



Human Rights Council
Working Group on Enforced or Involuntary Disappearances**Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances*****132nd session (29 January–2 February 2024)****I. Communications****

1. Between 28 September 2023 and 2 February 2024, the Working Group on Enforced or Involuntary Disappearances decided to transmit 182 cases under its urgent procedure, to Burundi (1), China (1), Comoros (1), Cyprus (77), the Democratic People's Republic of Korea (4), Egypt (1), Lebanon (2), Nicaragua (4), Pakistan (10), the Russian Federation (78) and Venezuela (Bolivarian Republic of) (3).
2. The Working Group also decided to transmit 10 cases tantamount to enforced disappearance under its urgent procedure to the de facto authorities in the State of Palestine (10).
3. At its 132nd session, held in Geneva from 29 January to 2 February 2024, the Working Group decided to transmit 74 newly reported cases of enforced disappearance, to Algeria (1), Bangladesh (1), Belarus (1), China (5), the Democratic People's Republic of Korea (4), Egypt (4), the Gambia (1), Iran (Islamic Republic of) (1), Mauritania (1), Morocco (1), Pakistan (38), the Russian Federation (1), Saudi Arabia (1), the Syrian Arab Republic (11), Thailand (1), the United Arab Emirates (1) and Venezuela (Bolivarian Republic of) (1).
4. The Working Group also decided to transmit seven newly reported cases tantamount to enforced disappearance to the de facto authorities in Libya (1), the north-east of the Syrian Arab Republic (3), Yemen (1) and the State of Palestine (2).
5. The Working Group clarified 120 cases, concerning Azerbaijan (1), China (32), Egypt (4), Iran (Islamic Republic of) (1), Lebanon (1), Mexico (1), Nicaragua (2), Pakistan (1), the Russian Federation (69), Saudi Arabia (2) and Venezuela (Bolivarian Republic of) (6). A total of 79 cases were clarified on the basis of information provided by Governments, concerning Azerbaijan (1), China (32), Mexico (1), the Russian Federation (43) and Saudi Arabia (2). A total of 41 cases were clarified on the basis of information provided by the sources, concerning Egypt (4), Iran (Islamic Republic of) (1), Lebanon (2), Nicaragua (2), the Russian Federation (26) and Venezuela (Bolivarian Republic of) (6). On the basis of information provided by the sources, the Working Group also clarified two cases

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



tantamount to enforced disappearance that had been referred to de facto authorities in Libya. The Working Group discontinued one case concerning Spain.

6. The Working Group also transmitted prompt intervention letters concerning Sri Lanka and Türkiye, to which no responses were received in the reporting period.

7. Between 28 September 2023 and 2 February 2024, the Working Group transmitted 27 communications jointly with other special procedure mechanisms. The communications consisted of six joint urgent appeals, sent to Belarus (1), Belgium (1), Iran (Islamic Republic of) (2), Israel (1) and “other actors” – de facto authorities in Libya (1); as well as 20 joint allegation letters, sent to Angola (1), Burkina Faso (1), Colombia (1), Costa Rica (1), Egypt (1), Honduras (1), Indonesia (1), Mexico (1), Nepal (1), Nicaragua (1), the Niger (1), Pakistan (1), Panama (1), Peru (1), the Russian Federation (1), the Syrian Arab Republic (1), Türkiye (1), the United Arab Emirates (1), Venezuela (Bolivarian Republic of) (1) and Zimbabwe (1); and one other joint letter, sent to Mali (1).¹

8. During the session, the Working Group reviewed and adopted five general allegations, concerning Brazil, China, Iraq, Libya and the United States of America, which are contained in annex II.

9. The full list of press releases and statements issued by the Working Group during the reporting period is contained in annex III.

II. Other activities

10. During the session, the Working Group held discussions on internal matters, including thematic projects, country visits, follow-up reports on previous country visits to Kyrgyzstan and Tajikistan, technical visits, and envisaged technical assistance to States. The Working Group discussed its report on the visit to the African Union human rights and legal organs and other subregional bodies conducted in Arusha, United Republic of Tanzania, from 21 to 26 October 2023. The members also discussed the Working Group’s upcoming country visits.

11. For its upcoming thematic study to be presented to the Human Rights Council at its fifty-seventh session, on enforced disappearances in the context of elections, the Working Group issued a call for inputs to be provided from 22 November 2023 to 15 February 2024. The Working Group received 55 submissions, which included three submissions from States and 52 submissions from individuals, academia and civil society organizations.²

12. During the session, the Working Group deliberated on its next thematic study, the subject of which is “enforced disappearances in the context of the defence of land, natural resources and the environment”. The Working Group plans to hold consultations starting from September 2024.

13. At the session, the Working Group continued to discuss ongoing projects, including reviewing the draft joint statement on so-called “short-term enforced disappearances”, to be adopted with the Committee on Enforced Disappearances in September 2024. The Working Group also continued its engagement on the subject of new technologies and enforced disappearances, and in this regard, previewed the outcome of the first phase of the project. The Working Group will launch the outcome of the project at an event in September 2024, which will consist in illustrating the step-by-step process to investigate cases of enforced disappearance through the use of new technologies.

14. The Working Group also discussed its ongoing technical assistance provided to States, including to the Government of Chile with regard to reviewing the National Search Plan (Plan Nacional de Búsqueda, Verdad y Justicia). Furthermore, the Working Group discussed the technical assistance project to be carried out with the independent Search Unit for Missing

¹ All communications, and replies thereto, mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

² See <https://www.ohchr.org/en/calls-for-input/2024/call-contributions-thematic-study-working-group-enforced-or-involuntary>.

Persons, of Colombia, which is envisaged to strengthen capacity and share best practices in searching for forcibly disappeared persons on the move.

15. At the session, the Working Group decided to undertake research on the use of universal criminal jurisdiction in cases of enforced disappearance, which it plans to conduct in part through a technical visit to Switzerland in September 2024.

16. Also at the session, the Working Group held meetings with representatives of the Governments of Bolivia (Plurinational State of), Canada, Chile, France, Indonesia, Kenya, Lithuania, Malaysia, Netherlands (Kingdom of the), Peru, Poland and Venezuela (Bolivarian Republic of). The Working Group also met with a number of relatives of disappeared persons from several countries and with lawyers, representatives of non-governmental organizations and the national human rights institution working on the issue of enforced disappearance in various countries. The Working Group also held a meeting with the Attorney General's Office of Peru.

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

18. The Working Group will hold its 133rd session in Warsaw from 6 to 10 May 2024.

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

Algeria

Standard procedure

19. Under its standard procedure, the Working Group transmitted one case to the Government concerning Mohamed Khelil, a Moroccan soldier, who was allegedly abducted on 24 August 1979 by Algerian military intelligence officers and members of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO)³ in the context of the conflict in Western Sahara.⁴

20. The Working Group transmitted a copy of the case to the Government of Morocco, and also to the Frente POLISARIO, in accordance with its methods of work.

Information from the Government

21. On 5 January 2024, the Government transmitted information concerning the case of Abdel Abdelmalek, but it was considered insufficient to clarify the case.

Angola

Joint allegation letter and reply

22. On 15 January 2024, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the reported excessive representation and influence of government officials in the Commission for Reconciliation in Memory of the Victims of Conflict and the lack of transparency and communication in its operations, as well as the concerns raised regarding the reliability of the process of exhumation and identification of remains of alleged victims of the 27 May killings.⁵

³ Cases referred to non-State actors do not in any way imply the expression of any opinion regarding the legal status of a territory, city or area or of its authorities.

⁴ With regard to the status of Western Sahara, the United Nations considered it to be a Non-Self-Governing Territory that was subject to the right to self-determination, in accordance with the principles set out in the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, contained in General Assembly resolution 1514 (XV), and in General Assembly resolutions 1541 (XV) and 2625 (XXV).

⁵ AGO 3/2023.

23. On 15 March 2024, the Government of Angola provided a reply⁶ to the joint allegation letter.

Azerbaijan

Clarification

24. On the basis of information previously provided by the Government of Armenia, the Working Group decided to clarify one case, following the expiry of the period prescribed by the six-month rule.⁷ The case concerns Vazgen Andriasyan, who is deceased, and whose remains were identified.

Bahrain

Information from the Government

25. On 28 December 2023, the Government transmitted additional information on the cases of Husain Marzooq and Mohamed Ramadhan, which had been previously clarified by sources on 24 May 2023.⁸

Bangladesh

Standard procedure

26. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Mohammad Rahamat Ullah, a student and electrician allegedly abducted on 29 August 2023 from his home by persons believed to be officials of the Rapid Action Battalion.

Belarus

Standard procedure

27. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Maria Kalesnikava, who was last seen on 2 February 2023 in the detention facility where she has been serving an eleven-year sentence.

Joint urgent appeal

28. On 22 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the prolonged incommunicado detention of Mikalai Statkevich and Maria Kalesnikava, which may amount to enforced disappearance, and concerning the partial restriction of communication with the family imposed on the human rights defender imprisoned in Belarus.⁹

Belgium

Joint urgent appeal

29. On 27 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning two Belgian nationals currently detained in the Al-Roj camp in the north-east of the Syrian Arab Republic, who would not have been repatriated because, having no dependent children in the camps, they would have been

⁶ See the reply to AGO 3/2023.

⁷ [A/HRC/WGEID/130/1](#), para. 21.

⁸ [A/HRC/WGEID/131/1](#), para. 30.

⁹ BLR 13/2023.

excluded from the Belgian repatriation policy. The failure to repatriate them would expose them to the risk of being subjected to enforced disappearance.¹⁰

Bhutan

Information from the Government

30. The Working Group considered information transmitted by the Government of Nepal concerning the case of Lok Nath Acharya, but it was considered insufficient to clarify the case.

31. In accordance with the Working Group's methods of work, the information submitted by the Government of Nepal was transmitted to the Governments of Bhutan and India.

Brazil

General allegation

32. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation in Brazil of the Declaration on the Protection of All Persons from Enforced Disappearance. The allegations refer to enforced disappearances that occurred during the military dictatorship, between 1964 and 1985, as well as to enforced disappearances that began after the establishment of democracy in Brazil which remain unresolved (see annex II).

Burkina Faso

Joint allegation letter

33. On 2 February 2024, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the abduction and enforced disappearance of human rights defender Daouda Diallo.¹¹

Burundi

Urgent procedure

34. Under its urgent procedure, the Working Group transmitted one case to the Government concerning an individual who was allegedly abducted in September 2023 by the National Police of Burundi.

Chile

Application of the six-month rule

35. On 22 September 2022,¹² the Government provided information on three outstanding cases, on the basis of which the Working Group decided to apply the six-month rule, in accordance with its methods of work.

Information from the Government

36. On 22 September 2022,¹³ the Government transmitted information concerning 782 cases, but the information was considered insufficient to clarify the cases.

¹⁰ BEL 3/2023.

¹¹ BFA 1/2024.

¹² The Working Group noted with regret that the response of the Government could not be processed in a timely manner due to a clerical mistake.

¹³ Ibid.

China

Urgent procedure

37. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Tsebo, a former police officer and member of the Communist Party, who was allegedly detained on 12 September 2023 at a local restaurant in Chenduo County (Tibetan: Tridu), Yushu Tibetan Autonomous Prefecture, by local Chinese police officials.

Standard procedure

38. Under its standard procedure, the Working Group transmitted five cases to the Government, concerning five individuals who were allegedly arbitrarily detained in August 2022 in Serthar County (Ganzi Tibetan Autonomous Prefecture, Sichuan Province) by the local Chinese police for engaging in religious activities, including incense-burning and offering prayers. It is believed that the detainees were further transferred to an unknown location within Serthar County. It is also reported that one of the detainees died in police custody, and that the remains were not returned to the family.

Clarification

39. On the basis of information previously provided by the Government, the Working Group decided to clarify 32 cases, following the expiry of the period prescribed by the six-month rule as contained in its methods of work.¹⁴

General allegation

40. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation in China of the Declaration on the Protection of All Persons from Enforced Disappearance. In particular, certain forms of deprivation of liberty under the national criminal system seem to have the constitutive elements of an enforced disappearance (see annex II).

Colombia

Joint allegation letter and reply

41. On 27 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the humanitarian situation in the Darien Gap, which affects migrants transiting this route, where deaths and disappearances continue to be reported.¹⁵

42. On 22 December 2023 and 20 February 2024, the Government of Colombia provided replies to the joint allegation letter.¹⁶

Costa Rica

Joint allegation letter

43. On 27 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the humanitarian situation and the increase in the number of people crossing the Darien Gap and transiting to Costa Rica, where widespread abuses and human rights violations, including disappearances, continue to be reported.¹⁷

¹⁴ A/HRC/WGEID/130/1, para. 26.

¹⁵ COL 8/2023.

¹⁶ See the replies to COL 8/2023.

¹⁷ CRI 1/2023.

44. On 21 December 2023, the Government of Costa Rica provided a reply to the joint allegation letter.¹⁸

Comoros

Urgent procedure

45. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Achmet Said Mohamed, president of the Comorian opposition organization “Hury”, who was allegedly abducted on 9 January 2024 in front of his residence in Moroni by the Comorian military forces.

Cyprus

Urgent procedure

46. Under its urgent procedure, the Working Group transmitted 77 cases to the Government, concerning Suleiman Mohammad Abu Kashto, Suleiman Mustapha Abu Kashto, Bakr al-Erq, Khadija al-Erq, Leah al-Erq, Lina al-Erq, Moussa Lashekhu, Ibrahim al-Ammarien, Ali Ibrahim, Louay al-Sayed Ahmed, Mahmoud Kantar, Omar Abdullah, Mohammed al-Najm, Abdul Rahman al-Najm, Fadi al-Dahis, Mohammed al-Hassan, Walid al-Shaker, Mohammad Diaa al-Ayyash, Omar al-Barhoum, Mohammed Ali Dakhan, Ali al-Abdullah, Ismail al-Jamal, Mohammed Ousman, Khaled Mohamid, Mohammed Darwish, Ahmad Basel Darwish, Hamed Nazal, Bushra Sharaf al-Din, Mohammed Jamal-Aldin, Abdullah Jamal-Aldin, Ahmad Jamal-Aldin, Khayryi Jamal-Aldin, Amal Dabko, Mohammed Keblawi, Mohammed Keblawi, Kaseem Keblawi, Mohammed al-Homsi, Mohammed al-Housni, Anas Shtiwi, Monir al-Houri, Ayham Anizan, Maher Issa, Mohammed al-Dhubyan, Ibadah Abu Rukba, Kassem al-Sheikh Kassem, Anas al-Hazouri, Fatima al-Yasin, Shahad al-Ahmad, Fouad Hanadi, Ghaith al-Ahmad, Ahmad al-Almouri, Ali al-Kalash, Abdulwahab Debak, Faisal al-Abdou, Abdullah al-Abdou, Hasan al-Ali, Sherein al-Ali, Hussein al-Ali, Ahmad al-Mohamad, Ibrahim al-Mohamad, Wissam al-Nayef, Ahmad al-Hamdo, Diab al-Jouma, Amal al-Jouma, Abdelwahab al-Jouma, Moustafa al-Jouma, Jouma al-Jouma, Moustafa al-Jouma, Aida al-Ahmad, Mousaa al-Ali Shaihou, Hasan Zaloukh, Ahmad al-Hamid, Osama al-Ibrahim, Mohammad al-Khasawneh, Qusay al-Mahdi, Nidal Shihadat and Wajdi Rizk, who disappeared on 12 December 2023 after having entered the territorial waters of Cyprus in the context of a boat trip from Lebanon to Europe.

Democratic People’s Republic of Korea

Urgent procedure

47. Under its urgent procedure, the Working Group transmitted four cases to the Government, concerning four individuals who were allegedly subjected to incommunicado detention around September and October 2023 at the Baishan Detention Centre, Jilin Province, China, by the Chinese police, and were forcibly returned to the Democratic People’s Republic of Korea. In accordance with its methods of work, the Working Group transmitted copies of the cases to the Government of China.

Observation

48. In examining the cases from the Democratic People’s Republic of Korea, the Working Group raised extreme concern, as some returnees were reportedly victims of human trafficking, lured into China for the purposes of forced marriage, domestic servitude and sexual slavery, including forced impregnation. The Working Group regrets that these cases are believed to be part of a larger group of escapees of the Democratic People’s Republic of

¹⁸ See the reply to CRI 1/2023.

Korea who were detained in China, and were forcibly and summarily repatriated following the end of the zero coronavirus disease (COVID-19) restrictions in China in January 2023.

Standard procedure

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

(a) An escapee from the Democratic People's Republic of Korea who was allegedly arbitrarily detained in 2010 in Kunming, China, and was forcibly returned to the Democratic People's Republic of Korea by Chinese public security officers;

(b) A teenage escapee from the Democratic People's Republic of Korea who was allegedly arbitrarily detained in 2016 in Yanji, Jilin Province, China, by Chinese security officials, and was forcibly returned to the Democratic People's Republic of Korea. In accordance with the Working Group's methods of work, a copy of the case was forwarded to the Governments of China and the Republic of Korea.

(c) A former public official of and defector from the Democratic People's Republic of Korea who was allegedly arbitrarily detained in 2009 in Changbai County, China, by Chinese border military officers, and was forcibly returned to the city of Hyesan, Ryanggang Province, in the Democratic People's Republic of Korea;

(d) Yeon Kyeong-Hyeok, a medical doctor, allegedly abducted in late March 2006 at home, presumably by agents of the Ministry of State Security.

Information from sources

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

Information from the Government

51. On 18 December 2023, the Government replied to the Working Group's correspondence dated 13 November 2023, in which the Working Group had transmitted cases considered under its standard procedure at its 131st session.¹⁹ The Working Group had again regretted that the authorities of the Democratic People's Republic of Korea repeatedly failed to acknowledge or consider the cases transmitted under the humanitarian procedure.

Ecuador

Information from sources

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

Egypt

Urgent procedure

53. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Wael Abdul Ghani Mohamed Salim, who was reportedly arrested on 19 September 2023 at his place of residence by uniformed police officers.

Standard procedure

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

(a) Mohamed Qerba, who was arrested on 12 January 2018 by Egyptian State security agents;

¹⁹ [A/HRC/WGEID/131/1](#), paras. 44 and 45.

- (b) Gouda Harbi, who was arrested on 2 August 2019 by national security forces officers;
- (c) Moussaab Khalil, who was arrested on 28 January 2019 at his family home by national security forces officers;
- (d) Ahmed Tarek Eissa Siam, who was last seen on 26 June 2019 after reporting to the Belbeis police station.

Clarification based on information from sources

55. On the basis of information provided by sources, the Working Group decided to clarify four cases, concerning Youssef Mohamed Sobhi al-Sunaiti, Essam Gharib Mahran Khalil and Mostafa Mohamed el-Sayed Hussein, who are reportedly in prison, and Mohamed Ibrahim Farid Jabr, who is reportedly at liberty.

Information from the Government

56. On 10 January 2024, the Government transmitted information concerning one outstanding case, but it was considered insufficient to clarify the case.

Joint allegation letter

57. On 22 January 2024, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the enforced disappearance and the use of repeated charges against human rights defenders Hoda Abdel-Moneim and Moaaz al-Sharqawy, in a practice commonly known as “rotation”. According to information received, concerns were also raised regarding the lack of medical treatment for Ms. Abdel-Moneim; the absence of due process in the arrest without a warrant of Mr. Al-Sharqawy in May 2023; his alleged ill-treatment and second enforced disappearance in five years, his first having occurred in 2018; and the ratification of a 10-year sentence against him by the Emergency Court following a trial lacking in due process guarantees.²⁰

El Salvador

Application of the six-month rule

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

Information from the Government

59. On 27 October 2023, the Government transmitted information concerning 303 cases, but the information was considered insufficient to clarify the cases.

Gambia

Standard procedure

60. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Peter Mensah, who was arrested on 22 July 2005 in Barra by the Gambian Navy. In accordance with the Working Group’s methods of work, a copy of this case was forwarded to the Government of Ghana.

Information from sources

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

²⁰ EGY 7/2023.

Honduras

Joint allegation letter

62. On 15 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, a joint allegation letter regarding the enforced disappearance of an individual allegedly committed by State agents, the continued harassment of the family by State security agents following the report of the disappearance, the murder of the father, and the detention of another member of the family.²¹

Indonesia

Joint allegation letter and reply

63. On 15 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter on the reported inadequacy of some measures adopted by the relevant authorities in Indonesia to guarantee truth, justice, reparation, memory and guarantees of non-recurrence under the Government's policy on the non-judicial settlement of past gross human rights violations.²²

64. On 8 March 2024, the Government of Indonesia provided a response to the joint allegation letter.²³

Iran (Islamic Republic of)

Standard procedure

65. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Mosa Peyambernejad, who was arrested on 5 August 1983 at his home by the Islamic Revolutionary Guard Corps.

Clarification based on information from sources

66. On the basis of information provided by sources, the Working Group decided to clarify one case, concerning Delir Mardookhi, who is reportedly at liberty.

Joint urgent appeal

67. On 11 January 2024, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the cases of Mojahed (Abbas) Kourkouri and Reza Rasaei, who are at risk of imminent execution in the Islamic Republic of Iran after the Supreme Court upheld their conviction and death sentence for "murder".²⁴

68. On 24 January 2024, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning four Kurdish men, Pejman Fatehi, Vafa Azarbar, Mohammad (Hazhir) Faramarzi and Mohsen Mazloun, who are at a grave risk of executions in secret in the Islamic Republic of Iran, without prior notice to their families and lawyers as the authorities have been subjecting them to enforced disappearance since July 2022.²⁵

²¹ HND 4/2023.

²² IDN 8/2023.

²³ See the reply to IDN 8/2023.

²⁴ IRN 1/2024.

²⁵ IRN 3/2024.

Iraq

General allegation

69. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in Iraq in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The allegations concern the draft law on missing persons shared by the Office of the Prime Minister of Iraq with the Iraqi Council of Representatives in 2023. According to the information received, a number of provisions of the draft law are at odds with international law standards, which Iraq is obligated to uphold as a State party to the International Convention for the Protection of All Persons from Enforced Disappearance, to which it acceded in 2010 (see annex II).

Israel

Joint urgent appeal

70. On 23 November 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the ongoing widespread arrests and detentions of Palestinians, including human rights activists, lawyers, artists, students and children in the cities and villages of the occupied West Bank and in East Jerusalem. Allegedly, in some cases the fate and whereabouts of those arrested or captured remain unknown, which would meet the threshold for enforced disappearance. A copy of the joint urgent appeal was forwarded to the State of Palestine.²⁶

Kazakhstan

Information from the Government

71. On 4 December 2023, the Government transmitted information concerning one case, but it was considered insufficient to clarify the case.

Lebanon

Urgent procedure

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

(a) Al Haj Ahmad Ahmad, a resident of Tripoli, allegedly abducted on 29 December 2023 in his residence by Lebanese military intelligence officials;

(b) Amer Haddara, a resident of Tripoli, who was allegedly abducted on 25 December 2023 by the General Security Forces.

Clarification of cases based on information from sources

73. On the basis of information provided by sources, the Working Group decided to clarify the case of Amer Haddara, who is reportedly at liberty.

Libya

Information from sources

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

²⁶ ISR 9/2023.

General allegation

75. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in Libya in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The allegations refer to the arbitrary deprivation of liberty and enforced disappearance of migrants, refugees and asylum-seekers in Libya, including women, children (often unaccompanied), and persons with disabilities. The Working Group has also been informed that migrants in detention facilities are held in inhumane conditions and that civil society organizations attempting to monitor conditions of detention and assist persons held captive are often hindered. Furthermore, according to information received by the Working Group, there are no instances of investigations into the above-mentioned circumstances and abuses, which are reportedly covered by impunity, and there would not be any effective remedy available to obtain redress for the harm suffered in the detention centres concerned (see annex II).

Mali

Joint other letter

76. On 31 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, a letter concerning the legislative framework relating to the fight against terrorism in Mali, which is allegedly at odds with international law standards and could facilitate the commission of enforced disappearances.²⁷

Mauritania

Standard procedure

77. Under its standard procedure, the Working Group transmitted one case to the Government, concerning El Ghalia Mohamd Yahdih, who was allegedly abducted in 1980 in the city centre of Nouadhibou by unknown persons believed to be involved in the conflict in Western Sahara.

Mexico

Clarification

78. On the basis of information previously provided by the Government, the Working Group decided to clarify one case, which was transmitted to the source intersessionally in May 2023 and following the expiry of the period prescribed by the six-month rule.²⁸ The case concerns José Moisés Sánchez Cerezo, who is reportedly deceased, and whose remains have been identified and returned to persons associated with him.

Joint allegation letter and reply

79. On 21 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter on the alleged lack of transparency and methodology of the revision of the National Register of Disappeared and Unaccounted-for Persons (Registro Nacional de Personas Desaparecidas y No Localizadas en México), as well as the absence of prior public consultation regarding the selection process for the new Commissioner of the National Search Commission (Comisión Nacional de Búsqueda).²⁹

80. On 19 February 2024, the Government of Mexico responded to the joint allegation letter.³⁰

²⁷ MLI 1/2023.

²⁸ The Working Group regrets that due to a clerical error, the correspondence to the source was transmitted intersessionally in May 2023.

²⁹ MEX 12/2023.

³⁰ See the reply to MEX 12/2023.

Nepal

Information from the Government

81. On 1 September 2021, the Government transmitted information concerning 464 cases, including of 59 women and 35 children, but the information was considered insufficient to clarify the cases.³¹ In transmitting the cases, the Working Group regretted that, due to a clerical mistake, the reply could not be processed on time.

Joint allegation letter

82. On 15 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the grave impact of enforced disappearances on women in Nepal, including wives, mothers or relatives of the disappeared, and the failure by the State authorities to search effectively for the disappeared, to undertake independent, impartial, thorough and effective investigations and to ensure full reparation for the families.³²

Nicaragua

Urgent procedure

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

(a) Brooklyn Rivera Bryan, a Miskitu Indigenous leader and member of the National Assembly of Nicaragua, who was allegedly forcibly disappeared on 29 September 2023 for his involvement with YATAMA, an Indigenous political party of the Caribbean coast of Nicaragua;

(b) Freddy Antonio Quezada, who was allegedly forcibly disappeared on 29 November 2023 from his home by the National Police of Nicaragua;

(c) Carlos José Avilés Cantón, vicar-general of the Diocese of Managua, who was reportedly abducted after celebrating mass in the Santo Cristo de las Colinas Church in Nicaragua;

(d) Isidoro del Carmen Mora Ortega, Episcopal Bishop of the Diocese of Siuna, who was allegedly abducted on 20 December 2023 in the municipality of La Cruz de Río Grande, Autonomous Region of the South Caribbean Coast, by agents of the Special Forces of the National Police of Nicaragua.

Clarification based on information from sources

84. On the basis of information provided by sources, the Working Group decided to clarify two cases, concerning Carlos José Avilés Cantón and Isidoro del Carmen Mora Ortega, who are reportedly at liberty.

Joint allegation letter

85. On 15 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter on the case of Fanor Alejandro Ramos, who was deprived of liberty and allegedly subjected to enforced disappearance for a period of 49 days.³³

³¹ The Working Group noted with regret that the original response transmitted by the Government of Nepal, dated 1 September 2021, and resubmitted thereafter on 29 June 2022, was not processed in a timely manner due to a clerical mistake.

³² NPL 3/2023.

³³ NIC 4/2023.

Niger

Joint allegation letter

86. On 20 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the judicial harassment, arbitrary detention and enforced disappearance of Samira Sabou.³⁴

Pakistan

Urgent procedure

87. Under its urgent procedure, the Working Group transmitted 10 cases to the Government, concerning:

(a) An individual who was allegedly abducted in November 2023 from his workplace in Balochistan Province by persons believed to be Pakistani State agents;

(b) Two individuals who were allegedly abducted in November 2023 in Balochistan Province by officers of the Frontier Corps;

(c) Four individuals who were allegedly abducted in October 2023 in Balochistan Province by Pakistani State agents;

(d) An individual who was allegedly abducted in September 2023 in Karachi by Pakistani State agents;

(e) An individual who was allegedly abducted in September 2023 in Balochistan Province by officers of the Pakistani intelligence services;

(f) An individual who was allegedly abducted in September 2023 in Balochistan Province by officers of the Frontier Corps and the Pakistani intelligence services;

Standard procedure

88. Under its standard procedure, the Working Group transmitted 38 cases to the Government (see annex I).

Observation

89. The Working Group noted the increasing number of cases reported to, and registered by, the Working Group since the onset of the constitutional crisis in Pakistan in 2022. The Working Group deeply regretted that numerous cases of enforced disappearance, particularly in the Provinces of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh, had allegedly been perpetrated by military and police officials, including paramilitary forces, such as the Frontier Corps and the Rangers.

Clarification based on information from sources

90. On the basis of information provided by sources, the Working Group decided to clarify one case, concerning an individual in Balochistan Province, who is reportedly at liberty.

Joint allegation letter

91. On 22 November 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning alleged enforced disappearance, detention and prosecution of individuals, including of media workers, journalists and public figures, believed to be in relation to their support for the Pakistan Tehreek-e-Insaf Party and in the context of the ousting and arrest of the former Prime Minister, Imran Khan.³⁵

³⁴ NER 2/2023.

³⁵ PAK 9/2023.

Panama

Joint allegation letter and reply

92. On 27 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the humanitarian situation in the Darien Gap, which affects migrants, including children and adolescents transiting along this route, where deaths, disappearances, sexual violence and other human rights violations continue to be recorded.³⁶

93. On 22 December 2023, the Government of Panama provided a reply to the joint allegation letter.³⁷

Peru

Joint allegation letter and reply

94. On 11 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the release of the former President, Alberto Fujimori, who in 2009 was sentenced to 25 years in prison for crimes under international law, including extrajudicial executions, torture and enforced disappearances.³⁸

95. On 9 February 2024, the Government of Peru provided a reply to the joint allegation letter.³⁹

Philippines

Information from the Government

96. On 13 November 2023, the Government transmitted information concerning two cases, but it was considered insufficient to clarify the cases.

Russian Federation

Urgent procedure

97. Under its urgent procedure, the Working Group transmitted 78 cases to the Government perpetrated in Ukraine by forces of the Russian Federation, concerning:

(a) A minor who was allegedly abducted on 26 February 2022 from home in Luhansk Province by armed forces of the Russian Federation and affiliated armed groups;

(b) A minor who disappeared after 16 March 2022, following the attempted evacuation from Mariupol, Donetsk Province, at that time surrounded by armed forces of the Russian Federation and affiliated armed groups;

(c) Vladyslav Leshchenko, a Ukrainian soldier who disappeared on 20 March 2022, after being captured by armed forces of the Russian Federation and affiliated armed groups in Kyiv Province;

(d) Yurii Hulchuk, a Ukrainian soldier who disappeared on 12 April 2022, after being captured by armed forces of the Russian Federation and affiliated armed groups in Mariupol;

(e) Mykola Tsyhanok, a Ukrainian soldier who disappeared on 23 April 2022, after a combat engagement with armed forces of the Russian Federation near Dovhenke, Kharkiv Province;

³⁶ PAN 1/2023.

³⁷ See the reply to PAN 1/2023.

³⁸ PER 9/2023.

³⁹ See the reply to PER 9/2023.

(f) Serhii Ivashchenko, who was abducted on 31 August 2022 from his home in Starobilsk, Luhansk Province, by armed forces of the Russian Federation and affiliated armed groups;

(g) Artem Kudzhanov, who was abducted on 28 October 2022 from his home in Bohachka, Luhansk Province, by armed forces of the Russian Federation and affiliated armed groups;

(h) Serhii Yeromenko, who was abducted on 22 November 2022 from his home in Novooleksandrivka, Luhansk Province, by armed forces of the Russian Federation and affiliated armed groups;

(i) Viacheslav Lazarchuk, Volodymyr Liashenko, Vasyl Doloban, Mykola Zachenko, Volodymyr Zaviriukhin, Maksym Ditman, Oleksandr Yakovynets, Vladyslav Kryvoruchenko, Vitalii Hlebov, Oleksii Bas, Andrii Hamolia, Andrii Ishchenko, Viktor Kondusha, Serhii Hryhoriuk, Anatolii Karpiv, Vitalii Lysiuk, Oleksandr Lazarenko, Yevhen Kryklyvnyi, Oleksandr Marchuk, Yurii Androniichuk, Oleksandr Kushnarov, Dmytro Riazanov, Oleksandr Yurko, Artem Herasymenko, Kyrylo Rekhtlane, Dmytro Ivashchuk, Serhii Rozhok, Anatolii Zelenyi, Andrii Horbenko, Oleh Yatchenko, Andrii Karpenkov, Ihor Shevchuk, Stanislav Shostak, Andrii Kovalov, Oleksandr Zakharov, Serhii Dziubenko, Pavlo Omelchenko, Oleksii Valdovskyi, Viktor Burakovskyyi, Dmytro Ptakh, Ihor Voznyi, Mykhailo Tyshchenko, Oleksandr Stopkan, Andrii Kakhychka, Serhii Matvieiev, Maksym Savitskyi, Ruslan Soroka, Ivan Bezkorovainyi, Yurii Bortniuk, Oleksandr Khomenko, Dmytro Prokopenko, Oleksandr Pivniev, Volodymyr Herashchenko, Serhii Herasymchuk, Dmytro Kyrychenko, Vitalii Pavlenko, Vadym Rakut, Maksym Soltanenko, Vitalii Yavtushenko, Maksym Kobzarenko, Stanislav Tretiakov, Leonsii Popov, Dmytro Yarish, Kostiantyn Symonenko, Oleh Zabolotnii, Ihor Hordashko, Dmytro Osiik, Vitalii Kyrnos, Serhii Pasiaka and Oleksandr Boboshko, Ukrainian soldiers, who disappeared between 1 July 2022 and 27 February 2023, after combat engagements with armed forces of the Russian Federation and affiliated armed groups in Luhansk Province.

98. In accordance with the Working Group's methods of work, copies of these cases were forwarded to the Government of Ukraine. A copy of one case was also transmitted to the Government of Belarus.

Standard procedure

99. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Ihor Malyshev, who was abducted on 25 November 2021 at the Stanytsia Luhanska crossing point by armed forces of the Russian Federation and affiliated armed groups.

Clarification based on information from sources

100. On the basis of information provided by sources, the Working Group decided to clarify 26 cases, concerning Volodymyr Kolibaba, Yurii Melnyk, Oleksandr Saponenko, Andrii Starynshchak, Viktor Tkach, Vitalii Papenko, Viktor Linnikov, Dmytro Sobolevskyyi, Oleksandr Honcharov, Maksym Kolesnikov, Viacheslav Likhtanskyi, Yevhen Bondar and Serhii Bachevskyyi, who had been released from the captivity of the Russian Federation and are at liberty; Viachelsav Horban, Anton Volovych, Serhii Kravtsov, Ivan Kovalchuk, Roman Tretiakov, Viacheslav Hryhoriev and Dmytro Mezhenksyyi, whose fate and whereabouts had been established; Vladyslav Herykh, Yurii Mykytiuk, Yehor Kolosovskyyi, Oleksandr Fedorov and Andrii Lozovytskyi, who are deceased and whose remains had been identified; and Mykhailo Karetnyi, who died in custody at a detention facility.

Information from sources

101. Sources provided updated information on 278 outstanding cases, but the information was considered insufficient to clarify the cases.

Information from other concerned States

102. On 1 August 2023 and 29 September 2023, the Government of Ukraine provided information concerning 192 outstanding cases registered under the statistics of the Russian Federation. The information was considered insufficient to clarify those cases.

Application of the six-month rule

103. The Government of Ukraine provided information concerning 20 outstanding cases registered under the statistics of the Russian Federation, on the basis of which the Working Group decided to apply the six-month rule, in accordance with its methods of work.

Clarification

104. On the basis of information previously provided by the Government, the Working Group decided to clarify 43 cases following the expiry of the period prescribed by the six-month rule.⁴⁰ The cases concern Volodymyr Kucheriavenko, Ruslan Fomin, Mykola Perets, Yevhenii Polishchuk, Vadym Sukach, Denys Haiduk, Yelizar Kholomiiev, Vasyl Zaiarnyi, Anton Sydorenko, Oleh Vorona, Pavlo Horban, Vitalii Korotkov, Pavlo Kryvda, Ivan Kuzmenko, Yan Klymenko, Yurii Marchenko, Ivan Dovhan, Oleksandr Reshynskyi, Petro Dedushko, Vadym Oleinikov, Stanislav Pererva, Vitalii Holdenko, Ivan Sakov, Denys Maholenets, Viktor Futorian, Serhii Lysov, Andrii Tabakin, Vasyl Boiko, Vladyslav Svirchevskyi, Dmytro Vitkovskyi, Serhii Tamaza, Danylo Chebotarov, Artem Sliepukhin, Oleh Krushovskyi, Eduard Soloviov, Yevhen Uhrin, Oleksandr Hanzheiev, Pavlo Kryvenko, Oleksandr Kushnerenko, Volodymyr Sapun, Serhii Topchyi, Volodymyr Simonov and Oleh Kolodinskyi, who have reportedly been released from the captivity of the Russian Federation and are at liberty.

Joint allegation letter

105. On 27 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning Victoria Roshchyna, a Ukrainian freelance journalist, who disappeared after 3 August 2023 having crossed the border on her way to territory of Ukraine occupied by the Russian Federation.⁴¹

Saudi Arabia

Standard procedure

106. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Manahel al-Otaibi who was arrested after reporting to the Al-Sahafa police station on 16 November 2022.

Application of the six-month rule

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

Clarification

108. On the basis of information previously provided by the Government, the Working Group decided to clarify two cases following the expiry of the period prescribed by the six-month rule.⁴² The cases concern Eid Hammoud al-Mashhouri al-Howeiti and Sulaiman Mohammed Moussa al-Howeiti, who are reportedly in prison.

⁴⁰ A/HRC/WGEID/130/1, para. 57.

⁴¹ RUS 29/2023.

⁴² A/HRC/WGEID/130/1, para. 62.

Spain

Information from sources

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

Discontinuation

110. On 15 November 2023, sources transmitted information concerning one case, on the basis of which the Working Group decided to discontinue the case of Abel Ballart Sans.

Syrian Arab Republic

Standard procedure

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

- (a) An individual who was reportedly arrested on 18 March 2012 at a checkpoint in Aleppo Governorate by security forces personnel;
- (b) An individual who was arrested on 25 May 2012 in a southern suburb of Idlib Governorate by personnel from the Syrian regime's military security forces;
- (c) An individual who was arrested in 2012 by officers believed to belong to the Syrian regime's security forces at a checkpoint in Damascus Governorate;
- (d) An individual who was arrested in 2012 by officers believed to belong to the Syrian regime's security forces at a checkpoint on the Damascus-Homs highway;
- (e) An individual who was arrested in 2014 by personnel believed to belong to the Air Force Intelligence Directorate at the Directorate branch office in the city of Homs;
- (f) An individual who was arrested on 8 January 2014 at his home by officers believed to belong to forces of the Syrian Army;
- (g) An individual who was arrested on 1 June 2011 at the Immigration and Passport Department building in Aleppo by officers believed to belong to the Military Intelligence Services;
- (h) An individual who was abducted on 22 July 2011 in the town of Qamhana town and who was reportedly last seen in Sednaya Prison years later;
- (i) An individual who was arrested on 15 March 2013 at a checkpoint in Tartous Governorate by personnel believed to belong to the General Intelligence Directorate;
- (j) An individual who was arrested on 2 July 2013 at his place of residence in Damascus by personnel believed to belong to the Syrian State security intelligence;
- (k) An individual who was arrested in October 2012 at the Al-Yarmouk Camp in southern Damascus by personnel believed to belong to the Syrian regime's forces.

Joint allegation letter

112. On 18 October 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the massacre of over 280 civilians that occurred in Tadamon, in the Syrian Arab Republic, in April 2013, which was brought to light in 2022, the lack of investigations and judicial processes in the aftermath of the atrocity, and the continued impunity granted to the alleged perpetrators. It is alleged that individuals who were previously subjected to enforced disappearance and those who were arrested at checkpoints in the vicinity of Tadamon just before 16 April 2013 were victims of this event.⁴³

⁴³ SYR 2/2023.

Tajikistan

Application of the six-month rule

113. The Government of Türkiye provided information on one outstanding case, on which it was copied, concerning a Turkish citizen who disappeared in Tajikistan in the context of his transnational transfer⁴⁴ to Türkiye, on the basis of which the Working Group decided to apply the six-month rule, in accordance with its methods of work.

Thailand

Standard procedure

114. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Pholachi “Billy” Rakchongcharoen, a Karen environmental activist from Western Phetchaburi Province in Thailand who was arrested and forcibly disappeared on 17 April 2014.

Türkiye

Information from the Government

115. On 5 September 2023, the Government transmitted information concerning six outstanding cases, but the information was considered insufficient to clarify the cases.

Prompt intervention letter

116. On 23 November 2023, the Working Group transmitted a prompt intervention letter concerning the arbitrary interference with the Saturday Mothers’/People’s (Cumartesi Anneleri) right to peaceful assembly, as well as the arrest and detention of the participants in their regular Saturday vigils at Galatasaray Square in Istanbul.

Joint allegation letter

117. On 27 December 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the violent interference by the police with the peaceful weekly vigils held by Saturday Mothers/People in Galatasaray Square, Istanbul, and the judicial harassment of human rights defenders taking part in these vigils.⁴⁵

United Arab Emirates

Standard procedure

118. Under its standard procedure, the Working Group transmitted one case to the Government, concerning Mansour Hassan Ahmad Abdullah al-Ahmadi, who was arrested on 5 June 2023 after reporting to the Federal Authority for Identity, Citizenship, Customs and Port Security in Abu Dhabi.

Information from sources

119. Sources provided information on 11 outstanding cases, but the information was considered insufficient to clarify the cases.

Joint allegation letter

120. On 10 January 2024, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning new charges brought against 84 of the

⁴⁴ For more information on enforced disappearances in the context of transnational transfers, see [A/HRC/48/57](#).

⁴⁵ TUR 10/2023.

133 individuals indicted in 2011 for calling for democratic reforms. Most of these individuals were part of the “UAE 94” trial and were completing or have recently completed their sentences for terrorism-related charges. The allegations also raised concern about the alleged irregularities in the latest trial, known as “UAE 87”, related to the non-observance of fair trial guarantees and the use of torture or other cruel, inhuman or degrading treatment or punishment in order to extract forced confessions. Furthermore, concerns were raised about the deterioration of the health of some of these individuals during their years of detention and about the incommunicado detention of at least 12 of these individuals.⁴⁶

United States of America

General allegation

121. The Working Group received information from sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the United States of America related to the enforced disappearance of migrants, refugees and asylum-seekers, including women, pregnant women and children, and persons with disabilities, seeking protection in the United States. The information gathered suggests that United States Customs and Border Protection, the United States Coast Guard and other State agents have deprived migrants, refugees and asylum-seekers of their liberty, subjecting them to incommunicado detention for days, placing them outside of the protection of the law and depriving them of fundamental rights, without ensuring that families, legal representatives or others persons with a legitimate interest have access to information about their fate or whereabouts (see annex II).

Venezuela (Bolivarian Republic of)

Urgent procedure

122. Under its urgent procedure, the Working Group transmitted three cases to the Government, concerning:

- (a) Carlos Jesús Sánchez Vásquez, a colonel in the Venezuelan Army who was allegedly forcibly disappeared on 14 December 2023 in Caracas;
- (b) Anyelo Julio Heredia Gervacio, a captain in the Venezuelan Army who was reportedly arrested by the Bolivarian National Guard in the border area between Cúcuta (Colombia) and San Antonio del Táchira (Bolivarian Republic of Venezuela);
- (c) Roberto Gazan Abdul-Hadi Casanova, a member of an opposition political party and dual Venezuelan-Italian national arrested and forcibly disappeared on 6 December 2023. In accordance with the Working Group’s methods of work, a copy of the case was forwarded to the Government of Italy.

Standard procedure

123. Under its standard procedure, the Working Group transmitted one case to the Government concerning Joshep Joel Hernández Ortiz, who was allegedly forcibly disappeared on 21 August 2012 by the Cuerpo de Investigaciones Científicas, Penales y Criminalísticas.

Clarification based on information from sources

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

- (a) Julio César Caldera Ávila and Jendré José Caldera Ávila, who are reportedly in prison at the Centre for Control and Protection of the Detainee of the Bolivarian National

⁴⁶ ARE 1/2024.

Police Corps (also known as “Zone 7”), located in the Boleíta area of Sucre municipality, Miranda State;

(b) Daniela Navas, Yexianni Navas and Yexander Josué Caldera Navas, who are at liberty;

(c) Roberto Gazan Abdul-Hadi Casanova, who is detained by the Bolivarian National Intelligence Service, in Caracas.

Joint allegation letter

125. On 24 January 2024, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arbitrary detention and torture of Hugo Rafael Centeno and Oswil Centeno, the arbitrary detention, enforced disappearance and torture of David José Mosquera Pérez, and the subsequent deaths of Hugo Rafael Centeno and David José Mosquera Pérez.⁴⁷

Yemen

Joint allegation letter and reply

126. On 25 August 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the insufficiency and inadequacy of the mechanisms implemented by the Government of Yemen to provide redress and full and effective reparation to victims of gross violations of human rights and serious violations of international humanitarian law committed during the armed conflict in Yemen, in line with the scale and severity of the harm done; and to effectively investigate and prosecute the violations.⁴⁸

127. On 18 and 30 October 2023, the Government of Yemen replied to the joint allegation letter sent on 25 August 2023.⁴⁹

Zimbabwe

Joint allegation letter and reply

128. On 18 October 2023, the Working Group transmitted an allegation letter, jointly with other special procedure mechanisms, concerning the abduction, subsequent enforced disappearance and ill-treatment of Womberaiishe Nhende and Sanele Mukuhlani, activists and members of the largest opposition party in Zimbabwe, the Citizens’ Coalition for Change. The allegations also concerned the alleged arrest and detention of human rights defenders and lawyers Douglas Coltart and Tapiwa Muchineripi.⁵⁰

129. On 15 November 2023, the Government of Zimbabwe provided a reply⁵¹ to the joint allegation letter. The Working Group welcomes the response, however it retains a number of concerns and looks forward to continuing the dialogue with the Government.

⁴⁷ VEN 2/2024.

⁴⁸ YEM 1/2023.

⁴⁹ See the reply to YEM 1/2023.

⁵⁰ ZWE 2/2023.

⁵¹ See the reply to ZWE 2/2023.

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

Libya (de facto authorities)

Standard procedure

130. Under its standard procedure, the Working Group transmitted one case to the Libyan National Army, concerning Rabie Bader Aldeen Belkhair, who was kidnapped on 19 November 2013 in Tripoli by armed militiamen believed to belong to the Libyan National Army. In accordance with the Working Group's methods of work, a copy of the case was forwarded to the Government of Libya

Clarification based on information from sources

131. On the basis of information provided by sources, the Working Group decided to clarify two cases, concerning Khodr Khaled al-Nabush and Moustafa Mohammad Sharaf, who were reportedly released from the captivity of the Libyan National Army.

Information from sources

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

Joint urgent appeal

133. On 31 January 2023, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the execution of Al-Mahdi Ibrahim Abdulhamid al-Barghathi, a former Minister of Defence in the Government of National Accord, and acts tantamount to enforced disappearance with a serious risk for their lives of Abdulaziz Alhasouni Mohammed Imbarak, Ali Mohamed Ali Bukhatwa, Fathi Fouzi Alhasouni Mohammed, Mohammed Faraj Milad al-Baraki, Serag Soliman Saleh Soliman, Younus Salim Younus Abdulaziz and Sanid Sulayman Salih Sulayma, after being detained allegedly by groups reportedly affiliated to the Libyan National Army.⁵²

State of Palestine (de facto authorities)

Urgent procedure

134. Under its urgent procedure, the Working Group transmitted 10 cases to Hamas, concerning:

(a) Almog Meir Jan, Evyatar David and Shlomi Ziv, who were abducted on 7 October 2023 from the Nova music festival, near Re'im Kibbutz, by armed men believed to belong to Hamas;

(b) Agam Berger, who was abducted on 7 October 2023 from her place of residence in the Nahal Oz military base, by armed men believed to belong to Hamas;

(c) Carmel Gat, who was abducted on 7 October 2023 from her home in Kibbutz Be'eri by armed men believed to belong to Hamas;

(d) Abraham Munder, Ruth Munder and Karen Munder, who were abducted on 7 October 2023 from their home in Nir Oz Kibbutz by armed men believed to belong to Hamas;

(e) Ohad Munder Zachri, who was abducted on 7 October 2023 from his family home in Nir Oz Kibbutz by armed men believed to belong to Hamas;

⁵² OTH 2/2024.

(f) Ohad Yahalomi, who was abducted on 7 October 2023 from his family home in Nir Oz Kibbutz by armed men believed to belong to Hamas.

135. In accordance with the Working Group's methods of work, copies of the cases were forwarded to the authorities of the State of Palestine, and the Governments of France and Israel.

Standard procedure

136. Under its standard procedure, the Working Group transmitted two cases to Hamas, concerning:

(a) Doron Steinbrecher, who was abducted on 7 October 2023 from her home in Kfar Azza Kibbutz by armed men believed to belong to Hamas;

(b) Emily Damari, who was abducted on 7 October 2023 from her home in Kfar Azza Kibbutz by armed men believed to belong to Hamas.

137. In accordance with the Working Group's methods of work, copies of the cases were forwarded to the authorities of the State of Palestine, and the Government of Israel.

Syrian Democratic Council (de facto authorities)

Standard procedure

138. Under its standard procedure, the Working Group transmitted three cases to the Syrian Democratic Council, concerning:

(a) An individual who was captured and detained in January 2018 by the Syrian Democratic Forces in the north-east of the Syrian Arab Republic;

(b) An individual who was captured in Baghouz in March 2019 and detained in a detention facility in Hassakah in the north-east of the Syrian Arab Republic under the control of the Autonomous Administration of North and East Syria;

(c) An individual who was captured in Baghouz in March 2019 by the Syrian Democratic Forces.

Information from sources

139. Sources provided information on four outstanding cases, but the information was considered insufficient to clarify the cases.

Yemen (de facto authorities)

Standard procedure

140. Under its standard procedure, the Working Group transmitted one case to the de facto authorities in Sana'a, concerning an individual who was arrested by armed men believed to be associated with the de facto authorities of Sana'a at a checkpoint in the Asahoul area, in Al-Mkhadir District.

Annex I

Pakistan

Standard procedure

1. Under its standard procedure, the Working Group transmitted 38 cases to the Government, concerning:

(a) An individual who was allegedly abducted in September 2022 from his place of residence in Khyber Pakhtunkhwa province presumably by the local police.

(b) An individual who was allegedly abducted in September 2022 in Karachi presumably by Pakistani State agents;

(c) An individual who was allegedly abducted in December 2016 in Karachi by officials of the Counter-Terrorism Department;

(d) An individual who was allegedly abducted in July 2016 in his home in Khyber Pakhtunkhwa province presumably by Pakistani State agents;

(e) An individual who was allegedly abducted in June 2019 in Balochistan province presumably by officers of the Pakistani military intelligence;

(f) An individual who was allegedly abducted in June 2011 in Karachi presumably by Pakistani State agents;

(g) An individual who was allegedly abducted in July 2023 in Karachi presumably by Pakistani State agents;

(h) An individual who was allegedly abducted in January 2016 in Rawalpindi by Pakistani State Agents;

(i) An individual who was allegedly abducted in February 2022 in Khyber Pakhtunkhwa province by Pakistani State officials;

(j) An individual who was allegedly abducted in October 2014 in his home in Khyber Pakhtunkhwa province presumably by officials of the Counter-Terrorism Department;

(k) An individual who was allegedly abducted in August 2017 from his home in Khyber Pakhtunkhwa province, presumably by officials of the Counter-Terrorism Department;

(l) An individual who was allegedly abducted in July 2010 in a hospital in Khyber Pakhtunkhwa province, presumably by officials of the Counter-Terrorism Department;

(m) An individual who was allegedly abducted in November 2019 from his place of residence in Sindh province by police officials and officers of the Pakistani Rangers;

(n) An individual who was allegedly abducted in May 2015 in Balochistan province by officials of the Frontier Corps;

(o) An individual who was allegedly abducted in May 2015 in Balochistan province presumably by officials of the Frontier Corps;

(p) An individual who was allegedly abducted in April 2015 in Khyber Pakhtunkhwa province by Pakistani State agents;

(q) An individual who was allegedly abducted in April 2015 in Khyber Pakhtunkhwa province by Pakistani State agents;

(r) An individual who was allegedly abducted in June 2015 in Punjab province by Pakistani State agents;

(s) An individual who was allegedly abducted in 2016 in Khyber Pakhtunkhwa province by the Frontier Corps;

- (t) An individual who was allegedly abducted in April 2017 in Khyber Pakhtunkhwa province by Pakistani State agents;
- (u) An individual who was allegedly abducted in January 2015 in Khyber Pakhtunkhwa province by Pakistani State agents;
- (v) An individual who was allegedly abducted in September 2012 in Islamabad by Pakistani State agents;
- (w) An individual who was allegedly abducted on 21 April 2015 in a hotel in Khyber Pakhtunkhwa province by Pakistani State agents;
- (x) An individual who was allegedly arbitrarily detained by members of the People's Aman Committee, and abducted in January 2015 in Khyber Pakhtunkhwa province by Frontier Corps;
- (y) An individual who was allegedly arbitrarily detained by members of the People's Aman Committee, and abducted in January 2015 in Khyber Pakhtunkhwa province by the Frontier Corps;
- (z) An individual who was allegedly abducted in June 2012 in Peshawar, Khyber Pakhtunkhwa province, by local police officers;
- (aa) An individual who was allegedly arbitrarily detained in 2015 in Peshawar, Khyber Pakhtunkhwa province, by Pakistani State officials;
- (bb) An individual who was allegedly abducted in May 2011 in Khyber Pakhtunkhwa province presumably by Pakistani State agents;
- (cc) An individual who was allegedly abducted in November 2014 in Punjab province by Pakistani State agents;
- (dd) An individual who was allegedly abducted in July 2018 from their place of residence in Sindh province presumably by Pakistani State agents;
- (ee) An individual who was allegedly abducted in June 2022 in Karachi presumably by Pakistani State agents;
- (ff) An individual who was allegedly abducted in November 2022 near his place of residence in Khyber Pakhtunkhwa province presumably by Pakistani State agents;
- (gg) An individual who was allegedly abducted in March 2017 in a restaurant in Punjab province presumably by Pakistani State agents;
- (hh) An individual who was allegedly abducted in January 2017 in his place of residence in Khyber Pakhtunkhwa province by officers of the Counter-Terrorism Department;
- (ii) An individual who was allegedly abducted in February 2023 in his home in Punjab province by officers of the Elite Force;
- (jj) An individual who was allegedly abducted in September 2016 Khyber Pakhtunkhwa province presumably by Pakistani State agents;
- (kk) An individual who was allegedly abducted in August 2016 in his place of residence in Khyber Pakhtunkhwa province by Pakistani State forces;
- (ll) An individual who was allegedly abducted in August 2021 in Punjab province presumably by Pakistani State agents.

Annex II

General Allegations

Brazil

The Working Group received information from sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, ‘the Declaration’) in Brazil.

1. This general allegation focuses on enforced disappearances commenced during the military dictatorship, between 1964 and 1985; as well as on those that began after the establishment of democracy in Brazil. We would also like to refer to the two general allegations sent in 2019 and 2022 respectively to your Excellency’s Government, for which we are yet to receive replies. We would also like to further call your Excellency’s Government attention to the Committee on Enforced Disappearances Concluding observations on the report submitted by Brazil under article 29 (1) of the International Convention for the Protection of All Persons from Enforced Disappearances, in particular paragraphs 13, 15 and 23 (CED/C/BRA/CO/1) and Report on follow-up to the concluding observations (CED/C/24/2).

Enforced disappearances began during the military dictatorship

2. It is alleged that the Brazilian State is yet to take full and effective measures to address the serious human rights violations committed during the dictatorship, despite several measures adopted over the years.

3. According to the information received, the first ‘death squads’ formed by civil and military police were established in the 1950s, having significantly expanded their repressive activities, including the perpetration of enforced disappearance during the military dictatorship. It is further alleged that, during the dictatorship, summary executions followed by concealment of the corpses became a systematic practice of the State to combat politically organized opposition.

4. One emblematic example of such practice was the case of the police officer Cláudio Guerra, who was convicted in June 2023 of the concealment of 12 bodies of political opponents forcibly disappeared during the military dictatorship. In the verdict, the Brazilian judiciary – 2^a Vara Federal de Campos de Goytacazes, Seção Judiciária do Rio de Janeiro¹ – recognized the imprescriptible nature of crimes against humanity and the non-applicability of the 6683/1979 Amnesty Law. However, such ruling is rather exceptional as, according to the information received, the overwhelming majority of the judiciary continues to apply the 1979 Amnesty Law and thus impunity continues to prevail for gross human rights violations, including enforced disappearances, committed during the military dictatorship. It is further alleged that legal proceedings that seek the recognition of the unconstitutionality of 1979 Amnesty Law (Actions for non-compliance with fundamental precepts/*Ações de Descumprimento de Preceito Fundamental*, numbers 153 and 320) are still pending before the Federal Supreme Court for discussion and resolution.

5. According to the information received, Law No. 9140/95 was one of the first attempts by the State to deal with the violations committed during the dictatorship, having established the Special Commission on Political Deaths and Disappearances (hereafter, ‘SCPDD’ or ‘the Commission’). However, it is alleged that the law was at odds with international legal standards, as it established the figure of ‘political disappearance’, applicable only to those whose disappearance was connected to their political activities and whose relatives were able to establish their militant status. As a result, the legislation concerned excluded all other victims of enforced disappearance for reasons other than political. This has led to inaction of State bodies aimed at the implementation of the rights to memory, truth, justice and

¹ <https://static.poder360.com.br/2023/06/sentenca-claudio-guerra-ditadura.pdf>.

reparation, in particular in relation to certain social groups, namely rural and urban workers, indigenous people, the LGBTI population, the residents of *favela* and the Afro-Brazilians. Although these groups were widely affected by the dictatorial violence, including through the practice of enforced disappearance, as the corresponding cases were not classified as ‘political disappearances’, they remained excluded from the transitional justice process and their claims for truth, justice, memory and guarantees of non-repetition remain unanswered.

6. It is further reported that the prevailing official narrative of events fails to fully recognize the role played, and the violations suffered by, historically disadvantaged groups, such as Afro-Brazilians and indigenous peoples, in the struggle against the dictatorial regime. According to the sources, the SCPDD book (report) on right to truth and memory does not specifically offer an analysis through the lenses of such groups.² While a subsequent publication was specifically devoted to the Afro-Brazilians,³ the struggle of indigenous peoples remains unacknowledged. Further to this, the current school curricula remain silent on the contributions of such groups to the fight against dictatorship in Brazil.

7. It is alleged that, during Jair Bolsonaro’s Government (2019-2022), the SCPDD⁴ was subject to a series of changes, including the replacement of a large part of its former members with people linked to the Armed Forces or without any track-record in defending human rights. Further to this, at the beginning of 2020, a change in the Commission’s regulations made the search for disappeared people conditional on the expression of interest by the family, contradicting the international obligation of States to act *ex officio* in these cases. Finally, in the last month of the Bolsonaro Government, SCPDD was terminated without having fully completed its mandate to address the crimes committed during the dictatorship, including enforced disappearance.

8. According to the sources one of the last measures adopted to deal with the human rights violations committed during the dictatorship was the establishment of the National Truth Commission (NTC) in 2011. However, it is alleged that the NTC made little progress due to lack of cooperation from the Armed Forces. It is further alleged that the NTC recommendation to establish a permanent body with the task of following up on its actions and recommendations, including the continuation of activities aimed at locating, identifying and handing over to the families the remains of disappeared persons (limiting the interpretation of the notion to that of persons “disappeared for political reasons), have not been implemented to date.

Enforced disappearances in democracy

9. According to information received, in 1990, 11 young residents of the Acari *favela* in Rio de Janeiro, including minors, were forcibly disappeared by the military police in what become known, at least publicly, as the first case of enforced disappearance reported during democracy. Their fate and whereabouts remain unknown to date and the families’ quest for truth, justice and reparation has gone unanswered. Further to this, two relatives of the disappeared persons, including a leading figure of the so-called “Acari Mothers” group – established to fight against institutional violence – were summarily executed on 15 May 1993, allegedly by police officers involved in the Acari enforced disappearances.⁵

10. According to information received, currently, enforced disappearances continue being perpetrated mostly under the justification of “war on crime” and “war on drug” targeting disproportionately Afro-Brazilians from impoverished communities in the *favelas*. One

² See: *Direito à verdade e à memória: Comissão Especial sobre Mortos e Desaparecidos Políticos / Comissão Especial sobre Mortos e Desaparecidos Políticos* Brasília:

Secretaria Especial dos Direitos Humanos, 2007, ISBN 978-85-60877-00-3, available here:

http://www.dhnet.org.br/dados/livros/a_pdf/livro_memoria1_direito_verdade.pdf.

³ Secretaria Especial de Políticas de Promoção da Igualdade Racial, *Direito à Memória e à Verdade: aos descendentes de homens e mulheres que cruzaram o oceano a bordo de navios negreiros e foram mortos na luta contra o regime militar*, 2009, available: <https://siac.fpabramo.org.br/searchAcao/40>.

⁴ Please note that the Working Group addressed your Excellency’s Government with the reference to SCPDD in its 2019 General Allegation.

⁵ CIDH, Relatório N° 100/21, Caso 13.691. Admissibilidade e Mérito Cristiane Leite de Souza e outros. Brasil. 20 de maio de 2021.

example is that of Mr. Amarildo de Souza who was forcibly disappeared, in July 2013, after having been taken for investigation by the Rio de Janeiro military police from the *Rocinha favela*, in the context of the so-called “Operation Armada Peace” aimed to combat drug trafficking. His family is yet to learn the truth about his fate and whereabouts and to be awarded any form of reparation, and those who were initially convicted for the crime continue working for the Rio de Janeiro military police.

11. According to the Brazilian Public Security Forum, between 2017 and 2019, an average of 183 persons have gone missing per day in Brazil, of which 62.8% are male and 54.3% black.⁶ It is further reported that, between 2003 and 2021, 1.2 million people were registered as missing in the State of Rio de Janeiro alone, of which 64% were male and 70% black. It is however not possible to disaggregate the missing from those who were forcibly disappeared. This is mainly due to the lack of full implementation and operationalization of Law No. 13.812/2019, which establishes the National Policy for the Search for Missing Persons and the National Registry of Missing Persons, entrusted upon the responsibility for the registration and search of the missing, including those forcibly disappeared.

12. The Working Group has also been informed that many of the obstacles concerning enforced disappearance stem from the fact that Brazil is yet to criminalize enforced disappearance as an autonomous crime. The process of adoption of legislation for domestic criminalization of enforced disappearance started in 2011 and is yet to be concluded. It currently awaits placement in the agenda of the Legislative House.

13. The Working Group would like to bring to the attention of the Government of Brazil articles 2, 3, 4, 10 (3), 13, 17, 18, and 19 of the Declaration, which are directly related to the present allegations.

14. Moreover, the Working Group would like to bring to the attention of your Excellency’s Government the thematic study on reparations and enforced disappearances, in particular the obligation to provide redress which includes the guarantees of non-repetition and satisfaction as well as the standards and public policies for an effective investigation of enforced disappearances, in particular the State obligation to investigate enforced disappearances. The Working Group would like to further call your attention to the study on enforced or involuntary disappearance and economic, social and cultural rights; study on best practices on enforced disappearances in domestic criminal legislation; general comment on the right to truth in relation to enforced disappearance and Guiding principles for the search of the disappeared.

15. The Working Group would be grateful for the cooperation and any information that Your Excellency’s Government can provide on the following questions:

(a) Please provide additional information or comments regarding the allegations mentioned herein.

(b) Please provide information on the efforts made by your Excellency’s Government to ensure the rights to memory, truth, justice, reparation and guarantees of non-recurrence for the enforced disappearances began during the dictatorship. In particular on the efforts made:

(i) to ensure that the 1979 amnesty law is not applied by the judiciary to hinder the access to justice and accountability. Please also provide information on the status of actions 153 and 320 pending before the Federal Supreme Court.

(ii) to address the deficiencies of law 9140/95, in particular the restrictive definition of victims of enforced disappearance enshrined therein. Please also provide information on the implementation of the rights to memory, truth, justice and reparation to all victims of enforced disappearances during the dictatorship, regardless of their political affiliation. Please provide any information on the reform of the school curricula to ensure that the narrative of the events is inclusive and recognizes the

⁶ See: FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA. *Mapa dos desaparecidos no Brasil*. São Paulo: Fórum Brasileiro de Segurança Pública, May 2023, available at: <https://forumseguranca.org.br/wp-content/uploads/2023/05/mapa-dos-desaparecidos-relatorio.pdf>.

contributions and the struggles of historically disadvantaged groups in the fight against dictatorship.

(iii) to ensure the reinstatement of the SCPDD and to ensure that it fully complies with its mandate, as well as the measure taken to ensure the right to participation of the victims in the process.

(iv) to implement the recommendations by National Truth Commission, namely the establishment of a permanent task force with the view of addressing the human rights violations, including enforced disappearances, committed during the dictatorship.

(c) Please provide information on the measures taken to ensure the rights to truth, justice, memory and reparation for the victims of enforced disappearance in the *Acari favela*. Please provide information on the measures taken to criminally prosecute those responsible for the enforced disappearances and arbitrary executions concerned.

(d) Please provide any information on measures taken to protect vulnerable and historically disadvantaged groups, such as Afro-Brazilians from going missing or being forcibly disappeared. Please provide information to the measures taken to ensure compliance with the rights to truth, justice, reparation to Mr. Amarildo de Souza's family.

(e) Please provide information on the efforts made to implement and operationalize Law 13.812/2019. In particular:

(f) Whether clear parameters were established for the production of data and public information on the phenomenon of enforced disappearance and on the existence of disaggregated data by sex, age, nationality, place of origin and racial or ethnic origin.

(g) Please also provide any information available on the State authorities responsible for the implementation of Law 13.812 and the existing cooperation mechanisms amongst the different State institutions;

(h) On the accessibility of the mechanisms to the general population and the ways in which cases are presented before the concerned authorities and the remedies provided in case of denial to file a claim.

(i) Please provide any updates on the domestic efforts to criminalize enforced disappearance as an autonomous crime, including any prospect for the Legislative House to include in its agenda the discussion on the draft law on the criminalization of enforced disappearance.

16. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Government will be uploaded.

China

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 ('the Declaration') in the People's Republic of China. In particular, certain forms of deprivation of liberty under the national criminal system seem to have the constitutive elements of an enforced disappearance.

1. Sources reported the ongoing use of the 'Residential Surveillance at a Designated Location' ('RSDL') and the *Liuzhi* detention, to deprive persons of their liberty in conditions of prolonged incommunicado detention in conditions tantamount to an enforced disappearance. The Working Group has received renewed concerns and in view of this stresses its calls previously addressed to your Excellency's Government in a General

Allegation,⁷ as well as in other Special Procedures communications,⁸ to review the conditions of:

(a) The RSDL, which came into effect in 2013 in the revised Criminal Procedure Law, providing the legal grounds for the holding of persons in custody for up to six months without disclosure of their whereabouts or access to lawyers and/or persons with legitimate interest. According to the information received, RSDL detention is being used in particular to curtail civil liberties by targeting human rights defenders, lawyers, civil society and political activist.

(b) The *Liuzhi* detention, which has been in operation since 2018 as a disciplinary measure within the Chinese Communist Party's (CCP) structures and is used to specifically punish any public servant or member of the CCP who are alleged to 'violate duties' or commit 'economic crimes', and against those working within academia, State-owned enterprises, State media, local contractors, or anyone related to any of the above.

2. The Working Group was informed that persons deprived of their liberty under the RSLD and *Liuzhi* systems are held in unofficial facilities, chosen at the discretion of the police or national security officers. In addition, detainees are kept isolated in solitary confinement and incommunicado detention for prolonged periods, where they face a heightened risk of ill-treatment. According to the information received, authorities do not disclose the whereabouts of the detainees and therefore persons with a legitimate interest, i.e., family members or lawyers of those detained are not granted information on their loved ones' fate, whereabouts and state of health. Furthermore, according to the information received, the detainees' rights to access legal counsel of choice or options to appeal the measure are withheld. Such conditions of detention place individuals outside the protection of the law, which is an inherent consequence of an enforced disappearance.

3. Official data disclosed by your Excellency's Government acknowledge the use of RSDL in some 23,700 instances. However, information the Working Group has received estimate that for the period 2013 to 2021, the figure is closer to 85,000. There is also an alleged progressive increase in the use of the two detention systems since their introduction - according to current estimations at least 104,492 people have been subjected to deprivation of liberty under the RSLD and *Liuzhi* systems (47,291 into RSDL and 57,201 into *Liuzhi*).

4. Since 2017, the Working Group has consistently continued to receive and raise with your Excellency's Government the alarming information about the prolonged incommunicado detention in "Vocational Education and Training Centres" (VETC), camps and facilities in the Xinjiang Uyghur Autonomous Region ('XUAR', or Uyghur Region), of Uyghurs and Turkic Muslims.⁹ Sources reported that referrals to these facilities, whether for criminal or administrative reasons, occur without proper due process. Moreover, the sentencing lacks transparency, and detainees are held for an indeterminate period. According to information received, detainees in XUAR face a heightened risk of being subjected to forced labour, torture and other ill-treatment. The Working Group is seriously concerned that the detention regime in VETC facilities has no basis in international law and, particularly, in the Declaration.

5. The Working Group has also registered the concerns from reliable sources regarding an alarmingly high number of extraterritorial abductions and transnational transfers (involving arbitrary deprivations of liberty and renditions) from the Mekong region and neighbouring countries of persons who end up in secret detention or other forms of deprivation of liberty. Moreover, information shared with the Working Group demonstrates a systemic pattern pursuant to which such practices are designed to pressure and to control dissenting groups seeking protection abroad, including people belonging to ethnic and religious minorities, political dissidents, human rights defenders, journalists, refugees, and asylum seekers.

⁷ See 115th Session [General Allegation](#) (2018); 119th Session [General Allegation](#) (2019).

⁸ See [OL CHN 15/2018](#), [UA CHN 3/2017](#).

⁹ See [A/HRC/39/46](#), para 88; [A/HRC/42/40](#), para 69; [A/HRC/45/13](#), para 46; [A/HRC/48/57](#), para 71; [A/HRC/51/31](#), para 48; [A/HRC/54/22](#), para 68.

6. The Working Group was informed that individuals whose family members allegedly are or were forcibly disappeared by Chinese authorities and believed to be detained in the XUAR have no effective remedy at their disposal to establish the fate and whereabouts of their loved ones. They reportedly rarely receive official confirmation regarding their family member's status, and efforts to gather information have been largely unsuccessful. Very few detainees are allowed contact with the outside world, and even nominally 'free' Uyghurs living in XUAR have been effectively forbidden to speak with their family or friends abroad. Pursuant to the information received by the Working Group, Uyghurs, both in the country and overseas, are consistently deprived of their right to free speech, as well as their freedom to seek, receive and impart information and their right to know the truth about the fate and whereabouts of their loved ones.

7. The Working Group would like to bring to the Government's attention articles 2, 3, 8, 9, 10 to 13 and 19 of the Declaration, which are directly related to the present allegations.

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

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

(b) Please provide information on the measures implemented by your Excellency's Government to safeguard the civil and political rights of ethnic minorities, human rights defenders, and political activists. Please elucidate how these efforts align with international human rights law and ensure the respectful treatment of these individuals.

(c) Please provide information on how your Excellency's Government ensures that families can realise their right to know the truth about the fate and whereabouts of their family members who are deprived of their liberty pursuant to Article 10 of the Declaration and what steps your Excellency's Government is putting in place to ensure that information about the fate and whereabouts of persons deprived of their liberty and access to their loved ones, as well as to a legal counsel of choice are guaranteed.

(d) Please illustrate the applicable procedures for the arrest, deportation and deprivation of liberty of nationals residing in third countries and how your Excellency's Government ensures they are compatible with international legal obligations. In particular, provide information on the protective measures put in place when deportation and return processes concern human rights defenders, political activists, ethnic minorities, and refugees who seek asylum in neighbouring countries.

(e) Please provide information on how your Excellency's Government ensures that the family members of individuals living overseas have the right to communicate with their relatives who are deprived of liberty without fear of threats and reprisals.

9. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Excellency's Government will be uploaded.

Iraq

The Working Group received information from the sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, 'the Declaration') in Iraq.

1. The Working Group received allegations concerning the draft law on missing persons (hereafter, 'the draft law') shared by the Office of the Iraqi Prime Minister to the Iraqi House of Representatives in 2023. According to the information received, the draft law fails to codify enforced disappearances as an autonomous crime, which is the responsibility of Iraq under the International Convention for the Protection of All Persons from Enforced Disappearances (hereafter, 'the Convention'), ratified by Iraq in 2010.

2. Sources informed the Working Group that the draft law defines missing persons as someone who went missing, with whom contact is lost, and whose fate is unknown. Thus, the draft law does not implement the definition of enforced disappearances as provided in the Declaration and in Article 2 of the Convention. The Committee on Enforced Disappearances (hereafter, ‘the Committee’) has already previously recommended the Iraqi authorities to incorporate the offense of enforced disappearances into domestic criminal legislation as an autonomous offence (CED/C/IRQ/OAI/1).

3. According to the unofficial translation of the draft law provided to the Working Group, the aims of the draft law mentioned in Article 4 are of a purely humanitarian nature, i.e. to: (1) reduce the number of missing persons, (2) provide assistance for missing persons, (3) facilitate procedures establishing the truth of missing persons, (4) simplify the procedures of receiving reports and disclosing information, and (5) enhance awareness, assisting families in submitting reports, as well as setting up mechanisms to provide redress. While the Working Group supports such efforts, in case the persons went missing as the result of an enforced disappearance, State authorities are also under obligations to prevent these violations, conduct an investigation, prosecute perpetrators, and provide reparation to victims.

4. The draft law foresees the establishment of a Supreme National Commission on Missing Persons (hereafter, ‘the Commission’). However, there are several shortcomings in the design of the Commission, including:

- (a) its independence and confidentiality are not sufficiently secured, which is of crucial importance to protect victims and the information provided by them,
- (b) it does not have investigative powers,
- (c) it is unclear how the Commission will interact with law enforcement, other Government and international agencies, and the judiciary,
- (d) participation of victims in the Commission’s work and procedures is not secured.

5. Sources have informed the Working Group that the draft law has not been adopted yet, but there is confusion around its status, even within the House of Representatives. This affects the families of missing and forcibly disappeared persons negatively, as they do not know what to expect. Importantly, families should be included in the design of the law, as well as in its implementation, so that their needs can be addressed.

6. As such, the draft law as reported to the Working Group by sources is in blatant contradiction with the recommendations received by Iraq from the, which conducted a visit to Iraq in November 2022 (CED/C/IRQ/VR/1). Among the priority recommendations were establishing and implementing the basis for effective searches and investigations (paras. 3–22) and measures to eradicate impunity (paras. 23–36).

7. The Working Group is further concerned by statements of governmental officials in the process. According to information received, in August 2023, the Human Rights Advisor to the Prime Minister announced at the Dialogue Forum on Disappearances in the House of Representatives that there was not a single case of enforced disappearance in the country. However, there are currently 16,428¹⁰ unresolved cases concerning Iraqi authorities that the Working Group is dealing with under its humanitarian mandate, as well as 575¹¹ unresolved cases by the Committee. This is only the number of disappearances that were brought to the attention of the Working Group and the Committee – the actual number of enforced disappearances is most likely much higher.

8. The Working Group would like to bring to the Government’s attention articles 3, 4, 5, 13, 16 and 19 of the Declaration, which are directly related to the present allegation.

9. Moreover, the Working Group would like to bring to the attention of your Excellency’s Government the Guiding Principles for the Search for Disappeared Persons and, in particular, in Principle 5 (the search should respect the right to participation), Principle 13

¹⁰ See A/HRC/54/22.

¹¹ See A/78/56.

(the search and the criminal investigation should be interrelated) and Principle 15 (the search should be independent and impartial).

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

(a) Please provide any additional information, any comment you may have on the above-mentioned allegations, as well as information on the official status of the draft law.

(b) Please provide information on any legislative initiative or practical measures that would lead to investigations and to prosecution of perpetrators of enforced disappearances.

(c) Please provide information on steps taken to ensure the families right to participation, as well as the involvement of victims' associations in the process of drafting laws and procedures addressing missing persons and enforced disappearances, including in the draft law.

(d) Please provide information on initiatives leading to providing redress and compensation to victims of enforced disappearance.

(e) Please provide information on how the authorities plan to incorporate the autonomous crime of enforced disappearance into domestic law.

11. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Government will be uploaded.

Libya

The Working Group received information from the sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, 'the Declaration') in Libya.

1. The Working Group received alarming allegations related to the arbitrary deprivation of liberty and enforced disappearance of migrants, refugees and asylum-seekers in Libya, including women, children (often unaccompanied), and disabled persons. The information gathered suggests that the mentioned violations take place either in clandestine detention centres, or in official detention centres in Libya managed by the Libyan Directorate to Combat Illegal Migration, including the centres of Abu Salim and Ain Zara. In both cases, persons deprived of their liberty are reportedly subjected to abuses and torture and placed outside the protection of the law, while there do not seem to be effective remedies to ensure that perpetrators are held accountable and that victims obtain redress.

2. According to the information received by the Working Group, migrants, refugees and asylum-seekers arrested in urban settings or intercepted at sea in their attempts to leave Libya, are deprived of their liberty and frequently held captive for months in clandestine detention centres (including private buildings, hangars or warehouses) by militias or other armed groups, acting with the direct or indirect support of the State. The people held captive in these circumstances, which amount to secret detention, are placed outside the protection of the law and deprived of the possibility to exercise any of their fundamental rights.

3. In other cases, upon detention, migrants, asylum-seekers and refugees are brought to officially recognised detention centres managed by the Libyan Directorate to Combat Illegal Migration across Libya, five of which are located in Tripoli. Pursuant to data confirmed also by the International Organization for Migration and the United Nations High Commissioner for Refugees, around 75% of the more than 3000 people held in these facilities would be in the five detention centres located in Tripoli.

4. However, sources informed that the official registers and records of persons deprived of liberty of the said detention centres are not complete nor up-to-date and access to them would be extremely difficult. The situation is reportedly worsened by the fact that, according to the information received, upon arrest or transfer to the detention centre, detainees would

be routinely stripped of their documents and personal belongings (including mobile phones). This practice jeopardises the compilation and maintenance of accurate data on all persons deprived of their liberty and makes contact with the outside world virtually impossible. At the same time, when any person with a legitimate interest seeks to have access to information on persons held in the said detention centres, the lack of accurate registration or incomplete data further complicates the determination of their fate and whereabouts.

5. According to the information received, persons deprived of their liberty in official and unofficial detention centres are usually not enabled to communicate with, and be visited by, their families, counsel or any other person of choice, or consular authorities. With regard to official detention centres in particular, the Working Group has learned that, albeit those held there are foreigners, only a few embassies of the countries of origin are accessing the facilities to provide consular services to their nationals. In general, as it will be further detailed below, access of civil society organisations to these detentions sites is severely restricted.

6. Sources informed the Working Group that persons placed in both official and unofficial detention centres are subjected to inhumane living conditions, including chronic overcrowding, poor sanitation and lack of basic hygiene, insufficient access to healthcare, inadequate food and inconsistent access to clean water and no possibility for infection prevention measures. Reportedly, women, including pregnant and lactating, children, including unaccompanied and new-borns, are held in conditions that are especially detrimental to their physical and mental health. According to the information received, the circumstances described, the lack of contact with the outside world and the indefinite duration of their detention cause serious psychological damage to the persons concerned.

7. Moreover, the Working Group was informed that persons placed in official and unofficial detention centres are frequently subjected to abuses and gross human rights violations, including torture, forced labour and sexual violence. Reportedly, even in cases where migrants held in official or unacknowledged detention sites eventually regain their freedom, they face long-lasting consequences for the harm suffered, including post-traumatic stress disorder. According to the sources, the Government does not offer any effective remedy or programme of psychosocial support to address the described situations.

8. The Working Group learned that, in some instances, the conditions or the abuses referred to in the previous paragraph, have led to the death of persons deprived of their liberty in both official and unofficial detention centres. However, when this happened, no accurate investigations and forensic examinations were carried out to ascertain and record the circumstances and cause of death and the destination of the remains, thus hampering the right to know the truth of relatives of these persons. It is equally unclear whether authorities undertake any measures to preserve the mortal remains and to facilitate their subsequent identification and return to the countries of origin.

9. Furthermore, sources informed that civil society organisations aiming at monitoring conditions of detention and assisting persons held captive in facilities managed by the Libyan Directorate to Combat Illegal Migration experienced hindrances in their activities and are often denied access to the detention centres. The reported situation further isolates persons deprived of their liberty and exposes them to the risk of enforced disappearance.

10. The Working Group was informed that, reportedly, persons held in the said detention centres would not be enabled to bring proceedings before competent authorities to determine whether their deprivation of liberty is lawful and, when authorities decide to transfer or expel or extradite them, they would be unable to challenge in any ways such decisions, including when they may amount to a violation of the principle of *non-refoulement* and expose them to the danger of enforced disappearance.

11. Finally, according to information received by the Working Group, there are no instances of investigations on the above-mentioned circumstances and abuses, which are reportedly covered by impunity and there would not be any effective remedy available to obtain redress for the harm suffered in the detention centres concerned.

12. The Working Group would like to bring to the Government's attention articles 3, 9, 10 to 13 and 19, of the Declaration, which are directly related to the present allegations.

13. Moreover, the Working Group would like to bring to the attention of your Excellency's Government the obligations spelled out in its thematic report on enforced disappearances in the context of migration, as well as in the Guiding Principles for the Search for Disappeared Persons and, in particular, in Principles 4 and 9, which respectively establish that the search should follow a differential approach, especially when women, girls and children are concerned, and should take into account the particular vulnerability of migrants. We recall also the general comments on women affected by enforced disappearances and on children and enforced disappearances.

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

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

(b) Please provide detailed information on the measures taken to uphold the prohibition of secret detention and to carry out investigation into the allegations of the existence of clandestine detention centres where migrants, refugees and asylum-seekers are held across the country, to locate such centres and free and assist all those arbitrarily held there, and to identify the persons who set up and run these facilities, prosecute and hold them accountable.

(c) Please provide detailed information on the legal grounds for indefinitely depriving the liberty of migrants, asylum-seekers and refugees and holding them in facilities managed by the Libyan Directorate to Combat Illegal Migration without access to due process rights.

(d) Please provide detailed information on whether official up-to-date registers of all persons deprived of their liberty in detention centres managed by the Libyan Directorate to Combat Illegal Migration are maintained and, on the measures, taken to ensure that relatives of persons deprived of their liberty, their counsel or any other person having legitimate interest have access to the information contained in such registers.

15. Please provide information on the measures adopted to ensure that any person deprived of liberty held in facilities managed by the Libyan Directorate to Combat Illegal Migration is authorised to communicate with, and be visited by, his or her family, counsel or any other person of choice, including consular authorities.

16. Please provide detailed information on the measures adopted to ensure that those held in facilities managed by the Libyan Directorate to Combat Illegal Migration live in humane conditions and have access to medical assistance and care, food and clean water. Moreover, kindly inform on the measures taken to ensure that they are not subjected to abuses and gross human rights violations, including torture, sexual violence and forced labour and that allegations in this regard are subjected to prompt, independent, impartial, thorough and effective investigations and those responsible are prosecuted and sanctioned.

17. Please provide detailed information on the measures taken when a person held in one of the detention facilities managed by the Libyan Directorate to Combat Illegal Migration dies to determine and register the circumstances and cause of death, and the mark of the place where the mortal remains are buried.

18. Please provide detailed information on the measures adopted to ensure that civil society organisations aiming at assisting persons deprived of their liberty in facilities managed by the Libyan Directorate to Combat Illegal Migration are regularly granted access to the detention centres and that their activities are not subjected to arbitrary or unlawful interferences and restrictions.

19. Please provide detailed information on the measures adopted to ensure that persons deprived of their liberty in facilities managed by the Libyan Directorate to Combat Illegal Migration are entitled to take proceedings without delay before a court to determine the lawfulness of their deprivation of liberty and to challenge decisions of transfer, expulsion or extradition that may expose them to the danger of enforced disappearance, in contravention of the principle of *non-refoulement*.

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

21. Please provide information on the measures taken to guarantee that any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to, or participates in, an enforced disappearance, is held criminally responsible.

22. Please provide detailed information on the measures taken to cooperate with other States, including the States of origin, transit or destination of migrants, refugees and asylum-seekers, in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and respecting and returning their remains. In particular, kindly provide information on the measures taken to ensure that foreigner persons deprived of their liberty in Libya are allowed to communicate with their consular authorities.

23. Please provide information on the measures taken to search and find disappeared persons – in particular migrants, refugees and asylum-seekers – in line with the Guiding Principles for the Search for Disappeared Persons.

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

25. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Government will be uploaded.

United States of America

The Working Group received information from sources concerning obstacles encountered in the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance (hereafter, 'the Declaration') in the United States of America.

1. The Working Group received alarming allegations related to enforced disappearance of migrants, refugees, and asylum-seekers, including women, pregnant women and children, and disabled persons seeking protection in the United States of America. The information gathered suggests that Customs and Border Protection (CBP), the U.S. Coast Guard, and other State agents have deprived migrants, refugees, and asylum-seekers of their liberty, subjecting them in *incommunicado* detention for days, placing them outside of the protection of the law and depriving them of fundamental rights, without ensuring that families, legal representatives or others persons with a legitimate interest have access to information about their fate or whereabouts. Notably, a deprivation of liberty followed by a refusal to acknowledge it or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment, amounts to enforced disappearance.

Allegations of Enforced Disappearance by Customs and Border Protection

2. According to sources, in April 2023, the United States Government implemented new policies to facilitate the expedited removal of individuals detained by CBP agents. Under these new policies, immigration officials begun to conduct screenings of asylum-seekers in CBP custody, known as 'credible fear interviews' (hereafter, CFIs). The purpose of the CFIs is to determine if the asylum-seeker has a credible fear of returning to their country of origin.

3. The Working Group received information that CBP has no system for family members or legal representatives to locate or identify individuals held in custody by CBP. Additionally, CBP does not permit visits by legal representatives or family visits to detention centers. The absence of a system, according to sources, makes contact with the outside world virtually impossible, prevents persons with a legitimate interest from accessing information about migrants, refugees, and asylum-seekers in detention, and further impedes the determination of their fate and whereabouts.

4. At the same time, according to the information submitted to the Working Group, individuals held *incommunicado* must frequently persuade officials that they have a viable asylum claim, often without the assistance of an attorney or family members. Pursuant to the new policies, asylum-seekers must demonstrate a “significant possibility” that their asylum claim will be successful before an immigration judge to avoid immediate deportation while in CBP custody. Deportation may expose them to the risk of enforced disappearance in their country of origin.

5. Furthermore, the Working Group was informed that, in accordance with CBP policy, individuals “should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities.”¹² However, in one instance brought to the attention of the Working Group, CBP held two Cuban asylum-seekers *incommunicado* for nearly ten days, although they had signed representation agreements, and their attorneys made multiple requests for information about their clients’ whereabouts and asked to meet with them. Counsels only learned their clients’ location after their clients were deported and called the attorneys from Mexico, where they could face the risk of enforced disappearance.

6. Special concerns are related to children’s situation. The Working Group was informed that CBP officials routinely separate families without providing separated family members with a way to contact or communicate with each other. One group offering legal services documented over 1,000 incidents of family separation while in CBP detention in California during a three-month period in 2023. Sources described several examples of family separation, where young children are separated from their parents. One example provided by sources to the Working Group involves an 11-year-old Colombian boy who was separated from his parents in 2022 and processed as an unaccompanied minor. In each of the examples provided, separated family members were unable to contact or obtain information about their loved one’s fate or whereabouts for days or weeks. This Working Group has underscored the torture and the emotional and psychological distress that uncertainty about the fate of a loved one generates for the family members of forcibly disappeared persons, especially when children are involved.¹³

7. Another example provided by sources to the Working Group involves an 18-year-old Venezuelan teenager with autism who was separated from his parents and three-month-old baby sister by Border Patrol in September 2023, despite his mother’s pleas to keep them together and documentation of his disability. She was told: “it doesn’t matter that he has autism, he is eighteen.” Two days later, the parents and the baby were released and were denied information on the whereabouts of their older son. Two additional days later, the parents received a phone call from their son, who informed them that he had been returned to Reynosa, Mexico, the city they had fled after their relatives had been kidnapped.

8. According to the information received, detainees are subjected to inhumane and degrading conditions causing considerable physical and psychological suffering. The sources described the death of a young girl in CBP custody after she was denied medical care and asylum-seekers abandoning their claims due to the detention conditions. The submission also referred to reports by human rights organizations that document the detention of men, women, and children, including infants, in frigid holding cells and 160 cases of misconduct and abuse of asylum applicants by CBP agents and other immigration officials.

¹² U.S. Customs and Border Protection, National Standard on Transport, Escort, Detention and Search, 14 (2015) <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

¹³ See A/HRC/45/13/Add.3, para. 60; A/HRC/30/38/Add.5, paras. 23-32.

Allegations of Enforced Disappearance by U.S. Coast Guard and Military

9. This Working Group also received allegations of “so called” short-term enforced disappearances committed by the U.S. Coast Guard or U.S. military. According to the information received, the U.S. military conducts maritime interception operations and detains migrants, refugees, and asylum-seekers on military ships and at an offshore detention center. The U.S. Coast Guard intercepts individuals attempting to migrate to the United States by sea. According to the submission received by the Working Group, in fiscal year 2022, the U.S. military and Coast Guard intercepted more than 12,000 Haitians and Cubans in this manner. According to the sources, agencies that intercept vessels have no system for family members or legal representatives to locate or identify persons deprived of their liberty and the detainees are not provided the opportunity to contact family or legal counsel. Under the Declaration, the definition of enforced disappearance includes situations when persons are detained, and the authorities subsequently refuse to provide information about the whereabouts of those persons or conceal their fate or whereabouts regardless of the duration of the detention.

10. The Working Group was informed that the U.S. military and Coast Guard often detain migrants, refugees, and asylum-seekers in cramped, unhealthy conditions without access to adequate food, water, or medical attention, keeping them in *incommunicado* detention for hours or days, exposing them to the risk of enforced disappearance. According to the source, the U.S. military has commonly detained hundreds of migrants on crowded flight decks for days without access to adequate sanitation, shelter, or security and with no means to communicating with relatives about their whereabouts or wellbeing.

11. In 1993, the U.S. Supreme Court held in *Sale v. Haitian Centers Council, Inc.* that Haitians intercepted on the high seas could be repatriated by U.S. officials without any determination of their refugee status or protection needs. Sources informed the Working Group that detained individuals are visually inspected to determine if they have a credible fear, and most groups are returned to their country of origin without access to legal counsel. Such decisions violate the principle of *non-refoulement* and expose them to the risk of enforced disappearance.

Allegations regarding “Remain in Mexico” and Title 42 program

12. In other cases, according to the information submitted to the Working Group, thousands of migrants have been forced to stay in Mexico under the so-called “Remain in Mexico” program and Title 42 policy.¹⁴ Sources provided the Working Groups with dozens of examples involving individuals who were returned to Mexico to stay in that country while their asylum applications were being processed in the United States, violating the principle of *non-refoulement*. These individuals were exposed to the risk of enforced disappearance and other crimes, such as torture, sexual violence and kidnaping, among others. According to the information received, some of them were detained by Mexican law enforcement agents, including immigration officials, and handed over to non-state actors who held them for ransom. Many of the cases presented by the sources concern children and pregnant women.

13. Finally, according to information received by the Working Group, there are no instances of investigations of *incommunicado* detention by U.S. authorities, which reportedly remain in impunity. Nor do the victims have access to an effective remedy available to obtain redress for the harms suffered while in detention.

¹⁴ The “Remain in Mexico” (officially called the Migrant Protection Protocols) program at the Mexico-United States border was first enacted in 2019 by the Trump administration and restarted by the Biden administration in 2021. The program requires certain asylum-seekers to wait in Mexico while their claims are adjudicated in US immigration courts. Between March 2020 and May 2023, Title 42, (a U.S. policy that prohibited the entry of non-citizens at U.S. land borders based on public health concerns, also impeded access to asylum procedures and the identification of potential international protection needs, which may be contrary to the State’s international obligations), allowed U.S. immigration officials to quickly remove migrants from the United States on the grounds of preventing the spread of COVID-19.

14. The Working Group would like to bring to the Government's articles 2, 3, 7, 8, 9 to 13 and 19 of the Declaration, which are directly related to the present allegation.

15. The prohibition of enforced disappearance has attained the status of *jus cogens*, and as provided in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances. In accordance with article 10 of the Declaration, States must ensure that accurate information on the detention of persons and their place or places of detention, including transfers, is made promptly available to their family members, their counsel or any other persons having a legitimate interest in the information.

16. Moreover, the Working Group would like to bring to the attention of your Excellency's Government the obligations spelled out in its thematic report on enforced disappearances in the context of migration, as well as in the Guiding Principles for the Search for Disappeared Persons and, in particular, in Principles 4 and 9, which respectively establish that the search should follow a differential approach, especially when women, girls and children are concerned, and should take into account the particular vulnerability of migrants. We also recall the general comments on women affected by enforced disappearances and on children and enforced disappearances.

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

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

(b) Please provide information on the measures adopted to ensure that no migrants, refugees, or asylum-seekers are held in *incommunicado* detention without the means to communicate with legal experts, family members, or any other person having a legitimate interest to have access to information on their fate and whereabouts.

(c) Please provide information on whether official, up-to-date, registers of all persons deprived of their liberty are maintained in every place of detention and the measures taken to ensure that relatives of persons deprived of their liberty, their counsel, or any other person having legitimate interest have access to the information contained in such registers.

(d) Please provide detailed information on the legal grounds for maintaining migrants, refugees, and asylum-seekers in *incommunicado* detention by CBP, the U.S. military or the U.S. Coast Guards.

(e) Please provide information on the measures adopted to ensure that any person deprived of liberty by CBP, the U.S. military, or the U.S. Coast Guard is authorized to communicate with, and be visited by, his or her family, counsel or any other person a legitimate interest, including consular authorities.

(f) Please provide detailed information on the measures adopted to ensure that those detained by CBP, the U.S. military, or the U.S. Coast Guard who are detained in inhumane conditions have access to medical assistance and care, food, and clean water. Also, please provide information on special measures taken for women, pregnant women, children, and disabled persons. Moreover, kindly inform on the measures taken to ensure that they are not subject to torture, abuses or any gross human rights violations and that allegations in this regard, are subject to prompt, independent, impartial, through and effective investigations and those responsible are prosecuted and sanctioned.

(g) Please provide detailed information on the measures adopted to ensure that civil society organisations aiming at assisting persons deprived of their liberty by CBP, the U.S. military, or the U.S. Coast Guard are regularly granted access to the detention centres and that their activities are not subjected to arbitrary or unlawful interferences and restrictions.

(h) Please provide detailed information on the measures adopted to ensure that persons deprived of their liberty in facilities managed by CBP, the U.S. military, or the U.S. Coast Guard are entitled to take proceedings without delay before a court to determine the lawfulness of their deprivation of liberty and to challenge decisions of transfer, expulsion or extradition that may expose them to the danger of enforced disappearance, in contravention of the principle of *non-refoulement*.

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

(j) In case migrants and asylum-seekers are deported or transferred without the opportunity of presenting before the U.S. authorities a complaint for the violations suffered during their detention or during their *refoulement* to their country or another country, please provide information if the United States embassies or consulates have any special mechanism for receiving these complaints from the country where the person has been deported or relocated.

(k) Please provide detailed information on the measures taken to cooperate with other States, including the States of origin, transit or destination of migrants, refugees and asylum-seekers, in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and respecting and returning their remains. In particular, kindly provide information on the measures taken to ensure that foreign persons deprived of their liberty in the United States are allowed to communicate with their consular authorities.

(l) Please provide detailed information on how the family of a refugee, an asylum-seeker or a migrant who has been detained by US authorities is able to obtain information about his or her relatives' fate and whereabouts from the country of origin or the country where it is located.

(m) Please provide information on the measures taken to search and find disappeared persons – in particular migrants, refugees and asylum-seekers – in line with the Guiding Principles for the Search for Disappeared Persons.

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

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

18. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Government will be uploaded.

Annex III

Press releases and statements

1. On 12 October 2023, the Working Group, together with other Special Procedures mechanisms, issues a press release condemning the targeted and deadly violence directed at civilians in Israel and violent and indiscriminate attacks against Palestinian civilians in Gaza and a further tightening of the unlawful blockade, which will have devastating impacts on the whole civilian population.¹
2. On 17 October 2023, the Working Group, together with other Special Procedures mechanisms, issued a press release calling on China to consider alternative solutions to forcible repatriation of North Korean escapees in line with the principle of non-refoulement guaranteed under international law.²
3. On 18 October 2023, the Working Group endorsed the statement of the Special Rapporteur on the situation of human rights defenders calling on China to release the human rights defender Guo Feixiong, whose health has been seriously deteriorating in prison.³
4. On 18 October 2023, the Working Group, together with other Special Procedures mechanisms, issued a press release urging the Government of Sri Lanka to ensure that the proposed counter-terrorism bill meets international human rights standards.⁴
5. On 19 October 2023, the Working Group issued a press release announcing its official visit to the African Union organs with judicial and human rights mandates and other regional bodies to be conducted from 21 to 26 October 2023.⁵
6. On 30 November 2023, the Working Group, together with other Special Procedures mechanisms, issued a press release concerning the alarming escalation of violence in Sudan, particularly sexual violence committed in the conflict, primarily by the Rapid Support Forces.⁶
7. On 8 December 2023, the Working Group, together with other Special Procedures mechanisms, issued a press release urging the UN member States to use all measures at their disposal and their influence to promote an immediate and permanent ceasefire in Gaza.⁷
8. On 14 December 2023, the Working Group, together with other Special Procedures mechanisms, issued a statement calling for a permanent ceasefire in Gaza to protect the rights and futures of women and girls in the occupied Palestinian territory and Israel.⁸
9. On 19 December 2023, the Working Group, together with other Special Procedures mechanisms, issued a press release emphasising the need for the international community to support civil society groups expressing international solidarity in pursuit of peace and social justice and not to conflate international solidarity with antisemitism or islamophobia.⁹
10. On 15 January 2024, the Working Group, together with other Special Procedures mechanisms, issued a press release welcoming the recent decision by Suriname's highest

¹ Israel/occupied Palestinian territory: UN experts deplore attacks on civilians, call for truce and urge international community to address root causes of violence | OHCHR.

² China must not forcibly repatriate North Korean escapees: UN experts | OHCHR.

³ China: UN expert urges release of human rights defender Guo Feixiong | OHCHR.

⁴ UN experts say Sri Lanka's counter-terrorism bill fails to heed their recommendations, status quo fundamentally unchanged | OHCHR.

⁵ UN experts on enforced disappearances to visit African Union | OHCHR.

⁶ Sudan: UN experts appalled by use of sexual violence as a tool of war | OHCHR.

⁷ UN experts urge States to unite for peace and push for ceasefire in Gaza | OHCHR.

⁸ Occupied Palestinian territory and Israel: UN experts call for permanent ceasefire to protect rights and futures of women and girls | OHCHR.

⁹ Support civil society's international solidarity efforts for peace: UN experts | OHCHR.

court upholding the 20-year prison sentence of former President Desiré Delano Bouterse for the torture and extrajudicial execution of 15 political opponents in 1982.¹⁰

11. On 19 January 2024, the Working Group, together with other Special Procedures mechanisms, issued a press release expressing grave concern that the trial in the United Arab Emirates of 84 members of civil society on spurious terrorism charges could result in the death penalty or lengthy prison sentences for acts allegedly committed in 2010-2011.¹¹

12. On 24 January 2024, the Working Group, together with other Special Procedures mechanisms, issued a press release hailing the judgment of the European Court of Human Rights holding that Greece had violated a Syrian refugee's right to life when its coastguards shot at a vessel carrying migrants and asylum seekers in 2014.¹²

13. On 31 January 2023, the Working Group with other Special Procedures mechanisms, issued a press release concerning the landmark ruling by the International Court of Justice, which they noted offers the first concrete hope to protect civilians in Gaza enduring apocalyptic humanitarian conditions, destruction, mass killings, wounding and irreparable trauma.¹³

¹⁰ Suriname: UN experts welcome landmark ruling against former President Desiré Bouterse, urge implementation | OHCHR.

¹¹ United Arab Emirates: UN experts alarmed by new charges brought against civil society in UAE87 trial | OHCHR.

¹² UN experts hail landmark ruling by European Court of Human Rights on shooting by Greek Coastguard | OHCHR.

¹³ Gaza: ICJ ruling offers hope for protection of civilians enduring apocalyptic conditions, say UN experts | OHCHR.

Annex IV

Intersessional activities of the members

1. On 11 October 2023, Ms. Neelapajit participated in an Asia-Pacific Regional Dialogue on the important role of regional human rights mechanisms in complementing the international and national human rights systems in the Asia-Pacific Region.
2. On 16 October 2023, the Chair-Rapporteur of the Working Group, Ms. Aua Baldé addressed the UN General Assembly, Third Committee, presenting the annual report and the thematic study on new technologies and enforced disappearances.
3. On 21 October 2023, the Vice-Chair of the Working Group, Ms. Gabriella Citroni conducted a training session on international standards regarding enforced disappearances to over 150 prosecutors in Peru, requested by the Peruvian authorities. The event garnered the participation and support of the Committee on Enforced Disappearances, the International Committee of the Red Cross, and of the Office of the High Commissioner for Human Rights in Peru.
4. On 22 October 2023, Ms. Baldé and Ms. Delgadillo Pérez participated in a Panel on the Situation of Enforced Disappearances and Elections in Africa, organized by the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, the Committee for the Prevention of Torture in Africa, during the 77th ordinary session of the African Commission on Human and Peoples' Rights (ACHPR).
5. On 25 October 2023, Ms. Baldé participated in a Side Event on the Addis Ababa roadmap and HR75, at the margins of the 77th ordinary session of the ACHPR.
6. On 27 October 2023, Ms. Baranowska participated in an event organized by the UN Special Rapporteur on Iran on the side-lines of his presentation at the UN General Assembly Third Committee in New York. The topic of the side event was "Seeking Accountability for the 1988 extrajudicial executions and enforced disappearances".
7. On 2 November 2023, Ms. Delgadillo Pérez participated online in a meeting with the Chilean organization Londres 38.
8. On 6 November 2023, Ms. Delgadillo Pérez participated online in a meeting with the Search Unit from Missing Persons from Colombia.
9. On 7 November 2023, Ms. Delgadillo Pérez participated in an online meeting with NGOs from Chile.
10. On 8 November 2023, Ms. Neelapajit participated in the launch of the report "In the dark", organized by the Karen Human Rights Group, an NGO working on Myanmar and based in Thailand.
11. On 11 November 2023, Ms. Baldé participated in a post-graduate seminar organized by Universidade Catolica Portuguesa (Porto), where she discussed the protection against enforced disappearances within the United Nations.
12. On 10 November 2023, Ms. Delgadillo Pérez participated in the Inter-University Week on Rule of Law and Access to Justice, co-organized by different universities from El Salvador, Guatemala and Honduras and the German Society for International Cooperation.
13. On 14 November 2023, Ms. Citroni held a courtesy meeting with the new Director of the National Search Commission of Mexico (*Comisión Nacional de Búsqueda de Personas*), to present the methods of work of the Working Group, applicable standards in cases of enforced disappearances and exchanged on the possibility of technical cooperation and assistance.
14. On 24 November 2023, Ms. Delgadillo Pérez addressed the Colombian Congress in a space organized by civil society for the International Day for the Elimination of Violence Against Women. She spoke about the challenges of mothers in the search for their loved ones, and the importance of passing the bill for the protection of the rights of searching

persons and women - Senate Bill No. 139/23 (Proyecto de Ley de Protección de los Derechos de las Mujeres Buscadoras).

15. On 24 November 2023, Ms. Baranowska organized a workshop “Lost in Care: Disappearance of Unaccompanied Migrant Minors from Care Facilities in Europe”, at the Hertie School in Berlin. Also Ms. Gabriella Citroni participated in the workshop.

16. On 27 November 2023, Ms. Neelapaijit participated in the seminar “Transnational Repression and its impacts on Thailand” where she presented standards and public policies for an effective investigation of enforced disappearances and the importance of ASEAN in this regard.

17. On 30 November 2023, Ms. Citroni participated in an event in the context of the University College of London Policy & Practice seminar series, where she talked about enforced disappearances, current and historical perspectives.

18. On 5 December 2023, Ms. Baldé participated in the commemoration of the UDHR75 organized by the Community of Portuguese Language Countries where she talked about enforced disappearances and encouraged its members to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

19. On 6 December 2023, Ms. Delgadillo Pérez participated online in a meeting with NGOs from Venezuela.

20. On 11 December 2023, Ms. Baranowska, together with Ms. Citroni, participated in the seminar “Missing Persons and Enforced Disappearances: International Institutional Responses”, organized by Università La Sapienza, in Rome, in the context of the Seminar Series “Dialoghi Romani di diritto internazionale”.

21. On 15 December 2023, Ms. Baranowska gave an online training on ‘Missing unaccompanied minors and legal obligations of states’ during the Missing Children Europe Academy organized by Missing Children Europe.

22. On 19 December 2023, Ms. Baldé participated in the workshop popularization of the African Commission on Human and Peoples’ Rights, Guidelines on the Protection of All Persons from Enforced Disappearances in Africa, organized by the ACHPR.

23. On 25 January 2024, Ms. Delgadillo Pérez participated online in a meeting with NGOs from Peru.
