



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*****126th session** (7–11 February 2022)****I. Communications**

1. Between 30 September 2021 and 11 February 2022, the Working Group transmitted 15 cases under its urgent procedure, to Azerbaijan (1), Bangladesh (1), Egypt (1), Kenya (2), Lebanon (1), Libya (1), Pakistan (6), the Russian Federation (1) and Saudi Arabia (1).
2. The Working Group also decided to transmit two cases tantamount to enforced disappearance under its urgent humanitarian procedure to the de facto authorities in Sana'a.¹
3. At its 126th session, held in Geneva from 7 to 11 February 2022, the Working Group decided to transmit 132 newly reported cases of enforced disappearance, to Algeria (23), Armenia (6), Azerbaijan (15), Bangladesh (1), China (4), the Democratic People's Republic of Korea (14), Egypt (2), Indonesia (8), Iran (Islamic Republic of) (5), Latvia (2), Pakistan (24), Sri Lanka (4) and the Syrian Arab Republic (24). One case tantamount to enforced disappearance was also transmitted to the de facto authorities in Sana'a, and another case was transmitted to the de facto authorities in Afghanistan.²
4. The Working Group clarified 24 cases, in Azerbaijan (1), Egypt (1), Lebanon (1), Nicaragua (5), Pakistan (13), Saudi Arabia (2) and Venezuela (Bolivarian Republic of) (1). A total of eight cases were clarified on the basis of information provided by Governments and 16 cases on the basis of information provided by other sources.
5. Between 30 September 2021 and 11 February 2022, the Working Group transmitted 34 communications, most of them jointly with other special procedure mechanisms. The communications consisted of five prompt intervention letters, to El Salvador (1), Guatemala (1), Mexico (2) and Sri Lanka (1); five joint urgent appeals, to India (1), the Russian Federation (1), Rwanda (1) and the Sudan (2); one allegation letter to Pakistan; 18 joint allegation letters, to Argentina (1), Bangladesh (1), China (1), Cuba (1), Egypt (2), Iran

* The annexes to the present document are reproduced as received, in the languages of submission only.

** Despite the travel restrictions imposed in connection to the coronavirus disease (COVID-19) pandemic, the Working Group met in person.

¹ The Working Group stresses that the cases addressed to the de facto authorities in Sana'a 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.

² The Working Group stresses that the cases addressed to the de facto authorities in Sana'a and to the de facto authorities in Afghanistan, respectively, 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.



(Islamic Republic of) (3), Iraq (1), Kazakhstan (1), Libya (1), Peru (1), the Philippines (1), the Russian Federation (1), Trinidad and Tobago (1) and the United Arab Emirates (1), as well as to “other actors” (the de facto authorities in Sana’a (1)); four joint “other letters”, to Ireland (1), Spain (1), Sri Lanka (1) and Uruguay (1); and one “other letter” to Pakistan.³

6. At its session, the Working Group reviewed and adopted one general allegation concerning India (see annex II). It also held discussions on its methods of work and on its upcoming and potential country visits. The Working Group also held preliminary discussions on a number of projects, including a new thematic report on new technologies and enforced disappearances and a stocktaking study to mark the thirtieth anniversary of the adoption in 1992 of the Declaration on the Protection of All Persons from Enforced Disappearance.

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

II. Other activities

8. At its session, the Working Group held virtual meetings with relatives of disappeared persons and with non-governmental organizations working on the issue.

9. Also at its session, the Working Group held meetings with representatives of the Governments of Algeria, Armenia, Azerbaijan, Bangladesh, Kenya, Iraq, Japan, Thailand, Turkey and Uruguay.

10. Also at its session, the Working Group discussed its special initiative to mark the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance.⁴ The initiative is to take stock of the progress of international law on the subject of enforced disappearances, and to identify the obstacles encountered in the implementation of the Declaration and the ways in which the Working Group could support States in overcoming them, including through technical assistance and cooperation. The Working Group is thankful for the submissions received from several Member States, as well as from relevant individuals and organizations, following its call for input. These submissions included the translation of the Declaration into several non-official United Nations languages.⁵

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

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

Afghanistan

Standard procedure

12. The Working Group announced in September 2019 that it would start documenting violations that were tantamount to enforced disappearances perpetrated by non-State actors.

³ The Working Group transmits prompt intervention letters in cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses or members of relevant organizations. Furthermore, past human rights violations can be the object of allegation letters; ongoing or potential human rights violations can be the object of urgent appeals; and concerns relating to bills, laws, policies and practices that do not comply with international human rights law and standards are categorized as “other letters”. “Other letters” are made public 48 hours after their transmission to the State. All other communications are made public 60 days after their transmission to the State, along with any responses received from the Government, and are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁴ See <https://www.ohchr.org/en/calls-for-input/calls-input/call-inputs-view-special-initiative-marking-30th-anniversary>.

⁵ See <https://owncloud.unog.ch/s/fHfDtaNLPiYgexR>.

Accordingly, at its 126th session, it transmitted to the de facto authorities in Afghanistan one case under its standard procedure concerning Alieh Azizi, who was allegedly abducted on 2 October 2021 in Herat by the de facto authorities in Afghanistan, in a territory controlled by them.

Observation

13. The Working Group is deeply concerned about allegations it received concerning multiple acts tantamount to enforced disappearance of female activists, civil society leaders and journalists who have spoken out about human rights and the rule of law in Afghanistan since the Taliban takeover. Many of these cases could not be formally treated in the absence of the consent of the relatives, who appear to be reluctant to approach the Working Group and other United Nations human rights mechanisms for fear of targeted reprisals.

14. The Working Group underlines that the de facto authorities must ensure that relatives of disappeared persons and human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats, intimidation or reprisals of any kind. The Working Group also underscores the differentiated effects of enforced disappearances on women and girls, as illustrated in general comment on women affected by enforced disappearances.⁶ In particular, the de facto authorities must acknowledge disappeared women, and recognize the particular types of harm they suffer based on their gender and the resulting psychological damage and social stigma as well as the disruption of family structures.

Algeria

Standard procedure

15. Under its standard procedure, the Working Group transmitted 23 cases to the Government (see annex I).

16. In accordance with its methods of work, a copy of one case, involving a national of Sweden, has been communicated to the Government of Sweden.

Information from sources

17. New sources provided information on 15 outstanding cases, but the information was considered insufficient to clarify them.

Observation

18. The Working Group wishes to remind the Government of its obligation to continue the search for the truth about the fate of the disappeared persons and that the granting of compensation or the issuing of death or disappearance certificates does not relieve them of this obligation. The Working Group also considers that, as such, compensation and psychosocial support cannot be made conditional on obtaining a death certificate of the disappeared person. The Working Group also invites the competent authorities to refer to principles 1 and 7 of the guiding principles for the search for disappeared persons, in which it is stressed that searches should be conducted on the presumption that the disappeared person is alive, irrespective of the circumstances of the disappearance, the date on which it occurred and the time when the search was started, and that the search for the disappeared person is a continuing obligation.

Argentina

Joint allegation letter

19. On 18 October 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the ostensible delays incurred by the

⁶ [A/HRC/WGEID/98/2](#).

Supreme Court of Justice in resolving cases of crimes against humanity and serious human rights violations, including enforced disappearances, committed during the military dictatorship.⁷

Armenia

Standard procedure

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

(a) Jalal Khankishi oglu Abdullayev, who was allegedly abducted on 28 March 1993 by members of the Armenian armed forces in the village of Charektar, Azerbaijan;

(b) Etibar Humbat Ahmadov, who was allegedly abducted in January 1994 in the Nagorno Karabakh region by members of the Armenian armed forces;

(c) Abbas Behbud oğlu Behbudov, who was allegedly abducted on 10 December 1992 by members of the Armenian armed forces in the village of Gazanchi, Zangilan district, Azerbaijan;

(d) Azad Pirgulu Jabbarov, who was allegedly abducted on 25 February 1992 by members of the Armenian armed forces during a military assault on Khojaly, Azerbaijan;

(e) Ilgar Agasalim Azayev, who was allegedly abducted in November 1991 by members of the Armenian armed forces in the Nagorno Karabakh region;

(f) Lachin Ahmad Novruzov, who was allegedly abducted in 1991 by members of the Armenian armed forces near Fuzuli, Azerbaijan.

21. In accordance with its methods of work, the Working Group transmitted a copy of the six cases to the Government of Azerbaijan.

Azerbaijan

Urgent procedure

22. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Arthur Davidyan, who was allegedly abducted on 22 August 2021 by the armed forces of Azerbaijan in the territory of Azerbaijan near the Azerbaijan-Armenia border.

Standard procedure

23. Under its standard procedure, the Working Group transmitted 15 cases to the Government, concerning the following individuals who were allegedly abducted on 21 October 2020 by the armed forces of Azerbaijan in Kovsakan, Nagorno Karabakh region:

(a) Argishti Gabrielyan;

(b) Arsen Karapetyan;

(c) Artur Aloyan;

(d) Davit Sargsyan;

(e) Garik Melkonyan;

(f) Yurik Gasparyan;

(g) Gevorgyan Hayrapet;

(h) Grigor Rostomyan;

(i) Harutyun Hakobyan;

⁷ See ARG 6/2021.

- (j) Karapet Harutyunyan;
- (k) Gevorg Karapetyan;
- (l) Karen Hovhannisyan;
- (m) Norik Arakelyan;
- (n) Samvel Piroyan;
- (o) Shavarsh Avdalyan.

24. In accordance with its methods of work, the Working Group transmitted a copy of the 15 cases to the Government of Armenia.

Clarification based on information from sources

25. On the basis of information provided by sources, the Working Group decided to clarify one case concerning Arthur Davidyan, who was released from detention (see para. 21 above).

Bangladesh

Urgent procedure

26. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Imam Mahady Hasan, who was allegedly abducted on 6 November 2021 by a group of individuals in plainclothes, presumably affiliated with the Rapid Action Battalion in Phulbaria.

Standard procedure

27. Under its standard procedure, the Working Group transmitted a case to the Government concerning Mohammed Omar Farouqe, who was allegedly arrested on 5 February 2014 by eight members of the Rapid Action Battalion and the Detective Branch of Bangladeshi police during a raid on his relative's house in Chittagong.

Application of the six-month rule

28. The Government provided information on 10 January 2022 and 5 February 2022, on the basis of which the Working Group decided to apply the six-month rule to eight cases, concerning Mohammed Mahmud Hasan, Mohammad Altaf Howlader, Mohammed Hasinur Rahman, Mohammad Siddiqur Rahman, Mohammad Abdullah al-Faruq, Mohammad Akhter Hossain, Shamim Uddin Prodhan and Mohammad Rafiqul Islam.

Information from the Government

29. On 5 February 2022, the Government also transmitted information concerning 66 additional cases, but the information was considered insufficient to clarify them.

Joint allegation letter

30. On 7 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the ongoing judicial harassment against Adilur Rahman Khan and Nasiruddin Elan, who are, respectively, the Secretary and Director of the human rights non-governmental organization Odhikar.⁸

Observation

31. The Working Group appreciates the engagement of the Government of Bangladesh, notably the information received in relation to many outstanding cases. However, the Working Group requests that the Bangladeshi authorities take decisive steps to initiate the search for disappeared persons or their remains. In this regard, the Working Group refers to

⁸ See AL BGD 6/2021.

the guiding principles for the search for disappeared persons, in particular principle 7, which outlines that the search is a continuing obligation.

32. Concerning the allegations of reprisals against relatives of disappeared persons and those acting on their behalf, the Working Group refers to article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance, which stipulates that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, must be protected against ill-treatment, intimidation or reprisal.

China

Standard procedure

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

(a) Goyon, a national of China of Tibetan ethnicity, who was allegedly arrested in the course of the last two years, in Drango County, Sichuan Province, by the Chinese authorities;

(b) Thupten Lodoe, a national of China of Tibetan ethnicity, who was allegedly arrested in the course of the last two years in Dzachuka, Sershul County, Kardze, Tibetan Autonomous Prefecture, by the Chinese authorities;

(c) Rongwo Gangkar, a national of China of Tibetan ethnicity, who was allegedly arrested in the course of the last two years, in Dowa Township in Rebkong County, Malho, Tibetan Autonomous Prefecture, by the Chinese authorities;

(d) Rongwo Gangkar Lhundup, a national of China of Tibetan ethnicity, who was allegedly arrested in the course of the last year, in Dowa Township in Rebkong County, Malho, Tibetan Autonomous Prefecture, by the Chinese authorities.

Information from the Government

34. On 11 October 2021, the Government transmitted information concerning one case, but the information was considered insufficient to clarify it.

35. In accordance with its methods of work, bearing in mind the circumstances of one specific case involving a national of Sweden, a copy has been communicated to the Governments of Sweden and Thailand.

Application of the six-month rule

36. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Tenzin Choephel.

Information from sources

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

Joint allegation letter

38. On 3 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged arrest and subsequent enforced disappearances of human rights defenders Wang Jianbing and Yang Maodong (whose pen name is Guo Feixiong), who are facing the charge of “inciting subversion of State power”, and concerning Tang Jitian, who has been reported as forcibly disappeared since 10 December 2021.⁹

⁹ See CHN 2/2022.

Colombia

Information from the Government

39. On 19 August 2020, 22 September 2021 and 4 January 2022, the Government transmitted information concerning 462 cases, but the information was considered insufficient to clarify them.

Cuba

Joint allegation letter and reply

40. On 16 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arrest and reported short-term enforced disappearance of Lorenzo Rosales Fajardo, pastor of the Monte de Sion Church in Palma Soriano, Cuba.¹⁰

41. On 1 March 2022, the Government of Cuba provided a reply to the joint allegation letter sent on 16 December 2021.¹¹

Democratic People's Republic of Korea

Standard procedure

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

(a) Go Jong-Hyun, a fisherman from the Republic of Korea, who was allegedly abducted by the Democratic People's Republic of Korea on 5 June 1968 during a fishing expedition;

(b) Yoon-Taek Kim, a national of the Republic of Korea, who was allegedly abducted by the Coast Guard of the Democratic People's Republic of Korea on 6 December 1968;

(c) Seung Ock Kim, a national of the Republic of Korea, who was allegedly abducted by the Coast Guard of the Democratic People's Republic of Korea on 21 December 1967 south of the Military Demarcation Line;

(d) Myeong-Bo Kang, a national of the Republic of Korea, who was allegedly abducted by agents of the Democratic People's Republic of Korea on 16 April 1968;

(e) Jong-Joo Park, a national of the Republic of Korea born in 1927, who was allegedly abducted by agents of the Democratic People's Republic of Korea on 15 February 1974 in the southern part of the Northern Limit Line near Baengnyeong Island in the West Sea of the Republic of Korea;

(f) Jong-Seok Choi, a national of the Republic of Korea, who was allegedly abducted by a patrol boat of the Democratic People's Republic of Korea on 15 January 1987 on the high seas near the Northern Limit Line, 28 miles northwest of Baengnyeong Island in the West Sea;

(g) Su-Young Ahn, a national of the Republic of Korea, who was allegedly abducted by agents of the Democratic People's Republic of Korea on 28 December 1972 near the southwest of Baengnyeong Island;

(h) Noh-Seok Ki, a national of the Republic of Korea, who was allegedly abducted by agents of the Democratic People's Republic of Korea on 15 February 1974, in the southern part of the Northern Limit Line near Baengnyeong Island in the West Sea of the Republic of Korea;

¹⁰ See CUB 7/2021.

¹¹ See reply to CUB 7/2021.

(i) Yoo-Seok Jung, a national of the Republic of Korea, who was allegedly abducted by agents of the Democratic People's Republic of Korea on 15 February 1974, in the southern part of the Northern Limit Line near Baengnyeong Island in the West Sea of the Republic of Korea;

(j) Seung-Un Ahn, a national of the Republic of Korea allegedly abducted by DPRK agents on 9 July 1995, in front of the main gate of an apartment complex in Yanji, Jilin Province, People's Republic of China;

(k) Hye-Yeong Kim, who was allegedly abducted in April 2009 in Tonghua, Jilin Province, China, by agents of the Democratic People's Republic of Korea who presumably acted in concert with the Chinese authorities;

(l) Gyeong Jae Kim, a national of the Democratic People's Republic of Korea, who was reportedly detained on 25 September 2008 by two unknown men and placed in detention by the Hoeryong Security Agency in North Hamgyong Province. It is believed that in approximately August 2009, Mr. Kim was transferred to a different detention facility located in Hwasong, namely Political Prison Camp No. 16;

(m) Cho Ho-pyung, an ethnic Korean man born in Japan on 16 April 1941, and assumed to have obtained nationality of the Democratic People's Republic of Korea, who was allegedly forcibly disappeared at either the Hamhung University of Medicine of the Democratic People's Republic of Korea or at his neighbouring house;

(n) Byung-tae Kim, a Japanese-Korean man born in Osaka, Japan, who was allegedly forcibly disappeared from a psychiatric hospital camp known as "Ward 49" in the Democratic People's Republic of Korea by officials of the Workers Party of Korea.

43. In accordance with the Working Group's methods of work, a copy of the relevant cases was communicated to the Governments of China, Japan and the Republic of Korea.

Ecuador

Information from the Government

44. On 13 January 2022, the Government transmitted information concerning five cases, but the information was considered insufficient to clarify them.

Egypt

Urgent procedure

45. On 23 December 2021, under its urgent procedure, the Working Group transmitted one case to the Government concerning Omar Adel Abdelfatah Mohamed Abdelsalam, who was allegedly arrested on 10 December 2021 at his home by uniformed national security and police officers and taken to an unknown location.

Standard procedure

46. Under its standard procedure, the Working Group transmitted two cases to the Government concerning:

(a) Ahmed Khalil Abdelmonem Mabrouk, who was allegedly abducted on 11 December 2018 near his house in Al-Barajeel Village, Ossim city centre, Giza Governorate, by members of the police and security forces, some in plainclothes and others in uniforms, and taken to an unknown location;

(b) Ahmed Jamal al-Din Mohamed Taher, who was allegedly arrested on 21 September 2016 near his house in Helwan area, Cairo Governorate, by unidentified men and taken to an unknown location.

Application of the six-month rule

47. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Motaz Sobaih.

Clarification based on information from the Government

48. On the basis of information previously provided by the Government of Egypt, the Working Group decided to clarify the case of Mohamed Meshrif Mohamed Hussein, who is currently in detention at Damanhour Central Prison.

Information from the Government

49. On 29 December 2021, the Government transmitted information concerning five cases, but the information was considered insufficient to clarify them.

Information from sources

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

51. In accordance with the Working Group's methods of work, a copy of two cases has been communicated to the Government of Libya.

Discontinuation

52. Sources provided information on two outstanding cases. On the basis of the information provided by sources, the Working Group decided, exceptionally, and in accordance with paragraph 28 of its methods of work, to discontinue the consideration of the two outstanding cases of Abul Futuh Tahsin Abul Futuh and Tahsin Tahsin Abul Futuh. The cases may, however, be reopened at any time.

Joint allegation letters

53. On 16 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arrest, enforced disappearance and continued detention of Reda Abdulrahman Ali Mohamed, a former teacher and member of the Quranist minority belief movement in Egypt.¹²

54. On 5 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the continued renewal of the pretrial detention of a number of journalists and human rights defenders, which in all cases exceeded the legal limit for which an individual could be held in pretrial detention under Egyptian law.¹³

El Salvador**Information from the Government**

55. On 13 September 2021, the Government transmitted information concerning eight cases, but the information was considered insufficient to clarify them.

Application of the six-month rule

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

¹² See EGY 14/2021.

¹³ See EGY 12/2021.

Information from sources

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

Prompt intervention letter and reply

58. On 26 October 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning alleged threats and harassment against Jimmy Francisco Ortiz Rodríguez, a lawyer, human rights defender and relative of two victims of enforced disappearance whose cases remain outstanding before the Working Group.¹⁴

59. On 6 January 2022, the Government provided a reply to the prompt intervention letter sent on 26 October 2021.¹⁵

Guatemala**Joint prompt intervention letter and reply**

60. On 16 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning the alleged attacks and threats against Coline Manon Christine Fanon and her brother Dino Ernesto Suchite Rodríguez and other members of their family, as well as against the *Racines Perdues* foundation.¹⁶

61. On 14 February 2022, the Government provided a reply to the prompt intervention letter sent on 16 December 2021.¹⁷

India**Joint urgent appeal**

62. On 1 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning allegations of intimidation, searches and confiscations committed during raids, conducted by national security agents, of Khurram Parvez's residence and office premises at Jammu and Kashmir Coalition of Civil Society – a human rights and civil society organization – as well as his subsequent arbitrary arrest and detention on charges related to conspiracy and terrorism.¹⁸

63. On 5 January 2022, the Government provided a reply to the joint urgent appeal sent on 1 December 2021. The Government requested that the letter remain confidential.

General allegation

64. The Working Group received information from credible sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in India, with particular reference to the state of West Bengal. According to the sources, since 2016, nearly 100 people have been forcibly disappeared by members of the Border Security Forces in the state of West Bengal, at the border with Bangladesh. In some of the cases reported, the victims' fate and whereabouts remain unknown. Allegedly, victims include men, women and minors. In their majority, they are Muslims and often pertain to the lower castes. Members of the Border Security Forces reportedly target villagers – especially if pertaining to low castes – suspected of engaging in smuggling and trafficking across the border. Allegedly, people meeting this

¹⁴ See SLV 6/2021.

¹⁵ See reply to SLV 6/2021.

¹⁶ See GTM 12/2021.

¹⁷ See reply to GTM 12/2021.

¹⁸ See IND 19/2021.

“profile” (poor, low caste and often Muslim) are often arrested, ill-treated and subjected to other human rights abuses, including enforced disappearance.

Observation

65. The Working Group wishes to thank the Government of India for the reply submitted to the urgent appeal of 1 December 2021.¹⁹ In spite of the information provided, the Working Group remains concerned at the arrest and detention of Mr. Parvez, which may be in retaliation for his legitimate activities as a human rights defender, as well as for his cooperation with the United Nations human rights mechanisms, including the Working Group. The Working Group recalls article 13 (3) and (5) of the Declaration on the Protection of All Persons from Enforced Disappearance, which states that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal, and to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

Indonesia

Standard procedure

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

(a) Dedi Hamdun, an Indonesian citizen and entrepreneur, who was allegedly abducted on 29 May 1997 at Rumah Sakit Bunda (Bunda Hospital) Jakarta;

(b) Nasser Abdun, an Indonesian citizen and college student, who was allegedly abducted on 14 May 1998 by agents who were presumably affiliated with the Indonesian military from Lippo Supermall Karawaci Tangerang, Bencong;

(c) Bima Anugerah, an Indonesian citizen and college student, who was allegedly abducted on 1 April 1998 by agents who were presumably affiliated with the Indonesian military;

(d) Hendra Hambali, an Indonesian citizen and college student, who was allegedly abducted on 14 May 1998 at the Glodok Plaza in Jakarta by officers in civilian clothes;

(e) Herman Hendrawan, an Indonesian citizen and student, who was allegedly abducted on 12 March 1998 around 12 p.m. at either the Indonesian Legal Aid Foundation Office or Cipto Mangunkusumo Hospital, in central Jakarta;

(f) Ucok Siahaan, an Indonesian citizen and student, who was allegedly abducted on 14 May 1998 by agents affiliated with the Indonesian military at the Mall Ramayana Ciputat, in Kota Tangerang Selatan, Banten;

(g) Widji Widodo, also known as Widji Thukul, an Indonesian citizen and poet, who was allegedly abducted in May 1998 by agents who were presumably affiliated with the Indonesian military;

(h) Yadin Muhidin, an Indonesian citizen and student, who was allegedly abducted on 14 May 1998 around 6.30 p.m. in Ruko Griya Inti, Jakarta, by Indonesian soldiers.

Iran (Islamic Republic of)

Standard procedure

67. Under its standard procedure, the Working Group transmitted five cases to the Government concerning:

¹⁹ See IND 19/2021.

(a) Hamidullah Arbabi, a national of the Islamic Republic of Iran and a member of the Baloch minority, who was allegedly arrested at his residence in the village of Mehban, in the Nikshahr district of the Sistan and Baluchestan province of the Islamic Republic of Iran, by agents of the intelligence department);

(b) Ali Sharifi, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, who was allegedly arrested in April 2011 following anti-government protests, in Ahwaz in the Arab-majority Khuzestan province of the Islamic Republic of Iran, by the security forces of the Islamic Republic of Iran. He was last seen on 19 June 2012 in Karun prison, before being transferred to an unknown location;

(c) Taha Heidarian, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, who was allegedly arrested in April 2011 following anti-government protests, in Ahwaz, in the Arab-majority Khuzestan province of the Islamic Republic of Iran, by the security forces of the Islamic Republic of Iran. He was last seen on 19 June 2012 in Karun prison, before being transferred to an unknown location;

(d) Abdulrahman Heidarian, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, who was allegedly arrested in April 2011 following anti-government protests, in Ahwaz, in the Arab-majority Khuzestan province of the Islamic Republic of Iran, by the security forces of the Islamic Republic of Iran. He was last seen on 19 June 2012 in Karun prison, before being transferred to an unknown location;

(e) Abbas Heidarian, a national of the Islamic Republic of Iran and a member of the Arab ethnic minority, allegedly arrested in April 2011 following anti-government protests, in Ahwaz, in the Arab-majority Khuzestan province of the Islamic Republic of Iran, by the security forces of the Islamic Republic of Iran. He was last seen on 19 June 2012 in Karun prison, before being transferred to an unknown location.

Application of the six-month rule

68. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Fouad Alboufatileh Nezhad.

Joint allegation letters and replies

69. On 30 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arrest, ill-treatment, enforced disappearance, continued detention and sentencing of student activist Leila Hosseinzadeh and the arrest and continued detention of labour rights defender Hiran Pirbodaghi.²⁰

70. On 24 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning reports of acts of torture or other cruel, inhuman and degrading treatment, which have sometimes resulted in deaths in custody and which have reportedly not been the subject of investigations in accordance to applicable international standards. Among the recently reported cases are the abuses suffered by detainees at Evin Prison, which were captured on video, and the deaths of Shahin Naseri and Amirhossein Hatami in State custody.²¹

71. On 26 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the water and environmental policies in Khuzestan province, which have led to a serious water and environmental crisis impacting life, livelihood, biodiversity and the environment. Further information was received about the violent dispersal by police and security forces of peaceful protests in Khuzestan province that were related to the water crisis; the use of lethal force against unarmed protesters, which led to the killing of at least nine individuals, including at least one child, and the injuring of a number of others; the arrest and alleged arbitrary detention of protesters, some of whom

²⁰ See IRN 35/2021.

²¹ See IRN 36/2021.

were or continue to be subjected to enforced disappearance; and disruptions to Internet access and mobile data.²²

72. On 8 March 2022, the Government provided a reply to the joint allegation letter sent on 26 January 2022.²³

73. On 9 March 2022, the Government provided a reply to the joint allegation letter sent on 24 January 2022.²⁴

Iraq

Joint allegation letter and reply

74. On 15 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning alleged extrajudicial killings, abductions and enforced disappearance.²⁵

75. On 28 January 2022, the Government provided a reply to the joint allegation letter sent on 15 November 2021.²⁶

Ireland

Joint “other letter”

76. On 5 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a joint “other letter” concerning the General Scheme of the Birth Information and Tracing Bill, the General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill and the proposed restorative recognition scheme.²⁷

77. On 9 November 2022, the Government provided a reply to the joint “other letter”.²⁸

Jordan

Information from the Government

78. On 22 December 2021, the Government transmitted information concerning two cases, but the information was considered insufficient to clarify them.

Discontinuation

79. Sources provided information on two outstanding cases. On the basis of the information provided by sources, the Working Group decided, exceptionally and in accordance with paragraph 28 its methods of work, to discontinue the consideration of the two outstanding cases of Hassan Adam Ali and Jotiar Yahia Latif al-Salihi. The cases may, however, be reopened at any time.

80. In accordance with the Working Group’s methods of work, a copy of the cases of Hassan Adam Ali and Jotiar Yahia Latif al-Salihi has been communicated to the Governments of Iraq and the Sudan, respectively.

²² See IRN 37/2021.

²³ See reply to IRN 37/2021.

²⁴ See reply to IRN 36/2021.

²⁵ See IRQ 5/2021.

²⁶ See reply to IRQ 5/2021.

²⁷ See IRL 2/2021.

²⁸ See reply to IRL 2/2021.

Kazakhstan

Joint allegation letter

81. On 18 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the excessive and lethal use of force against protesters in the context of the large demonstrations held across many cities in Kazakhstan since the beginning of January 2022, as well as the widespread arrests and detention of protesters on charges related to the fight against terrorism and the alleged enforced disappearances of trade unionists.

Kenya

Urgent procedure

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

(a) Samson Gebreigzi Teklemichael, a national of Ethiopia, who was allegedly abducted on the afternoon of 19 November 2021 at the Kileleshwa roundabout in Nairobi by three men in civilian clothing who were suspected to be officers of the Directorate of Criminal Investigation and were aided by a traffic police officer;

(b) Hassan Wilson Nandwa, a national of Kenya and advocate of the High Court of Kenya, who was allegedly abducted on 28 October 2021 near the Jamia Mosque, in the central business district in Nairobi by armed men who identified themselves as police officers.

Country visit

83. The Working Group wishes to express its deep regret that it is not possible to carry out a country visit during the first half of 2022. It nevertheless hopes to continue its close cooperation with the Government of Kenya and to assist it in preventing and tackling enforced disappearances.

Latvia

Standard procedure

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

(a) Radhwan Ahmed Hasan, a national of Iraq, who was allegedly arrested on 23 or 24 August 2021 by agents affiliated with the Latvian State Border Guard and other unidentified State security agencies in a forest a few meters away from the Latvia-Belarus border in the municipality of Krāslava, Latvia. A copy of the case was transmitted to the Government of Iraq.

(b) Kaniwar Salih Sulaiman, an Iraqi national, who was allegedly arrested on 23 or 24 August 2021, by agents affiliated with the State Border Guard of Latvia and other unidentified state security agencies, in a forest a few metres away from the border between Belarus and Latvia, in the municipality of Krāslava, Latvia. A copy of the case was transmitted to the Government of Iraq.

Lebanon

Urgent procedure

85. On 9 November 2021, under its urgent procedure, the Working Group transmitted one case to the Government concerning Arabi Ali Ibrahim, who was allegedly abducted on 20 October 2021, in Al-Nour Street, in the Al-Mankoubin neighbourhood in Tripoli, Lebanon, by national security forces.

Information from the Government

86. On 3 December 2021, the Government transmitted information concerning one case that was clarified by the source.

87. In accordance with the Working Group's methods of work, a copy of the case of Arabi Ali Ibrahim has been communicated to the Government of Denmark.

Clarification based on information from sources

88. On the basis of information provided by sources, the Working Group decided to clarify the case of Arabi Ali Ibrahim, who was reportedly released after 11 days of detention without any legal proceedings.

Libya

Urgent procedure

89. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Siraj al-Din al-Maqsabi, who was allegedly abducted on 22 November 2021 from the offices of Al-Hayat newspaper by four unknown individuals in civilian clothes and taken to an unknown location.

Information from sources

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

Joint allegation letter

91. On 12 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged lack of investigations into the killing and subsequent concealment and disappearance of the mortal remains of photojournalist Anton Lazarus Hammerl, a joint national of Austria and South Africa, on 5 April 2011, in the desert on the outskirts of Brega, in eastern Libya, which was reportedly carried out by troops loyal to Muammar al-Qadhafi.²⁹

Mexico

Joint prompt intervention letters

92. On 11 October 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning alleged attacks and threats against Paula Rojas Nieto, a member of the non-governmental organization *Colectivo Buscadoras*, an organization that brings together families of disappeared persons, located in the state of Guanajuato.³⁰

93. On 7 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning alleged acts of criminalization and persecution against persons supporting victims of enforced disappearance, in particular against human rights defender Ana Lorena Delgadillo Pérez, journalist Marcela Turati and forensic expert Mercedes Doretti.³¹

Observation

94. The Working Group notes with concern the increase, during the reporting period, in the allegations received concerning acts of harassment, threats and violence against family members and collectives searching for disappeared persons in Mexico, as well as the

²⁹ See LBY 1/2022.

³⁰ See MEX 16/2021.

³¹ See MEX 20/2021.

criminalization and persecution of activists and civil society organizations that support them. In this respect, the Working Group recalls article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance, which states that any person who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated. Article 13 also states that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

Mozambique

Information from the Government

95. On 7 February 2022, the Government of Rwanda transmitted information concerning the case of Mr. Cassien Ntamuhanga, but the information was considered insufficient to clarify his fate and whereabouts.

96. In accordance with the Working Group's methods of work, a copy of the case transmitted to Mozambique was communicated to the Government of Rwanda.

Nicaragua

Clarification based on information from sources

97. On the basis of information provided by sources, the Working Group decided to clarify five cases concerning Violeta Granera Padilla, Daisy Dávila Rivas, Dora Téllez Argüello, Ana Vijil Gurdíán and Suyen Barahona Cuan, who were reportedly in detention.

Pakistan

Urgent procedure

98. Under its urgent procedure, the Working Group transmitted six cases to the Government concerning:

(a) Mano Din, who was allegedly abducted on 21 September 2021 from a service station in Makeen, South Waziristan district, Khyber Pakhtunkhwa Province, by members of the Pakistan military;

(b) Naimat Ullah, who was allegedly abducted on 21 September 2021 from a service station in Makeen, South Waziristan district, Khyber Pakhtunkhwa Province, by the members of the Pakistan military;

(c) Ali Mar Gul, who was allegedly abducted on 27 November 2021 from his house in the Muhammad Khan Colony, in the Ittehad Town neighbourhood, Karachi, Sindh Province, Pakistan, by military rangers;

(d) Sadique Muhammad, who was allegedly abducted on 13 January 2022, from the Mian Lal Police check-post, in District Tank, Khyber Pakhtunkhwa, by military secret service agents;

(e) Shafqat Ullah, who was allegedly abducted on 8 October 2021 at the Zia Colony, Karachi, Sindh Province, Pakistan, by agents of the Pakistan military;

(f) Abdul Hafeez Muhammad Ramzan, who was allegedly abducted on 27 January 2022 from his home in Dubai by security officials of the United Arab Emirates, and deported to Pakistan on 2 February 2022. In accordance with its methods of work, the Working Group transmitted a copy of this case to the Government of the United Arab Emirates.

Standard procedure

99. Under its standard procedure, the Working Group transmitted 24 cases to the Government (see annex I).

Application of the six-month rule

100. The Government provided information on 12 outstanding cases, on the basis of which the Working Group decided to apply the six-month rule.

Information from the Government

101. On 6 January 2022, the Government transmitted information concerning 56 cases, but the information was considered insufficient to clarify the cases.

Clarification based on information provided by the Government

102. On the basis of information previously provided by the Government, the Working Group decided to clarify six cases following the expiry of the period prescribed by the six-month rule.³² The cases concern Mirza Muhammad Mehdi, Syed Faraz Alam and Noor Alam Qamar, who are reportedly deceased; Masood Siddiqui Siddiqui and Muhammad Kamran Sheikh, who are reportedly in detention; and Waqar Manzoor, who is reportedly at liberty.

Clarification based on information from sources

103. On the basis of information provided by sources, the Working Group decided to clarify the cases of Ehsan Arjemandi, Talal Ahmed, Suleman Farooq Chaudhri, Bakht Shah Zeb, Mano Din and Naimat Ullah, who were reportedly at liberty, and the case of Lalmar Khan, who had reportedly been the victim of an extrajudicial killing.

“Other letter”

104. On 13 October 2021, the Working Group transmitted an “other letter” concerning the report of the Standing Committee on Interior on the Criminal Laws (Amendment) Bill 2021, which contains a proposal for the introduction of amendments and additional clauses into the Bill, which would run contrary to the spirit and objectives of a law to criminalize enforced disappearances.³³

Allegation letter

105. On 29 November 2021, the Working Group transmitted an allegation letter concerning the Criminal Laws (Amendment) Bill 2021, codifying enforced disappearance as an autonomous crime in Pakistan, and the inclusion of clauses that run contrary to the spirit and objectives of a law to criminalize enforced disappearances.³⁴

Observation

106. The Working Group is concerned about a number of cases reviewed during the session, which were clarified based on information indicating that the victims had died while in custody, or shortly after their release as a result of ill-treatment during detention. In this sense, the Working Group reminds the Government of Pakistan of its obligations under the Declaration on the Protection of All Persons from Enforced Disappearance to, inter alia, further investigate the cases, bring the perpetrators to justice, provide adequate compensation to the family of the disappeared person and take all measures necessary to prevent similar cases from occurring in the future.

107. The Working Group also remains seized of the developments regarding the Criminal Laws (Amendment) Bill 2021. It remains concerned at the inclusion of clauses that would run contrary to the spirit and objectives of a law to criminalize enforced disappearances in

³² [A/HRC/WGEID/124/1](#), para. 77.

³³ See [PAK 11/2021](#).

³⁴ See [PAK 12/2021](#).

Pakistan, and reiterates its readiness to assist the State in its efforts to strengthen the country's legislative and institutional framework and provide technical and other assistance, in compliance with its mandate.

Peru

Joint allegation letter

108. On 8 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged acts of discrediting and incitement to violence against the memorial *El Ojo que Lloro*, as well as the stigmatization, intimidation and threats directed against persons who participated in the act of recognition of the memorial as a cultural heritage site.

Philippines

Joint allegation letter

109. On 26 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of human rights defender and peasant leader, Steve Abua.³⁵

Russian Federation

Urgent procedure

110. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Zarema Abuyazitovna Musaeva, who was allegedly abducted on 20 January 2022 from her family home by agents affiliated with the Directorate of the Ministry of Internal Affairs of Chechnya, in the Russian Federation.

Joint urgent appeal and reply

111. On 7 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning Dzmitry Padlobnikau, who is reportedly at risk of forced return from the Russian Federation to Belarus, where he is likely to be subjected to a number of human rights violations, including enforced disappearance.³⁶

112. On 25 February 2022, the Government provided a reply to the joint urgent appeal letter sent on 7 January 2022.³⁷

Joint allegation letter and reply

113. On 13 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the failure of the authorities of the Russian Federation to investigate and prosecute the torture and execution of a citizen of the Syrian Arab Republic, allegedly committed by individuals affiliated with the so-called Wagner group of mercenaries.³⁸

114. On 25 February 2022, the Government provided a reply to the joint allegation letter sent on 13 December 2021.³⁹

³⁵ See [PHL 1/2022](#).

³⁶ See [RUS 1/2022](#).

³⁷ See reply to [RUS 1/2022](#).

³⁸ See [RUS 14/2021](#).

³⁹ See reply to [RUS 14/2021](#).

Rwanda

Information from the Government

115. On 7 February 2022, the Government of Rwanda transmitted information concerning three cases, but the information was considered insufficient to clarify the cases.

116. In accordance with its methods of work, a copy of the case of Cassien Ntamuhanga was transmitted to the Government of Mozambique.

Joint urgent appeal

117. On 5 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning acts of intimidation and reprisals against Noël Zihabamwe and persons associated with him, following the démarches undertaken to search for and establish the fate and whereabouts of his brothers, Antoine Zihabamwe and Jean Nsengimana, who were forcibly disappeared.⁴⁰

Saudi Arabia

Urgent procedure

118. Under its urgent procedure, the Working Group transmitted a case to the Government concerning Al-Sadhan Abdulrahman, allegedly last seen in court on 5 October 2021 after the Special Court of Appeals confirmed his 20-year term of imprisonment, followed by a 20-year travel ban.

Application of the six-month rule

119. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to the above-mentioned case concerning Al-Sadhan Abdulrahman.

Clarification based on information from sources

120. On the basis of information provided by sources, the Working Group decided to clarify two cases concerning Abdulaziz bin Salman bin Mohammed Al Saud and Salman bin Abdulaziz bin Salman Al Saud, who are currently detained in a private villa in Riyadh.

Information from sources

121. Sources provided updated information on an outstanding case, but the information was considered insufficient to clarify it. On the basis of the information received, the Working Group decided to transfer the case from the records of Saudi Arabia to those of Jordan.

Observation

122. The Working Group wishes to recall that under article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance, any person deprived of liberty is to be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention. In addition, the fact that the Working Group declares a case clarified does not exonerate the Government concerned from its obligations under the Declaration on the Protection of All Persons from Enforced Disappearance to, *inter alia*, further investigate the case, bring the perpetrators to justice, provide adequate compensation to the family of the disappeared person and take all measures necessary to prevent similar cases from occurring in the future.

⁴⁰ See RWA 2/2021. See also [A/HRC/WGEID/125/1](#), para. 117.

Spain

Joint “other letter”

123. On 6 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” concerning a proposed law on stolen children.⁴¹

Sri Lanka

Standard procedure

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

(a) Arunthathi Jeyarasan, who was allegedly last seen in July 2009 at the Pulmoddai Hospital, in Trincomalee district, Eastern Province, and taken away by members of the Sri Lankan military services to an unknown location;

(b) Kandasamy Vigneswary, who was allegedly last seen on 17 May 2009 at Vattuvakal Bridge and taken away by the Sri Lanka military to an unknown location;

(c) Kanesu Sasiharan, who was allegedly abducted by the Liberation Tigers of Tamil Eelam rebel group on 27 March 2009 in Thevipuram (Mullaitivu district). He was last seen on 28 March 2009 by a relative at the Vadduvakal Bridge (Mullaitivu district);

(d) Pushpananth Pusparasa, who was allegedly abducted on 10 August 2007 after he left his house in Kareveddy, Jaffna district, Sri Lanka, by members of an unknown armed group. It is alleged that Mr. Pusparasa was targeted by the army and its intelligence services with the effective participation of the Eelam People’s Democratic Party.

Prompt intervention letter and reply

125. On 17 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, a joint prompt intervention letter concerning acts of harassment against Sandya Ekneligoda, who was reportedly targeted in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband, disappeared journalist Prageeth Ekneligoda, whose case is still outstanding with the Working Group.⁴²

126. On 25 January 2022, the Government provided a reply to the joint prompt intervention letter sent on 17 November 2021.⁴³

Joint “other letter” and reply

127. On 9 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” in response to the update from the Government on the action in process to review and bring the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 as amended by Act No. 10 of 1982, which was published in the Gazette Extraordinary No. 2218/68 on 12 March 2021, in line with international norms and standards within a time-bound process.⁴⁴

128. On 16 December 2021, the Government provided a reply to the joint “other letter” sent on 9 December 2021.⁴⁵

⁴¹ See [ESP 7/2021](#).

⁴² See [LKA 5/2021](#).

⁴³ See reply to [LKA 5/2021](#).

⁴⁴ See [LKA 7/2021](#).

⁴⁵ See reply to [LKA 7/2021](#).

Sudan

Joint urgent appeals and replies

129. On 7 December 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning information received concerning the continuous use of force by the security forces to suppress peaceful protests taking part in the Sudan in response to the military coup of 25 October 2021.⁴⁶

130. On 4 February 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning Amira Osman, a women's rights activist, who was arbitrarily arrested in Khartoum on 22 January 2022, and who has since been subjected to enforced disappearance, with no information on her fate or whereabouts.⁴⁷

131. On 11 March 2022, the Government provided a reply to the joint urgent appeal sent on 4 February 2022, in which it indicated the whereabouts of Ms. Osman.⁴⁸

Discontinuation

132. During its 126th session, the Working Group considered the information submitted by sources and by the Government of Jordan on 22 December 2021. On the basis of the information provided, the Working Group decided, exceptionally and in accordance with paragraph 28 of its methods of work, to discontinue the case of Hassan Adam Ali from its consideration. The case may, however, be reopened at any time.

Syrian Arab Republic

Standard procedure

133. Under its standard procedure, the Working Group transmitted 24 cases to the Government (see annex I).

Observation

134. The Working Group notes with regret the lack of cooperation on the part of the Government of the Syrian Arab Republic in relation to the outstanding cases. It continues to request information on the steps taken by the Syrian authorities to determine the fate and whereabouts of these persons. Should their death be confirmed, the Working Group reiterates its request on the steps taken to identify and return the remains to their relatives.

Thailand

Information from sources

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

Trinidad and Tobago

Joint allegation letter

136. On 19 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the interception by the Coast Guard of Trinidad and Tobago of a boat with 39 Venezuelan migrants and asylum seekers on board, and the alleged use of firearms during this operation, which resulted in the death of a 1-year-old child and the injury of his mother. Concerns were also reiterated concerning interceptions,

⁴⁶ See [SDN 6/2021](#).

⁴⁷ See [SDN 2/2022](#).

⁴⁸ See reply to [SDN 2/2022](#).

pushbacks at sea, and disappearances of Venezuelan migrants and asylum seekers travelling to Trinidad and Tobago.⁴⁹

Turkey

Application of the six-month rule

137. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to one case, concerning Gurbuz Sevilay.

Information from the Government

138. On 8 October 2021, the Government transmitted information concerning six cases, but the information was considered insufficient to clarify the cases.

United Arab Emirates

Information from the Government

139. On 16 December 2021, the Government transmitted information concerning an outstanding case, but the information was considered insufficient to clarify it.

140. In accordance with the Working Group's methods of work, a copy of the case involving a national of Pakistan, has been communicated to the Government of Pakistan.

Information from sources

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

Joint allegation letter and reply

142. On 25 January 2022, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter about the inclusion on a terrorist list of two human rights defenders, Hamad Mohammed al-Shamsi and Mohammed Saqr al-Zaabi; and academics and activists Ahmed Mohammed al-Shaiba al-Nuaimi and Saeed Nasser al-Tenaiji.⁵⁰

Uruguay

Joint "other letter"

143. On 16 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an "other letter" concerning a bill establishing the substitution of custodial sentences for a home imprisonment regime, for defendants and convicted persons over 65 years of age, which would include persons convicted of serious human rights violations and crimes against humanity.⁵¹

Venezuela (Bolivarian Republic of)

Clarification

144. On the basis of information previously provided by the Government, the Working Group decided to clarify the case of Antonio José Sequea Torres, following the expiry of the period prescribed by the six-month rule.⁵² The individual is reportedly in detention.

⁴⁹ See [TTO 1/2022](#).

⁵⁰ See [ARE 1/2022](#).

⁵¹ See [URY 2/2021](#).

⁵² [A/HRC/WGEID/124/1](#), para. 117.

Yemen

Urgent procedure

145. The Working Group announced in September 2019 that it would start documenting violations that were tantamount to enforced disappearances perpetrated by non-State actors.⁵³ Under its standard procedure, it transmitted two cases tantamount to enforced disappearance allegedly perpetrated in territory controlled by the de facto authorities in Sana'a⁵⁴ concerning:

(a) Abdulmuain Hussein Ali Azan, who was allegedly abducted from his home located in Jiraf area, Al-Thawrah district, Sana'a, by armed men belonging to the Ansar Allah security forces and taken to an unknown location.

(b) Muhammad al-Wazizah, who was allegedly abducted from his home, located in the Diplomatic Zone, Djibouti Street, Al-Hai As Syasi, At Tahrir district, Sana'a, by masked armed men belonging to the Ansar Allah security forces and taken to an unknown location.

146. Under its standard procedure, the Working Group transmitted one case to the de facto authorities in Sana'a concerning Abdul Khaleq Amran, allegedly abducted on 9 June 2015 by an armed group associated with the de facto authorities in Sana'a from a hotel in Sana'a.

Joint allegation letter

147. On 5 November 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged continued detention, physical assault and ill-treatment of four journalists currently held in a prisoner exchange facility in Sana'a.⁵⁵

⁵³ A/HRC/42/40, para. 94.

⁵⁴ The Working Group stresses that the cases addressed to the de facto authorities in Sana'a 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.

⁵⁵ See OTH 250/2021.

Annex I

Standard procedure cases

Algeria

148. The Working Group transmitted 23 cases to the Government, concerning:

(a) Tahar Moumeni, who was allegedly arrested on 6 November 1994 at 2.30 p.m. at his brother's house in Ouled Slama, Bouguera, Wilaya of Blida, by military personnel in official uniforms and taken to an unknown location;

(b) Abderrahmane Bouchiha, who was allegedly arrested on 26 February 1995 with his brother Slimane while on their way to join their sister in Reggane, Algeria;

(c) Slimane Bouchiha, who allegedly arrested on 26 February 1995 along with his brother Abderrahman while on their way to join their sister in Reggane, Algeria;

(d) El Ayachi Boumakhlof, who was allegedly arrested on 9 May 1998, at his place workplace in Draa El Haja, Wilaya of Msila, by unidentified men believed to belong to the military security services;

(e) Khaled Brahimi, who was allegedly arrested on 22 October 1996 at 2 a.m. at his home in Laghouat, Algeria, by the military security services;

(f) Omar Reffis, who was allegedly abducted on 7 July 1996, at 4 p.m., together with his brother in Ouled Ayche, Wilaya of Blida, Algeria, by three unidentified individuals;

(g) Abdelghani Mahroug, who was allegedly arrested on 22 June 1996 near his home, in Constantine, Algeria, by two plainclothes policemen;

(h) Amirouche Djama, who was allegedly arrested at his home in Clairval Rostomia, Algiers, Algeria by military personnel in official uniforms;

(i) Ahmed Reguieg, who was allegedly arrested on 15 April 1996, at 7 p.m., at his home in Oud-Rhiou, Algeria, by the military security services of the Relizane sector, accompanied by the head of the Oued Rhiou military detachment and agents of the Daïra security;

(j) Fathi Bahiz, who has allegedly disappeared after he left his home on 10 March 1996 at around 8 p.m. in Kessar El Bezaim, Laghouat, Algeria and never returned;

(k) Sadek Recioui, who was allegedly arrested on 3 March 1996 at his home in Cité Tenya El Makhazane, Wilaya of Ghardaia, Algeria, by members of the military security services;

(l) Abdelkader Mezioud, who was allegedly kidnapped while trying to flee with a friend following threats from terrorists in March 1996 in Birtouta, Algeria, by the military forces;

(m) Abdelkader Boudar, who was allegedly abducted on 16 February 1996 at around 11 p.m. after he left his home in Blida, Algeria, to make deliveries;

(n) Kamal Tadjrouni, who was allegedly arrested on 3 January 1996 at 10 a.m., in front of the Katchaoua mosque, Algiers, Algeria, by police officers who handcuffed him and took him on board of their vehicle;

(o) Abdellah Ghouli, who was allegedly arrested on 20 November 1995 in the afternoon at the taxi rank of Barbessa Telly, Wilaya of Tipaza by unidentified plain-clothes police officers;

(p) Djillali Boussaid, who was allegedly arrested on 15 November 1995 at his home in Oran, Algeria, by men wearing official police uniforms and a hooded man;

(q) Mohamed Katlane, who was allegedly arrested, together with his associate, on 27 March 1995 at 5 p.m in front of his shop, Wilaya of Relizane, Algeria, by members of armed militias;

(r) Benaissa Bouchenafa, allegedly arrested on 23 March 1995 at 12.30 p.m. at his home in Hai Takbou, Wilaya of Medea by the military police security forces;

(s) Nourredine Zitouni Terki, allegedly arrested on 8 October 1994 at 7 p.m. as he was returning home at Douane Ziane Ben Zerfa, Rouiba, Algiers, Algeria, by agents of the national police;

(t) Mokhtar Bouchoul, allegedly arrested on 25 June 1994 between 10 and 11 a.m. in the street, in Ain Boussif, Wilaya of Medea. He was reportedly taken to the Ain Boussif police station in Medea;

(u) Karim Kerrouche, allegedly abducted on 21 April 1994 after he had left his home at 8 a.m., in the Daïra de Draria Algiers, Algeria. Witnesses saw him being taken away in a Renault Express car;

(v) Sofiane Cherfi, allegedly arrested on 23 August 1994 at 9 p.m. while visiting his sister in Bechar, Algeria, by military personnel. He was reportedly transferred to Algiers.

(w) Abdelkader Kaci, allegedly arrested on 16 August 1994, at his home in the Wilaya of Relizane, Algeria, by armed security forces, some of whom were hooded and others wearing armbands.

Pakistan

149. The Working Group transmitted 24 cases to the Government, concerning:

(a) Bashir Ahmad Jamali, allegedly abducted 10 March 2020 from his retail store in Ghott Jamali, District Dadu, Sindh, Pakistan, by Pakistani military secret service agents.

(b) Ehsan Ullah, allegedly abducted on 21 November 2014 from Zia Colony, Karachi, Sindh, Pakistan, by Pakistani military secret service agents.

(c) Jan Eidar, allegedly abducted on 21 April 2015 from Shaktoi, Post Office and Tehsil Laddha, District South Waziristan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(d) Gul Rehan, allegedly abducted on 21 April 2015 from Shaktoi, Post Office and Tehsil Laddha, District South Waziristan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(e) Niaz Wali, allegedly abducted on 21 April 2015 from Shaktoi, Post Office and Tehsil Laddha, District South Waziristan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(f) Imran Khan, allegedly on 24 November 2017 from Jani Khal, Mali Khel Military check-post, District Banu, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(g) Kamal Ud Din, allegedly abducted on 23 March 2013 from Hub Chowki, Balochistan, Pakistan by Pakistani military secret service agents.

(h) Muhammad Nabi, allegedly abducted on 4 September 2021 from Par Hoti, Secondary Kuruna, District Mardan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military secret service agents.

(i) Muhammad Yasin, allegedly abducted on 10 January 2021 from Mammi Rogha Manzar Khel, Tehsil Datta Khel, District North Waziristan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(j) Rehman Sabir, allegedly abducted on 25 March 2021 from Manzar Khel Check Post of the Pakistani Army, District North Waziristan, Khyber Pakhtunkhwa, Pakistan, by Pakistani military agents.

(k) Saif Ullah Jan, allegedly abducted on 23 February 2016 at his village at Kot Kat, Tehsil Gul Imam, District Tank, Khyber Pakhtunkhwa, Pakistan, by members of the Pakistan Military Secret Services.

(l) Sharaf Jan, allegedly abducted on 7 July 2021 from the Manzai Military Fort, Tank, Khyber Pakhtunkhwa, Pakistan, by members of the Pakistan military.

(m) Naseeb Rawan, allegedly abducted on 9 May 2009 from the CP bridge Shamoza Swat checkpoint by members of a secret agency.

(n) Nisar Muhammad, allegedly abducted on 11 December 2010 near the Anti-Terrorism Court (A-T-C) Saidu Sharif Swat, by members of a secret agency.

(o) Ahsan Ullah, allegedly abducted on 21 November 2014 near the Mominabad Police Station, by members of a secret agency.

(p) Kaleem Ullah Khan, allegedly abducted on 13 June 2013 from a bus going from Mianwali to Quetta, at the Fateh Pur Layyah district, by members of a secret agency.

(q) Mr. Hassan Ayaz, allegedly abducted on 29 March 2015 at his home in Hayat Abad, Peshawar, by police officers.

(r) Rahoo Ullah, allegedly abducted on 19 February 2014 from his shop in Gasa Khawani Bazar, Peshawar, by members of a secret agency.

(s) Fatehullah, allegedly abducted on 7 January 2011 in the city of Akora Khattak by a group of officers from a secret agency.

(t) Zahid Din, allegedly abducted on 15 May 2015 from Speen Wam Fort, Tehsil Speen Wam, District North Waziristan, Khyber Pakhtunkhwa, Pakistan by a military Colonel.

(u) Hakim Khan, allegedly abducted on 6 December 2020, from Shera Talla, Post Office & Tehsil Mir Ali, Khyber Pakhtunkhwa, by Pakistani military agents.

(v) Abdul Hameed, allegedly abducted on 10 April 2021, from his apartment at Gulistan-E-Johar, District Karachi, Sindh, Pakistan, by Pakistani military agents.

(w) Noroz Khan, allegedly abducted on 8 October 2016, from his home at Gulistan-E-Johar, District Karachi, Sindh, Pakistan, by personnel of the Frontier Corps and other intelligence agencies.

(x) Kabeer Baloch, allegedly abducted on 27 March 2009, from Edhi Roundabout in front of Session Court Khuzdar, Balochistan, Pakistan, by Inter Service Intelligence officials.

Syrian Arab Republic

150. The Working Group transmitted 24 cases to the Government, concerning:

(a) Yamen Al Wakka, allegedly arrested on 15 November 2019 by Syrian security forces in Dummar neighbourhood of Damascus city;

(b) Marwan Mu'ath, allegedly arrested on 2 November 2014 by Syrian security forces in Saadallah al Jabri Square in Aleppo city;

(c) Muhammad Al Ahmad, allegedly arrested on 2 October 2014 by Syrian security forces at a checkpoint in Homs city;

(d) Hasan Al Darwish Al Khatib, allegedly arrested on 7 July 2014 by Syrian security forces at the Damascus International Airport;

(e) Yamen Ghabbash, allegedly arrested on 16 March 2014 by Syrian security forces at a checkpoint in Homs city;

(f) Muhammad Al Abrash, allegedly arrested in April 2013 by Syrian security forces at a checkpoint in Qtaifa;

- (g) Yaser Haji Ahmad, allegedly arrested on 12 December 2012 by Syrian security forces at a checkpoint in Aleppo;
- (h) Uqba Al Daher, allegedly arrested on 17 August 2012 by Syrian security forces during a raid on his home in Homs;
- (i) Osama Waqqaf, allegedly arrested on 1 January 2012 by Syrian security forces in Aleppo;
- (j) Muhammad Qarqajiya, allegedly arrested on 19 January 2013 by the Syrian Republican Guard at a checkpoint in Aleppo;
- (k) Ahmad Ajam, allegedly arrested on 1 April 2012 by Syrian security forces in Aleppo;
- (l) Anas Haidar, allegedly arrested on 15 November 2011 by Syrian security forces during a raid on his home in Damascus;
- (m) Faiz Awad, allegedly arrested on 10 October 2016 by Syrian security forces at the Ush Al-Warwar checkpoint in Zamalka;
- (n) Abu Hussein Barjas, an Iraqi national of the Yazidi ethno-religious minority, was abducted by Da'esh in 2014 in Iraq and was last seen in 2016 in Idlib province, Syria. A copy of the case was transmitted to the Government of Iraq.
- (o) A minor, an Iraqi national of the Yazidi ethno-religious minority, was abducted by Da'esh in 2014 in Iraq and was last seen in October 2017 in Al Mayadin, Deir ez-Zur province, Syria. A copy of the case was transmitted to the Government of Iraq.
- (p) A minor, an Iraqi national of the Yazidi ethno-religious minority, was abducted by Da'esh in Iraq and was last seen in 2019 in Baghuz, Syria. A copy of the case was transmitted to the Government of Iraq.
- (q) Tareq Berrou, allegedly arrested on 12 October 2012 by Syrian security forces near in Latakia;
- (r) Tammam Al Kurdi, allegedly arrested in July 2012 by Syrian security forces in al Sheer village, east of Latakia Governorate;
- (s) Belal Al Idlibi, allegedly arrested on 2 October 2011 by Syrian security forces in Damascus city;
- (t) Razan Zaitouneh, allegedly abducted on 9 December 2013 by an armed group allegedly affiliated with the Syrian security forces in Douma;
- (u) Wa'el Hamada, allegedly abducted on 9 December 2013 by an armed group allegedly affiliated with the Syrian security forces in Douma;
- (v) Nazam Hamadi, allegedly abducted on 9 December 2013 by an armed group allegedly affiliated with the Syrian security forces in Douma;
- (w) Samira Khalil, allegedly abducted on 9 December 2013 by an armed group allegedly affiliated with the Syrian security forces in Douma;
- (x) Hasan Al Hariri, allegedly arrested on 24 June 2014 by members of the Military Security Force at a checkpoint in Menket al Hatab, Daraa governorate.

Annex II

General allegation

India

1. The Working Group received information from the 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 India, with particular reference to the state of West Bengal.
2. According to the sources, since 2016, nearly 100 people have been forcibly disappeared by members of the Border Security Forces (hereafter, “BSF”) in the state of West Bengal, at the border with Bangladesh. In some of the cases reported, the victims’ fate and whereabouts remain unknown. Allegedly, victims include men, women and minors. In their majority, they are Muslims and often pertain to the lower castes.
3. Pursuant to the information received by the Working Group, the border area between India and Bangladesh is heavily populated, with large numbers of Muslims and people of lower castes. Traditional activities such as farming are currently no longer possible due to environmental degradation, including the erosion along the banks of the river Ganges, in the district of Murshidabad. This led to a worsening in the living conditions in the area and an increase in illegal activities such as cattle smuggling and human trafficking across the border.
4. The BSF is the force mandated to protect India’s borders and preventing transnational crimes, including trafficking and smuggling. In this context, they have been entrusted with both military and law enforcement functions. The BSF is under the control of the Indian Ministry of Home Affairs.
5. According to the information provided by the sources, members of the BSF target villagers – especially if pertaining to low castes – suspected of engaging in illegal smuggling and trafficking across the border. Allegedly, people meeting this “profile” (poor, low caste, and often Muslim) are often arrested, ill-treated and subjected to other human rights abuses, including enforced disappearance.
6. The sources further indicate that their quest for truth, justice and redress encounters multiple obstacles and has so far been unsuccessful. On the one hand, it is reported that often the police refuse to register complaints against the BSF. On the other hand, there seemingly is a loophole in the applicable domestic legal framework, which fails to codify enforced disappearance as an autonomous offence.
7. Moreover, pursuant to the information submitted by the sources, under section 197(1) of the Indian Criminal Procedure Code, in order to bring a lawsuit against members of the BSF prior government approval is required, making thus virtually impossible to seek and obtain justice. Allegedly, such approval is regularly denied under the argument that members of the BSF should be investigated and, where appropriate tried, under internal security forces courts. According to the information received, no member of the BSF has been prosecuted and convicted by the mentioned courts. Similarly, victims of enforced disappearance or their families have so far been unsuccessful in obtaining compensation or any other form of reparation for the harm suffered.
8. Sources held that, pursuant to Section 19 of the 1994 Protection of Human Rights Act, the National Human Rights Commission (hereafter, “NHRC”) would also be prevented from directly investigating violations allegedly committed by members of the armed forces (including the BSF). In this regard, the NHRC could only request a report from the institution or agency of which the accused person is a member.
9. The Working Group was informed that a writ petition to challenge the procedural obstacles described in the previous paragraph, that eventually would favour impunity of

members of the BSF implicated in the commission of gross human rights violations, including enforced disappearance, is pending before the Supreme Court of India since 2012.

10. The Working Group would like to bring to the Government's attention the following provisions of the Declaration, which are directly related to the present allegation:

Article 2

1. No State shall practise, permit or tolerate enforced disappearances.
2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 4

1. All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties, which shall take into account their extreme seriousness.
2. Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information, which would contribute to clarifying cases of enforced disappearance.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.
2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.
3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.
4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.
5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.
6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 16

1. Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.
2. They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.
3. No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.
4. The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

Article 18

1. Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.
2. In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.

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

- i. Please provide any additional information and comment you may have on the above-mentioned allegations.
- ii. How does your Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?
- iii. Please provide information on the applicable criminal legal framework to deal with allegations of enforced disappearance and clarify whether the latter is codified as a separate criminal offence.
- iv. How does your Government secure that persons alleged to have committed an enforced disappearance are suspended from any official duties during the investigation of the corresponding complaint is carried out?
- v. How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that enforced disappearances are promptly, thoroughly and impartially investigated by the authority even if there has been no formal complaint and, especially, if it has been impossible to register such a complaint?
- vi. Please provide information on how does your Government ensure that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts, to the exclusion, in particular, of military courts.
- vii. How does your Government ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction?

viii. Please provide information on the current status of the petition pending before the Supreme Court of India since 2012 that challenges the constitutionality of certain provisions hindering the powers of the NHRC to directly investigate alleged violations attributed to the BSF and establishing the competence of internal security forces for these cases, or any special court, including military tribunals.

ix. How does your Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

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

Annex III

Replies to general allegations

Honduras

Respuesta al ANEXO II.

Si los hechos relatados en la presente alegación son exactos. Si no es así, ¿cuáles son los hechos reales?

1. Debido a la amplitud de los hechos presentados resulta imposible establecer con un 100% de certeza la exactitud de los hechos relatados. No obstante, se informa al grupo de trabajo, tal y como se informó al Comité contra la Desaparición Forzada en su informe de 2021 que según los registros del MP existen 139 casos de desaparecidos en las décadas de los 80s y 90s.¹ Por otro lado, en abril de 2019 se creó la Unidad de Seguimiento de Reporte de Desaparecidos de la Dirección de Investigación Policial (DPI). A 2021 esta unidad reportó la desaparición de 2,478 personas, de las cuales se localizaron 1,632 y 60 personas fallecidas. El resto –786 de personas – continúan siendo registradas como desaparecidas y se continúan investigando sus casos.²
2. En cuanto al marco legislativo del delito de desaparición forzada, el Estado en su informe al Comité contra Desapariciones Forzadas de 2021 expuso extensamente el marco normativo respecto del delito de desaparición forzada.³
3. Respecto de la investigación de la desaparición de cuatro defensores de derechos humanos de la comunidad Triunfo de la Cruz se informa al Grupo de trabajo que el MP cuenta con los expedientes No. 488-2020 y No. 1-104-2020 para la investigación de la desaparición de los defensores. Cuatro días después de la desaparición de los defensores comunitarios, el 22 de julio de 2020 se realizó un allanamiento de morada, inspección, registro, recolección y decomiso de evidencias pertinentes a la investigación. El allanamiento fue aprobado por el Juzgado de Letras con Competencia Territorial Nacional en Materia Penal en San Pedro Sula, Cortés. En el allanamiento se encontraron tres armas de fuego, una fatiga militar, unos aros de presión y se capturó a Rennie Michael Ugalde. El 23 de julio de 2020 se presentó requerimiento fiscal contra el señor Rennie Michael Ugalde el cual se encuentra registrado bajo expediente 3691-2020 en el Juzgado de Letras Seccional de Tela. Asimismo, se han solicitado pericias de lectura y comparativa de tatuajes, pericia de dactiloscopia forense y pericia de marcas y patrones según video forense.
4. Además del allanamiento se tomaron declaraciones de los familiares de las víctimas y de testigos, así como inspecciones oculares. La Fiscalía Especial de Derechos Humanos continúa buscando acercamientos con la Organización Fraternal Negra de Honduras (OFRANEH) para realizar entrevistas. Según el informe del MP se ha entrevistado al presidente interino del patronato de Triunfo de la Cruz, la apoderada legal, el coordinador de la juventud de OFRANEH y miembros del comité de seguridad de la comunidad. También se ha solicitado autorización judicial para la vinculación criminal, pericia de fotografía forense, pericia de análisis comparativo, pericia de laboratorio de balística forense y evaluación corporal. Los días 22, 23, 24 y 29 de julio de 2020 se realizaron saturaciones, patrullajes terrestres y en lancha en más de 10 barrios y colonias del municipio de Tela. En fechas 12 y 31 de agosto y 1, 2, 5 y 17 de septiembre de 2020 y 8 de febrero de 2021 se coordinaron labores de búsqueda en más de 12 barrios y colonias.

¹ HONDURAS, *Informe Periodico ante el Comité contra las Desapariciones Forzadas* 58–59.

² Id. at 38–39.

³ Id. at 8–23.

5. La falta de pronunciamiento sobre el resto de la información descrita en el anexo II no debe entenderse como una aceptación tácita de los hechos allí planteados. El Estado de Honduras continuará la búsqueda de justicia para todas las personas desaparecidas, entendiendo que la desaparición forzada es uno de los crímenes más atroces y pluriofensivos. Si el Grupo de trabajo así lo decidiera el Estado continuará informando sobre los avances en las investigaciones de los casos y el contexto en el cual se produjeron estos hechos.

2. Sírvase proporcionar información sobre las medidas tomadas por el Gobierno de su Excelencia para la búsqueda inmediata de las personas desaparecidas, así como para atender los casos históricos de desaparición forzada. Asimismo, sírvase explicar cómo se ha garantizado la participación de las familias de las personas desaparecidas en los procesos de búsqueda.

6. La Policía Nacional, a través de la Unidad de Desapariciones de la DPI, bajo la orientación técnico-jurídica de la Sección de desapariciones y delitos contra la vida del MP, coordina y articula con los operadores de justicia y otros entes, la investigación para el ejercicio de la acción penal. En las investigaciones de los casos de desapariciones de personas, se aplica el Protocolo de Actuación para Casos de Personas Desaparecidas y Extraviadas, la cual se realiza bajo la dirección técnico-jurídica de la Fiscalía de Delitos Comunes y la FEDH.

7. En el marco del Plan Estratégico del MP (2015–2020), el MP implementó en 2018 el Manual Único de Investigación Criminal con el propósito de mejorar, estandarizar y unificar las diversas prácticas, actuaciones, procesos y técnicas de investigación. Esta herramienta es de obligatorio cumplimiento para los fiscales, forenses, investigadores, policías, peritos y policías militares y dicta las directrices y buenas prácticas en 1) manejo de escena del crimen, 2) levantamiento de cadáveres, 3) secuestro de documentos, 4) recolección de pruebas, 5) indicios y evidencias, 6) cadena de custodia y garantías procesales, entre otros.

8. El Manual permite las coordinaciones con organismos policiales y autoridades internacionales, entidades de apoyo técnico científico, área de criminalística de campo, medicina forense, laboratorios de criminalística, laboratorios privados nacionales y extranjeros, universidades y laboratorios de otros organismos, entre otras. Por otra parte, la Secretaría de Seguridad (SEDS) a través de la INTERPOL Honduras y el MP suscribieron en 2016 un acuerdo para la persecución de los delitos transnacionales o con características de transnacionalidad. El acuerdo contempla el acceso a las bases de datos de INTERPOL por medio de la implementación de la solución FIND mediante la cual se puede consultar datos referentes al ADN, huellas dactilares, cuadro de referencia de INTERPOL sobre armas de fuego y la red de INTERPOL de información balística. Para acelerar el proceso de búsqueda nacional, la DPI emite alertas a nivel nacional a los jefes de investigaciones en todo el país, junto con un informe sobre el caso de la persona desaparecida.

9. Por otra parte, la Dirección General de Medicina Forense del MP – encargada de la identificación de restos no identificados, evaluación de los cuerpos y determinar las causas y maneras de muerte – se fortaleció en 2017 con cinco morgues móviles, un cuarto frío, dos clínicas forenses y tres unidades de criminalística. También se construyó un edificio Regional de Medicina Forense de San Pedro Sula, con una inversión de L. 33,57 millones procedentes de la Tasa de Seguridad Poblacional, La Dirección General de Medicina Forense también se fortaleció con la contratación de 47 especialistas, que incluye 22 médicos, dos psicólogos, seis toxicólogos, siete técnicos en radiología, cinco técnicos en registro de evidencia y cinco técnicos que fueron capacitados por la Escuela de Formación del MP “Orlan Arturo Chávez” en 2020.

10. El Comité Internacional de la Cruz Roja (CICR) ha fortalecido a la Dirección General de Medicina Forense en procesos de identificación humana. Se cuenta con 700 archivos básico-forenses de personas desaparecidas y se ha capacitado a 78 especialistas forenses en temas relacionados a las áreas de sus competencias y se capacitaron a 18 profesionales en salud mental y apoyo psicosocial. En 2020 el CICR también sensibilizó a 61 funcionarios de la Dirección General de Medicina Forense y de las Fuerzas Armadas y capacitó a 44 médicos forenses sobre la adecuada recolección y análisis de restos óseos.

11. En 2019, la Dirección General de Medicina Forense, con el apoyo del CICR, desarrolló una jornada de capacitación sobre antropología forense y buenas prácticas en la

recuperación de cadáveres enterrados. La formación fue dirigida al personal médico y técnico del área de patología forense de Tegucigalpa, San Pedro Sula, La Ceiba, Yoro y Santa Rosa de Copán. La Dirección General de Medicina Forense, la Escuela de Investigación Criminal de la DPI y la Escuela Judicial Francisco Salomón Jiménez Castro capacitaron en junio de 2019 a 16 jueces y fiscales sobre el trabajo de los laboratorios criminalísticos del Centro de Medicina Legal y Ciencias Forenses.

12. En mayo de 2021, el MP y la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH), firmaron una carta entendimiento con el objeto de establecer un marco de cooperación técnica para fortalecer las capacidades de investigación penal de los casos de violaciones a derechos humanos en el país. Además, el plan establece un plan de trabajo para el intercambio de experiencias, estudio de casos, la elaboración e implementación de protocolos, manuales y documentos, procesos de fortalecimiento del recurso humano y técnicos para la investigación criminal y la promoción del acceso a la justicia de los sectores más vulnerables.

13. Con el fin de mejorar la identificación de personas fallecidas, el MP y el Registro Nacional de las Personas (RNP) firmaron en 2016 el Convenio Interinstitucional de Cooperación para garantizar la adecuada identificación de las personas sometidas a proceso de autopsia, inspección o reconocimiento, así como la inscripción de las defunciones dentro de los plazos legales establecidos. El Convenio permite a la Dirección de Medicina Forense contar con herramientas tecnológicas que faciliten la identificación de restos a través de huellas dactilares para cumplir con la obligación que la Ley establece sobre la inscripción oportuna de las defunciones. Adicionalmente, el RNP participó en el Taller sobre Dactiloscopia Forense que tiene por objetivo favorecer los conocimientos sobre la necesidad de principios científicos en los procesos de identificación de personas fallecidas a través de las huellas digitales.

14. Respecto de la posibilidad de presentar denuncias, el Sistema Nacional de Emergencias 911 recibe denuncias vía llamadas telefónicas las 24 horas del día, las cuales son atendidas por personal capacitado y bajo protocolos de recepción de denuncias para garantizar la confidencialidad de estas y derivarlas a las autoridades o unidades correspondientes para su investigación. De igual manera, la INTERPOL ha habilitado el correo «electrónico interpol.dpi@seguridad.gob.hn para la interposición de denuncias.

15. El Código Procesal Penal garantiza a los familiares de las víctimas formas de participación dentro del proceso. La participación incluye avocarse a las oficinas del MP y dialogar con el fiscal asignado al caso, para que este le informe sobre los avances del caso. De igual forma, pueden participar en todas las etapas del proceso penal, desde la investigativa hasta la ejecución de la pena. El Código Procesal Penal también contempla el derecho de las víctimas a constituirse como acusador privado o querellante y a intervenir como tal en todo el proceso.

3. Sírvase proporcionar información sobre los mecanismos o protocolos de actuación existentes, para la pronta búsqueda e investigación de casos de desaparición forzada denunciados por las y los familiares de las víctimas.

16. Se cuenta con el Protocolo de Actuación para Casos de Personas Desaparecidas y Extraviadas y con el Manual Único de Investigación Criminal.

4. Sírvase proporcionar información sobre las medidas adoptadas por el Gobierno de Su Excelencia para asegurar que la búsqueda de personas en situación de especial vulnerabilidad y en particular de niñas, niños y adolescentes y de mujeres, se lleve a cabo con un enfoque diferencial, a través del diseño y de la implementación de acciones y planes de búsqueda que tengan en cuenta su situación específica.

17. Respecto a la búsqueda de niños, niñas y adolescentes (NNA), se creó la Unidad de Búsqueda de la DPI que implementa la Alerta Temprana Amber. El objetivo de esta plataforma es activar una alerta temprana para la búsqueda, localización y resguardo inmediato de NNA desaparecidos, raptados, sustraídos o secuestrados. El mensaje de la Alerta Amber contiene datos generales de las víctimas, como ser: nombre, edad, género, nacionalidad, último lugar de ubicación, características físicas y una fotografía para 'la

identificación, entre otros aspectos. Dicha plataforma está integrada por la DPI, la Dirección Nacional de Niñez, Adolescencia y Familia (DINAF), la Comisión Nacional de Telecomunicaciones (CONATEL), el Sistema Nacional de Emergencias 911.

18. En cuanto a la creación de una base de datos de ADN que integre muestras genéticas, actualmente se encuentra en implementación el PROGRAMA ADN PROKIDS. Mediante convenio suscrito entre la Universidad de Granada, la Dirección General de Medicina Forense del MP y la DINAF se permitirá identificar las víctimas de tráfico de personas, incluyendo las adopciones ilegales, así como, obtener información sobre los orígenes, rutas y medios de la comisión de los delitos.

19. Según registros oficiales de la DINAF, en 2021 se llevaron a cabo un total de 93 búsquedas internacionales de NNA desaparecidos, la mayoría de estos casos son de NNA que han migrado irregularmente presumiblemente hacia Estados Unidos de América y/o por sustracción de uno de sus padres u otro familiar. De 2015 a la fecha, se registran 448 casos activos de búsqueda internacional.

20. En el marco del Sistema Integral de Garantía de Derechos de la Niñez y Adolescencia en Honduras (SIGADENAH), en 2021 la DINAF ha brindado 7,200 asistencias humanitarias beneficiando a 2,679 NNA migrantes retornados al país producto de una situación de migración irregular. 1,692 son NNA migrante no acompañados y 987 son NNA migrantes acompañados.

5. Sírvase proporcionar información sobre las medidas tomadas por el Gobierno de Su Excelencia para dar cumplimiento a las sentencias emitidas por la Corte Interamericana de Derechos Humanos, en materia de desapariciones forzadas.

21. Se informa al grupo de trabajo que según la Corte Interamericana de Derechos Humanos (Corte IDH) los casos Velásquez Rodríguez y Godínez Cruz se encuentran cumplidos en su totalidad desde el IO de septiembre de 1996.⁴

22. En lo relativo al caso Juan Humberto Sánchez se informa que cuatro puntos resolutive se encuentran cumplidos y que el pago de la indemnización se encuentra en cumplimiento parcial. El registro de detenidos y las investigaciones aún se encuentran pendientes de cumplimiento. En Servellón García de los II puntos resolutive la Corte IDH ha declarado 10 como cumplidos. Únicamente se encuentra abierto el punto resolutivo relativo a la investigación.⁵

6. Sírvase proporcionar información sobre las medidas tomadas por el Gobierno de Su Excelencia para adecuar la legislación penal en materia de desaparición forzada a los estándares internacionales.

23. En cuanto al marco legislativo del delito de desaparición forzada, el Estado en su informe al Comité contra Desapariciones Forzadas de 2021 expuso extensamente el marco normativo respecto del delito de desaparición forzada.⁶

⁴ Corte Interamericana de Derechos Humanos, Casos archivados por Supervisión de Cumplimiento de Sentencia, [https://www.corteidh.or.cr/casos en supervision_por_pais_archivados.cfm](https://www.corteidh.or.cr/casos%20en%20supervision_por_pais_archivados.cfm).

⁵ Corte Interamericana de Derechos Humanos, Casos en etapa de Supervisión de Cumplimiento de Sentencia, [https://www.corteidh.or.cr/casos en supervision_por_pais.cfm](https://www.corteidh.or.cr/casos%20en%20supervision_por_pais.cfm).

⁶ HONDURAS, supra note at 8–23.

Annex IV

Press releases and statements

1. On 10 January 2022, on the occasion of the 20th anniversary of the arrival of the first detainees at Guantanamo Bay detention facility in Cuba, the Working Group, together with other special procedure mechanisms, issued a press release condemning the facility as a site of “unparalleled notoriety” and said its continued operation was a stain on the US Government’s commitment to the rule of law.¹
2. On 22 December 2021, the Working Group, together with other special procedure mechanisms, issued a press release urging the Indian authorities to stop targeting Kashmiri human rights defender Mr. Khurram Parvez.²
3. On 15 December 2021, the Working Group, together with other special procedure mechanisms, issued a press release condemning the reported conviction of leading human rights defender and minority civil society activist Mr. Idris Khattak, who was sentenced to 14 years imprisonment following an apparent unfair trial by a military court in Pakistan.³
4. On 10 December 2021, the Working Group, together with other special procedure mechanisms, issued a press release calling on Pakistan to halt the approval of an amendment to a bill criminalizing enforced disappearances that would harshly penalize families and other sources for reporting alleged cases.⁴
5. On 1 December 2021, the Working Group, together with other special procedure mechanisms, issued a press release urging the Egyptian authorities to release rights defenders in Egypt, condemning misuse of counter-terrorism measures.⁵
6. On 24 November 2021, on the occasion of the International Day for the Elimination of Violence against Women, the Working Group, together with other special procedure mechanisms, issued a press release urging members States to address all forms of violence against women and girls, to exercise due diligence and to fight pushbacks on gender equality.⁶

¹ Guantanamo Bay: “Ugly chapter of unrelenting human rights violations” – UN experts.

² UN experts urge Indian authorities to stop targeting Kashmiri human rights defender Khurram Parvez and release him immediately.

³ UN experts condemn conviction of Pakistan human rights defender and minority activist Idris Khattak.

⁴ Pakistan: Victims of enforced disappearance should not be discouraged from lodging complaints.

⁵ UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures.

⁶ International Day for the Elimination of Violence against Women – 25 November 2021: All forms of violence against women and girls must stop – experts.