielle ou une atteinte grave à leurs droits fondamentaux, en raison d'actes ou d'omissions constituant des violations flagrantes du droit international des droits de l'homme ou des violations graves du droit international humanitaire. Le cas échéant, et conformément au droit interne, on entend aussi par «victimes» les membres de la famille proche ou les personnes à charge de la victime directe et les personnes qui, en intervenant pour venir en aide à des victimes qui se trouvaient dans une situation critique ou pour prévenir la persécution, ont subi un préjudice.

B. Formes de réparation en cas de disparition forcée

53. Le Groupe de travail a noté que, dans plusieurs pays, la réparation était interprétée exclusivement comme une indemnité, à savoir une somme d'argent destinée à compenser toutes les formes de préjudice causé aux victimes. Dans ses observations générales sur l'article 19 de la Déclaration, le Groupe de travail a cependant déjà expliqué que

¹⁶ Au paragraphe 9 de son observation générale sur le droit à la reconnaissance de la personnalité juridique d'une personne dans le contexte des disparitions forcées, le Groupe de travail a indiqué que le fait que les membres de la famille d'une personne disparue acceptent une aide financière ne devrait en aucun cas être considéré comme une renonciation au droit à obtenir pleinement réparation du dommage causé par le crime de disparition forcée, conformément à l'article 19 de la Déclaration.

¹⁷ A/HRC/16/48/Add.1, par. 46.

¹⁸ E/CN.4/1998/43, par. 74.

¹⁹ Voir A/HRC/19/58/Rev.1, par. 58. Selon le paragraphe 1 de l'article 24 de la Convention, on entend par «victime» la personne disparue et toute personne physique ayant subi un préjudice direct du fait d'une disparition forcée.

²⁰ Voir A/HRC/19/58/Add.2, par. 109.

²¹ Résolution 60/147 de l'Assemblée générale, annexe.

l'obligation d'accorder réparation aux victimes de disparition forcée ne se limitait pas au droit à une réparation pécuniaire, mais couvrait, entre autres, les soins de santé physique et mentale et les services de réadaptation en cas de préjudice corporel ou mental, ainsi qu'une réhabilitation juridique et sociale, des garanties de non-répétition, le rétablissement des libertés personnelles et d'autres mesures similaires de remise en état et de réparation susceptibles d'éliminer les conséquences de la disparition forcée²².

54. De manière générale, le Groupe de travail recommande la mise en place d'un programme national de réparations prévoyant d'accorder indemnisation, restitution, réadaptation, satisfaction et garanties de non-répétition pour toutes les victimes de violations des droits de l'homme, y compris les disparitions forcées²³. Le Groupe de travail souligne également que, au titre du droit à réparation en cas de disparition forcée, la famille de la personne disparue a le droit imprescriptible d'être informée du sort de la personne disparue et/ou du lieu où elle se trouve et que, en cas de décès, le corps de cette personne doit lui être restitué dès son identification, que les auteurs aient ou non été identifiés ou poursuivis²⁴.

1. Restitution

55. La restitution est une forme de réparation qui vise, dans la mesure du possible, à rétablir la victime dans la situation originale qui existait avant que la violation ait été commise. En cas de disparition forcée, les mesures de restitution comprennent le recouvrement de l'identité²⁵, la restauration de la liberté et le retour sur le lieu de résidence. Le Groupe de travail souligne que, la pleine restitution n'étant habituellement pas possible en cas de disparition forcée en raison de la nature irréversible du préjudice subi, elle doit être complétée par d'autres formes de réparation, par exemple l'indemnisation et la réhabilitation. En outre, il est important d'insister sur le fait que, même lorsque la restitution est possible, les mesures de réparation visant à rétablir la victime dans la situation antérieure peuvent rendre nécessaire de s'intéresser à des situations antérieures de discrimination et/ou de vulnérabilité et y remédier.

2. Indemnisation

56. Le Groupe de travail souligne que l'indemnisation financière n'est pas suffisante en elle-même et devrait normalement être associée à d'autres formes de réparation²⁶. Les Principes fondamentaux et directives concernant le droit à un recours et à réparation des victimes de violations flagrantes du droit international des droits de l'homme et de violations graves du droit international humanitaire disposent qu'une indemnisation devrait être accordée pour tout dommage résultant de violations flagrantes du droit international des droits de l'homme et de violations graves du droit international humanitaire, qui se

²² E/CN.4/1998/43, par. 75.

²³ Voir A/HRC/19/58/Add.1, par. 79 b), et A/HRC/16/48/Add.1, par. 84 d). Voir aussi le principe 18 des Principes fondamentaux et directives concernant le droit à un recours et à réparation des victimes de violations flagrantes du droit international des droits de l'homme et de violations graves du droit international humanitaire.

²⁴ Voir E/CN.4/2005/102/Add.1, principe 34.

²⁵ Voir Cour interaméricaine des droits de l'homme, affaire *Contreras et al. v. El Salvador*, arrêt du 31 août 2011 (peut être consulté en ligne à l'adresse www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf), par. 193.

²⁶ Voir A/HRC/19/58/Add.3, par. 54. Le Groupe de travail a déjà examiné la question de l'indemnisation des victimes de disparition forcée dans son rapport annuel pour 1997 (E/CN.4/1998/43). Au cours de l'établissement du présent rapport, le Groupe de travail a écrit aux pays ayant plus de 20 affaires en suspens en vue d'obtenir des renseignements sur les pratiques de chaque pays dans ce domaine.

prête à une évaluation économique, selon qu'il convient et de manière proportionnée à la gravité de la violation et aux circonstances de chaque cas. Le principe 20 fournit également une liste de ce qui peut être considéré comme un dommage se prêtant à une évaluation économique: a) le préjudice physique ou psychologique; b) les occasions perdues, y compris en ce qui concerne l'emploi, l'éducation et les prestations sociales; c) les dommages matériels et la perte de revenus, y compris la perte du potentiel de gains; d) le dommage moral; et e) les frais encourus pour l'assistance en justice ou les expertises, pour les médicaments et les services médicaux et pour les services psychologiques et sociaux.

57. L'indemnisation est un élément important du droit à un recours effectif, en particulier lorsqu'il n'est pas possible de rétablir la victime dans la situation antérieure, comme c'est souvent le cas dans de nombreux crimes internationaux, y compris les disparitions forcées. Le Groupe de travail souligne que l'indemnisation doit être complète et «adéquate», c'est-à-dire proportionnée à la gravité de la violation des droits fondamentaux (notamment en fonction des conditions de détention et de la durée de la disparition) et des souffrances endurées par la personne disparue et sa famille²⁷.

58. Le Groupe de travail souligne également que l'indemnisation pécuniaire devrait être appliquée avec largesse et accordée pour tout dommage résultant d'une disparition forcée, tel que le préjudice physique ou psychologique²⁸, les occasions perdues²⁹, les dommages matériels et les pertes de revenus, l'atteinte à la réputation et les frais encourus pour l'assistance en justice ou les expertises³⁰. Le Groupe de travail souligne en outre le fait que, la responsabilité civile de l'État étant engagée en raison de la gravité du crime de disparition forcée, le passage du temps ne doit pas empêcher des plaintes au civil de prospérer par l'application de la prescription légale³¹.

3. Réadaptation

59. La réadaptation est une composante essentielle de la réparation. L'article 19 de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées précise que les victimes d'actes ayant entraîné une disparition forcée et leur famille ont droit à une réadaptation aussi complète que possible. Des mesures et programmes de réadaptation devraient être mis en place et être facilement accessibles pour les victimes et leur famille.

60. Les Principes fondamentaux et directives concernant le droit à un recours et à réparation des victimes de violations flagrantes du droit international des droits de l'homme et de violations graves du droit international humanitaire stipulent que la réadaptation devrait comporter une prise en charge médicale et psychologique ainsi que l'accès à des services juridiques et sociaux³². Les caractéristiques et besoins particuliers de chaque

²⁷ A/HRC/16/48/Add.1, par. 45.

²⁸ La Cour interaméricaine des droits de l'homme a élaboré le concept de réparation morale de façon à y inclure à la fois la souffrance et la détresse causées aux victimes directes et leurs proches, le mépris de valeurs très importantes pour l'individu et d'autres modifications de nature morale des conditions de vie des victimes ou de leurs proches. Voir *Contreras et al. v. El Salvador* (voir note 25), par. 227; voir également l'affaire des «Enfants des rues» (*Villagran Morales et al. v. Guatemala*), réparations et dépens, jugement du 26 mai 2001, par. 84.

²⁹ Voir par exemple Cour interaméricaine des droits de l'homme, affaire *Gelman v. Uruguay*, arrêt du 24 février 2011, par. 292-293, dans laquelle la Cour a reconnu la perte de revenus de la victime, qui n'avait que 19 ans au moment de sa disparition et était étudiante à l'université.

³⁰ A/HRC/19/58/Add.1, par. 63.

³¹ A/HRC/22/45/Add.1, par. 47.

³² Principe 21. Dans l'affaire *Barrios Altos (Chumbipuma Aguirre et al. v. Peru)*, 2001, par. 40, la Cour interaméricaine des droits de l'homme a approuvé l'accord signé entre l'État et les victimes, dans lequel l'État reconnaît avoir l'obligation de fournir procédures diagnostiques, médicaments, soins

victime devraient être pris en compte lors de la fourniture d'un traitement psychologique ou psychiatrique, qui peut être individuel, collectif ou familial³³.

61. Le Groupe de travail souligne également que des mesures devraient être prises pour veiller à ce que les membres des familles des personnes disparues aient droit à des prestations sociales et autres mesures d'aide sociale, y compris les soins de santé, les programmes d'éducation spéciale et une aide psychologique, quel que soit leur lieu de résidence³⁴.

4. Satisfaction et garanties de non-répétition

62. Dans les Principes fondamentaux et directives mentionnés ci-dessus, le principe 22, portant sur les mesures de la satisfaction, fait expressément référence à une mesure relative aux disparitions forcées, à savoir la recherche des personnes disparues, de l'identité des enfants qui ont été enlevés et des corps des personnes tuées, et l'assistance pour la récupération, l'identification et la réinhumation des corps conformément aux vœux exprimés ou présumés de la victime ou aux pratiques culturelles des familles et des communautés. Le Groupe de travail souligne que la recherche de la vérité, y compris l'obligation d'enquêter sur les faits et d'identifier, poursuivre et, le cas échéant, sanctionner les coupables, est aussi une forme de satisfaction pour les victimes³⁵. Il souligne également que les droits procéduraux à une enquête, à la vérité et à la justice sont également fondamentaux pour que les victimes aient le sentiment d'une réparation. En effet, dans certains cas, le processus de vérité et de justice peut en soi constituer une forme de réparation.

63. Entre autres formes de satisfaction pour les victimes de disparition forcée et leur famille, on peut citer les déclarations officielles ou décisions de justices rétablissant la victime et les personnes qui ont un lien étroit avec elle dans leur dignité, leur réputation et leurs droits³⁶; les excuses publiques, notamment la reconnaissance des faits et l'acceptation de la responsabilité, par exemple par une cérémonie ou une proclamation publique; et les commémorations et hommages aux victimes. Parmi les mesures particulières relatives aux disparitions forcées, on peut citer la création d'unités spécialisées pour mener les enquêtes sur les plaintes pour violations graves des droits de l'homme, y compris les disparitions forcées; l'élaboration d'un protocole pour la récupération et l'identification des restes humains; la création d'un programme d'aide psychosociale à l'intention des personnes retrouvées et de leurs proches, ainsi que des proches de celles qui restent disparues; et l'accès du public aux dossiers et archives de l'État contenant des renseignements pertinents³⁷.

64. Le Groupe de travail considère que la mise en place de sites et monuments commémoratifs contribue à la reconnaissance sociale collective des violations commises et, en contribuant aussi au rejet et à la condamnation de ces violations, constitue également une

spécialisés, hospitalisation, interventions chirurgicales, accouchements, réadaptation post-traumatique et soins de santé mentale.

³³ Voir *Contreras et al. v. El Salvador* (voir note 25), par. 200.

³⁴ A/HRC/16/48/Add.1, par. 84 c).

³⁵ Voir par exemple A/HRC/16/48/Add.2, par. 8. Le principe 4 de l'Ensemble de principes actualisé pour la protection et la promotion des droits de l'homme par la lutte contre l'impunité (E/CN.4/2005/102/Add.1) stipule que, indépendamment de toute action en justice, les victimes, ainsi que leur famille et leurs proches, ont le droit imprescriptible de connaître la vérité sur les circonstances dans lesquelles ont été commises les violations et, en cas de décès ou de disparition, sur le sort qui a été réservé à la victime.

³⁶ Dans le cas des décisions de justice, la publication et la diffusion de l'arrêt sont également considérées comme une forme de satisfaction.

³⁷ Voir *Contreras et al. v. El Salvador* (voir note 25), par. 211 à 214; et l'affaire *Gelman v. Uruguay* (voir note 29), par. 272 à 282.

mesure préventive³⁸. Le Groupe de travail souligne que les États devraient adopter un cadre juridique complet pour les programmes de réparation, y compris la création de monuments commémoratifs, avec à l'esprit l'idée d'éviter la revictimisation et de nouvelles violations du droit à la dignité. La législation devrait définir les critères et la procédure d'établissement de ces monuments, en tenant compte des controverses potentielles qui pourraient découler de souvenirs contradictoires de différents groupes de la société³⁹. Il incombe à l'État de mettre en place et entretenir les sites commémoratifs, avec la participation étroite des parents des personnes disparues et autres parties concernées⁴⁰.

65. En ce qui concerne les garanties de non-répétition, des mesures devraient être prises pour prévenir la récurrence de disparitions forcées. Le principe 23 des Principes fondamentaux et directives susmentionnés évoque diverses garanties possibles de non-répétition, par exemple dispenser, à titre prioritaire et de façon suivie, un enseignement sur les droits de l'homme et le droit international humanitaire dans tous les secteurs de la société, et une formation en la matière aux responsables de l'application des lois et au personnel des forces armées et de sécurité; promouvoir des mécanismes pour prévenir, surveiller et résoudre les conflits sociaux; et réexaminer et réformer les lois favorisant ou permettant des violations flagrantes du droit international des droits de l'homme et des violations graves du droit international humanitaire⁴¹. La mise en place de garanties et de protocoles particuliers et la promotion de réformes du secteur judiciaire et du secteur de la sécurité sont d'autres mesures importantes visant à garantir la non-répétition. À cet égard, le Groupe de travail souligne en outre que la pleine réalisation du droit à la vérité et à la justice est un élément essentiel pour cela.

C. Réparations individuelles et collectives

66. Le Groupe de travail constate avec satisfaction que le droit international des droits de l'homme reconnaît de plus en plus que les réparations peuvent être accordées à titre individuel aussi bien que collectif⁴². Des réparations individuelles et collectives peuvent être accordées simultanément et ne s'excluent pas mutuellement, étant donné la différence

³⁸ Voir A/HRC/19/58/Add.3, par. 101 c); E/CN.4/2006/56/Add.1, par. 115; et A/HRC/10/9/Add.1, par. 65.

³⁹ Voir aussi A/HRC/16/48/Add.1, par. 48 et 84 g).

⁴⁰ Au Chili, par exemple, alors que l'État a financé la construction et l'entretien de plusieurs monuments ainsi que l'organisation de diverses manifestations culturelles, la construction et l'entretien de nombreux autres monuments commémoratifs visant à préserver la mémoire historique ont essentiellement été le produit d'initiatives de la société civile, principalement des organisations de familles de victimes, et non d'une politique impulsée par l'État. Voir A/HRC/22/45/Add.1, par. 50.

⁴¹ Les autres garanties mentionnées dans le principe 23 sont les suivantes: a) veiller au contrôle efficace des forces armées et des forces de sécurité par l'autorité civile; b) veiller à ce que toutes les procédures civiles et militaires soient conformes aux normes internationales en matière de régularité de la procédure, d'équité et d'impartialité; c) renforcer l'indépendance du pouvoir judiciaire; d) protéger les membres des professions juridiques, médicales et sanitaires et le personnel des médias et d'autres professions analogues, ainsi que les défenseurs des droits de l'homme; et f) encourager l'observation de codes de conduite et de normes déontologiques, en particulier de normes internationales, par les fonctionnaires, y compris les responsables de l'application des lois, les personnels de l'administration pénitentiaire, des médias, des services médicaux, psychologiques et sociaux et le personnel militaire, ainsi que par les entreprises.

⁴² Voir l'alinéa 1 de la règle 97 du Règlement de procédure et de preuve de la Cour pénale internationale. Voir aussi le premier alinéa de l'article 25 et l'article 50 de la Convention européenne des droits de l'homme ainsi que les articles 44 et 63 de la Convention américaine relative aux droits de l'homme.

de nature et d'objectifs des unes et des autres⁴³. Les réparations collectives compensent un préjudice collectif ou un préjudice infligé à la société tout entière. Des excuses publiques ou l'acceptation de la responsabilité ainsi que la construction de monuments ou sites commémoratifs dédiés aux victimes de disparition forcée sont des formes possibles de réparation collective.

D. Réparations tenant compte des critères de sexe et des critères culturels

67. Le Groupe de travail souligne que la détermination des formes et modalités de réparation doit tenir compte des critères de sexe et des critères culturels⁴⁴. La Déclaration de Nairobi sur le droit des femmes et des filles à un recours et à réparation⁴⁵ prévoit notamment l'application de critères d'appartenance sexuelle dans le cadre de la formulation et de la mise en œuvre des réparations, et met l'accent sur d'autres aspects de l'importance de la procédure d'obtention de réparations, notamment l'élimination des éventuels obstacles qui pourraient empêcher les femmes de revendiquer leurs droits et d'avoir accès à la justice. La Déclaration souligne l'importance fondamentale d'un processus consultatif donnant aux femmes elles-mêmes la possibilité de déterminer quelles sont les formes de réparation le mieux adaptées à leur situation. Des mesures spéciales doivent être prises pour permettre aux femmes de participer à toutes les étapes du processus d'obtention de réparations les concernant. Le Groupe de travail souligne également que les mesures de réparation doivent tenir compte de nombreux facteurs, en particulier le point de vue des victimes et les particularités de chaque affaire, car ce qui peut être une mesure de réparation appropriée dans un cas peut être inapproprié, voire contre-productif, dans un autre.

68. Le Groupe de travail souligne en outre que l'accès aux réparations doit être garanti d'une manière qui tienne compte des différences culturelles. Les renseignements sur les procédures et mesures de réparation devraient être accessibles dans les langues locales, s'il y a lieu, et les plans ou mécanismes de réparation devraient être conçus avec la participation des communautés touchées, en tenant compte de leurs besoins. Le Groupe de travail souligne également que la fourniture de services sociaux en faveur des victimes ne doit pas être confondue avec leur droit d'obtenir réparation.

IV. Informations sur les disparitions forcées ou involontaires dans les États et territoires examinés par le Groupe de travail

69. Les renseignements sur les disparitions forcées ou involontaires dans divers États et territoires examinés par le Groupe de travail figurent à l'annexe I du présent rapport, où ils sont présentés dans 96 sections, dans chacune desquelles sont résumées les activités concernant un pays menées par le Groupe de travail au cours de la période considérée. Il est fourni un tableau par pays, accompagné d'un texte détaillé décrivant les domaines d'activité. Lorsque ni le gouvernement concerné ni d'autres sources n'ont fourni de renseignements, malgré le rappel annuel adressé par le Groupe de travail au sujet des affaires en suspens, un tableau est néanmoins fourni et il est fait référence au rapport précédent dans lequel ces affaires sont traitées.

⁴³ Voir A/HRC/13/31/Add.1, par. 56 à 66. Cela a également été reconnu dans la jurisprudence de la Cour interaméricaine des droits de l'homme. Voir par exemple l'affaire *The Moiwana Community v. Suriname*, exceptions préliminaires, fond, réparations et dépens, arrêt du 15 juin 2005, par. 194 et 201.

⁴⁴ Voir A/HRC/19/58/Add.1, par. 64. Voir aussi A/HRC/16/48/Add.1, par. 44.

⁴⁵ Adoptée à la Réunion internationale sur le droit des femmes et des filles à un recours et à réparation, tenue à Nairobi du 19 au 21 mars 2007. Voir <http://www.fidh.org/IMG/pdf/DeclaraciondeNairobi-fr.pdf>.

70. Les sections figurant dans l'annexe I ont trait aux pays suivants: Afghanistan, Albanie, Algérie, Arabie saoudite, Argentine, Azerbaïdjan, Bahreïn, Bangladesh, Bélarus, Bhoutan, Bolivie (État plurinational de), Bosnie-Herzégovine, Brésil, Burundi, Cameroun, Chili, Chine, Colombie, Congo, Danemark, Égypte, El Salvador, Émirats arabes unis, Équateur, Érythrée, Espagne, Éthiopie, ex-République yougoslave de Macédoine, Fédération de Russie, France, Gambie, Géorgie, Grèce, Guatemala, Guinée, Guinée équatoriale, Haïti, Honduras, Inde, Indonésie, Iran (République islamique d'), Iraq, Irlande, Israël, Japon, Jordanie, Kenya, Kirghizistan, Koweït, Liban, Libye, Lituanie, Mali, Maroc, Mauritanie, Mexique, Mozambique, Myanmar, Namibie, Népal, Nicaragua, Ouganda, Ouzbékistan, Pakistan, Pérou, Philippines, République arabe syrienne, République centrafricaine, République de Corée, République démocratique du Congo, République démocratique populaire lao, République dominicaine, République populaire démocratique de Corée, République tchèque, Rwanda, Serbie, Seychelles, Somalie, Soudan, Soudan du Sud, Sri Lanka, Suisse, Tadjikistan, Tchad, Thaïlande, Timor-Leste, Togo, Tunisie, Turkménistan, Turquie, Ukraine, Uruguay, Venezuela (République bolivarienne du), Viet Nam, Yémen, Zimbabwe et État de Palestine.

V. Décisions prises par le Groupe de travail sur des cas individuels au cours de la période considérée, et cas en suspens par pays

Pays	Cas censés s'être produits pendant la période considérée	Affaires transmises au Gouvernement pendant la période considérée		Affaires élucidées par			Affaires closes	Affaires classées	Affaires en suspens
		Suivant la procédure d'action urgente	Suivant la procédure ordinaire	Le Gouvernement	Une source non gouvernementale				
Afghanistan	0	0	0	0	0	0	0	0	3
Albanie	0	0	0	0	0	0	0	0	1
Algérie	1	1	45	0	1	0	0	0	3 005
Arabie saoudite	0	0	0	0	0	0	0	0	4
Argentine	0	0	0	14	0	0	0	0	3 271
Bahreïn	0	0	0	0	0	0	0	0	1
Bangladesh	4	2	3	0	0	0	0	0	11
Bélarus	0	0	0	0	0	0	0	0	3
Bhoutan	0	0	0	0	0	0	0	0	5
Bolivie (État plurinational de)	0	0	0	0	0	0	0	0	28
Brésil	0	0	0	0	0	0	0	0	13
Burundi	0	0	0	0	0	0	0	0	52
Cameroun	0	0	0	0	0	0	0	0	14
Chili	0	0	0	5	0	0	0	0	801
Chine	0	0	0	0	0	0	0	0	30
Colombie	0	0	1	2	0	0	0	0	969
Congo	0	0	0	0	0	0	0	0	88
Égypte	0	0	3	1	2	0	0	0	41
El Salvador	0	0	0	0	0	0	0	0	2 271
Émirats arabes unis	0	0	0	0	0	0	0	0	5
Équateur	0	0	0	0	0	0	0	0	4
Érythrée	0	0	0	0	0	0	0	0	54
Espagne	0	0	0	1	0	0	0	0	3
Éthiopie	0	0	0	0	0	0	0	0	112
Fédération de Russie	0	0	4	0	0	0	0	0	471
France	0	0	0	0	0	0	0	0	1
Gambie	0	0	0	0	0	0	0	0	1
Géorgie	0	0	0	0	0	0	0	0	1
Grèce	0	0	0	0	0	0	0	0	1
Guatemala	0	0	0	0	0	0	0	0	2 899
Guinée	0	0	0	0	0	0	0	0	21

Pays	Affaires transmises au Gouvernement pendant la période considérée			Affaires élucidées par					
	Cas censés s'être produits pendant la période considérée	Suivant la procédure d'action urgente	Suivant la procédure ordinaire	Le Gouvernement	Une source non gouvernementale	Affaires closes	Affaires classées	Affaires en suspens	
Guinée équatoriale	0	0	0	0	0	0	0	8	
Haïti	0	0	0	0	0	0	0	38	
Honduras	0	0	0	0	0	0	0	129	
Inde	0	0	0	0	0	0	0	353	
Indonésie	0	0	0	0	0	0	0	162	
Irak	0	0	0	9	0	0	0	16 401	
Iran (République islamique d')	0	0	1	0	0	0	0	518	
Israël	0	0	0	0	0	0	0	2	
Jordanie	0	0	0	0	0	0	0	2	
Kenya	0	0	40	0	0	0	0	40	
Koweït	0	0	0	0	0	0	0	1	
Liban	0	0	0	0	0	0	0	313	
Libye	0	0	1	0	1	0	0	9	
Maroc	0	0	1	9	0	0	0	53	
Mauritanie	0	2	0	0	0	0	0	3	
Mexique	11	11	6	0	0	0	0	327	
Mozambique	0	0	0	0	0	0	0	2	
Myanmar	0	0	0	1	0	0	0	1	
Namibie	0	0	0	0	0	0	0	3	
Népal	0	0	0	0	0	0	0	458	
Nicaragua	0	0	0	0	0	0	0	103	
Ouganda	0	0	0	0	0	0	0	15	
Ouzbékistan	1	1	0	0	0	0	0	8	
Pakistan	3	2	6	14	2	0	0	99	
Pérou	0	0	0	0	0	0	0	2 371	
Philippines	0	0	0	0	0	0	0	621	
Rép. arabe syrienne	17	30	9	1	7	0	0	72	
Rép. centrafricaine	3	3	0	0	0	0	0	3	
Rép. démocratique du Congo	0	0	0	0	0	0	0	44	
Rép. démocratique populaire lao	0	0	0	0	0	0	0	1	
Rép. dominicaine	0	0	0	0	0	0	0	1	
Rép. populaire démocratique de Corée	0	0	4	0	0	0	0	20	
Rwanda	0	0	0	0	0	0	0	21	

Pays	Affaires transmises au Gouvernement pendant la période considérée			Affaires élucidées par				
	Cas censés s'être produits pendant la période considérée	Suivant la procédure d'action urgente	Suivant la procédure ordinaire					
				Le Gouvernement	Une source non gouvernementale	Affaires closes	Affaires classées	Affaires en suspens
Seychelles	0	0	0	0	0	0	0	3
Somalie	0	0	0	0	0	0	0	1
Soudan	0	0	0	0	0	0	0	173
Soudan du Sud	0	0	0	0	0	0	0	1
Sri Lanka	4	4	9	0	0	0	0	5 676
Suisse	0	0	1	0	0	0	0	1
Tadjikistan	1	1	0	3	0	0	0	4
Tchad	0	0	0	0	0	0	0	23
Thaïlande	1	1	15	0	0	0	0	71
Timor-Leste	0	0	0	0	0	0	0	428
Togo	0	0	0	0	0	0	0	10
Tunisie	0	0	0	0	0	0	0	2
Turkménistan	0	0	0	0	0	0	0	1
Turquie	0	0	0	0	0	0	0	60
Ukraine	1	1	0	0	0	0	0	4
Uruguay	0	0	0	1	0	0	0	19
Venezuela (Rép. bolivarienne du)	0	0	0	0	0	0	0	10
Viet Nam	0	0	0	0	0	0	0	1
Yémen	0	0	0	0	0	0	0	2
Zimbabwe	0	0	0	0	0	0	0	4
État de Palestine	0	0	0	0	0	0	0	3

VI. Conclusions et recommandations

A. Généralités

71. En 2012, le Groupe de travail a porté à l'attention de 21 gouvernements 208 cas de disparition nouvellement signalés. Il a appliqué la procédure d'action urgente dans 59 de ces cas, censés s'être produits dans les trois mois ayant précédé leur signalement. Pendant la période considérée, il a pu faire la lumière sur 74 cas de disparition forcée.

72. Plus de 40 000 cas non élucidés demeurent sur la liste du Groupe de travail, dont beaucoup depuis des décennies. En dépit de l'importance de ce nombre, la sous-déclaration des cas demeure un grave problème. Les raisons de ce phénomène sont notamment la crainte de représailles, les déficiences de l'administration de la justice, l'inefficacité des mécanismes de déclaration, les systèmes d'impunité institutionnalisés, la culture du silence et les restrictions imposées à l'action de la société civile. Il conviendrait d'aider les familles et les membres de la société civile à signaler au Groupe de travail les cas qui se produisent.

73. Le Groupe de travail continue de relever des menaces et des actes d'intimidation et de représailles systématiques à l'encontre de victimes de disparition forcée, notamment de membres de leur famille, de témoins et de défenseurs des droits de l'homme qui travaillent sur ces cas. Il invite les États à prendre des mesures pour prévenir de tels actes, protéger les personnes qui travaillent sur les cas de disparition forcée, et en punir les auteurs, en application des paragraphes 1 et 3 de l'article 13 de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées. Le Conseil des droits de l'homme devrait prendre des mesures pour réagir de manière plus systématique aux représailles exercées contre les personnes qui coopèrent avec l'Organisation des Nations Unies.

74. Le Groupe de travail remercie les États qui lui ont apporté leur coopération, qui est indispensable pour faire la lumière sur le sort des personnes disparues ou retrouver leur trace où que ce soit dans le monde. Il demeure néanmoins préoccupé par le fait que, parmi les 84 États pour lesquels des cas restent en suspens, certains d'entre eux n'aient jamais répondu aux communications qu'il leur avait adressées, tandis que d'autres ont fourni des réponses ne contenant aucun renseignement pertinent. Il prie instamment tous les États de s'acquitter des obligations qui leur incombent en vertu de la Déclaration ainsi que des résolutions de l'Assemblée générale et du Conseil des droits de l'homme.

75. Les visites sur place font partie intégrante des fonctions exercées par le Groupe de travail dans le cadre de son mandat car elles lui permettent de mettre en lumière les pratiques des pays en matière de disparition forcée, d'aider les États à réduire les obstacles auxquels se heurte la mise en œuvre de la Déclaration et d'assurer un contact direct avec les membres des familles des victimes. Toutefois, certains des États auxquels il avait demandé à effectuer une mission sur place ne se sont guère montrés empressés de l'inviter. Dans d'autres cas, l'État l'a invité de façon officielle et/ou confirmé une invitation, mais les dates précises de la visite n'ont pas été arrêtées. Le Groupe de travail demande donc à tous les États auxquels il a adressé une demande de visite d'y répondre favorablement, eu égard à la résolution 21/4 du Conseil des droits de l'homme, et à ceux qui ont accepté le principe d'une visite de lui communiquer dès que possible des dates précises.

76. Le Groupe de travail invite une nouvelle fois les gouvernements qui n'ont pas encore signé ou ratifié la Convention internationale sur la protection de toutes les personnes contre les disparitions forcées à le faire au plus tôt et à reconnaître la compétence du Comité pour recevoir des communications individuelles aux termes de l'article 31 et des plaintes des États aux termes de l'article 32 de la Convention.

77. Le Groupe de travail tient à remercier les Gouvernements argentin et français pour leurs contributions respectives à ses ressources financières et humaines, qui ont permis de renforcer l'appui qu'il reçoit. Il rappelle aux Nations Unies la modicité des ressources qui lui sont allouées au titre du budget ordinaire et invite tous les États à lui fournir une aide accrue afin de lui permettre de s'acquitter de son mandat.

78. Le Groupe de travail s'inquiète du fait que de nombreuses communications ne sont toujours pas traduites en temps voulu, ce qui retarde leur examen par le Groupe de travail et limite ainsi son mandat humanitaire. Le Groupe de travail regrette également de constater que, au moment de l'approbation du présent rapport (novembre 2012), son rapport de 2011 (A/HRC/19/58/Rev.1) n'avait été traduit qu'en arabe.

B. Réparations et disparitions forcées

79. Le Groupe de travail souligne que les victimes de disparition forcée ont droit à réparation. La notion de réparation pour disparition forcée entraîne la restitution, la réadaptation, l'indemnisation, la satisfaction et des garanties de non-répétition. Le Groupe de travail recommande aux États Membres ce qui suit:

- a) Assurer aux victimes d'une disparition forcée le droit d'obtenir réparation et d'être indemnisées rapidement, équitablement et de manière adéquate;
- b) Prendre des dispositions dans leur système juridique afin que les victimes de disparition forcée ou leur famille obtiennent une réparation équitable, rapide et adéquate;
- c) Adopter, aux fins des réparations, une définition large de la victime comprenant tous ceux qui ont subi un préjudice à la suite d'une disparition;
- d) Assurer le droit à la vérité et à la justice en tant qu'éléments essentiels pour garantir la non-répétition;
- e) Veiller à ce que puissent être accordées des réparations à titre individuel aussi bien que collectif, étant donné que les unes et les autres répondent à des objectifs différents et ne s'excluent pas mutuellement;
- f) Adopter des critères de sexe dans la formulation et la mise en œuvre des programmes de réparation, et assurer la participation des femmes afin de leur permettre de déterminer elles-mêmes les formes de réparation qui conviennent le mieux à leur situation;
- g) Prévoir des mesures de réparation particulières dans les cas de disparition forcée, y compris l'adoption d'un plan national de recherche des personnes disparues; la création d'unités spécialisées pour enquêter sur les cas de disparition forcée; l'élaboration d'un protocole pour la récupération et l'identification des restes humains; la création d'un programme d'aide psychosociale à l'intention des personnes retrouvées et de leurs proches, ainsi que des proches de celles qui restent disparues; l'accès du public aux dossiers et archives de l'État contenant des renseignements pertinents; et la fourniture d'un enseignement et d'une formation sur

les droits de l'homme aux responsables de l'application des lois et au personnel des forces armées et de sécurité;

h) Envisager des mesures symboliques, comme la création de manifestations et sites commémoratifs reconnaissant les souffrances des victimes et les rétablissant dans leur dignité et leur réputation;

i) Renforcer les mesures de prévention conçues comme une forme de réparation, y compris l'adoption de mesures législatives, administratives, judiciaires ou autres, afin de prévenir, sanctionner et éliminer les actes conduisant à des disparitions forcées.

C. Vingtème anniversaire de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées

80. La Déclaration sur la protection de toutes les personnes contre les disparitions forcées a été le premier instrument faisant de tout acte conduisant à la disparition forcée de personnes un crime d'une extrême gravité et fixant les règles destinées à réprimer et à prévenir de tels crimes. Lors de l'adoption de la Déclaration, il y a vingt ans, l'Assemblée générale s'est déclarée profondément préoccupée de constater que, dans de nombreux pays, des disparitions forcées ont lieu, souvent de façon persistante. Le Groupe de travail regrette que, vingt ans plus tard, la pratique de la disparition forcée persiste dans de nombreux pays, notamment dans les situations de conflit ou de troubles intérieurs ou en tant qu'outil de lutte contre le terrorisme ou le crime organisé. Le Groupe de travail rappelle à cet égard l'article 7 de la Déclaration, qui dispose qu'aucune circonstance quelle qu'elle soit, qu'il s'agisse d'une menace de guerre, d'une guerre, d'instabilité politique intérieure ou de toute autre situation d'exception, ne peut être invoquée pour justifier des disparitions forcées.

81. Le Groupe de travail recommande aux États d'accorder davantage d'attention aux mesures de prévention des disparitions forcées, notamment la tenue de registres accessibles et actualisés des personnes détenues dans tous les lieux de privation de liberté; la garantie d'accès aux informations appropriées et à tous ces lieux pour les familles et les avocats; et la prompte présentation des personnes arrêtées devant une autorité judiciaire.

82. À l'occasion de son vingtème anniversaire, le Groupe de travail invite tous les États à renouveler leur engagement en faveur des principes de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées et, en particulier, à réaffirmer avec force que «tout acte conduisant à une disparition forcée constitue un outrage à la dignité humaine. Il est condamné comme étant contraire aux buts de la Charte des Nations Unies et comme constituant une violation grave et flagrante des droits de l'homme et des libertés fondamentales proclamés dans la Déclaration universelle des droits de l'homme». Il encourage tous les États et la société civile à traduire la Déclaration dans toutes les langues et dialectes, sans distinction, l'objectif général étant de contribuer à sa diffusion mondiale et le but ultime de prévenir les disparitions forcées.

83. Au fil des ans, les familles des personnes disparues ont fait découvrir à la communauté internationale l'ampleur de ce crime odieux. C'est en grande partie grâce à leurs efforts que la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées est entrée en vigueur le 23 décembre 2010, à la suite de quoi a été créé le Comité des disparitions forcées. Comme pour bien d'autres questions thématiques relatives aux droits de l'homme telles que la torture, la discrimination raciale, la discrimination à l'égard des femmes, les droits de l'enfant, et

une série de droits civils, culturels, économiques, politiques et sociaux, le Comité et le Groupe de travail s'emploient de concert à prévenir et à éliminer les disparitions forcées dans le monde entier. De même, la Déclaration et la Convention se renforcent mutuellement, créant un cadre juridique plus efficace pour lutter contre la pratique des disparitions forcées.

84. Le Groupe de travail remercie ceux des États qui coopèrent régulièrement avec lui et rappelle à tous qu'il est tout disposé à leur fournir une assistance appropriée pour mettre en œuvre la Déclaration.

D. Les femmes victimes de disparition forcée

85. À sa quatre-vingt-dix-huitième session, le Groupe de travail a adopté une observation générale sur les femmes victimes de disparition forcée.

86. Le Groupe de travail souligne que, lorsqu'ils traitent des affaires de disparition forcée, les États doivent tenir compte des critères de sexe dans toutes les mesures qu'ils prennent, qu'elles soient législatives, administratives, judiciaires ou autres. L'égalité des sexes dans le contexte des disparitions forcées nécessite avant tout que tous les individus, quel que soit leur sexe, jouissent sans discrimination des droits énoncés dans la Déclaration.

87. Le Groupe de travail reconnaît que les femmes jouent un rôle fondamental pour la sauvegarde et la promotion des droits des personnes disparues. En particulier, il sait d'expérience qu'elles sont souvent à l'avant-garde de la lutte contre les disparitions forcées. Elles forment souvent des organisations et des associations qui cherchent à établir les circonstances ayant entouré les disparitions forcées et le sort des personnes disparues, ainsi qu'à aider elles-mêmes les victimes.

88. Les femmes et les filles sont souvent touchées par les disparitions forcées en tant que victimes directes, mais aussi en tant que parents ou personnes ayant subi un préjudice à la suite de la disparition forcée d'une autre personne. Les effets des disparitions forcées sont ressentis différemment par toutes, en raison des rôles dévolus à chaque sexe, qui sont profondément ancrés dans l'histoire, la tradition, la religion et la culture. L'égalité des sexes et l'autonomisation des femmes sont des instruments essentiels pour permettre à celles qui sont victimes de disparition forcée de faire face à leur situation. Afin de prévenir et d'éliminer effectivement les disparitions forcées de femmes, le Groupe de travail a conscience qu'il importe que les États élaborent une stratégie nationale globale tenant compte des besoins spécifiques des femmes et fondée sur les principes de l'égalité des sexes. Le Groupe de travail encourage les États à utiliser son observation générale sur les femmes touchées par les disparitions forcées comme outil pour assurer l'égalité des sexes et l'autonomisation des femmes.

E. Les enfants et les disparitions forcées

89. En 2012, le Groupe de travail a adopté une observation générale sur les enfants et les disparitions forcées.

90. La disparition forcée d'un enfant constitue une des pires violations des multiples droits protégés par la Déclaration sur la protection de toutes les personnes contre les disparitions forcées et une forme extrême de violence contre l'enfant⁴⁶.

⁴⁶ Voir A/61/299.

91. L'immaturation physique et mentale des enfants ainsi que leur dépendance à l'égard des adultes les placent dans une situation de vulnérabilité particulière. C'est pourquoi il convient, dans les cas d'enfants victimes de disparition forcée, de bien comprendre et souligner la nature particulière de la violation des droits et les obligations particulières incombant à l'État.

92. Le Groupe de travail déclare que les enfants doivent bénéficier d'une protection spéciale et souligne l'importance des instruments pertinents traitant particulièrement de la violence contre les enfants.

93. Étant donné que la disparition forcée est un crime continu, ses effets sur un enfant peuvent se poursuivre même après qu'il a atteint la majorité. Ainsi, le Groupe de travail note que les obligations contractées par l'État lorsque l'enfant était âgé de moins de 18 ans perdurent aussi longtemps qu'elles n'ont pas été pleinement remplies.

94. Le Groupe de travail estime que les États devraient, lorsqu'ils abordent la question des disparitions forcées, prêter attention aux problèmes et besoins différents des filles et des garçons, des adolescents et des jeunes enfants, des réfugiés et des enfants déplacés, des enfants enrôlés dans les forces armées et les groupes armés, des enfants issus de diverses origines, qu'elles soient religieuses, ethniques ou raciales, et des enfants handicapés. Une démarche modulée en fonction du sexe devrait comporter un volet sur la protection des droits des filles et la manière de répondre à leurs besoins particuliers.

Annexes

Annexe I

[Anglais seulement]

Information concerning enforced or involuntary disappearances in countries and territories reviewed by the Working Group on Enforced or Involuntary Disappearances

Afghanistan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
3	0	0	0	0	3
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
3	No		0		
Urgent Appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Invitation extended	N/A	

Information from the Government

1. The Government transmitted one communication dated 6 June 2012, concerning all outstanding cases. The information was not considered sufficient to lead to the clarification of these cases. In this communication, the Government also requested for the Working Group to reflect in its report the communications it had transmitted in 2008 and 2009. Through separate correspondence, the Working Group drew to the attention of the Government that these communications had already been processed as reflected in A/HRC/13/31, paragraph 40.

Total cases transmitted, clarified and outstanding

2. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

Albania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>1</i>	<i>Yes</i>		<i>0</i>		
<i>Urgent Appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

Information from the Government

3. The Government transmitted two communications dated 13 June and 7 September 2012 concerning the outstanding case.

4. In the first communication, the Government transmitted a copy of a judicial decision issued by the Basic Court of Skopje, transmitted officially to the Government of Albania from the Government of the former Yugoslav Republic of Macedonia, in its original language. The Working Group requested the Government to retransmit this communication in one of the six official UN languages. As a result, in the second communication, the Government transmitted an unofficial translation of the aforementioned judicial decision.

5. The information provided was not considered sufficient to lead to the clarification of the case.

Total cases transmitted, clarified and outstanding

6. Since its establishment, the Working Group transmitted one case to the Government which remains outstanding.

Algeria

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review:46		Cases clarified during the period under review:1		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2,960	1	45	0	1	3,005
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
2,714	N/A		0		
Urgent Appeals			N/A	Government response	N/A
General allegation			N/A	Government response	N/A
Prompt intervention letter			Yes	Government response	Yes
Working Group request for a visit			Yes	Invitation extended	Yes ^a

Urgent action

7. The Working Group transmitted one case under its urgent action procedure to the Government. The case concerned Mr. **Zoubir Kaf**, who was allegedly last seen in late July 2012 in detention in the barracks of the *Direction du Renseignement et de la Sécurité* (DRS – Information and Security Authority) of Ouargla, approximately 800 kilometres south of Algiers.

Standard procedure

8. The Working Group transmitted 45 newly-reported cases to the Government concerning Messrs. **Boualem Bounaira, Ayache Bouroudi, Ferhat Boumaaza, Ali Bouneas, Ammar Zeraoulia, Rachid Bouroudi, Rabi Maouche, Abdenor Maouche, Salah Makhtoute, Salah Mehamdioua, Mohamed Loudini, Abdelouaheb Lehileh, Kaddour Lehileh, Bachir Layeb, Ammar Laouici, Boualem Khellafi, Belkacem Micha, Mouloud Merighed, Karim Mekhalfa, Mahfoud Lahmar, Mebarek Lagoune, Abderrahmane Kelikha, Ferhat Nouri, Amor Mechidi, Salim Zeraoulia, Mohammed El Seghir Haouas, Khalifa Annab, Ali Djerouiti, Djamel Ayad, Mohamed Belhaid, Karim Belabid, Boulenouar Djoulem, Gherfi Ahcene, Ahmed Hezouete, Ferhat Habbache, Mouloud Grine, Larbi Chatal, Ahmed Gherda, Mohamed Fedsi, Yazid Chine, Rachid Basbas, Ferhat Bousdelnou, Ammar Bousloub, Ali Boussaboun, and Laid Himrouche**. The majority of these persons allegedly disappeared between 1994 and 1996, in Jijel. Most disappearances are attributed to the military and the National Gendarmerie.

Prompt intervention letter

9. On 31 July 2012, the Working Group, jointly with four other special procedures mechanisms, transmitted a prompt intervention letter to the Government concerning allegations of excessive use of force during a peaceful rally held on 5 July 2012 by individuals including members of the *Collectif des Familles de Disparus en Algérie*

^a See paragraph 18.

(Collective of Families of the Disappeared in Algeria), SOS Disparus (SOS Disappeared) to commemorate the 50th Anniversary of the independence of Algeria and denounce a number of alleged human rights violations.

10. On 1 October 2012, the Government replied to the prompt intervention letter during the reporting period. In this communication, the Government reported, *inter alia*, that the CFDA, SOS Disparus and the Comité national pour la défense des droits de chômeurs had no legal status in Algeria and did not respect the established procedure concerning public rallies and peaceful demonstrations. The Government commented on disruptions to traffic caused, and action taken against individuals involved in the rally. The Government also pointed out that any action by public order agents was carried out calmly and without any use of force.

Information from the Government

11. During the reporting period the Government transmitted three communications dated 29 November 2011, 1 July 2012 and 1 October 2012.

12. The first communication concerned the visit request of the Working Group.

13. The second communication was handed to the Working Group during its ninety-seventh session and concerned outstanding cases. This information could only be partially processed for inclusion in the present report.

14. The third communication concerned the prompt intervention letter sent by the Working Group, jointly with four other special procedures mandates, on 31 July 2012.

Information from sources

15. Information was received from sources concerning one outstanding case. As a result, this case was clarified.

Clarification

16. Following the information provided by the source, the Working Group decided to clarify one case.

Meetings

17. Representatives of the Government of Algeria met with the Working Group at its ninety-seventh session.

Request for a visit

18. On 25 August 2000, the Working Group requested an invitation to undertake a visit to Algeria. A reminder was sent on 21 October 2010. On 12 November 2010, the Government proposed that the Working Group travel to Algiers to consult the documents which had been requested concerning outstanding cases and meet with the families of those allegedly disappeared but found alive. On 29 November 2011, the Government reiterated its proposal for the Working Group's visit to take place in the context of a review of the measures taken by the Government to deal with the outstanding cases. On 23 May 2011 and 23 January 2012, the Working Group replied to these communications indicating to the Government that it would prefer to carry out a visit to the country in conformity with its mandate and usual practice.

Total cases transmitted, clarified and outstanding

19. Since its establishment, the Working Group has transmitted 3,033 cases to the Government; of those, 19 cases have been clarified on the basis of information provided by the source, nine cases have been clarified on the basis of information provided by the Government, and 3,005 remain outstanding.

Observations

20. The Working Group wishes to express its appreciation for the reply received from the Government, dated 1 October 2012, concerning the prompt intervention letter transmitted on 31 July 2012. The Working Group notes with concern that the Government stated in its reply that the CFDA, *SOS Disparus* and the *Comité national pour la défense des droits de chômeurs* have no legal status in Algeria and did not respect the established procedure concerning public rallies and peaceful demonstrations.

21. In relation to this prompt intervention letter, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

Argentina*

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 14		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
3,285	0	0	14	0	3,271
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0	N/A		0		
Urgent appeals			N/A	Government response	N/A
General allegation			N/A	Government response	N/A
Prompt intervention letter			N/A	Government response	N/A
Working Group request for a visit			N/A	Invitation extended	N/A

* In accordance with the practice of the Working Group, Ariel Dulitzky did not participate in the decisions relating to this section of the report.

Information from the Government

22. In a communication dated 7 July 2011, the Government transmitted a report on action taken to promote and protect human rights, particularly with regard to the clarification of cases of enforced disappearance, as well as specific information concerning four cases. Based on information provided by the Government, the Working Group decided at its ninety-sixth session to apply the six-month rule to two cases. The information provided concerning the remaining cases was not considered sufficient to lead to their clarification.

23. The Government transmitted another communication, dated 15 May 2012, which could not be processed in time for inclusion in the present report.

Information from sources

24. A source provided information on one outstanding case.

Clarification

25. On the basis of the information provided by the Government, the Working Group decided to clarify 14 cases following the expiration of the period prescribed by the six-month rule.

Total cases transmitted, clarified and outstanding

26. Since its establishment, the Working Group has transmitted 3,449 cases to the Government; of those, 52 cases have been clarified on the basis of information provided by the source, 124 cases have been clarified on the basis of information provided by the Government, two cases were found to be duplications and were therefore deleted, and 3,271 remain outstanding.

Bahrain

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>1</i>	<i>No</i>		<i>1</i>		
<i>Urgent Appeals</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

Information from the Government

27. On 15 February 2012, the Government transmitted a communication regarding one outstanding case. Based on this information, at its ninety-eighth session, the Working Group decided to apply the six-month rule to this case.

Total cases transmitted, clarified and outstanding

28. Since its establishment, the Working Group has transmitted five cases to the Government; of those, four cases have been clarified on the basis of information provided by the source and one case remains outstanding.

Bangladesh

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 5</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
6	2	3	0	0	11
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
4	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent actions

29. The Working Group transmitted two cases under its urgent action procedure to the Government. The first case concerned Mr. **Tapu Tapan Das**, who was allegedly arrested by members of the Detective Branch of the Police from KB Road, Gendaria, Dhaka, on 3 August 2011. The Government acknowledged this urgent action through a communication dated 5 December 2011, and provided a response dated 7 May 2012. The second case concerned Mr. **Mohamed Nazrul Islam**, who was allegedly arrested by members of the Rapid Action Battalion (RAB) in Karmarkhand, Sirajganj district, on 13 June 2012. The Government acknowledged this urgent action through a communication dated 20 September 2012.

Standard procedure

30. The Working Group transmitted three cases to the Government under its standard procedure. The first concerned Mr. **Habib Habibur Rahman Haoladar**, who was allegedly arrested on 6 July 2011 outside his house, near Katakhal canal, by police officers believed to be from the local police station, the Armed Police Battalion, and the Bagerhat District Detective Branch (DB). The other cases concerned Messrs. **Mohammad Waliullah** and **Al Mukaddas Hussain**, who were allegedly arrested on 5 February 2012 on a Hanif Enterprise bus in Nobinagar, Savar, Dhaka, by members of the Detective Branch (DB) of police in uniform and agents from Rapid Action Battalion (RAB) Unit 4, also in uniform.

Information from the Government

31. The Working Group received four communications from the Government dated 5 December 2011, 7 May 2012, 23 August 2012, and 20 September 2012, regarding four

outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

Total cases transmitted, clarified and outstanding

32. Since its establishment, the Working Group has transmitted 12 cases to the Government; of those, one case has been clarified on the basis of information provided by the Government, and 11 remain outstanding.

Observations

33. The Working Group is concerned at the increase in the number of cases of enforced disappearance reported to have taken place in Bangladesh. The Working Group also regrets that, notwithstanding the reminder sent on 13 August 2012, no information has been received from the Government in connection with the general allegation, transmitted on 4 May 2011, concerning the alleged frequent use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces to detain and even extra-judicially execute individuals.

Belarus

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
3	Yes		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Information from the Government

34. The Working Group received three communications from the Government dated 19 January 2012, 8 June 2012, and 3 October 2012 regarding three outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

Request for a visit

35. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. No response has been received from the Government.

Total cases transmitted, clarified and outstanding

36. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

Bhutan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
5	0	0	0	0	5
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
5	No		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

37. The Government transmitted one communication dated 18 June 2012, concerning all outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

Total cases transmitted, clarified and outstanding

38. Since its establishment, the Working Group transmitted five cases to the Government. All cases remain outstanding.

Bolivia (Plurinational State of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
28	0	0	0	0	28
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

39. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Total cases transmitted, clarified and outstanding

40. Since its establishment, the Working Group has transmitted 48 cases to the Government; of those, one has been clarified on the basis of information provided by the source, 19 cases have been clarified on the basis of information provided by the Government, and 28 remain outstanding.

Bosnia and Herzegovina*

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009/2011)		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

41. In a communication dated 7 November 2012, the Government transmitted information concerning the general allegations transmitted on 15 May 2009, in relation to the Government's alleged involvement in a practice of renditions and secret detention (A/HRC/13/31, paras. 103-106); and 4 May 2011, regarding the Government's alleged failure to clarify the fate and whereabouts of victims of the massacre of "Korićanskostijene", of 21 August 1992, and to exhume, locate, identify and return the remains of victims to their families (A/HRC/19/58/Rev.1, annex I, paras. 67-72). This communication could not be processed in time for inclusion in the present report.

Total cases transmitted, clarified and outstanding

42. The Working Group has transmitted no cases to the Government.

* In accordance with the practice of the Working Group, Jasminka Dzumhur, did not participate in the decisions relating to this section of the report.

Brazil

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
13	0	0	0	0	13
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

43. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Total cases transmitted, clarified and outstanding

44. Since its establishment, the Working Group has transmitted 63 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 46 cases have been clarified on the basis of information provided by the Government, and 13 remain outstanding.

Burundi

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
52	0	0	0	0	52
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

45. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Request for a visit

46. On 27 May 2009, the Working Group requested an invitation to visit the country. A reminder was sent on 18 August 2011. However, no reply has yet been received.

Total cases transmitted, clarified and outstanding

47. Since its establishment, the Working Group has transmitted 53 cases to the Government; of those, one case has been clarified on the basis of information provided by the source and 52 remain outstanding.

Cameroon

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
14	0	0	0	0	14
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

48. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Total cases transmitted, clarified and outstanding

49. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, five cases have been clarified on the basis of information provided by the Government, and 14 remain outstanding.

Central African Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 3</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	3	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent actions

50. The Working Group transmitted three cases under its urgent action procedure to the Government.

51. The first case concerned Mr. **Brice-Quentin Gouhoutou** who was allegedly arrested by the Commander of the Commando d'Intervention Rapide de l'Armée Nationale à Bangui (Rapid Intervention Commando of the National Army in Bangui), on 15 March 2012, and taken to an unknown location by several armed men from the Presidential Guard on 23 May 2012.

52. The second case concerned Mr. **Magna Venant-Serge** who, on 14 August 2012 was allegedly arrested between the UNICEF office and the Presidential Palace, approximately 300 metres from the building where the Cabinet of the Minister of Budget and Finance is located, in Bangui, by a Gendarmerie Nationale (GIGN – National Police) lieutenant.

53. The third case concerned Mr. **Jean Bianga** who, on 11 July 2012, was allegedly arrested by members of the Presidential Guard, at approximately 100 metres from the Commercial Bank Centrafricaine (CBCA), Bangui.

Information from sources

54. Information was received from sources concerning all outstanding cases. It was not possible to process this information in time for inclusion in the present report.

Total cases transmitted, clarified and outstanding

55. Since its establishment, the Working Group has transmitted three cases to the Government. All cases remain outstanding.

Observations

56. The Working Group notes with concern that, during the reporting period, it transmitted three cases to the Government under the urgent action procedure and that no response has yet been received.

Chad

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
23	0	0	0	0	23
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

57. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Total cases transmitted, clarified and outstanding

58. Since its establishment, the Working Group has transmitted 34 cases to the Government; of those, eight cases have been clarified on the basis of information provided by the source, three cases have been clarified on the basis of information provided by the Government, and 23 remain outstanding.

Chile

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 5</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
806	0	0	5	0	801
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
140	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

59. The Government transmitted four communications dated 21 June 2011, 15 August 2011, 22 August 2012, and 24 September 2012.

60. The first and second communications concerned 140 outstanding cases and two previously-clarified cases. Based on the information provided by the Government, the Working Group decided, at its ninety-sixth session, to apply the six-month rule to five cases. Regarding the remaining cases, the information provided was not considered sufficient to lead to their clarification.

61. The information in the third communication could not be processed in time for inclusion in the present report.

62. In the fourth communication, the Government provided comments regarding the visit.

Visit

63. The Working Group visited Chile from 13 to 21 August 2012 (see A/HRC/22/45/Add.1).

Clarification

64. On the basis of the information provided by the Government, the Working Group decided, at its ninety-eighth session to clarify five cases following the expiration of the period prescribed by the six-month rule.

Total cases transmitted, clarified and outstanding

65. Since its establishment, the Working Group has transmitted 908 cases to the Government; of those, 23 cases have been clarified on the basis of information provided by the source, 83 cases have been clarified on the basis of information provided by the Government, one case was found to be a duplicate and was therefore deleted, and 801 remain outstanding.

Observations

66. The Working Group thanks the Government for the cooperation extended before and during its visit to the country.

China

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
30	0	0	0	0	30
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeals</i>	Yes (2)		<i>Government response</i>	Yes (2)	
<i>General allegation</i>	Yes (2010/2011)		<i>Government response</i>	Yes (1)	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent Appeals

67. The Working Group transmitted two communications to the Government under its urgent appeal procedure.

68. The first communication was transmitted on 15 May 2012, jointly with four other special procedures mechanisms, and concerned alleged threats and harassment against Mr. **Chen Guangcheng** and his family and the alleged arbitrary detention or enforced disappearance of a number of his relatives and supporters. It was reported, inter alia, that on 28 April 2012, Mr. Chen Guangcun and his son Mr. Chen Hua, both cousins of Mr. Chen Guangchen, were arrested and that, at the time of the communication, their fate and whereabouts allegedly remained unclear.

69. The second communication was transmitted on 9 August 2012, jointly with seven other special procedures mechanisms, and concerned allegations of systematic undermining of the autonomous functions and the rights to freedom of religion, culture and expression of the Tibetan Buddhist community. It was reported, inter alia, that between March 2008 and the date of the communication the whereabouts of 37 intellectuals, including artists, remained unknown. Among these intellectuals were Nyendak and Yama Tsering, director and a teacher respectively at a school established 20 years previously to teach and promote Tibetan culture and language in Kadhrok village, Rongpo Tsa Lema Township, Kardze County, Kardze Tibetan Autonomous Prefecture, Sichuan Province; and Mr. Lo Lo, a Tibetan singer who was reportedly placed in detention on 19 April 2012.

Information from the Government

70. On 11 October 2011, the Government transmitted one communication which could not be translated in time for inclusion in the 2011 annual report (A/HRC/19/58/Rev.1). This communication concerned one outstanding case and an urgent appeal, the Government replied "Ershidin Israel is a Chinese citizen. In 2009 Mr. Ershidin was suspected of plotting violent terrorist activities in Xinjiang. He is wanted by the Chinese police as a major suspect, and is the subject of a Red Notice issued by the International Criminal Police Organization (INTERPOL). In September 2009, Mr. Ershidin, fearing punishment, fled across the national border to Kazakhstan.

71. In May 2011, Mr. Ershidin was extradited to China in strict observance by both parties of the extradition treaty between China and Kazakhstan. Mr. Ershidin has now fully confessed to having carried out violent illegal terrorist activities and his case is currently being further adjudicated.

72. The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in the relevant documents of the United Nations.” The information provided was not considered sufficient to lead to the clarification of the outstanding case.

73. During the reporting period, the Government transmitted three communications, dated 18 November 2011, 27 August 2012, and 28 September 2012. These communications concerned the general allegation transmitted to the Government on 21 September 2011, the joint urgent appeal sent on 15 May 2012, and the urgent appeal sent on 9 August 2012, respectively, but could not be translated in time for inclusion in the present report.

Information from sources

Information was received from sources concerning one outstanding case.

Total cases transmitted, clarified and outstanding

74. Since its establishment, the Working Group has transmitted 119 cases to the Government; of those, 12 cases have been clarified on the basis of information provided by the source, 77 cases have been clarified on the basis of information provided by the Government, and 30 remain outstanding.

Press release

75. On 23 December 2011, the Working Group, jointly with three other special procedures mechanisms, issued a press release concerning the alleged continued secret detention of Mr. Gao Zhisheng, a prominent Chinese human rights lawyer who was reportedly arrested in 2006 in relation to his work advocating against human rights violations in China. Mr. Gao was allegedly charged with subversion of State power, although this was never proven in a court of law. At the time when the press release was issued, Mr. Gao’s whereabouts had been unknown for 20 months.

Observations

76. The Working Group welcomes the responses received from the Government, including a response dated 18 November 2011 to a general allegation transmitted to the Government on 21 September 2011. The Working Group regrets that it has not been possible to translate this communication and others from the Government in time for inclusion in the present report.

77. The Working Group also regrets that, notwithstanding the reminder sent on 26 August 2011, no response has been received from the Government in relation to a general allegation transmitted on 6 August 2010 (A/HRC/16/48, paras. 118-21) concerning unrest in Urumqi, Xinjiang, in July 2009, which reportedly led to the detention of hundreds of young Uighur men and the disappearance of some of them.

78. The Working Group recalls article 2.1 of the Declaration: “No State shall practise, permit or tolerate enforced disappearances.”

Colombia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 2</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
970	0	1	2	0	969
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
17	No		1		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	Yes	
<i>General allegation</i>	Yes		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

79. The Working Group transmitted one newly-reported case to the Government under its standard procedure, concerning a person below the age of 18, who, on 8 May 2010, was reportedly forcibly recruited by an armed paramilitary group which allegedly acted with the acquiescence of the police and the military.

Urgent appeal

80. On 10 May 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged enforced disappearance of Mr. **Hernán Henry Díaz**, on 18 April 2012, while he was travelling from Puerto de Asís to Puerto Vega, Putumayo.

General allegations

81. On 2 October 2012, the Working Group, jointly with 10 other special procedures mechanisms, transmitted a general allegation to the Government concerning the possible adoption by Congress of draft legislation which would reform articles 116, 152 and 221 of the Political Constitution of Colombia, which could seriously affect the rule of law and the fight against impunity in Colombia. A press release on the same matter was issued on 22 October 2012 (see para. 92).

Information from the Government

82. The Government transmitted a communication, dated 5 May 2011, which could not be translated in time for the 2011 annual report (A/HRC/19/58/Rev.1). It concerned 16 cases. The information provided was not considered sufficient to lead to the clarification of these cases.

83. During the reporting period, the Government transmitted five communications, dated 30 January 2012, 8 March 2012, 22 May 2012, 10 August 2012 and 2 November 2012.

84. The first communication concerned 20 outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

85. The second communication concerned outstanding cases but could not be processed in time for inclusion in the present report.

86. In the third communication, the Government responded to the urgent appeal transmitted on 10 May 2012 (see para. 80). In its response, the Government informed that the Urgent Search Mechanism (*Mecanismo de Búsqueda Urgente*) was launched, as well as the methodological registration process in the National Register of Missing Persons (RND); that Mr. Diaz's case was registered under reference number 865686000528201280327. In addition, the Government provided a list of the steps taken with respect to this case, and information on a technical match with the remains of those deceased in Colombian territory, whose bodies were with the Institute of Legal Medicine. The results were negative. The Government noted that any update on this case would be transmitted to the special procedures branch.

87. The fourth communication concerned one outstanding case. The information received was not considered sufficient to clarify the case.

88. The fifth communication concerned the general allegation transmitted on 2 October 2012. The information received could not be processed in time for inclusion in the present report.

Information from sources

89. Sources provided information on four outstanding cases.

Clarification

90. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify two cases.

Total cases transmitted, clarified and outstanding

91. Since its establishment, the Working Group has transmitted 1,255 cases to the Government; of those, 68 cases have been clarified on the basis of information provided by the source, 218 cases have been clarified on the basis of information provided by the Government, and 969 remain outstanding.

Press release

92. On 22 October 2012, the Working Group, jointly with 10 other special procedures mechanisms, issued a press release regarding the proposed reform of Colombia's Political Constitution with regard to military criminal law, and expressed concerns that the proposal could have serious implications for the rule of law and the enjoyment of human rights in Colombia. Although the proposed reform would reportedly exclude crimes of genocide, crimes against humanity and enforced disappearances from the jurisdiction of military and police tribunals, it could also expand the jurisdiction of these tribunals, giving them the power to investigate, process and decide on cases of other serious human rights violations, as well as crimes committed by private security forces, which should be under the authority of the ordinary criminal justice system and courts. Concern was also expressed that the preliminary investigation phase, which is essential for the clarification of facts and responsibilities, could become the responsibility of institutions of military or police criminal justice. Further concern was expressed that the establishment of a Penal Guarantees Court, as the control court to deal with any accusation against a member of the *Fuerza Pública*, would suggest that the accused was receiving preferential treatment, which could generate a climate of impunity; and that such a court, which would examine cases involving military or police personnel exclusively, would suggest the existence of a parallel

system of administration of justice and violate the principle of equality in relation to access to justice for all individuals and impair due process, thus undermining the rule of law.

Observations

93. The Working Group welcomes the response from the Government, dated 22 May 2012, in relation to the joint urgent appeal transmitted on 10 May 2012, as well as the communications from the Government regarding outstanding cases and the general allegation transmitted on 2 October 2012. The Working Group regrets that it has not been possible to process certain communications in time for inclusion in the present report.

94. The Working Group also wishes to express its concern that, during the reporting period, one urgent appeal and one general allegation were transmitted to the Government, and that one press release was issued. In relation to the press release, dated 22 October 2012, the Working Group wishes to reiterate its concern regarding the potential implications of the proposed reform of Colombia's Political Constitution for the rule of law and the enjoyment of human rights in Colombia.

Congo

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
90	0	0	0	0	88 ^b
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Government response</i>	N/A	

95. All outstanding cases were retransmitted and regrettably, no response was received during the period under review. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Information from sources

96. Information was received from sources concerning five outstanding cases.

Total cases transmitted, clarified and outstanding

97. Since its establishment, the Working Group has transmitted 114 cases to the Government; 26 were found to be duplicates and were therefore deleted, and 88 remain outstanding.

^b The Working Group determined that two cases were duplicates and subsequently eliminated them from its records.

Czech Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

98. The Government transmitted two communications dated 6 February and 17 September 2012. In the first communication the Government replied to the general allegation transmitted on 15 May 2009, concerning the alleged involvement of the Government of the Czech Republic in a practice of renditions and secret detention (A/HRC/13/31, paras. 164-166). In the second communication, and following a reminder transmitted by the Working Group due to a technical mistake, the Government replied drawing the attention of the Working Group to the correspondence of 6 February 2012 and including a copy of the said communication.

General allegations

Reply from the Government

99. On 6 February and 17 September 2012, the Government replied to a general allegation stating that, concerning the issue of rendition, the Czech Republic, after investigation conducted by the Council Europe, is in the position to reaffirm that there were no secret flights or detention facilities within its territory. The Czech Republic assured the Human Rights Council of its compliance with the CAT and the ICCPR and reaffirmed its commitment to respect the prohibition of torture and the promotion of the rule of law.

Total cases transmitted, clarified and outstanding

100. The Working Group has never transmitted a case to the Government.

Observations

101. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 15 May 2009.

Democratic People's Republic of Korea

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 4		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
12	0	4	0	0	20 ^c
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
12	Yes		0		
Urgent Appeal	N/A		Government response	N/A	
General allegation	Yes		Government response	No	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Invitation extended	N/A	

Standard procedure

102. The Working Group transmitted four newly-reported cases to the Government.

103. The first two cases concerned Mr. **Won-mo Choi**, and Mr. **Kyeong-shik Moon** who were allegedly arrested on a fishing boat near Yeonpyeong Island, to the west of the Korean Peninsula, by members of the Coast Guard of the Democratic People's Republic of Korea on 5 June 1967. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received copies of these cases.

104. The third case concerned Mr. **Susumu Fujita**, a Japanese university student at Tokyo Gakugei University, who was allegedly detained in Nishiarai Hospital, 5-7-14 Nishiarai-honcho, Adachi-ku, 123-0845 Tokyo, Japan, on 7 February 1976, and subsequently taken to the Democratic People's Republic of Korea. In accordance with the Working Group's methods of work, the Government of Japan received a copy of this case.

105. The fourth case concerned Mr. **Jang-Geun Choi**, who was allegedly abducted on the South Sea near Samcheonpo, two to three miles from the south coast of the Republic of Korea by state agents from the Democratic People's Republic of Korea on 10 May 1977. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received a copy of this case.

General allegations

106. On 3 October 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted a general allegation to the Government concerning the alleged use of labour camps, also known as *kwan-li-so*, for political prisoners. It was reported, inter alia, that prisoners detained at these labour camps, which have allegedly been in operation since the 1950s, are not given a trial, and are held incommunicado without notice of the charges against them, nor information on the length or place of detention. It was further reported that no information regarding prisoners' whereabouts is provided to friends,

^c In accordance with paragraph 15 of its Methods of Work, the Working Group decided, at its 97th session to transfer four cases from the statistics of Japan to those of the Democratic People's Republic of Korea.

neighbours, co-workers or more distant family relatives not sent to the camps who inquire about them.

Information from the Government

107. The Government transmitted three communications to the Working Group, dated 29 February 2012, 9 May 2012 and 20 September 2012.

108. The first communication concerned nine outstanding cases as well as general information regarding allegations of enforced disappearances in the country. The information provided was not considered sufficient to clarify these cases.

109. The second communication concerned 12 outstanding cases. The information provided was not considered sufficient to clarify these cases.

110. The third communication concerned 12 outstanding cases. The information provided was not considered sufficient to clarify these cases.

Information from sources

111. Sources provided information on eight outstanding cases.

Total cases transmitted, clarified and outstanding

112. Since its establishment, the Working Group has transmitted 20 cases to the Government; all remain outstanding.

Observations

113. The Working Group expresses serious concern regarding the allegations concerning the alleged use of labour camps for political prisoners, transmitted in the general allegation on 3 October 2012. The Working Group hopes to receive information from the Government in relation to these allegations.

Democratic Republic of the Congo

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
44	0	0	0	0	44
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

114. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Urgent appeals

115. On 20 September 2012, the Working Group, jointly with five other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged secret detention of Mr. **Diomi Ndongala**, in Kinshasa. Mr. Ndongala was reportedly arrested on 27 June 2012 and placed in secret detention by the information services in Kinshasa. No response has yet been received from the Government.

Total cases transmitted, clarified and outstanding

116. Since its establishment, the Working Group has transmitted 53 cases to the Government; of those three cases have been clarified on the basis of information provided by the source, six cases have been clarified on the basis of information provided by the Government, and 44 remain outstanding.

Observations

117. The Working Group also wishes to express its concern that, during the reporting period, an urgent appeal was transmitted to the Government and that no response has yet been received.

Denmark

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Total cases transmitted, clarified and outstanding

118. Since its establishment, the Working Group has transmitted one case to the Government. This case was clarified on the basis of information provided by the source. No cases remain outstanding.

Observations

119. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning the alleged involvement in a

practice of renditions and secret detention (A/HRC/13/31), notwithstanding a reminder sent on 13 August 2012.

Dominican Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

120. The outstanding case was retransmitted and regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

121. Since its establishment, the Working Group has transmitted four cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, one was discontinued and one remains outstanding.

Ecuador

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeals</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

122. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

123. Since its establishment, the Working Group has transmitted 26 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 18 cases have been clarified on the basis of information provided by the Government, and four remain outstanding.

Egypt

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 3</i>		<i>Cases clarified during the period under review: 3</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
41	0	3	1	2	41
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>		N/A
<i>General allegation</i>	Yes (2011)		<i>Government response</i>		Yes
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>		N/A
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>		No

Standard procedure

124. The Working Group transmitted three newly-reported cases to the Government. The first case concerned Mr. **Ahmed Ashour Hassan**, who was allegedly last seen at Abu Zaabal Prison, Cairo, on 28 January 2011. The second case concerned Mr. **Reda Fathy Mohamed Ibrahim**, who was allegedly arrested on Talaat Harb Street, close to Tahrir Square, by State police on 1 June 2011. The third case concerned Mr. **Samy Bakry Orani Morsi**, who was allegedly arrested near his home in Helwan, Cairo, by military forces on 8 February 2011.

Information from the Government

125. The Government transmitted two communications to the Working Group, dated 1 December 2011 and 14 August 2012.

126. In its first communication, the Government responded to an urgent appeal dated 28 January 2011. The communication could not be translated in time for the present report.

127. In its second communication, the Government responded to a reminder from the Working Group concerning a general allegation dated 4 May 2011. The Government pointed out that it had in fact responded to the general allegation in a communication dated 16 August 2011, and attached said communication.

128. In its response, the Government reported, inter alia, that an investigation of allegations of enforced disappearances in relation to a Hizbollah cell and a robbery at a jewellery shop in Cairo demonstrated that arrest and detention procedures had been fully consistent with the law. The Government further informed that allegations such as those regarding the practice of enforced disappearances by the State Security Investigations Service (SSI) could be submitted to the Department of Public Prosecutions and that the investigating authorities afforded the necessary attention to such reports in order to bring to account anyone responsible for violations of the law. The Government gave details of the Egyptian Penal Code concerning arrest and detention. Finally, the Government explained that the SSI was abolished following a decision made in March 2011 and that the functions of the new national security division would be discharged in full conformity with the provisions of the Constitution, the law and the principles of human rights and freedoms.

Information from sources

129. Sources provided information on two outstanding cases. Both cases were clarified as a result.

Clarification

130. Following the expiration of the six-month rule, the Working Group decided to clarify one case.

Request for a visit

131. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. A reminder was sent on 8 November 2012. No reply has been received.

Total cases transmitted, clarified and outstanding

132. Since its establishment, the Working Group has transmitted 69 cases to the Government; of those, 20 cases have been clarified on the basis of information provided by the source, eight cases have been clarified on the basis of information provided by the Government, and 41 remain outstanding.

Observations

133. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 4 May 2011 and wishes to inform that it was not included in the 2011 annual report because of a clerical error.

El Salvador

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,271	0	0	0	0	2,271
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeals</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

134. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

135. Since its establishment, the Working Group has transmitted 2,662 cases to the Government; of those, 73 were clarified on the basis of information provided by the sources, 318 were clarified on the basis of information provided by the Government, and 2,271 remain outstanding.

Observations

136. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to El Salvador in 2007 (A/HRC/7/2/Add.2, paras. 88-95) can be found in addendum 3 (A/HRC/22/45/Add.3).

Equatorial Guinea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
8	0	0	0	0	8
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

137. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

Total cases transmitted, clarified and outstanding

138. Since its establishment, the Working Group has transmitted eight cases to the Government; all remain outstanding.

Eritrea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
54	0	0	0	0	54
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

139. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

General allegations

Summary of the general allegation

140. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Eritrea. This information was transmitted to the Government on 16 April 2012.^d

141. Allegations were reported of arrests, incommunicado and secret detention, inhuman and degrading conditions of detention, deaths in custody, denial of trials, and enforced disappearances perpetrated by Government security officers in Eritrea. It was alleged that 11 high-level political and military critics of the Government and 10 journalists working for a small group of private newspapers in Eritrea became victims of such practices in September 2001. Of these individuals, 20 men and one woman have reportedly never been seen again. Ten of them are allegedly dead.

142. It was further alleged that many other Government officials, leaders of Government-controlled labour unions, businessmen, Government journalists, employees of foreign embassies and international non-governmental organisations, followers of “unrecognised religions”, and national service evaders or escapees have been jailed incommunicado, under inhumane conditions, in secret prisons since 2001.

143. Sources alleged that the arrests occurred without explanation or recourse, and result from various activities such as questioning Government policies or practicing certain religions. It was also alleged that prisoners were often held indefinitely, without access to family members, prison monitors, lawyers, or appeal procedures.

Total cases transmitted, clarified and outstanding

144. Since its establishment, the Working Group has transmitted 54 cases to the Government; all remain outstanding.

Observations

145. The Working Group regrets that no response has yet been received from the Government to the general allegation, transmitted on 16 April 2012, and is concerned about the allegations of reported arrests, incommunicado and secret detention, inhuman and degrading conditions of detention, deaths in custody, denial of trials, and enforced disappearances perpetrated by Government security officers in Eritrea.

^d A/HRC/19/58/Rev.1, para. 22.

Ethiopia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
112	0	0	0	0	112
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

146. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

147. Since its establishment, the Working Group has transmitted 119 cases to the Government; of those, four cases have been clarified on the basis of information provided by the sources, three cases have been clarified on the basis of information provided by the Government, and 112 cases remain outstanding.

France^e

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

148. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in documents E/CN.4/2006/56 and Corr.1 and A/HRC/7/2.

Total cases transmitted, clarified and outstanding

149. Since its establishment, the Working Group has transmitted one case to the Government. The case remains outstanding.

Gambia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

^e In accordance with the practice of the Working Group, Olivier de Frouville did not participate in the decisions relating to this section of the report.

150. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Meetings

151. Representative of the Government of the Gambia met with the Working Group at its ninety-sixth session to discuss developments related to the outstanding case.

Total cases transmitted, clarified and outstanding

152. Since its establishment, the Working Group has transmitted two cases to the Government; of those, one case has been clarified on the basis of information provided by the source and the other case remains outstanding.

Georgia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>1</i>	<i>yes</i>		<i>0</i>		
<i>Urgent appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

Information from the Government

153. The Government transmitted two communications, dated 11 June 2012 and 5 October 2012, concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case. In accordance with the Working Group's methods of work, the Government of the Russian Federation received a copy of the case.

Total cases transmitted, clarified and outstanding

154. Since its establishment, the Working Group has transmitted one case to the Government, which remains outstanding.

Greece

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review by: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

155. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/1997/34.

Total cases transmitted, clarified and outstanding

156. Since its establishment, the Working Group has transmitted three cases to the Government; of those, two were discontinued, and one remains outstanding.

Guatemala

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,899	0	0	0	0	2,899
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

157. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary appears in document A/HRC/13/31.

Information from the Government

158. The Government transmitted two communications to the Working Group, on 21 November 2011 and 25 September 2012, in response to a general allegation, transmitted in September 2011, concerning reported obstacles in the advancement in criminal courts of cases of enforced disappearance and the lack of a national search commission resulting in the fate and whereabouts of victims remaining unknown in the great majority of the 45,000 cases of reported enforced disappearances in Guatemala (see A/HRC/19/58/Rev.1, paras. 194-200). Both responses from the Government contained a report on the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance in Guatemala.

159. The Government provided information on four trials concerning cases of enforced disappearances, in which a total of five members of the military forces and two members of the National Police (PN) were condemned. In these trials a wide range of resources were used, such as files from the “Archivo Histórico de la Policía Nacional (AHPN – Historic Archive of the National Police)” for the first time included as evidence in a trial in Guatemala; and a broader concept of enforced disappearance as a permanent and imprescriptible crime was applied.

160. A meeting between governmental human rights bodies, the Criminal Police and the Public Ministry reportedly took place on 7 July 2010, with the aim of adjusting the methodology that should be used to deal more efficiently with the cases presented by the Working Group in 2007. It was reported that to provide better conditions for moving investigations forward, the Public Ministry budget for 2011 was increased by approximately 15 per cent. Furthermore, the overuse of the *amparo* resource, an option of making a legal appeal to protect individuals from violations of human rights which is now reportedly often used in courts to delay or avoid sentences, was recognized by the Government as a barrier to justice. The *amparo* resource was subjected to preventive measures and a project that modifies the text of the law, which is being processed by the legislative body in order to avoid the misuse of this judicial procedure.

161. Regarding the trial concerning the enforced disappearance of Mr. Efraín Ciriaco Bámaca Velásquez, procedures were taken by the authorities to re-open the case but several times appeals were lodged by the lawyers of the accused precluding its progress. Following decisions of the Inter-American Court of Human Rights, the Government took action to comply with the investigations in the case of Mr. Bámaca Velásquez and to adapt the Guatemalans legal system to International Humanitarian Law standards.

162. It was reported that advances are being made in relation to the potential approval of a draft law to create the “Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y otras Formas de Desaparición” (National Commission to Search for Victims of Enforced Disappearances and other Forms of Disappearances). Approval is expected in 2012. The participation of civil society organisms in this process was emphasized.

163. The Government reported, concerning forensic investigations to identify victims of enforced disappearances, that since 2009, several Covenants were signed between Government entities related to this process in order to facilitate and support investigations. A pronounced advancement in relation to the methods employed and the results achieved was reported. Moreover, the work of the “Dirección de los Archivos de la Paz” (Management of Peace Archives), a Government agency which administrates the historical archives related to the Guatemalan civil war, was reportedly very fruitful in terms of the clarification of the context of enforced disappearances committed in this period. It was therefore able to assist a large number of condemnations.

Meetings

164. Representatives of the Government of Guatemala met with the Working Group at its ninety-eighth session.

Total cases transmitted, clarified and outstanding

165. Since its establishment, the Working Group has transmitted 3,155 cases to the Government; of those, 79 cases have been clarified on the basis of information provided by the Government, 177 cases have been clarified on the basis of information provided by the source, and 2,899 remain outstanding.

Observations

166. The Working Group thanks the Government of Guatemala for its response to the general allegation. The Working Group recalls article 9 of the Declaration, which concerns “The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances”; article 13.6, which states that “An investigation, in accordance the [relevant] procedures..., should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified”; article 18.1, which affirms that “Persons who have or are alleged to have committed [acts of enforced disappearances] shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.”; and the General Comment of the Working Group on article 18 of the Declaration (2005).

Guinea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review</i>		<i>Cases clarified during the period under review:</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
21	0	0	0	0	21
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

167. All outstanding cases were retransmitted and no regrettably response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

168. Since its establishment, the Working Group has transmitted 28 cases to the Government; of those, seven cases have been clarified on the basis of information provided by the source, and 21 remain outstanding.

Haiti

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
38	0	0	0	0	38
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

169. All outstanding cases were retransmitted and regrettably no reply was received from the Government. A summary of the situation in the country appears in documents E/CN.4/2006/56 and Corr.1 and A/HRC/4/41.

Total cases transmitted, clarified and outstanding

170. Since its establishment, the Working Group has transmitted 48 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the Government, one case has been clarified on the basis of information provided by the source, and 38 remain outstanding.

Honduras

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
129	0	0	0	0	129
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

171. The Government transmitted one communication to the Working Group, dated 25 November 2011, concerning one outstanding case. The information provided was not considered sufficient to clarify the case.

Total cases transmitted, clarified and outstanding

172. Since its establishment, the Working Group has transmitted 209 cases to the Government; of those, 37 cases have been clarified on the basis of information provided by the Government, 43 cases have been clarified on the basis of information provided by the source, and 129 remain outstanding.

India

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
353	0	0	0	0	353
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	Yes (2009/2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	Yes		<i>Government response</i>	No	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent appeals

173. The Working Group transmitted one communication on 28 September 2012, jointly with six other special procedures mechanisms, to the Government, under its urgent appeals procedure. The communication concerned alleged acts of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders. It was reported, inter alia, that three individuals associated with this movement, Mr. **Selson** from Idinthakarai, Mr. **Siluvai John** from Koothenkuli, and Mr. **Jesu** from Idinthakarai were hospitalized in Lourdu Matha Hospital and were subsequently transferred by the police to a different location. At the time of the communication, their whereabouts were reportedly unknown. No response to the urgent appeal has yet been received from the Government.

Prompt intervention

174. The Working Group transmitted one communication on 17 January 2012, jointly with three other special procedures mechanisms, under its prompt intervention procedure. The communication concerned **Mr. Parvez Imroz**, who has allegedly been denied travel documents by the Government since 2004. It was reported that the denial of Mr. Imroz's travel documents may be a direct attempt to inhibit Mr. Imroz human rights work in relation to victims of enforced disappearance. No response to the prompt intervention letter has yet been received from the Government.

Information from the Government

175. The Government transmitted one communication to the Working Group, dated 9 August 2012, concerning one outstanding case. The information provided was not considered sufficient for the clarification of the case.

Request for a visit

176. On 16 August 2010, the Working Group requested an invitation to undertake a visit to the country. On 18 August 2010, the Government acknowledged receipt of the request. A reminder letter was transmitted on 18 August 2011. On 29 August 2011, the Government replied that the request was conveyed to the relevant authorities in India. A further reminder was transmitted on 8 November 2012.

Total cases transmitted, clarified and outstanding

177. Since its establishment, the Working Group has transmitted 433 cases to the Government; of those, 12 cases have been clarified on the basis of information provided by the source, 68 cases have been clarified on the basis of information provided by the Government, and 353 remain outstanding.

Observations

178. The Working Group notes with concern that during the reporting period it transmitted one urgent appeal and one prompt intervention letter to the Government, and that no response has been received to either communication. The Working Group regrets that no response was received from the Government of India to the general allegation sent on 16 January 2009 (A/HRC/13/31, paras. 260-266), concerning legal provisions that may hamper the right to a prompt and effective remedy, notwithstanding the reminder transmitted on 26 August 2011. The Working Group also regrets that no response was received from the Government of India to the general allegation transmitted on 11 February 2011, concerning reports that, between 1989 and 2009, actions of military and paramilitary

forces in Kashmir resulted in more than 8,000 enforced and involuntary disappearances (A/HRC/19/58/Rev.1, paras. 219-225).

179. In relation to the communication transmitted under the prompt intervention procedure, on 17 January 2012, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

Indonesia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
162	0	0	0	0	162
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

180. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document A/HRC/4/41.

Request for a visit

181. On 12 December 2006, the Working Group requested an invitation to undertake a visit to Indonesia. The Government responded that it would not be possible to receive the Working Group during 2007 and that greater benefit would be derived from a visit at a later date. Reminder letters were sent on 16 August 2010, 18 August 2011 and 8 November 2012. No reply has been received during the reporting period.

Total cases transmitted, clarified and outstanding

182. Since its establishment, the Working Group has transmitted 165 cases to the Government; of those, three cases have been clarified on the basis of information provided by the Government, and 162 remain outstanding.

Observations

183. The Working Group regrets that no response has been received to the general allegation transmitted on 13 January 2011 (A/HRC/19/58/Rev.1, paras. 238-244), concerning the alleged enforced disappearance, between 1997 and 1998, of a number of students who opposed the former President Suharto's New Order regime, notwithstanding a reminder sent on 14 August 2012.

Iran (Islamic Republic of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
517	0	1	0	0	518
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes - postponed	

Standard procedure

184. The Working Group transmitted one newly-reported case to the Government, concerning Mr. **Saeed Zeinaly**, who was allegedly arrested at home on 14 July 1999 by agents of security forces.

Urgent appeal

185. The Working Group, jointly with three other special procedures mechanisms, transmitted to the Government an urgent appeal on 16 February 2012, concerning various individuals including Mr. **Shahram Manouchehri**, allegedly arrested at his home by security forces on 19 January 2012, before being transferred to an unknown location. At the time of the communication, the fate and whereabouts of Mr. Manouchehri reportedly remained unknown.

Information from the Government

186. The Government transmitted four communications dated 2 March 2012, 4 May 2012, 15 May 2012, and 20 July 2012. All of these communications concerned an urgent appeal transmitted on 19 October 2011.

187. In its first communication, the Government reported that one of the individuals referred to in the urgent appeal was fined for using satellite TV equipment, sentenced to one year's imprisonment for propaganda against the State, and two year's imprisonment for insulting the late Imam and the eminent leader of the Revolution; that 16 months of his original sentence was converted into an additional fine because of his advanced age; that

the individual appealed his verdict; and that part of the verdict was quashed and his sentence was halted due to his advanced age.

188. In its second communication, the Government reported that Mr. **Kouhyar Goudarzi** was charged with disseminating misinformation about the system of the Islamic Republic of Iran by his membership in the Committee of Human Rights Reporters and was brought before branch 26 of Tehran Court of Revolution; that he was found guilty and sentenced to one year's imprisonment; and that the decision was appealed but the appeal was rejected.

189. In its third communication, the Government provided information on several of the individuals referred to in the urgent appeal.

190. In its fourth communication, the Government reported that one of the individuals referred to in the urgent appeal was charged with engaging in propaganda against the system of the Islamic Republic of Iran and in favour with the MEK terrorist group, as well as association and collusion to disturb national security; that he was found guilty on the first charge and given a one-year suspended prison sentence for two years; and that he was cleared of the second charge and freed.

Request for a visit

191. The Government of the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, which was delayed at the request of the Government. Reminder letters were sent on 20 July 2009, 16 August 2010, 18 August 2011 and 8 November 2012, asking the Government to set a date for the proposed visit. The Government has not yet set a new date for the visit despite the fact that more than eight years have elapsed.

Meetings

192. Representatives of the Government of the Islamic Republic of Iran met with the Working Group at its ninety-sixth session.

Total cases transmitted, clarified and outstanding

193. Since its establishment, the Working Group has transmitted 537 cases to the Government; of those, five cases have been clarified on the basis of information provided by the source, 14 cases have been clarified on the basis of information provided by the Government, and 518 remain outstanding.

Observations

194. The Working Group welcomes the replies received from the Government regarding the urgent appeal transmitted on 19 October 2011, but is concerned that no reply has yet been received regarding the urgent appeal transmitted on 16 February 2012.

195. The Working Group reiterates its hope that a final date will be agreed in the near future for the visit which was agreed to in 2004 and recalls Human Rights Council resolution 21/4 which "Urges States to cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, to give serious consideration to responding favourably to its requests for visits to their countries".

Iraq

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 9</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
16,410	0	0	9	0	16,401
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Clarification

196. On the basis of the information provided by the Government, the Working Group decided to clarify nine cases following the expiration of the period prescribed by the six-month rule.

Total cases transmitted, clarified and outstanding

197. Since its establishment, the Working Group has transmitted 16,548 cases to the Government; of those, 30 cases have been clarified on the basis of information provided by the source, 117 cases have been clarified on the basis of information provided by the Government, and 16,401 remain outstanding.

Ireland

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Total cases transmitted, clarified and outstanding

198. Since its establishment, the Working Group has not transmitted any cases to the Government.

Observations

199. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning its alleged involvement in a practice of renditions and secret detention (A/HRC/13/31).

Israel

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

200. The two outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

201. Since its establishment, the Working Group has transmitted three cases to the Government; of those, one case has been clarified on the basis of information provided by the source, and two cases remain outstanding.

Japan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	0 ^f
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

202. The Government transmitted three communications to the Working Group, dated 19 March, 9 October and 12 October 2012. In these communications, the Government of Japan submitted information provided by one of the sources to eight of the cases registered under the Democratic People's Republic of Korea.

Meetings

203. Representatives of the Government of Japan met with the Working Group at its ninety-seventh and ninety-eighth sessions

Total cases transmitted, clarified and outstanding

204. Since its establishment, the Working Group has transmitted four cases to the Government. These cases have all been transferred to the statistics of the Democratic People's Republic of Korea.

^f In accordance with paragraph 15 of its Methods of Work, the Working Group decided, at its ninety-seventh session to transfer four cases from the statistics of Japan to those of the Democratic People's Republic of Korea.

Jordan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

205. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006 and Corr.1.

Urgent appeals

206. The Working Group transmitted on 17 October 2012, jointly with one other special procedures mechanism, a communication under its urgent appeal procedure, concerning Mr. **Ashraf Mohammed Yousef Abdulsalam**, arrested on 25 September 2012 at his home in Bahrain by agents of the Bahraini State Security Forces. He was reportedly later forcibly returned to Jordan without further information being provided on his fate and whereabouts in spite of requests thereof. At the time of the communication, his fate and whereabouts reportedly remained unknown.

Total cases transmitted, clarified and outstanding

207. Since its establishment, the Working Group has transmitted two cases to the Government. Both cases remain outstanding.

Observations

208. The Working Group expresses its hope that the Government will reply to the urgent appeal transmitted on 17 October 2012 as soon as possible.

Kenya

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 40</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	40	0	0	40
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

209. The Working Group transmitted 40 newly-reported cases to the Government. The cases concerned Messrs. **Sospeter Chepkwesi Cherop, Daniel Simotwo Cheptunwo, Stephen Wilson Chesori, Patrick Sewui Kipyeto, Amos Kwarat Langat, Leonard Chemorion Borter, Meshack Komon Chesoroy, Wycliffe Kiplala Machir, Boniface Kaye Naibei, Titus Kipkot Pkania, Jonah Kauka Cheshari, Patrick Ngeywo Motum, Nixon Sioyi Ngeywo, Enos Kaan, Stephen Kaboto Fanuel, Jackson Komon Chesori, Simon Chenakan Miti, James Wasama Kirui, Moses Ndiwa Kisa, Enock Kaptunwo, Kenned Nyoka Chepkuruic, Bernard Kiboi Lawi, Benson Manyu Mugum, Timothy Chenje Sichei, Samuel Silali Chesebe, Immanuel Ndiwa Cheryembe, Amos Cherubeti Ngeywo, Patrick Monoo Sichei, Amos Miti Psisei, Joram Chepsengeny Pkania, Issac Kapcheria Kiboi, Simon Sikoa Kiboi, Abel Juma Naibei, Francis Lydon Sabai, Wycliffe Msee Monoo, Gideon Kwemboi Cherop, Geoffrey Chebus Champun, Vincent Sakong Maraka, Yusufu Kapchanga Ngaina, and a person below the age of 18.** The majority of these cases occurred in 2008 in the Mount Elgon district.

Information from sources

210. Sources provided information on 15 outstanding cases.

Total cases transmitted, clarified and outstanding

211. Since its establishment, the Working Group has transmitted 40 cases to the Government, all of which remain outstanding.

Observations

212. The Working Group is concerned by the allegations that a significant number of enforced disappearances took place in the Mount Elgon district in 2008, as reflected by the 40 cases transmitted in 2012. The Working Group also regrets that no response has been received from the Government to the general allegation sent on 9 September 2011, concerning enforced disappearances in the Mount Elgon district (A/HRC/19/58/Rev.1, paras. 312-316), notwithstanding a reminder sent on 13 August 2012.

Kuwait

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

213. The Government transmitted a communication dated 25 April 2012 concerning the outstanding case. The information provided was not considered sufficient to lead to its clarification.

Total cases transmitted, clarified and outstanding

214. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

Kyrgyzstan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

Information from the Government

215. On 4 November 2011, the Government responded to a request for an invitation for a visit from the Working Group, dated 16 September 2011. In its response, the Government requested additional information in relation to a potential visit.

216. On 23 March 2012, the Government transmitted a communication in response to a letter dated 25 January 2012 in which a request was made to postpone the potential visit to the country until 2013. In its response, the Government expressed no objections to the postponement of the Working Group's visit to Kyrgyzstan until 2013.

Total cases, transmitted, clarified and outstanding

217. Since its establishment, the Working Group has transmitted no cases to the Government.

Observations

218. The Working Group wishes to thank the Government for extending an invitation for a visit to the country.

Lao People's Democratic Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>1</i>	<i>No</i>		<i>0</i>		
<i>Urgent appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

Information from the Government

219. The Government transmitted one communication to the Working Group, dated 5 June 2012, concerning one outstanding case. The information provided was not considered sufficient for the clarification of the case.

Total cases transmitted, clarified and outstanding

220. Since its establishment, the Working Group has transmitted seven cases to the Government; of those, five have been clarified on the basis of information provided by the source, one has been discontinued and one remains outstanding.

Lebanon[§]

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
313	0	0	0	0	313
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

221. On 29 June 2011 and 9 November 2011, the Government transmitted communications concerning one outstanding case. The information provided in the first communication was not considered sufficient to lead to the clarification of the case. The information provided in the second communication could not be translated in time for inclusion in the present report.

Total cases transmitted, clarified and outstanding

222. Since its establishment, the Working Group has transmitted 321 cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, six cases have been clarified on the basis of information provided by the source, and 313 remain outstanding.

[§] In accordance with the practice of the Working Group, Osman El-Hajjé did not participate in the decisions relating to this section of the report.

Libya

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
9	0	1	0	1	9
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	<i>Yes</i>		<i>Invitation extended</i>	<i>Yes</i>	

Standard procedure

223. The Working Group transmitted to the Government, one case under its standard procedure. The case concerned the alleged abduction of Mr. **Amhemed Ahwishy**, also known as Amhemed Abdosalam Amhemed, in Wadi Mansour, on 28 October 2011, by individuals who reportedly identified themselves as members of the Katiba of 28 May.

Information from sources

224. Sources provided information on one outstanding case, as a result, the case was clarified.

Clarification

225. Following the information provided by the sources, the Working Group decided to clarify one case.

Total cases transmitted, clarified and outstanding

226. Since its establishment, the Working Group has transmitted 17 cases to the Government; of those, eight cases have been clarified on the basis of information provided by the source and nine remain outstanding.

Request for a visit

227. On 11 July 2012, the Government extended an invitation to the Working Group to undertake a visit to the country in 2013. On 3 September 2012, the Working Group replied proposing the visit for the first half of 2013.

Observations

228. The Working Group would like to express its appreciation to the Government for the invitation extended to undertake a visit to the country and looks forward to the confirmation of dates for this visit.

Lithuania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

General allegation

Summary of the general allegation

229. The Working Group on Enforced or Involuntary Disappearances received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Lithuania. This information was transmitted to the Government on 16 April 2012.^h

230. According to sources, there have been credible reports of involvement of Lithuania with secret detentions between 2001 and 2006. It is alleged that a Lithuanian parliamentary committee in December 2009 concluded that State agents had collaborated with the United States of America Central Intelligence Agency (CIA) and that detention facilities operated by the United States of America intelligence agency had existed in Lithuania. It is also reported that these sites were later visited by various organisations. It is further reported that there has been an acknowledgement by Lithuania that it was involved in secret detentions and renditions.

231. It is alleged that an investigation into these practices was ordered by Lithuania in 2009. However, it is reported that it was announced on 14 January 2011, that the investigation was to be closed for a variety of reasons, including a State secrets privilege.

232. Sources affirm that Lithuania is under an international legal obligation to investigate all allegations of serious human rights violations and that it should re-open its criminal investigation into both its own involvement in these operations, and that of the United States of America and its agents on Lithuanian territory. It is further alleged that the investigation ought to be conducted through an independent, impartial, thorough and effective process. It is further alleged that Lithuania ought to hold those involved in these practices accountable and that victims should receive redress.

^h A/HRC/19/58/Rev.1, para. 22.

Total cases transmitted, clarified and outstanding

233. Since its establishment, the Working Group has transmitted no cases to the Government.

Observations

234. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 16 April 2012. The information provided in the reply, which was not processed in time for inclusion in the present report, will be considered by the Working Group at its next session and reflected accordingly.

Mali

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent appeal</i>	<i>Yes</i>		<i>Government response</i>	<i>No</i>	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent appeals

235. On 27 September 2012, the Working Group, jointly with four other special procedures mechanisms, transmitted an urgent appeal to the Government concerning allegations of extrajudicial executions, enforced disappearances, torture, arbitrary detentions and violence against women in the context of the armed conflict in the north of Mali. It was reported, inter alia, that, between 2 and 3 May 2012, during the night, at least 21 soldiers were allegedly transferred to the military camp of Kati and that, at the time of the communication, their fate and whereabouts were unknown.

Total cases transmitted, clarified and outstanding

236. Since its establishment, the Working Group has not transmitted any cases to the Government.

Observations

237. The Working Group regrets that no response was received from the Government concerning the urgent appeal transmitted on 27 September 2012.

Mauritania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 2</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	2	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent actions

238. The Working Group transmitted two cases under its urgent action procedure to the Government. These cases concerned Mr. **Mohamed Mahmoud Ould Sebti** and Mr. **Mohamed Abdellah Ould Hmednah**, who were allegedly abducted on 23 May 2011 from the civil prison of Nouakchott with 12 other prisoners and taken to an unknown location by members of the armed forces.

Total cases transmitted, clarified and outstanding

239. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

Mexico

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 17</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
310	11	6	0	0	327
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes (4)		<i>Government response</i>	Yes (2)	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent actions

240. The Working Group sent 11 cases under its urgent action procedure to the Government.

241. The first case concerned Mr. **Moisés Orozco Medina**, who was allegedly arrested by the Municipal Police in Apatzingan, Michoacán, on 22 May 2012, and taken to an undisclosed location.

242. The next five cases concerned Ms. **Sonia Hinojosa Barrera** and her children Mr. **Homero Segura Hinojosa**, Ms. **Larissa Hasel Segura Hinojosa**, Ms. **Daniela Sarahi Segura Hinojosa** and a **person below the age of 18**, who were reportedly last seen at a ranch under the custody of the Ministerial Police in Río Bravo, Tamaulipas, on 16 June 2012.

243. The last five cases concerned Ms. **Iris Rocio Orozco Hinojosa**, Mr. **Raúl Herrera Hinojosa**, and their **three children**, all of whom were below the age of 18, who were reportedly last seen at a ranch under the custody of the Ministerial Police in Río Bravo, Tamaulipas, on 16 June 2012.

Standard procedure

244. The Working Group transmitted six newly-reported cases under its standard procedure.

245. The first case concerned Mr. **Jorge Antonio Salinas Cherety** who, on 2 October 2008, was allegedly detained by police officers on the corner of street Zaragoza y Pino Suárez, Cadareyta municipality.

246. The second case concerned Mr. **Leonel Orozco Medina** who, on 18 April 2009, was allegedly taken to an unknown destination by members of the Agencia Federal de Investigaciones (Federal Investigation Agency).

247. The third case concerned Mr. **Jehú Abrahám Sepúlveda Garza** who, on 12 November 2010, was allegedly arrested by two municipal police officers near a convenience shop on Avenida Vasconcelos, on the corner of Montes Rocallosos, in the municipality of San Pedro Garza García, Nuevo León.

248. The fourth and fifth cases concerned Ms. **Jocelyn Mabel Ibarra Buenrostro** and Mr. **José Ángel Mejía Martínez** who, on 15 November 2010, were allegedly seen for the last time at the home of Ms. Ibarra Buenrostro before leaving to look for two people who, two days previously, were allegedly abducted by a criminal group acting with the reported acquiescence of the Federal Police.

249. The sixth case concerned Mr. **David Joab Ibarra Buenrostro** who, on 19 November 2010, was allegedly last seen on the Navy premises, Deportivo San Nicolás, Avenida López Mateos, San Nicolás de los Garza.

Urgent appeals

250. On 6 January 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged killing of Messrs. **Pedro Leyva Dominguez**, **Nepomuceno Moreno Núñez** and **Trinidad de la Cruz Crisóforo** and the alleged abduction of Mr. **Marcial Bautista Valle** and Ms. **Eva Alarcón Ortiz**, by members of the Municipal Police and the Army in the Sierra of Petlatán, Guerrero.

Prompt intervention

251. The Working Group transmitted four communications under its prompt intervention procedure to the Government.

252. The first communication was transmitted on 6 January 2012, jointly with three other special procedures mechanisms, concerning the allegations of attempted murder against Ms. **Norma Esther Andrade**, on 2 December 2011, in Ciudad Juárez, and subsequent death threats against her, her family and other members of “Nuestras Hijas de Regreso a Casa” (NHRC), an organization for which Ms. Andrade works and which deals with cases of enforced disappearance and abduction of women in Ciudad Juárez have been victims. On 22 February 2012, the Government replied to the communication.

253. The second communication was transmitted on 31 January 2012, jointly with two other special procedures mechanisms, and concerned alleged acts of harassment and intimidation against the family members of Ms. **Elena Barajas Mejía** on 21 December 2012, 15 January 2012 and 18 January 2012, in Michoacán, after Ms. Barajas Mejía had given an interview to the newspaper *El Universal*, wherein she denounced the alleged disappearance of a member of her family. Ms. Barajas Mejía is a member of the Comité de Familiares de Detenidos Desaparecidos “Hasta encontrarlos” (Committee of Family Members of the Detained and the Disappeared “Until They Are Found”). On 2 July 2012 the Government replied to this communication.

254. The third communication, transmitted on 20 February 2012 jointly with three other special procedures mechanisms, concerned further allegations of attempted murder against Ms. **Norma Esther Andrade**.

255. The fourth communication was transmitted on 20 April 2012, jointly with three other special procedures mechanisms, and concerned members of the Comité de Familiares de Detenidos Desaparecidos “Hasta encontrarlos”, who were allegedly threatened and harassed by the Federal Police and an unidentified individual in Michoacán, after they initiated the campaign entitled the “Campaña Nacional Contra la Guerra de Felipe Calderón por la Justicia y Castigo a los Criminales de Estado” (National Campaign Against the War of Felipe Calderón for the Justice and Punishment to the State Criminals) in 8 March 2012.

Information from the Government

256. The Government transmitted four communications to the Working Group, dated 28 November 2011, 22 February 2012, 24 April 2012, and 2 July 2012.

257. The first communication concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

258. In the second communication, the Government responded to a prompt intervention letter dated 6 January 2012. In this communication, the Government reported that an investigation was being conducted by the Public Ministry and that no arrest warrant had yet been issued. Concerning the health of Ms. Andrade, the Government reported that the Secretary of Government (Secretaría de Gobernación) requested for the competent authorities to look into the possibility of a federal institution providing her with appropriate medical care. In addition, it was reported that the psychological services of the “Procuraduría Social de Atención a las Víctimas de Delito” (Social Attorney for the Care of Victims of Crime) are at the disposal of Ms. Andrade and her children. Regarding protective measures, the Government reported that Ms. Andrade had been relocated, with appropriate support to guarantee her personal safety. Furthermore, it was reported that measures were taken to assure the protection of the other members of the NHRC.

259. The third communication concerned information regarding the entering into force of the “Ley del registro nacional de datos de personas extraviadas o desaparecidas” (Law of the national register of details of missing or disappeared persons).

260. In the fourth communication, the Government replied to a prompt intervention letter dated 31 January 2012. The Government reported that the Procuraduría General del Estado de Michoacán (Attorney General of the Michoacán State) had conducted an investigation regarding the case of Ms. Barajas Mejía and that this procedure has not yet been able to identify those involved in the harassment. In addition, the Government reported that the presence of public security elements in the neighbourhood was increased and the services of the Unidad de Psicología y Atención a las Víctimas del Delito (Psychology and Care to Victims of Crime Unit) of the Attorney General of the Michoacán State were made available to the victim and her family. Finally, the Government highlighted that an investigation was being conducted into the alleged disappearance of a member of Ms. Barajas Mejía’s family.

Information from sources

261. Sources provided information on twelve outstanding cases

Press releases

262. On 14 March 2012, the Working Group issued a press release on the occasion of the presentation of the report on its visit to Mexico. The experts, while recognizing the challenges posed by the complex situation in relation to public security in the context of the fight against crime, emphasized that “there is a chronic pattern of impunity demonstrated by the absence of effective investigations in cases of enforced disappearances”.

Total cases transmitted, clarified and outstanding

263. Since its establishment, the Working Group has transmitted 505 cases to the Government; of those, 28 cases have been clarified on the basis of information provided by the source, 134 cases have been clarified on the basis of information provided by the Government, 16 cases have been discontinued and 327 remain outstanding.

Observations

264. The Working Group is seriously concerned that during the reporting period 11 urgent actions, six newly-reported cases, one urgent appeal, four prompt intervention letters, and one press release were transmitted to the Government. The Working Group recalls article 2.1 of the Declaration which states that “No State shall practise, permit or tolerate enforced disappearances”, as well as article 3, which provides that “Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.”

265. The Working Group would also like to recall article 7 of the Declaration, which states that “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”.

266. The Working Group would also like to remind the Government of its obligations under the Declaration towards the families of the disappeared and in particular of article 13.3 according to which States must take steps to ensure that persons involved in investigations of cases of enforced disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders

acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

267. Finally, the Working Group calls on the Government to make efforts to implement the recommendations contained in the report published following the country visit in 2011 (A/HRC/19/58/Add.2).

Morocco

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 9</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
61	0	1	9	0	53
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
30	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

268. The Working Group transmitted one newly-reported case to the Government, concerning Mr. **Abdellatif Salem** who, on 2 May 1988, was allegedly arrested at the home of individuals associated with him, Hay al Kamra Nord, Bloc J, numéro 28, Rabat, by two agents of the Direction de la Sécurité du Territoire (secret police).

Information from the Government

269. The Government transmitted five communications on 1 December 2011, 5 December 2011, 12 February 2012, 6 July 2012 and 10 July 2012.

270. The first and second communications concerned 17 outstanding cases. Two of these cases had already been submitted to the six-month rule and were later clarified. The information provided was not considered sufficient for the clarification of the other cases.

271. The third communication concerned 28 outstanding cases. Seven of these cases had previously been submitted to the six-month rule and were later clarified. The information provided on 21 of these cases was not considered sufficient for their clarification. Of the 21 cases, information on 15 cases had previously been submitted by the Government in its first and second communications transmitted during the reporting period.

272. The fourth and fifth communications concerned outstanding cases as well as a number of cases which had already been clarified. The information provided could not be processed in time for inclusion in the present report.

Information from sources

273. Sources provided information on seven outstanding cases, confirming information provided by the Government and leading to the clarification of the case.

Clarification

274. On the basis of information provided by the Government, the Working Group decided to clarify nine cases: seven following confirmation by sources; and the remaining two following the expiration of the period prescribed by the six-month rule.

Meetings

275. Representatives of the Government of Morocco met with the Working Group at its ninety-sixth session.

Total cases transmitted, clarified and outstanding

276. Since its establishment, the Working Group has transmitted 286 cases to the Government; of those, 52 cases have been clarified on the basis of information provided by the source, 160 cases have been clarified on the basis of information provided by the Government, 21 cases have been discontinued and 53 remain outstanding.

Observations

277. The Working Group wishes to thank the Government for the information provided and for its willingness to engage in dialogue during the reporting period. In relation to the outstanding cases, the Working Group also wishes to express its hope to receive detailed information concerning the fate and whereabouts of the alleged victims.

278. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to Morocco in 2009 (A/HRC/13/31/Add.1, paras. 86-108) can be found in an addendum (A/HRC/22/45/Add.3).

Mozambique

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

279. The two outstanding cases were transmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

280. Since its establishment, the Working Group has transmitted two cases to the Government; both remain outstanding.

Myanmar

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	1	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	Yes		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

281. The Government transmitted two communications, dated 1 December 2011 and 16 August 2012, concerning one outstanding case. Based on the information provided by the Government in its first communication, the Working Group decided, at its ninety-sixth session, to apply the six-month rule to the case. Before the expiration of the period prescribed by the six-month rule, the information provided by the Government was confirmed by the source and the case was clarified.

Information from sources

282. Sources provided information on one outstanding case, confirming the information provided by the Government and leading to its clarification.

Total cases transmitted, clarified and outstanding

283. Since its establishment, the Working Group has transmitted eight cases to the Government; of those, seven cases have been clarified on the basis of information provided by the Government, and one remains outstanding.

Namibia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

284. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

285. Since its establishment, the Working Group has transmitted three cases to the Government, all of which remain outstanding.

Nepal

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
458	0	0	0	0	458
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

286. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006 and Corr.1.

Request for a visit

287. On 12 May 2006, the Working Group requested to undertake a follow-up visit to Nepal. A reminder letter was transmitted on 20 July 2009. On 2 October 2009, the Government informed the Working Group that due to the limited capacities of the country and other engagements it was unable to extend an invitation. A new reminder letter was transmitted on 30 June 2011. No reply has been received.

Total cases transmitted, clarified and outstanding

288. Since its establishment, the Working Group has transmitted 672 cases to the Government; of those, 79 cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, and 458 remain outstanding.

Nicaragua

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
103	0	0	0	0	103
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

289. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Request for a visit

290. On 23 May 2006, the Working Group requested the Government of Nicaragua to undertake a visit, as part of a four-country initiative in Central America. Reminder letters were sent on 20 July 2009, 16 August 2010 and 18 August 2011. No response has yet been received.

Total cases transmitted, clarified and outstanding

291. Since its establishment, the Working Group has transmitted 234 cases to the Government; of those, 19 cases have been clarified on the basis of information provided by the source, 112 cases have been clarified on the basis of information provided by the Government, and 103 remain outstanding.

Pakistan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 8		Cases clarified during the period under review: 16		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
107	2	6	14	2	99
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
2	Yes		0		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Invitation extended	N/A	

Urgent actions

292. The Working Group sent two communications under its urgent action procedure to the Government.

293. The first communication was transmitted on 29 November 2011 and concerned Mr. **Bashir Arisar**, allegedly detained by agents of the Pakistani Intelligence Services with the support of the Hyderabad Crime Investigation Agency, in Jamshoro district, on 17 November 2011. The Government replied to this communication on 16 July 2012.

294. The second communication was transmitted on 7 June 2012 and concerned a **person below the age of 18**, who was allegedly arrested by members of the Punjab police, in Ferozwala, on 18 April 2012. The Government responded to this communication on 7 June and 12 July 2012.

Standard procedure

295. The Working Group transmitted seven newly-reported cases to the Government.

296. The first case concerned Mr. **Faisal Marri** who, on 14 August 2007, was allegedly arrested by Pakistan intelligence agents in civilian clothes in the New Kahan Hazarganji Market, Quetta, Province of Balochistan.

297. The second case concerned Mr. **Muhammad Mustafa Haider** who, on 17 May 2009, was allegedly arrested by a group of State forces in Peer Bahawa, Buner District in Khyber Pakhtoon Khwah Province.

298. The third case concerned Dr. **Din Muhammad** who, on 29 June 2009, was allegedly arrested at the Rural Health Centre Ornach by members of the Inter-Services Intelligence (ISI).

299. The fourth case concerned a **person below the age of 18** who, on 8 March 2010, was allegedly arrested in Balecha, Makuran, by members of the Pakistani intelligence agencies in civilian clothes.

300. The fifth case concerned Mr. **Mudassar Iqbal** who, on 16 February 2011, was allegedly arrested by unidentified State forces in Lahore.

301. The seventh case concerned Mr. **Shah Faisal** who, on 12 December 2011, was arrested by four uniformed officers of the Anti-terrorist Squad at the toll plaza of the Peshawar-to-Kohat road, Khyber Pakhtoon, Khawah province.

Information from the Government

302. The Government transmitted three communications, dated 7 June 2012, 12 July 2012 and 16 July 2012.

303. In the first communication, the Government acknowledged receipt of the communication transmitted by the Working Group under its urgent action procedure on 7 June 2012.

304. In the second communication, concerning one outstanding case, the Government requested further information. The information provided was not considered sufficient for the clarification of the case.

305. The third communication concerned a case which had previously been clarified by the source.

Information from sources

306. Information was received from sources concerning six outstanding cases. Regarding one case, the source confirmed the information provided by the Government and, consequently, the case was clarified. On the basis of the information provided by sources, the Working Group decided, at its ninety-sixth session, to clarify one case and, at its ninety-seventh session, to clarify another case.

Clarification

307. Following the information provided by the Government, which was later confirmed by the source, the Working Group decided to clarify one case. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify 13 cases at its ninety-sixth session. Following the information received by the source, the Working Group decided to clarify two cases.

Meetings

308. Representatives of the Government of Pakistan met with the Working Group at its ninety-sixth session.

Visit

309. The Working Group visited Pakistan from 10 to 20 September 2012 (see A/HRC/22/45/Add.2).

Total cases transmitted, clarified and outstanding

310. Since its establishment, the Working Group has transmitted 151 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the source, 42 cases have been clarified on the basis of information provided by the Government, one has been deleted, and 99 remain outstanding.

Observations

311. The Working Group thanks the Government for the cooperation extended before and during its visit to the country.

Peru

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,371	0	0	0	0	2,371
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeals</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

312. The Working Group transmitted one case to the Government under its standard procedure. However, this case was later found to be a duplicate of an existing case and was therefore deleted from the Working Group's statistics.

Information from the Government

313. The Government transmitted one communication, dated 11 July 2011, which could not be processed in time for inclusion in the 2011 annual report (A/HRC/19/58/Rev.1) or the present report.

Information from sources

314. Information from sources was received concerning two cases.

Total cases transmitted, clarified and outstanding

315. Since its establishment, the Working Group has transmitted 3,009 cases to the Government; of those, 385 cases have been clarified on the basis of information provided by the source, 253 cases have been clarified on the basis of information provided by the Government, and 2,371 remain outstanding.

Philippines

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
621	0	0	0	0	621
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes(2009/2012)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

General allegations

Summary of the general allegation

316. The Working Group on Enforced or Involuntary Disappearances received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the Philippines. This information was transmitted to the Government on 16 April 2012.¹

317. Sources reported on serious violations of human rights in the Philippines, such as enforced disappearances. It is alleged that these abuses persist in part because of the Philippines police's failure to conduct thorough and impartial investigations, particularly when evidence points to the involvement of the military. The ability to bring the perpetrators to justice has also been hindered by the Justice Department's inadequate protection program for witnesses, who have been subject to harassment and intimidation.

318. Sources also reported that several victims were killed or abducted in front of witnesses. The perpetrators either wore civilian clothes with bonnets (balaclavas), or wore military uniforms and made no attempt to hide their faces. According to the sources, in several cases there is evidence that soldiers worked with members of paramilitary forces—primarily the Citizen Armed Force Geographical Unit (CAFGU)—or paid military “assets,” including “rebel returnees” (former New People's Army –members). It is reported that the military appears to have targeted several of these victims as CPP-NPA (Communist Party of the Philippines - New People's Army) members because of their involvement with leftist organizations, work on land reform, or opposition to military presence in their communities.

319. The sources alleged that police investigations into reports of enforced disappearances are woefully inadequate. Several core aspects of investigations are often disregarded by investigators, including effectively examining crime scenes and canvassing for witnesses. Witness protection is rarely provided and, where it is provided, the protection program is inflexible. Despite official orders requiring prosecutors and police to work

ⁱ A/HRC/19/58/Rev.1, para. 22.

together in order to ensure that a strong case is presented to court, such cooperation remains extremely unusual. Once a case is filed in court, hearings occur only at monthly intervals.

320. No response from the Government was received during the reporting period regarding this general allegation.

Request for a visit

321. On 24 May 2006, the Working Group requested an invitation to undertake a visit to the country. Reminder letters were sent on 16 August 2010 and 18 August 2011. No response has yet been received from the Government.

Total cases transmitted, clarified and outstanding

322. Since its establishment, the Working Group has transmitted 782 cases to the Government; of those, 35 cases have been clarified on the basis of information provided by the source, 126 cases have been clarified on the basis of information provided by the Government, and 621 remain outstanding.

Observations

323. The Working Group regrets that no response has been received from the Government to its general allegation sent in 2009 concerning the dismissal, by the Court of Appeals, of *amparo* petitions for the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat (A/HRC/13/31, paras. 416-419), notwithstanding the reminders sent on 26 August 2011 and 14 August 2012. The Working Group also regrets that no response has been received from the Government to its general allegation sent on 16 April 2012 (see summary above) notwithstanding the reminder sent on 14 August 2012. The Working Group recalls the Declaration, in particular article 2.1 which states that “No State shall practise, permit or tolerate enforced disappearances”, and article 13.1, which states that “Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.”

Republic of Korea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Government response</i>	N/A	

Information from the Government

324. The Government transmitted one communication to the Working Group, dated 21 June 2012. In this communication, the Government of the Republic of Korea submitted information in relation to a case registered under the statistics of Uzbekistan.

Meetings

325. Representatives of the Government of the Republic of Korea met with the Working Group at its ninety-seventh and ninety-eighth sessions.

Total cases transmitted, clarified and outstanding

326. Since its establishment, the Working Group has transmitted no cases to the Government.

Russian Federation

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 4</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
467	0	4	0	0	471
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	0		N/A		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes		<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Standard procedure

327. The Working Group transmitted four newly-reported cases to the Government.

328. These cases concerned Messrs. **Magomed Adzhiyev, Ali Dzhaniev, Yunus Dobriyev, and Yusup Dobriyev**, who were allegedly arrested by Russian law enforcement agents in Vasilievsky Ostrov (Vasiliev Island), Line 9 Street, between Bolshoi Prospect and Naberegnaya Street, Saint Petersburg on 25 December 2009.

Prompt intervention

329. On 1 March 2012, the Working Group, together with four other Special procedures mechanisms, sent a prompt intervention letter to the Government regarding alleged acts of police harassment against Mr. **Anton Ryzhov**, a lawyer with the Interregional Committee Against Torture and the Joint Mobile Group (JMG), a solidarity group of which travels to Chechnya on a rotating basis to investigate allegations of enforced disappearances and torture in the region; and Mr. **Igor Kalyapin**, Chairman of the Interregional Committee against Torture and founder and President of the JMG.

Information from the Government

330. The Government transmitted one communication, dated 27 August 2010, which could not be translated in time for inclusion in the 2010 annual report (A/HRC/16/48). This communication concerned the request for a visit of the Working Group.

331. During the reporting period, the Government transmitted three communications, dated 14 May, 22 May and 22 August 2012. The first two communications concerned the prompt intervention letter and could not be processed in time for inclusion in the present report. The third communication concerned four outstanding cases. The information provided was not considered sufficient for the clarification of the cases. The communication also concerned one case registered under the statistics of Georgia.

Information from sources

332. Sources provided information concerning four outstanding cases.

Request for a visit

333. On 2 November 2006, the Working Group requested an invitation to visit the country. The Working Group reiterated its interest to undertake the visit to the Russian Federation on 4 June 2008, 20 July 2009, 16 August 2010, 18 August 2011 and 8 November 2012. On 4 August 2009, the Government informed the Working Group that, due to limited capacities of the country and other engagements, it was unable to extend an invitation to visit the country. On 27 August 2010, the Government informed that the request for a visit of the Working Group would be considered in order of priority for visits to the Russian Federation by special procedures of the Human Rights Council. On 30 August 2011, the Government replied that it did not have any substantial objections but, due to the heavy schedule of visits by international and regional human rights mechanisms already planned, it suggested to revisit the question in mid-2012. At the end of the reporting period, no confirmation of an invitation to visit the country had been received.

Total cases transmitted, clarified and outstanding

334. Since its establishment, the Working Group has transmitted 483 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by the source, two cases have been clarified on the basis of information provided by the Government, and 471 remain outstanding.

Rwanda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
21	0	0	0	0	21
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

335. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

336. Since its establishment the Working Group has transmitted 24 cases to the Government; of these, two have been clarified on the basis of information provided by the sources, one has been discontinued, and 21 remain outstanding.

Saudi Arabia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

337. The Government transmitted one communication dated 13 June 2012, concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case.

Total cases transmitted, clarified and outstanding

338. Since its establishment, the Working Group transmitted 10 cases to the Government: two were clarified on the basis of information provided by the Government, two were clarified on the basis of information provided by sources, two were discontinued and four remain outstanding.

Serbia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

Request for a visit

339. On 29 August 2011, the Working Group requested the Government to extend an invitation to undertake a visit to the country. On 14 September 2010, the Government invited the Working Group to undertake a visit to the country. On 25 October 2011, the Government renewed its invitation to visit the country.

Meeting

340. Representatives of the Government of Serbia met with the Working Group at its ninety-sixth session.

Total cases transmitted, clarified and outstanding

341. Since its establishment, the Working Group has transmitted one case to the Government. This case was clarified on the basis of information provided by the Government.

Observations

342. The Working Group thanks the Government for having extended an invitation to visit the country.

Seychelles

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

343. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

344. Since its establishment, the Working Group has transmitted three cases to the Government; all of these cases remain outstanding.

Somalia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>0</i>	<i>N/A</i>		<i>0</i>		
<i>Urgent appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

345. The outstanding case was retransmitted and regrettably no response was received from the Government. Reference to the case appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

346. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

South Sudan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	^j
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A			N/A		N/A
<i>Urgent appeal</i>			N/A	<i>Government response</i>	N/A
<i>General allegation</i>			N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>			N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>			Yes	<i>Invitation extended</i>	No

Request for a visit

347. On 29 August 2011, the Working Group requested the Government of South Sudan to extend an invitation to undertake a visit to the country. The Government has not yet responded.

Total cases transmitted, clarified and outstanding

348. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

^j Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under the Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

Spain

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	1	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes		<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

Prompt intervention

349. On 3 February 2012, the Working Group, together with one other Special Procedures mechanism, sent a prompt intervention letter to the Government regarding allegations that Judge Baltasar Garzón was suspended from his functions in May 2010 and submitted to a criminal trial for breach of legal duty. The Government replied to the prompt intervention letter on 13 March 2012.

Information from the Government

350. The Government transmitted four communications dated 12 December 2011, 13 March 2012, 4 July 2012 and 31 October 2012.

351. In the first communication, the Government submitted information on one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case.

352. In the second communication, dated 13 March 2012, the Government replied to the prompt intervention letter of 3 February 2012, stating that the information received by the Working Group was incomplete and not accurate. For instance, it was mentioned that judge Garzón himself declared that the jurisdiction to investigate the alleged cases of enforced disappearances had to be assigned to the different territorially competent courts. With respect to the status of the trial against judge Garzón, the Government informed that the Supreme Court acquitted him on 27 February 2012.

353. The third communication concerned three outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

354. The fourth communication concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

Information from sources

355. Sources provided information concerning one outstanding case.

Clarification

356. Following the expiration of the period prescribed by the six-month rule, the Working Group decided, at its ninety-sixth session, to clarify one case.

Request for a visit

357. On 3 September 2012, the Working Group requested an invitation to undertake a visit to the country. During the ninety-eighth session, the Government confirmed its agreement to extend an invitation to the Working Group to undertake a visit to the country in 2013.

Meetings

358. Representatives of the Government of Spain met with the Working Group at its ninety-eighth session.

Press releases

359. On 8 February 2012, the Working Group together with another mandate holder issued a press release concerning the trial of Judge Baltasar Garzón in Spain and its effects on the process to investigate and deal with more than a hundred thousand cases of enforced disappearances which reportedly occurred during the Spanish civil war and the Franco regime. The Working Group emphasized that an investigation should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified and that an amnesty law should not allow an end to a State's obligation to investigate, prosecute and punish those responsible for disappearances.

Total cases transmitted, clarified and outstanding

360. Since its establishment, the Working Group has transmitted five cases to the Government; of those, two have been clarified on the basis of information provided by the Government and three remain outstanding.

Observations

361. The Working Group would like to express its appreciation to the Government for the invitation extended to undertake a visit to the country and looks forward to the confirmation of dates for this visit.

Sri Lanka

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 13		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5,671	4	9	0	0	5,676 ^k
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
160	N/A		1		
Urgent appeal	N/A		Government response	N/A	
General allegation	Yes (2011)		Government response	No	
Prompt intervention letter	Yes (2 – 29 December 2011, 1 March 2012)		Government response	No	
Working Group request for a visit	Yes		Invitation extended	No	

Urgent actions

362. The Working Group transmitted four cases to the Government under its urgent action procedure.

363. The first two cases concerned Mr. **Lalith Weeraraja**, Jaffna coordinator of the *Jana Aragalaya* (People's Struggle) movement, and an executive committee member of We Are Sri Lankans, a student-based organisation which works to defend the rights of Tamil people in Sri Lanka; and Mr. **Kugan Muruganandan**, who were allegedly arrested by members of the Sri Lankan Army on 9 December 2011.

364. The third case concerned Mr. **Ramasamy Prabakaran**, a Tamil businessman of Indian origin, allegedly abducted by seven armed men in civilian clothing, believed to be security forces agents, on 11 February 2012. In a communication dated 5 April 2012, the Government acknowledged receipt of this urgent action.

365. The fourth case concerned Ms. **Vasanthamala Pathmanathan**, allegedly arrested at a bank near Vavuniya by agents of the Criminal Investigation Department (CID) of the Police on 21 August 2012.

Standard procedure

366. The Working Group transmitted nine newly-reported cases to the Government.

367. The first case concerned Mr. **Punyamoorthy Velusamy**, a three-wheeler taxi driver who allegedly disappeared between his house and Horombuwa Junction, Suduwatuara Road on 1 March 2008. The police had reportedly previously been to Mr. Velusamy's house on several occasions and questioned him regarding whether he had received money from the Liberation Tigers of Tamil Ealam (LTTE).

^k During its ninety-sixth and ninety-eighth sessions, the Working Group discovered that six and two cases, respectively, were in fact duplicates of existing cases. These eight cases were subsequently eliminated from the Working Group's records.

368. The second case concerned Mr. **Mathurakulasingam Velautham**, who was allegedly arrested at 55 Alwis Place, Kottehena, Colombo, by paramilitary forces reportedly working with the Sri Lankan military, on 11 June 2008.

369. The third case concerned Mr. **Abiyouth Anthony**, also known as Hilman, an employee of the District Secretariat of Mannar, Government Agent's Office, who allegedly disappeared after leaving a family member's house in Kallikaddaikadu, Uyilankulam, Mannar district, on 5 January 2009. Mr. Anthony was reportedly seen approximately one month after his alleged disappearance in front of Thalladi Military Camp, walking with army officers.

370. The fourth case concerned a **person below the age of 18** who, on 17 April 2009, was allegedly last seen in Puthumathalan. According to the information received, during the night of 17 April 2009, the person below the age of 18 was reportedly forcibly taken away by members of the Liberation Tigers of Tamil Eelam (LTTE). On 20 April 2009, the Sri Lankan army allegedly took control of the area. It was reported that all those in the area where the person below the age of 18 had been were taken away by members of the army.

371. The fifth case concerned Mr. **Varathalingam Ratnathurai**, also known as Puthuvai Rathinathurai, who was allegedly arrested by the Sri Lankan Army in Vadduvakal, Mullaitivu on 18 May 2009.

372. The sixth case concerned Mr. **Ilmi Rifai Ahmed Adbulla** who, on 5 May 2010, was allegedly abducted by seven individuals, one of whom was in police uniform, and driven away in a white van with registration number 7030 when he was returning home from work on his motorcycle.

373. The seventh and eighth cases concerned Mr. **Mohamed Kaya Mohideen Musammil**, an employment agency worker, and Mr. **Mohamed Oseer** who were allegedly arrested by police officers on Mawella Lane, Baseline Road, Dematagoda, Colombo 09, on 7 May 2010.

374. The ninth case concerned Mr. **Mohamed Akram** who, on 9 June 2010, was allegedly abducted by a group of men, three of whom were in police uniforms, driving white vans with registration numbers 58-0093 and LF 7655 at the hotel in front of a race course in Nuwara Eliya.

Prompt intervention

375. On 29 December 2011, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding the alleged arrest and detention of 42 human rights and political activists, including members of the non-governmental organisation, the Committee to Investigate Disappearances.

376. On 1 March 2012, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding alleged repeated instances of excessive use of force against peaceful protestors, and undue restrictions on the rights to freedom of peaceful assembly and expression, including against members of the Organization Collective against Abductions and Disappearance (OCAD), a platform of civil society organizations working on cases of disappearances and abduction.

Information from the Government

377. The Government transmitted seven communications, dated 24 January 2012, 5 April 2012, 26 April 2012, 27 April 2012, 7 May 2012, 15 June 2012, and 29 October 2012.

378. In the first communication, the Government acknowledged receipt of a communication from the Working Group dated 19 December 2011 concerning its ninety-fifth session.

379. In the second communication, the Government acknowledged receipt of the urgent action concerning Mr. Ramasamy Prabaharan.

380. In the third communication, the Government provided information on the report of the Working Group presented to the Human Rights Council at its nineteenth session (A/HRC/19/58/Rev.1).

381. In the fourth communication, the Government responded to a communication transmitted by the Working Group on 6 May 2011.

382. In the fifth communication, the Government submitted information concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the remaining case.

383. In the sixth communication, the Government submitted information concerning 59 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-seventh session, to apply the six-month rule to one of the cases. The information provided was not considered sufficient to lead to the clarification of the remaining cases.

384. In the seventh communication, the Government submitted information concerning 100 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-eighth session, that two cases were duplicates. The Working Group also decided to transmit information concerning one case to the source in order to verify whether the case was a duplicate. The information provided concerning the other 97 cases was not considered sufficient to lead to their clarification.

Information from sources

385. Sources provided information concerning two outstanding cases.

Meetings

386. Representatives of the Government of Sri Lanka met with the Working Group at its ninety-sixth and ninety-eighth sessions.

Request for a visit

387. On 16 October 2006, the Working Group requested the Government of Sri Lanka to extend an invitation to undertake a visit to the country. The Government replied that it would not be possible to schedule a visit during the proposed dates, and that the interest of the Working Group would be given due consideration. Reminder letters were sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012.

Total cases transmitted, clarified and outstanding

388. Since its establishment, the Working Group has transmitted 12,473 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,535 cases have been clarified on the basis of information provided by the Government, 222 cases were found to be duplications and were therefore deleted, and 5,676 remain outstanding

Observations

389. The Working Group regrets that no response was received from the Government to its general allegation on 4 May 2011, concerning serious obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in Sri Lanka during the last phase of the war against the Liberation Tigers of Tamil Eelam from 2006 to 2009 (A/HRC/19/58/Rev.1, paras. 495-501), notwithstanding a reminder sent on 13 August 2012.

390. The Working Group is seriously concerned that, during the reporting period, it transmitted four urgent actions, nine standard cases, and two prompt intervention letters. In this respect, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

391. Following its request dated 16 October 2006, and reminder letters sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012, the Working Group wishes to reiterate its hope that the Government will extend an invitation for a visit to the country.

Sudan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
174	0	0	0	0	173 ¹
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

¹ Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

Information from the Government

392. On 28 December 2011, the Government transmitted a communication concerning one outstanding case. The information provided was considered insufficient to lead to the clarification of the case. However, the case has since been transferred to the records of South Sudan.

393. On 6 June 2012, the Government transmitted a communication concerning complaints of human rights violations committed by the Government of South Sudan relating to enforced or involuntary disappearances.

Request for a visit

394. A request for a visit was sent to the Government of the Sudan on 20 December 2005. On 3 April 2008, 20 July 2009, 16 August 2010 and 18 August 2011, the Working Group reiterated its interest to undertake the visit. However, no reply has yet been received.

Total cases transmitted, clarified and outstanding

395. Since its establishment, the Working Group has transmitted 383 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 205 cases have been clarified on the basis of information provided by the Government, one case has been transferred to the statistics of South Sudan, and 173 remain outstanding.

Observations

396. Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. So far the Working Group has transferred one case from the records of the Sudan to the records of South Sudan.

Switzerland

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>1</i>	<i>No</i>		<i>1</i>		
<i>Urgent Appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

Standard procedure

397. The Working Group, in accordance with its methods of work, retransmitted one case to the Government, concerning Mr. **Mohamed El Ghanam**, who was allegedly arrested in Geneva on 12 March 2007 by agents of the Swiss Government.

Information from the Government

398. The Government transmitted one communication dated 15 June 2012, concerning the outstanding case. On the basis of this information the Working Group decided at its ninety-seventh session to apply the six-month rule to this case.

Information from sources

399. Information was received from sources concerning the outstanding case.

Total cases transmitted, clarified and outstanding

400. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

Syrian Arab Republic

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 39		Cases clarified during the period under review: 8		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
41	30	9	1	7	72
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
9	No		0		
Urgent Appeal	Yes (5)		Government response	No	
General allegation	Yes (2)		Government response	Yes	
	Sent 9 September 2011			(On 27 December 2011)	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Invitation extended	No	

Urgent actions

401. The Working Group transmitted 30 cases under its urgent action procedure to the Government. The cases concerned Messrs. **Maad Tayeh, Mustafa Abo Zaid, Mahmoud Dred, Mohamed Al Shurbaji, Muhammad Tayseer Khulani, Amr Ahmad Khulani, Muhammad Nouh, Essam Kadour, Kousai Kadour, Louai Kadour, Wissam Kadour, Hisham Kadour, Ammar Kadour, Islam Al Dabbas, Maamon Al Darsani, Ahmad Andora, Kamel Hamda, Fahed Almusa, Omar Raad, Mohammad Aswad, Muhammad Arab, Amjad Kasseem, Nabil Al Shurbaji, Fady Khalous, Mohammad Tawfiq Anjileh, Maher Safouh Hamra, Muhannad Safouh Hamra, Khalil Matouk, and Ms. Fatima Khalid Saad and Ms. Rama Al Assas.**

Standard procedure

402. The Working Group transmitted nine newly-reported cases to the Government.
403. The first case concerned Mr. **Tahsein Mamo** who, on 29 January 2007, was allegedly arrested at the house of an individual associated with him located in the Sheikh Maqsood area of Aleppo, following a raid by Syrian security officers and was allegedly last seen on 18 December 2008 in Sednaya Military Prison.
404. The second case concerned Mr. **Abdulakram Al Sakka**, who was allegedly arrested on 15 July 2011 in his home in Daraya, Rif Damascus Governorate, by armed agents of the Air Force Intelligence.
405. The third case concerned Mr. **Solaiman Al Orib Al Salim**, who was allegedly arrested on 18 August 2011 at a checkpoint in Mazareb on the edge of Hama by security forces.
406. The fourth case concerned Mr. **Omar Shafik Kashroom**, who was allegedly arrested on 4 February 2012 by agents of the Air Force Intelligence during a demonstration in Daraya.
407. The fifth case concerned Mr. **Mohammed Issam Zaghoul**, who was allegedly arrested on 23 August 2011, at his home in Daraya district, Damascus, by a group of armed men wearing black civilian clothes. In November 2011, Mr. Issam Zaghoul was reportedly seen in the Air Force Military Intelligence Prison, Bab Touma, Tahir, Damascus.
408. The sixth case concerned Mr. **Ali Al Mahamid**, who was allegedly arrested on 25 August 2011, by Air Force Intelligence agents wearing civilian clothes at the Nasib Border Crossing on the border with Jordan, close to the city of Deryaa.
409. The seventh case concerned Mr. **Ibrahim Taha**, who was allegedly arrested by Air Force Intelligence agents on 5 December 2011 at Al Razi Hospital, Al Mazza, when he went to look for his brother, who had reportedly been brought there.
410. The eighth case concerned the brother of Mr. Ibrahim Taha, Mr. **Taha Taha**, who was allegedly arrested at his place of work by Air Force Intelligence agents in civilian clothes on 5 December 2011. Mr. Taha Taha was reportedly later seen at the Air Force Intelligence detention centre at Al Mazza military airport.
411. The ninth case concerned Mr. **Bassel Khartabil**, on whom an urgent appeal had previously been transmitted by the Working Group.

Urgent appeals

412. The Working Group transmitted five urgent appeals to the Government.
413. The first urgent appeal, transmitted on 3 February 2012, jointly with three other special procedures mechanisms, concerned the alleged shooting and subsequent arbitrary arrest and incommunicado detention of Mr. **Mohamed Anwar Dabbas** on 1 January 2012. Mr. Anwar Dabbas is an activist who has reportedly been campaigning for democratic reform since the beginning of the unrest in the Syrian Arab Republic.
414. The second urgent appeal, transmitted on 27 March 2012 jointly with six other special procedures mechanisms, concerned the arrest, incommunicado detention, and possible enforced disappearance of Mr. **Rudy Uthman**, a journalist and human rights activist, and Mr. **Saleh Shameya**, a well-known lawyer, and member of the board and head of the legal department of the National Human Rights Organisation-Syria (NOHR-S).
415. The third urgent appeal, transmitted on 15 August 2012, jointly with two other special procedures mechanisms, concerned allegations of mass arrests of individuals, some of whom reportedly died, in Damascus, as well as the situation of Mr. **Hayel Hamid**,

whose whereabouts were allegedly unknown at the time of the communication. Mr. Hayel Hamed is a surgeon and university professor of Palestinian and British nationality.

416. The fourth urgent appeal, transmitted on 21 September 2012, jointly with two other special procedures mechanisms, concerned the alleged arrest, incommunicado detention, and enforced disappearance of Mr. **Bassel Khartabil** on 15 March 2012. Mr. Bassel Khartabil is a 31-year-old Palestinian who was born and raised in the Syrian Arab Republic.

417. The fifth communication transmitted on 8 November 2012 concerned Messrs. **Abdelaziz Al-Khayer**, **Iyas Ayash** and **Maher Tahan**, all members of the National Coordination Body for Democratic Change, who were reportedly stopped at an Air Force Intelligence checkpoint and brought to one of the branches of Air Force Intelligence. At the time of the present communication, the fate and whereabouts of Messrs. Al-Khayer, Ayash and Tahan remained unknown.

Information from the Government

418. On 14 December 2011, the Government transmitted a response to an urgent appeal dated 22 August 2011, confirming the release of Mr. Abdel Karim Rihaoui on 22 August 2011, and that he travelled to Egypt on 8 September 2011.

419. On 27 December 2011, the Government transmitted a communication concerning two general allegations which were sent on 9 September 2011 (A/HRC/19/58/Rev.1, paras. 552-555). One of the general allegations concerned the reported discovery of a mass grave containing the remains of at least 13 bodies including women and children (possibly including members of the Abazied and al-Mahmaed families), on 16 May 2011, near Daraa in an area called Talit Mohammed Assarie. The other general allegation concerned reported systematic human rights violations committed by the Syrian authorities against its population, including enforced disappearances.

420. Also on 27 December 2011, the Government responded to an urgent appeal dated 3 August 2011. The response could not be translated in time for inclusion in the present report.

421. On 26 January 2012, the Government transmitted a communication with updated information on major events and developments in the Syrian Arab Republic, with reference to Legislative Decree No. 10 of 15 January 2012, statistics on the release of prisoners, communiqués of the Ministry of the Interior, impact of armed terrorist operations on the electricity sector, economic matters, abduction and murder of Ministry officials.

422. On 23 February 2012, the Government transmitted a communication concerning six outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

423. On 2 April 2012, the Government transmitted a communication with statistics on the loss of human life and material damage in the Syrian Arab Republic's governorates from the outbreak of the events until 15 March 2012 due to the acts of armed terrorist groups.

424. On 12 April 2012, the Government transmitted two communications concerning three outstanding cases. One of the cases had previously been clarified by the source. The information provided on the other two cases was not considered sufficient to lead to their clarification.

425. On 11 June 2012, the Government transmitted a communication regarding recent events in the Syrian Arab Republic, including media reports.

426. On 17 August 2012, the Government transmitted a communication regarding alleged losses incurred by the Ministry of Trade in the Syrian Arab Republic as a result of acts committed by armed terrorist groups against staff, buildings and vehicles belonging to the Ministry of Trade.

Information from sources

427. Information was received from sources concerning 14 outstanding cases. As a result, seven of these cases were clarified.

General allegations*Reply from the Government*

428. On 27 December 2011, the Government transmitted a communication concerning two general allegations which were sent on 9 September 2011. The Government reported that there were inaccuracies in relation to allegations concerning a mass grave containing 13 bodies in the Tallit Mohammed Assarie area, near Daraa. The Government reported that the Syrian Arab Army did not launch an attack on Daraa but did search for weapons and armed outlaws; that the army cordoned off Daraa on 25 April because an increasing number of armed men were using the town as a base from which to launch attacks against army and security personnel; and that the Army Command had given the armed men until 30 April to surrender their weapons before beginning to search. The Government further reported that the families of the persons concerned, with the assistance of the local authorities, discovered five bodies, rather than 13, in the mass grave. The names of the individuals whose bodies were discovered were listed, details of their disappearance were given, and information concerning the legal history of two of the individuals was also included. The Government explained that the place where their bodies were found was not under the control of the army and security forces, nor was it closed off; that the persons concerned were thought to be cooperating with the authorities, were targeted by armed terrorist groups and may have been killed and buried by such groups; that the authorities worked with the family of the concerned persons to conduct relevant investigations; and that the authorities did not attend either the home of the persons concerned or the place where their bodies were found, either before or after action against the members of armed terrorist groups began.

429. The Government reported that allegations that security personnel prevented residents of Daraa from leaving their homes to recover dead bodies from the streets, and that those bodies subsequently disappeared from the streets, were untrue. The Government suggested that the sources of the information were believed to have links with armed terrorist groups.

430. In relation to allegations of thousands of cases of enforced disappearances, the Government reported, inter alia, that there were no such cases in Syria and that all arrests of persons suspected of involvement in offences punishable by Syrian law were made in accordance with the Syrian Code of Criminal Procedure and were under the monitoring, supervision and authority of the competent prosecutor's office.

Clarification

431. Based on the information provided by sources, the Working Group decided to clarify seven cases. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify one case.

Total cases transmitted, clarified and outstanding

432. Since its establishment, the Working Group has transmitted 121 cases to the Government; of those, 34 cases have been clarified on the basis of information provided by the source, 15 cases have been clarified on the basis of information provided by the Government, and 72 remain outstanding.

Request for a visit

433. On 19 September 2011, the Working Group requested an invitation to undertake a visit to the Syrian Arab Republic. The Government has not yet responded.

Observations

434. The Working Group would like to thank the Government for its reply to the two general allegations transmitted on 9 September 2011. However, the Working Group is gravely concerned about the number of allegations of enforced disappearances received during the reporting period, as reflected by 30 urgent actions, two urgent appeals and nine standard cases.

435. The Working Group is also deeply concerned by the recent report of the independent international commission of inquiry of the Syrian Arab Republic (A/HRC/19/69) concerning the increasing number of grave human rights violations in Syria, including enforced disappearances. In this context, the Working Group recalls recent General Assembly resolution 66/176, adopted on 23 February 2012, and Human Rights Council resolution 21/26, adopted on 17 October 2012, which condemn the continued grave and systematic human rights violations, including enforced disappearances, by the Syrian authorities.

436. The Working Group would like to recall article 2 of the Declaration, which states that “No State shall practise, permit or tolerate enforced”; article 3, which states that “Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction”; and article 7, which states that “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”.

437. In the light of the above, the Working Group would like to stress its interest in undertaking a visit to the country.

Tajikistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 3</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
6	1	0	3	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
3	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

Urgent actions

438. The Working Group sent one case under its urgent action procedure to the Government. It concerned Mr. **Naimjon Atokhonovich Naimkhonov**, who was allegedly last seen near the bus station of Karabolo district, Dushanbe, on 8 August 2012.

Information from the Government

439. On 14 February 2012, the Government transmitted a communication concerning three outstanding cases. The information provided was not considered sufficient to clarify the cases.

Clarification

440. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify three cases.

Meetings

441. Representatives of the Government of Tajikistan met with the Working Group at its ninety-sixth session.

Request for a visit

442. On 30 June 2011, the Working Group requested the Government of Tajikistan to extend an invitation to undertake a visit to the country. On 22 August 2011, the Government invited the Working Group to undertake a visit to the country at mutually convenient and agreed dates.

Total cases transmitted, clarified and outstanding

443. Since its establishment, the Working Group has transmitted nine cases to the Government; of those, three cases have been clarified on the basis of information provided by the Government, two cases have been clarified on the basis of information provided by the source and four cases remain outstanding.

Observations

444. The Working Group thanks the Government for having extended an invitation to visit the country.

Thailand

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 16</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
55	1	15	0	0	71
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
2	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent actions

445. The Working Group sent one case under its urgent action procedure to the Government. It concerned Mr. **Pee Naselan**, who was allegedly taken away from a local tea shop in his village, at Ban Moo 5 Juab Sub district, in the south of Thailand by three men in Navy uniforms, on 28 February 2012.

Standard procedure

446. The Working Group transmitted 15 newly-reported cases to the Government.

447. The first case concerned Mr. **Songkran Namprom** who, on 20 September 1999, was allegedly last seen entering Sofitel Hotel, Khon Kaen city, Khon Kaen province, to meet an individual who had identified himself as a police officer.

448. The second case concerned Mr. **Ja-Ur Pawlu** who, on 25 October 2002, was allegedly arrested with two other individuals near Ang Kang Mountain, Fang district, Chiang Mai province, by officers carrying firearms travelling in a vehicle identified as belonging to the Thai Narcotics Control Board.

449. The third case concerned Mr. **Burahum Ma-ela** who, on 10 March 2003, was allegedly arrested at a military checkpoint outside Su-Ngai Kolok district, near the highway intersection, Narathiwat Province.

450. The fourth and fifth case concerned Mr. **Montri Jagea** and a **person below the age of 18** who, in late May 2003, were allegedly arrested in the morning by police along the road between Huay Mayom village and Huay Bon village, near Huay Bon water reservoir dam, Viang sub-district.

451. The sixth case concerned Mr. **Japa Janu** who, in October 2003, was allegedly arrested with four other individuals at his home, 321 village number 3, Tadmok village, Mae Ai district, Chiang Mai province, by officers from various State authorities, including the police and the army.

452. The seventh and eighth cases concerned Messrs. **Musta-sidin Ma-ming** and **Wae-eso Maseng** who, on 11 February 2004, were allegedly arrested by a group of presumed armed police officers at the mobile telephone shop at Tanyongmas Market.

453. The ninth, tenth, eleventh, and twelfth cases concerned Messrs. **Wandi Gazi, Abdullah Eitae, Manasay Lohlanay** and **Eruwan Masay**, all from the Malayu indigenous group, who, on 23 May 2007, were allegedly taken by six soldiers from a temporary military checkpoint near a market, on the main road between Yaha district and Yala district, Yala province, to an unknown location.

454. The thirteenth case concerned Mr. **Saman Meethum** who, on 2 June 2007, was allegedly last seen near Loop village, Loop sub-district. According to the information received, a police major from Yang Talat Police Station is reportedly believed to be responsible for the alleged disappearance.

455. The fourteenth case concerned Mr. **Kamol Lausophaphan** who, on 7 February 2008, was last seen at Ban Phai Police Station, Khon Kaen province.

456. The fifteenth case concerned Mr. **Roosaming Samamae** who, on 10 March 2009 was allegedly arrested at local Beu-Reah Mosque by three men wearing army ranger uniforms and wool facemasks.

General allegations

Summary of the general allegations

457. Information was submitted by sources concerning obstacles encountered in the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance. This information was transmitted to the Government after the Working Group's ninety-eighth session.

458. The source alleged that enforced disappearances have been carried out in Thailand for many years as a method to stamp out dissent or to eliminate suspected criminals outside of the rule of law.

459. The source also alleged that two official policies directly contributed to the creation of an environment in which enforced disappearances along with other gross violation of human rights have taken place: 1) the highly militarized counter-insurgency approach adopted in southern Thailand by various regional governments beginning in 2001 under the Thaksin Administration; and 2) the so-called War on Narcotic Drugs Policy implemented by Prime Minister Thaksin in 2003.

460. The source argued that the counter-insurgency policies in the south led to the implementation of three emergency legislative frameworks, namely, 1) Martial law, which allows for detention of up to seven days for interrogation without a warrant or judicial review and without the right to challenge the detention; 2) the Decree on Government Administration in Emergency Situations issued in 2005, which allows for detention with a court warrant without criminal charges for up to seven days and renewable for up to 30 days; and 3) the Internal Security Act, which reportedly allows for detention of anyone suspected to be involved in insurgency or terrorism in a military training camp for up to six months by the order of court without any requirement of pending criminal charges or conviction. Such laws as well as the 'good faith' clauses, which provide immunity for officials from civil, criminal and disciplinary penalties for acts performed in good faith, facilitate impunity for enforced disappearances as demonstrated in a number of documented cases.

461. The source also argued that the counter-insurgency approach led to the militarisation of the southern part of Thailand where currently 74, 000 security officers are deployed and further 4000 troops are authorised to be deployed in the region. According to the source, such militarisation of the region contributed to the increase in enforced disappearances.

462. The source further reported that three patterns of enforced disappearances are observed in southern Thailand: i.e. individuals are taken from the street; they are arrested from home, work or mosque; or disappear as a consequence of their voluntary reporting to security forces.

463. The source further reported that the violent implementation of the so-called 2003 War on Narcotic Drugs Policy, which sets a quota for arrests and seizure of narcotic drugs to each province and financial rewards for drugs seized, also contributed to the increased cases of enforced disappearances. The source pointed out that although the laws in Thailand do not condone its security forces to arbitrarily detain or forcefully disappear suspected drug traffickers or users, such drug policy allegedly contribute to the creation of an environment where enforced disappearances happen. The source alleged that under the policy, a number of 'Ranger camps' were established where locally recruited security personnel, who assist and report to the military, detained suspected drug traffickers or users without warrants. It is reported that especially ethnic minorities are most heavily affected by the policy due to the stereotyped beliefs that members of ethnic minorities are often involved in illegal activities.

464. The source reported that the large majority of the victims of enforced disappearances belonged to minority groups, such as Malayu or Hill tribes. The source also alleged that the human rights, anti-corruption and environmental activists as well as witness of human rights violations were also vulnerable to enforced disappearances.

465. It was further reported that there is no definition of enforced disappearance in the domestic legislation. The source also informed on the lack of independence and the weakness of the Thai judiciary. As a result, according to the source, no case of enforced disappearance has led to the prosecution or conviction of the perpetrator.

466. In addition, the source reported that with the exception of a recommendation on 12 February 2012 made by the Committee for Compensation of People Affected by Unrest in the Southern Border Provinces established by the Prime Minister in 2010, to pay reparations to victims of a number of cases of enforced disappearances that occurred from January 2004 to 30 September 2011, reparations for enforced disappearances have been extremely limited in Thailand. For instance, it is reported that in a small number of cases in southern Thailand, 100,000 Baht were paid to the relatives by the Government following a recommendation of the National Reconciliation Commission established by the Government in 2005.

Information from the Government

467. The Government transmitted two communications to the Working Group.

468. In the first communication, dated 13 January 2012, the Government acknowledged receipt of a letter transmitted by the Working Group on 19 December 2011. The Government also reported that Thailand signed the International Convention on the Protection of All persons from Enforced Disappearance on 9 January 2012.

469. In the second communication, dated 4 April 2012, the Government provided information on two outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

Information from sources

470. Sources provided information on five outstanding cases.

Request for a visit

471. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. On 17 October 2011, the Government of Thailand replied that given the high number of requests received, a further communication would be conveyed to the Working Group when an agreeable time can be arranged. A reminder was sent by the working group on 8 November 2012.

Total cases transmitted, clarified and outstanding

472. Since its establishment, the Working Group has transmitted 78 cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, two cases have been discontinued, three cases were found to be duplications and were therefore deleted, and 71 remain outstanding.

Observations

473. The Working Group is concerned that during the reporting period one urgent action and 15 newly-reported cases were transmitted to the Government and one general allegation was adopted.

The former Yugoslav Republic of Macedonia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Observations

474. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning the alleged involvement of the Government of the former Yugoslav Republic of Macedonia in a practice of renditions and secret detention (A/HRC/13/31), notwithstanding the reminders sent on 26 August 2011 and 17 August 2012.

Total cases transmitted, clarified and outstanding

475. Since its establishment, the Working Group has transmitted no cases to the Government.

Timor-Leste

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
428	0	0	0	0	428
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

476. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

477. Since its establishment, the Working Group has transmitted 504 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by the source, 58 cases have been clarified on the basis of information provided by the Government, and 428 remain outstanding.

Togo

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
10	0	0	0	0	10
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

478. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Meetings

479. Representatives of the Government of Togo met with the Working Group at its ninety-eighth session.

Total cases transmitted, clarified and outstanding

480. Since its establishment, the Working Group has transmitted 11 cases to the Government; of those, one case has been clarified on the basis of information provided by the source and 10 remain outstanding.

Tunisia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
2	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

481. The Government transmitted one communication, dated 17 February 2012 concerning the two outstanding cases. The information provided was not considered sufficient to lead to their clarification.

Information from sources

482. Information from the source was received on one outstanding case.

Total cases transmitted, clarified and outstanding

483. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, five cases have been clarified on the basis of information provided by the source, 12 cases have been clarified on the basis of information provided by the Government, and two remain outstanding.

Turkey

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
60	0	0	0	0	60
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
25	Yes		4		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	Yes (2011, 2012)		Government response	Yes	
Working Group request for a visit	N/A		Invitation extended	N/A	

Prompt intervention

484. On 9 August 2012, the Working Group, jointly with five other special procedures mechanisms, transmitted a prompt intervention letter to the Government concerning the alleged detention and trial of Mr. **Cemal Bektas**, president of Yakay-der, an organization which works to clarify the circumstances of enforced disappearances and extrajudicial executions in Turkey and a member association of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED).

Information from the Government

485. The Government transmitted four communications to the Working Group.

486. In the first communication, dated 13 December 2011, the Government replied to a prompt intervention letter transmitted by the Working Group jointly with two other special procedures mechanisms, on 28 October 2011, regarding the alleged arrests of representatives of member associations of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED), Messrs. **Kemal Aydin**, **Selahattin Tekin** and **Cemal Bektas** from Yakay-der, and Ms. **Nahide Ormani** from Mothers for Peace (A/HRC/19/58/Rev.1, par. 598). The Government reported that the aforementioned individuals were arrested for illegal activities falling within the scope of the investigation of a terrorist organisation known as the PKK/KCK. The Government further reported that, in 2007, the Diyarbakir Chief Public Prosecutor's Office initiated an investigation (number 20007/997) to transcribe the activities of the so-called Koma Civaken Kurdistan Parliament of Turkey (KCK/TM) that operates as the urban wing of the illegal PKK/KONGRA-GEL terrorist organization. In relation to Messrs. Aydin, Tekin and Bektas, the Government reported that they did have the opportunity to be assisted by lawyers and their relatives were informed about their situation; and that none of them lodged a complaint against any law enforcement officers involved in the investigation process. Regarding Ms. Ormani, the Government reported that she was taken into custody after her home was searched upon the instruction of Silopi Chief Public Prosecutor's Office; she was detained for 48 hours upon the written instruction of the Prosecutor's office; a member of her family was informed during the search of her home; she was assisted by her lawyer while in custody; she

benefited from her legal rights during the investigation stage; and she did not lodge a complaint against any law enforcement officer.

487. In the second communication, dated 5 March 2012, the Government provided information on 10 outstanding cases. The information provided was considered insufficient to lead to the clarification of the 10 cases, although the six-month rule had previously been applied to three of the cases.

488. In the third communication, dated 6 July 2012, the Government provided information on 18 outstanding cases. The information provided was not considered sufficient to clarify the cases.

489. In the fourth communication, dated 22 October 2012, the Government responded to the prompt intervention letter of 9 August 2012. The Government reported, *inter alia*, that all defence lawyers were able to attend the hearing but some did not attend on their own initiatives; according safety precautions, audio and video recorders (including cell phones) could not be admitted to the hearing room and the accused could not defend themselves in their native languages; the hearings were held open to the public, although some hearings were held in closed sessions in order to maintain discipline and order. The Government reported that there was no factual information or tangible evidence supporting the allegation that Mr. Bektas' detention on remand was because of his work on disappearances, and that Mr. Bektas was being tried on the charge of being a member of an armed terrorist organization.

Total cases transmitted, clarified and outstanding

490. Since its establishment, the Working Group has transmitted 182 cases to the Government; of those, 49 cases have been clarified on the basis of information provided by the source, 72 cases have been clarified on the basis of information provided by the Government, one case was discontinued, and 60 remain outstanding.

Observations

491. In relation to the communication transmitted under the prompt intervention procedure on 9 August 2012, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

Turkmenistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>0</i>	<i>N/A</i>		<i>0</i>		
<i>Urgent appeal</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

492. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary appears in document A/HRC/13/31.

Total cases transmitted, clarified and outstanding

493. Since its establishment, the Working Group has transmitted three cases to the Government; of those, two have been clarified on the basis of information provided by the Government, and one remains outstanding.

Uganda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>15</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>15</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<i>0</i>			<i>N/A</i>		<i>0</i>
<i>Urgent appeal</i>			<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>			<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>			<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>			<i>N/A</i>	<i>Invitation extended</i>	<i>N/A</i>

494. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

495. Since its establishment the Working Group has transmitted 22 cases to the Government; of those, five have been clarified on the basis of information provided by the source, two have been clarified on the basis of information provided by the Government, and 15 remain outstanding.

Ukraine

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	1	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Urgent actions

496. The Working Group sent one case to the Government under its urgent action procedure, concerning Mr. **Valid Beriev**, who allegedly disappeared close to the Pizzeria Delikt restaurant, Nauchnaia Street, Lviv on 17 May 2012.

Total cases transmitted, clarified and outstanding

497. Since its establishment, the Working Group has transmitted six cases to the Government; of those, two have been clarified on the basis of information provided by the Government and four remain outstanding.

United Arab Emirates

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5	0	0	0	0	5
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0	N/A		0		
Urgent appeal	Yes		Government response	No	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Invitation extended	N/A	

Urgent appeals

498. On 15 May 2012, the Working Group transmitted an urgent appeal to the Government, jointly with three other special procedures mechanisms, concerning various individuals. It was reported, *inter alia*, that Dr. **Ahmed Yousef Al-Zaabie**, was allegedly arrested in Abu Dhabi on 26 March 2012. It was also reported that, Mr. **Saleh Al-Dhufairi**, an online activist, general manager of the Holy Koran Foundation and a member of the Islah Association, was allegedly arrested at a mosque in Ras al-Khaimah on 29 April 2012. At the time of the communication, their whereabouts remained unknown.

499. On 7 November 2012, the Working Group transmitted a second urgent appeal to the Government, jointly with five other special procedures mechanisms, concerning the alleged mass arrest of human rights defenders, judges and lawyers. It was reported, *inter alia*, that, at the time of the communication, the whereabouts of Mr. **Ahmad Gaith Al Suwaidi**, Mr. **Rashid Mohamed Abdullah Al Roken**, Mr. **Abdullah Al Hajiri**, Mr. **Juma Darwish El Felassi**, Mr. **Ali Saaed Al Kindi**, and Mr. **Khamis Saaed Al Sam Al Zyoudi**, remained unknown.

Total cases transmitted, clarified and outstanding

500. Since its establishment, the Working Group has transmitted seven cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, and five cases remain outstanding.

Observations

501. The Working Group regrets that no response was received from the Government concerning the urgent appeal transmitted on 15 May 2012.

Uruguay

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
20	0	0	1	0	19
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Clarification

502. On the basis of information provided by the Government on 21 June 2011, the Working Group decided to clarify one case following the expiration of the period prescribed by the six-month rule.

Total cases transmitted, clarified and outstanding

503. Since its establishment, the Working Group has transmitted 31 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and 19 remain outstanding.

Uzbekistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
7	1	0	0	0	8
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
8	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent actions

504. The Working Group transmitted one case under its urgent action procedure to the Government, concerning Mr. **Usmon Rakhimov**, who was allegedly handed over to the Service of National Safety of the Republic of Uzbekistan on 22 March 2012, after having been deported from the Republic of Korea. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received a copy of this case.

Information from the Government

505. The Government transmitted five communications to the Working Group.

506. In the first communication, dated 19 October 2011, the Government provided information on measures being taken in Uzbekistan to ensure that citizens are protected from involuntary disappearance and to fulfil the Declaration on the Protection of All Persons from Enforced Disappearance

507. The second communication, dated 10 January 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

508. The third communication, dated 21 June 2012, concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

509. The fourth communication, dated 2 July 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

510. The fifth communication, dated 16 July 2012, concerned one outstanding case. On the basis of this information, the Working Group decided, at its ninety-eighth session, to submit the case to the six-month rule.

Request for a visit

511. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. A reminder was sent on 8 November 2012. No response has yet been received from the Government.

Total cases transmitted, clarified and outstanding

512. Since its establishment, the Working Group has transmitted 20 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and eight remain outstanding.

Venezuela (Bolivarian Republic of)

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
10	0	0	0	0	10
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0			No		0
<i>Urgent appeal</i>			N/A	Government response	No
<i>General allegation</i>			N/A	Government response	N/A
<i>Prompt intervention letter</i>			N/A	Government response	N/A
<i>Working Group request for a visit</i>			N/A	Invitation extended	N/A

513. The outstanding 10 cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

514. Since its establishment, the Working Group has transmitted 14 cases to the Government; of those, four cases have been clarified on the basis of information provided by the Government, and 10 remain outstanding.

Viet Nam

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0		N/A		0	
<i>Urgent appeal</i>		N/A	Government response	N/A	
<i>General allegation</i>		N/A	Government response	N/A	
<i>Prompt intervention letter</i>		N/A	Government response	N/A	
<i>Working Group request for a visit</i>		N/A	Invitation extended	N/A	

515. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document A/HRC/10/9.

Total cases transmitted, clarified and outstanding

516. Since its establishment, the Working Group has transmitted two cases to the Government; of those, one has been clarified on the basis of information provided by the Government, and one remains outstanding.

Yemen

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
2	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Information from the Government

517. The Government transmitted one communication dated 14 February 2012, concerning two cases. The information provided was considered insufficient to lead to the clarification of the two cases.

Information from sources

518. Information was received from sources concerning two outstanding cases.

Total cases transmitted, clarified and outstanding

519. Since its establishment, the Working Group has transmitted 160 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, 14 have been discontinued and two remain outstanding.

Zimbabwe

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	Yes		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent appeal

520. On 22 December 2011, the Working Group, jointly with four other special procedures mechanisms, transmitted to the Government a communication under its urgent appeal procedure concerning various individuals, including Ms. **Jestina Mukoko**, a human rights defender and the director of the Zimbabwe Peace Project, an organisation whose mission is to work for sustainable peace through monitoring, documentation, research and publications, and community peace building interventions. According to the information received, on 15 November 2011, Ms. Jestina Mukoko was allegedly followed around greater Harare. Concern was expressed that Ms. Mukoko, who had previously been a victim of enforced disappearance in December 2008, may have been at risk of enforced disappearance.

521. No response was received from the Government regarding this urgent appeal during the reporting period.

Information from the Government

522. The Government transmitted two communications to the Working Group dated 8 March 2012 and 3 October 2012, concerning one outstanding case. The information was not considered sufficient to lead to the clarification of the case.

Request for a visit

523. On 20 July 2009, the Working Group requested the Government for an invitation to undertake a visit to Zimbabwe. Reminder letters were sent on 16 August 2010 and 18 August 2011. The Permanent Mission acknowledged receipt on 18 August 2010, and 29 August 2011, informing that the request had been transmitted to the relevant authorities. No reply has been received during the reporting period.

Total cases transmitted, clarified and outstanding

524. Since its establishment, the Working Group has transmitted six cases to the Government; of those, one case has been clarified on the basis of information provided by the source, one case has been clarified on the basis of information provided by the Government, and four cases remain outstanding.

Observations

525. The Working Group regrets that no response was received from the Government to its general allegation, sent on 19 December 2008, concerning the escalating phenomenon of enforced or involuntary disappearances of political party members and human rights defenders in Zimbabwe (A/HRC/13/31, par. 632-638), notwithstanding reminders sent on 26 August 2011 and 14 August 2012.

526. The Working Group also regrets that no response was received from the Government concerning the urgent appeal transmitted on 22 December 2011.

State of Palestine

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

527. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

528. Since its establishment, the Working Group has transmitted three cases to the Government, all of which remain outstanding.

Annexe II

[Anglais seulement]

Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2012

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification					
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	
	Cases	Female	Cases	Female								
Afghanistan	3	-	3	-	-	-	-	-	-	-	-	-
Albania	1	-	1	-	-	-	-	-	-	-	-	-
Algeria	3 033	19	3 005	18	9	19	10	10	8	-	-	
Angola	10	1	-	-	7	-	-	-	7	3	-	
Argentina	3 449	773	3 271	734	124	52	30	5	141	-	-	
Bahrain	5	-	1	-	-	4	2	2	-	-	-	
Bangladesh	12	2	11	1	1	-	1	-	-	-	-	
Belarus	3	-	3	-	-	-	-	-	-	-	-	
Bhutan	5	-	5	-	-	-	-	-	-	-	-	
Bolivia (Plurinational State of)	48	3	28	3	19	1	19	-	1	-	-	
Brazil	63	4	13	-	46	4	1	-	49	-	-	
Bulgaria	3	-	-	-	3	-	-	-	3	-	-	
Burkina Faso	3	-	-	-	3	-	-	-	3	-	-	
Burundi	53	-	52	-	-	1	1	-	-	-	-	
Cambodia	2	-	-	-	-	-	-	-	-	2	-	

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Cameroon	19	-	14	-	5	-	4	1	-	-	-
Central African Republic	3	-	3	-	-	-	-	-	-	-	-
Chad	34	-	23	-	3	8	9	1	1	-	-
Chile	908	65	801	64	83	23	2	-	104	-	-
China	119	14	30	4	77	12	52	35	2	-	-
Colombia	1 255	125	969	95	218	68	159	24	103	-	-
Congo ⁵⁹	114	3	88	3	-	-	-	-	-	-	-
Democratic People's Republic of Korea	20	8	20	8	-	-	-	-	-	-	-
Democratic Republic of the Congo	53	11	44	11	6	3	9	-	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-	-
Dominican Republic	4	-	1	-	2	-	2	-	-	1	-
Ecuador	26	2	4	-	18	4	12	4	6	-	-
Egypt	69	-	41	-	8	20	5	23	-	-	-
El Salvador	2 662	332	2,271	295	318	73	196	175	20	-	-
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-	-

⁵⁹ The Working Group determined that two cases were duplicated and were subsequently eliminated from its records.

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Ethiopia	119	2	112	1	3	4	2	5	-	-	-
France	1	-	1	-	-	-	-	-	-	-	-
Gambia	2	-	1	-	-	1	-	-	-	-	-
Georgia	1	-	1	-	-	-	-	-	-	-	-
Greece	3	-	1	-	-	-	-	-	-	2	-
Guatemala	3,155	390	2,899	372	177	79	187	6	63	-	-
Guinea	28	-	21	-	-	7	-	-	7	-	-
Haiti	48	1	38	1	9	1	1	4	5	-	-
Honduras	209	34	129	21	37	43	54	8	18	-	-
India	433	12	353	10	68	12	51	7	22	-	-
Indonesia	165	2	162	2	3	-	3	-	-	-	-
Iran (Islamic Republic of)	537	103	518	102	14	5	8	2	9	-	-
Iraq	16 548	2 311	16 401	2 294	117	30	122	16	9	-	-
Israel	3	-	2	-	-	1	-	-	-	-	-
Japan	4	3	-	-	-	-	-	-	-	-	-
Jordan	2	-	2	-	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-	-
Kenya	40	-	40	-	-	-	-	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-	-
Lao People's Democratic Republic	7	1	1	1	-	5	-	4	1	1	-
Lebanon	321	19	313	19	2	6	7	1	-	-	-
Libya	17	1	9	1	-	8	6	2	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Malaysia	2	-	-	-	-	1	-	1	-	1	-
Mauritania	3	-	3	-	-	-	-	-	-	-	-
Mexico	505	42	327	32	134	28	77	18	67	16	-
Montenegro	16	1	-	-	1	-	-	1	-	14	1
Morocco	286	28	53	6	160	52	142	16	54	21	-
Mozambique	2	-	2	-	-	-	-	-	-	-	-
Myanmar	8	5	1	-	7	-	5	2	-	-	-
Namibia	3	-	3	-	-	-	-	-	-	-	-
Nepal	672	72	458	56	135	79	153	60	1	-	-
Nicaragua	234	4	103	2	112	19	45	11	75	-	-
Nigeria	6	-	-	-	6	-	6	-	-	-	-
Pakistan	151	2	99	2	42	9	34	14	3	-	-
Paraguay	23	-	-	-	20	-	19	-	1	3	-
Peru	3 009	311	2 371	236	253	385	450	85	103	-	-
Philippines	782	94	621	74	126	35	108	19	29	-	-
Romania	1	-	-	-	1	-	1	-	-	-	-
Russian Federation	483	27	471	25	2	10	12	-	-	-	-
Rwanda	24	2	21	2	-	2	1	1	-	1	-
Saudi Arabia	10	-	4	-	2	2	1	3	-	2	-
Serbia	1	-	-	-	1	-	1	-	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-	-
Somalia	1	-	1	-	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6	-
South Sudan	1	-	1	-	-	-	-	-	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Spain	5	-	3	-	2	-	-	-	2	-	-
Sri Lanka ⁶⁰	12 473	156	5 676	88	6 535	40	103	27	6 445	-	-
Sudan	383	37	173	5	205	4	209	-	-	-	-
Switzerland	1	-	1	-	-	-	-	-	-	-	-
Syrian Arab Republic	121	5	72	3	15	34	26	17	6	-	-
Tajikistan	9	-	4	-	3	2	1	-	4	-	-
Thailand	78	5	71	5	2	-	1	1	-	2	-
Timor-Leste	504	36	428	28	58	18	51	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	19	1	2	-	12	5	1	16	-	-	-
Turkey	182	11	60	2	72	49	71	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	6	-	4	-	2	-	1	-	1	-	-
United Arab Emirates	7	-	5	-	2	-	2	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-	-

⁶⁰ The Working Group determined that eight cases were duplicated and were subsequently eliminated from its records.

<i>States/entities</i>	<i>Cases transmitted to the Government</i>				<i>Clarification by:</i>		<i>Status of person at date of clarification</i>				
	<i>Total</i>		<i>Outstanding</i>		<i>Government</i>	<i>Non-governmental sources</i>	<i>At liberty</i>	<i>In detention</i>	<i>Dead</i>	<i>Discontinued cases</i>	<i>Closed cases</i>
	<i>Cases</i>	<i>Female</i>	<i>Cases</i>	<i>Female</i>							
United States of America	1	-	-	-	1	-	-	-	-	-	-
Uruguay	31	7	19	2	11	1	5	4	3	-	-
Uzbekistan	20	-	8	-	11	1	2	10	-	-	-
Venezuela (Bolivarian Republic of)	14	2	10	1	4	-	1	-	3	-	-
Viet Nam	2	-	1	-	1	-	-	-	-	-	-
Yemen	160	-	2	-	135	9	66	5	73	14	-
Zambia	1	1	-	-	-	1	-	1	-	-	-
Zimbabwe	6	1	4	1	1	1	1	-	1	-	-
State of Palestine	3	-	3	-	-	-	-	-	-	-	-

Annexe III

[Anglais seulement]

Graphs showing the number of cases of enforced disappearances per year and per country according to the cases transmitted by the Working Group during the period 1980-2012 (only for countries with more than 100 cases transmitted)





























