



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Report on requests for urgent action submitted under article 30 of the Convention\*

#### A. Introduction

1. Pursuant to rules 57 and 58 of the Committee's rules of procedure, all requests for urgent action submitted for its consideration under article 30 of the Convention should be brought to the attention of the Committee. The present report summarizes the main issues that have been touched upon in relation to the requests for urgent action received by the Committee under article 30 of the Convention, and the Committee's recommendations that it has sent to the States parties concerned in notes on registration and follow-up with regard to those requests, since the twenty-third session.

#### B. Requests for urgent action received since the Committee's twenty-third session

2. In the report on requests for urgent action adopted at its twenty-third session,<sup>1</sup> the Committee set out the trends observed among the requests for urgent action, concerning 1,537 disappeared persons, that had been registered up to 23 September 2022. Between that date and 31 March 2023, the Committee received 42 new requests for urgent action, concerning 52 disappeared persons. Of these new requests for urgent action, the Committee decided to register 31 requests, concerning 41 disappeared persons. Of the remaining 11 requests, three requests were not registered because the Committee considered that they did not constitute cases of disappearance as defined in the Convention; four requests did not include sufficient information to establish the facts; one request was rejected pursuant to article 35 (1) of the Convention as it concerned a case of disappearance that commenced before the entry into force of the Convention; and three requests concerned cases of disappearance in States that had not ratified the Convention. In accordance with established practice, the latter four requests were forwarded to the Working Group on Enforced or Involuntary Disappearances. The 31 new registered requests concerned disappearances in Iraq, Japan and Mexico.

3. As at 31 March 2023, the Committee had registered requests for urgent action concerning 1,578 disappeared persons, as shown in the table. In 2021, the Committee registered 69 new requests for urgent action, concerning 459 persons. In 2022, the Committee registered 71 new requests for urgent action, concerning 100 persons. Also in 2022, the Committee sent 72 notes, relating to registered requests for urgent action, to follow up on the implementation of its recommendations regarding the search and investigations of the disappearance.

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\* Adopted by the Committee at its twenty-fourth session (20–31 March 2023).

<sup>1</sup> [CED/C/23/2](#).



**Disappeared persons concerned by requests for urgent action registered to 31 March 2023, by State party and by year**

<i>State party</i>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 <sup>a</sup>	Total
Argentina	-	-	-	-	-	2	-	-	1	-	-	-	3
Armenia	-	-	-	-	-	1	-	-	-	-	-	-	1
Bolivia (Plurinational State of)	-	-	-	-	-	-	-	1	-	-	-	-	1
Brazil	-	-	1	-	-	-	-	-	-	-	-	-	1
Burkina Faso	-	-	-	-	-	-	-	-	1	-	-	-	1
Cambodia	-	-	1	-	-	-	-	2	1	-	-	-	4
Colombia	-	1	1	3	4	3	9	3	2	153	-	-	179
Cuba	-	-	-	-	-	-	1	3	-	188	-	-	192
Honduras	-	-	-	-	-	-	14	-	9	2	-	-	25
Iraq	-	-	5	42	22	43	50	226	103	41	42	1	575
Japan	-	-	-	-	-	-	-	-	-	-	-	1	1
Kazakhstan	-	-	-	-	-	2	-	-	-	-	-	-	2
Lithuania	-	-	-	-	-	-	-	2	-	-	-	-	2
Mali	-	-	-	-	-	-	-	-	1	11	-	-	12
Mauritania	-	-	-	-	-	1	-	-	-	-	-	-	1
Mexico	5	4	43	166	58	31	42	10	57	60	52	16	544
Morocco	-	-	-	-	1	2	-	-	-	2	2 <sup>b</sup>	-	7
Niger	-	-	-	-	-	-	-	-	1	-	-	-	1
Oman	-	-	-	-	-	-	-	-	-	1 <sup>c</sup>	-	-	1
Paraguay	-	-	-	-	-	-	-	-	-	1	-	-	1
Peru	-	-	-	-	-	-	-	-	14	-	-	-	14
Sri Lanka	-	-	-	-	-	1	-	-	-	-	-	-	1
Slovakia	-	-	-	-	-	-	-	-	1	-	-	-	1
Sudan	-	-	-	-	-	-	-	-	-	-	1	-	1
Togo	-	-	-	-	-	-	2	-	1	-	-	-	3
Tunisia	-	-	-	-	-	-	-	1	-	-	-	-	1
Ukraine	-	-	-	-	-	-	-	-	-	-	3	-	3
<b>Total</b>	<b>5</b>	<b>5</b>	<b>51</b>	<b>211</b>	<b>85</b>	<b>86</b>	<b>118</b>	<b>248</b>	<b>192</b>	<b>459</b>	<b>100</b>	<b>18</b>	<b>1 578</b>

<sup>a</sup> To 31 March 2023.

<sup>b</sup> One of these requests was also sent to Spain.

<sup>c</sup> This request was also sent to Sri Lanka.

**C. Urgent actions that have been discontinued, closed or suspended for the protection of persons for whom interim measures have been taken**

4. In accordance with the criteria adopted by the Committee at its eighth and twentieth sessions:

(a) An urgent action is discontinued when the disappeared person has been located but is still detained; this step is taken because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and placed outside the protection of the law;

(b) An urgent action is closed when the disappeared person has been found at liberty or found and released, or has been found dead, provided that his or her family members and/or the authors do not contest these facts;

(c) An urgent action, and the Committee's follow-up to it, is suspended when the author of the request for urgent action has lost contact with the family members of the disappeared person and can no longer provide follow-up information; a suspended urgent action may be reopened if the author informs the Committee that he or she has resumed contact with the family members.

5. In addition to these criteria, the Committee decided at the present session that it would also suspend a case when the author failed to respond to the Committee's request for information after three reminders.

6. As at 31 March 2023, the Committee had closed urgent action cases concerning 430 persons, discontinued cases concerning 38 persons and suspended cases concerning 103 persons. Cases concerning 1,007 persons remained open.

7. The Committee welcomes the fact that 469 disappeared persons have been located so far. It particularly welcomes the fact that 442 persons concerned were located alive. In this regard, the Committee wishes to highlight the positive outcomes observed in requests for urgent action registered during the period under review with regard to cases in Mexico.

#### **D. Developments since the twenty-third session (to 31 March 2023)**

8. Throughout the urgent action procedure, the Committee maintains constant contact with States parties through their permanent missions, and with the authors of requests for urgent action. The Committee also enjoys cooperation with the Office of the United Nations High Commissioner for Human Rights and other United Nations field presences, which relay information regarding cases and follow up on the implementation of the Committee's recommendations.

9. While not intended to be an exhaustive analysis of all the information received under the urgent action procedure, the following paragraphs contain a description of general and specific issues, trends and developments in some of the States parties over the period under review.

##### **1. General trends observed during the reporting period**

10. The information received in the context of the urgent action procedure both confirms trends previously identified, in the reports adopted by the Committee at its eleventh to twenty-third sessions,<sup>2</sup> and illustrates new trends, as described in the following paragraphs.

##### **(a) Lack of cooperation with the Committee**

11. The Committee is concerned at the lack of cooperation by States parties that fail to respond regarding requests for urgent action or to address the Committee's recommendations. The Committee recalls that States parties have the obligation, under article 30 (3) of the Convention, to inform the Committee, within a specified period of time, of measures taken to locate and protect the person concerned in accordance with the Convention and, under article 26 (9), to cooperate with the Committee and assist its members in the fulfilment of their mandate.

12. The Committee remains particularly concerned about the continued failure of Iraq to reply to the majority of the registered requests for urgent action concerning cases of disappearance that occurred in its territory and to address the recommendations regarding search and investigation measures. The Committee has noted this lack of compliance by Iraq with its obligations under article 30 of the Convention in its past five reports submitted to the General Assembly.<sup>3</sup>

13. Whenever the States parties concerned do not provide follow-up information by the deadlines set by the Committee, the Committee will send up to four reminders. Where a

<sup>2</sup> CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2, CED/C/15/3, CED/C/16/2, CED/C/17/2, CED/C/19/2, CED/C/20/2, CED/C/21/2, CED/C/22/2 and CED/C/23/2.

<sup>3</sup> A/73/56, A/74/56, A/75/56, A/76/56 and A/77/56.

fourth and final reminder is necessary, the Committee will indicate that it may decide to make the situation public in its report on requests for urgent action at its following session and in its following report to the General Assembly.

14. As at 31 March 2023, the Committee had sent final reminders and was still awaiting a response from the States parties concerned regarding 153 requests for urgent action concerning 379 disappeared persons: 141 requests concerning 360 persons in Iraq, 11 requests concerning 18 persons in Mexico and 1 request concerning 1 person in Mali.

15. The Committee is also concerned about the lack of response from the authors of requests for urgent action in some cases. When authors fail to respond after the State party has provided observations on the search and investigation measures taken, which have then been transmitted to the authors for comments, the Committee will send up to three reminders to the authors. If the authors fail to respond after the third reminder, the Committee will suspend its follow-up on the request for urgent action. Lack of response from the authors of requests for urgent action prevents the Committee from being able to follow up on its recommendations.

16. As at 31 March 2023, the Committee had sent three reminders and received no response from the authors concerned regarding requests for urgent action concerning 104 disappeared persons: 80 in Mexico, 13 in Honduras, 9 in Colombia, 1 in Peru and 1 in Slovakia. The Committee recalls that authors should inform the Committee if they have lost contact with the disappeared person's relatives, in which case the Committee will suspend its follow-up on the case. Authors should inform the Committee if they have nothing to add regarding the search and investigation measures taken by the State party concerned, so that the Committee can proceed to follow up on the request for urgent action on the basis of the information provided by the State party.

17. The Committee recalls that States parties and authors of requests for urgent action should inform the Committee immediately if the disappeared person has been located, so that the case can be closed.

**(b) Lack of a strategy suited to each case and lack of coordination between search and investigation procedures**

18. In the context of its follow-up to requests for urgent action, the Committee continued to raise its concerns with regard to the failure by States parties to define and implement a comprehensive strategy for the search for the disappeared persons and the investigation of their disappearance in compliance with articles 12 and 24 of the Convention. In such cases, the Committee had previously requested the States parties concerned to design and implement a strategy for search and investigation, which should include an action plan and timeline and should be evaluated periodically, in accordance with principle 8 of the Guiding Principles for the Search for Disappeared Persons.<sup>4</sup> However, in the majority of such cases, States parties continued to report on isolated and uncoordinated action for search and investigation that revealed the absence of any such strategy and prevented or hindered any meaningful progress in the location of the disappeared persons concerned.

19. On the basis of the information received from States parties, the Committee continued to observe an apparent lack of coordination between search and investigation procedures in the majority of requests for urgent action registered. This lack of coordination is usually due to the failure of the competent State authorities to share the information and evidence that they have obtained in fulfilling their respective mandates, leading in some instances to a duplication of activities and in others to information gaps, and again resulting in the stagnation of the search and investigation processes or in unnecessary delays in the location of the disappeared persons and identification of perpetrators. In such cases, the Committee continued to stress the importance of coordination between the authorities in charge of the search and those in charge of the investigation, so that any information obtained by either may be used efficiently and expeditiously by the other, in accordance with principle 13 of the Guiding Principles for the Search for Disappeared Persons.

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<sup>4</sup> CED/C/7, annex.

**(c) Challenges to the effective participation of relatives in the search and investigation**

20. During the period under review, the Committee received a number of reports of obstacles faced by the relatives of disappeared persons to effectively participate in the search and investigation, including lack of information on measures taken by the relevant authorities in the search and investigation and the results achieved.

21. In a request for urgent action concerning a disappearance in Mexico that was registered during the reporting period, the disappeared person's relatives had not been informed that an investigation had been opened, despite their having filed a complaint regarding the disappearance with the Public Prosecutor's Office.

**(d) Lack of a differential approach**

22. The Committee remains concerned at the absence of information from the States parties concerned as to how they have implemented the Committee's recommendations that they adopt a differential approach in cases involving women, children or members of Indigenous communities, in accordance with principle 4 of the Guiding Principles for the Search of Disappeared Persons.

**(e) Human rights defenders**

23. During the reporting period the Committee registered requests for urgent action concerning human rights defenders. The Committee requested the States parties concerned to take into account the work of the human rights defenders as a possible motive for the disappearance in order to strengthen the prosecutorial hypotheses and search activities. When human rights defenders, their representatives or the victims' counsel requested protection measures in these cases, the Committee requested the States parties concerned to ensure that the beneficiaries' work related to the search for truth, justice and reparation was taken into account in the risk assessment and identification of appropriate protection measures.

**(f) Disappearance of migrants**

24. During the reporting period, the Committee registered a request for urgent action concerning the alleged enforced disappearance of a national of Morocco on 24 June 2022, as he was trying to cross the border between Spain and Morocco at Melilla, as part of a group of some 2,000 migrants. According to witnesses, the Spanish and Moroccan security forces used force to prevent the crossing and 23 migrants died as a result of the intervention, many others were detained and others dispersed in Morocco. The Committee sent notes to both Morocco and Spain requesting, inter alia, that their authorities afford one another the greatest measure of mutual assistance in searching for and locating the disappeared person and the greatest measure of mutual legal assistance, in compliance with articles 14 and 15 of the Convention.

**(g) Disappearance of members of Indigenous groups**

25. During the reporting period, the Committee registered a request for urgent action concerning the alleged enforced disappearance of a member of the Tzeltal Maya Indigenous community in Mexico. According to the information received by the Committee, a group of 300 neighbours in the community of Nueva Palestina in Ocosingo, Chiapas, accompanied by armed community, municipal and state police, entered the houses of several members of an Indigenous family residing in the same community, one of whom was later reported disappeared. The attack was reportedly in response to a lynching call and took place in a general context of arbitrary detention, sexual violence and forced displacement by law enforcement officials against Indigenous members of the community. The Committee requested that a differential approach be adopted in the search and investigation strategy and that, in all stages of the search, the particular needs of the victim as a member of an Indigenous community be fully respected and specific cultural patterns be considered and respected, in accordance with principle 4 of the Guiding Principles for the Search for Disappeared Persons.

**(h) Reprisals**

26. The Committee is concerned at allegations received from the authors of requests for urgent action concerning reprisals, usually involving threats and retaliation against the relatives of disappeared persons, aimed at dissuading them from participating in or promoting search and investigation processes. In cases currently open concerning 306 disappeared persons – representing some 30 per cent of the disappeared persons concerned in open cases – the Committee requested the States parties concerned to take protection measures to preserve the lives and integrity of the individuals concerned, and allow them to pursue their search activities without being subjected to violence, intimidation or harassment, in conformity with States parties' obligations under article 24 of the Convention and in the light of principle 14 of the Guiding Principles for the Search for Disappeared Persons. The Committee further requested the States parties concerned to ensure that such measures were taken with the prior consent of the persons requiring protection and were subject to review at their request. Of the 306 disappeared persons concerned in requests for urgent action in which the Committee requested protection measures, 257 had disappeared in Mexico, 20 in Iraq, 13 in Colombia, 9 in Honduras, 1 in Argentina, 1 in Brazil, 1 in Burkina Faso, 1 in Cambodia, 1 in Morocco, 1 in Paraguay and 1 in Peru.

**2. Specific trends relating to Iraq and Mexico**

27. During the period under review, Iraq and Mexico remained the two States parties with regard to which the most requests for urgent action were registered, and they now jointly account for 71 per cent of all requests for urgent action registered.

**(a) Iraq**

28. As at 31 March 2023, the Committee had registered requests concerning a total of 575 disappeared persons related to events in Iraq, amounting to 36 per cent of the disappeared persons concerned in all requests for urgent action registered so far. The Committee is highly concerned that, according to the information received, only 35 of these disappeared persons have been located, amounting to only 6 per cent of the disappeared persons concerned in all requests for urgent action related to events in Iraq. The Committee remains concerned that, even when the disappeared persons were released from detention, the State party failed to inform the Committee. The Committee expressed concern about the State party's failure to inform the Committee about such developments in its notes closing or discontinuing the cases in question, and reminded the State party of its obligation to cooperate in good faith with the Committee by providing prompt and detailed information on action taken to search for disappeared persons and, when determined, on their location.

29. The Committee notes with concern that there is a direct correlation between the lack of cooperation by Iraq with the urgent action procedure under article 30 of the Convention, as noted in paragraph 11 above, and the alarmingly low number of disappeared persons who have been located in Iraq to date.

30. Where the State party submitted replies to the Committee – which it did in less than half of the registered cases – the responses generally followed the same trend observed by the Committee in its previous reports, namely that the State party did not provide any information on action taken to search for disappeared persons or to investigate their alleged enforced disappearance. In these cases, the Committee reminded the State party that its failure to take action and to provide specific information was not in compliance with article 12 of the Convention, under which States parties were required to examine the allegation promptly and impartially, to undertake without delay a thorough and impartial investigation and to take the necessary measures to prevent and sanction acts that hinder the conduct of an investigation.

31. As previously noted, the State party continued to assert in a number of cases that the disappeared persons were affiliated with terrorist groups, without providing any further information or evidence about any specific criminal charges brought, proceedings initiated or arrest warrants issued against them. In these cases, the Committee reminded the State party that the Convention provided for no exceptions to its obligation to search for disappeared persons and to investigate their disappearance, irrespective of their profile or of any

suspicions against them of involvement in terrorist activities. Similarly, the Committee emphasized that judicial access and remedies must be available to all persons, including those affected by terrorism sanctions regimes.<sup>5</sup> The Committee also requested the State party to provide copies of arrest warrants or any official documents that listed the disappeared persons as wanted by the Iraqi authorities and, if specific criminal charges and proceedings had been brought against them, to officially notify their relatives and representatives, and to place them immediately under the protection of the law to enable the preparation of their defence and to protect and promote their right to due process.

32. The Committee welcomes the State party's recent responses to this request, whereby it provided copies of the relevant arrest warrants and noted that the individuals concerned were in detention. The Committee observes, however, that in some of these cases, the arrest warrants provided were issued after the date of the alleged disappearance, whereas they should predate the alleged detention of the persons concerned. The Committee has requested the State party to explain this discrepancy, and is still awaiting a response. In some cases, the arrest warrants did not contain any information as to the charges against the disappeared person in question.

33. As stated in its previous reports, in some cases, the State party responded that the disappeared persons' relatives had not filed complaints with the relevant authorities, even though they had in fact done so with several administrative and judicial authorities at the national level. In one case, the State party requested certified copies of complaints or reports submitted to the Iraqi authorities. In these cases, the Committee recalled principle 6 of the Guiding Principles for the Search for Disappeared Persons, according to which: the obligation to search for and locate a person is triggered as soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to enforced disappearance; the competent authorities should begin the search immediately and expeditiously, on their own initiative, even when no formal complaint or request has been made; a lack of information from relatives or complainants cannot be invoked to justify a failure to immediately launch activities to search for and locate the disappeared person; and where doubts arise about the occurrence of an involuntary disappearance, the search should nevertheless begin immediately. The Committee further recalled that the Convention imposes no specific requirements as to which authority should receive complaints alleging enforced disappearance. On the contrary, under article 12 of the Convention, the competent authorities of the State party, where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, are required to undertake an investigation, even if there has been no formal complaint.

34. As during the previous three review periods,<sup>6</sup> the Committee continued to receive a number of new requests for urgent action with regard to the disappearance of persons in 2017. It was reported that, when the Iraqi security forces were about to enter Hadar District, in Ninawa Governorate, approximately 50 Sunni families fled in their vehicles towards the village of Oleba. Militia affiliated with the Iraqi security forces reportedly arrested the men, who were blindfolded and handcuffed and taken to the Hadar crossroad. The Committee also received a number of new requests for urgent action with regard to the disappearance of persons in 2015 in the context of military operations by the Popular Mobilization Forces against Da'esh, as a result of which families had been displaced. According to the information before the Committee, the Popular Mobilization Forces arrested the men and never returned them to their families.<sup>7</sup> In each of these cases, the Committee requested the State party to confirm whether the disappeared persons were being detained in any formal or informal place of deprivation of liberty and, if so, to guarantee that they would be authorized to communicate with and be visited by their family, counsel or any other person of their choice, in compliance with article 17 (2) (d) of the Convention, and to inform the Committee about any charges pressed or proceedings initiated against them. The Committee is still awaiting information from the State party in that regard.

<sup>5</sup> [A/HRC/40/52](#), para. 75 (g).

<sup>6</sup> [CED/C/21/2](#), para. 22; [CED/C/22/2](#), para. 26; and [CED/C/23/2](#), para. 32.

<sup>7</sup> See, in this regard, [CED/C/IRQ/VR/1](#) (Findings), paras. 22 and 23.

35. During the reporting period, the Committee registered a request for urgent action concerning the alleged enforced disappearance of a supporter of the Hizmet/Gülen movement who had fled Türkiye for Erbil, in Iraq, with his family and who had been granted refugee status by the Office of the United Nations High Commissioner for Refugees. He was allegedly disappeared by the Turkish intelligence services on 29 January 2023 after receiving a phone call requesting him to report to the Iraqi residence authority, in connection with procedures related to his residence status. The Committee requested the State party authorities, inter alia, cooperate with the Turkish authorities, in order that they might afford each other the greatest measure of mutual assistance in searching for and locating the disappeared person, and the greatest measure of mutual legal assistance, in compliance with articles 14 and 15 of the Convention.

**(b) Mexico**

36. As at 31 March 2023, the Committee had registered requests concerning a total of 544 disappeared persons related to events in Mexico, amounting to 34 per cent of the disappeared persons concerned in all requests for urgent action registered so far. Of these 544 persons, cases concerning 55 persons have been closed as the disappeared persons have been found at liberty or found and released, cases concerning 101 persons have been suspended as the authors of the requests have lost contact with the relatives of the disappeared persons and can no longer provide follow-up information, and cases concerning 388 persons remain open.

37. The Committee welcomes the State party's cooperation in responding to the Committee's requests for information and recommendations on cases and providing information on search and investigation processes. However, as during previous review periods, the Committee continued to observe a general lack of coordination between the various authorities in charge of search and investigation, including with respect to the definition of their respective roles and responsibilities and the sharing of information on action undertaken and results obtained, which resulted on occasions in a duplication of action.

38. In some cases, the State party claimed to have adopted a coordinated and comprehensive search strategy. However, the Committee observed that, in practice, the authorities in charge of the search had taken formal measures merely to request information from other institutions, without following up on those requests, establishing a search plan or complying with the national protocol for the search for disappeared persons. The Committee also observed unjustified delays in the adoption of formal search measures, sometimes of up to a year after the search and investigation file had been opened.

39. Authors continued to report that State authorities were directly or indirectly involved in the events surrounding the disappearance and that search and investigation efforts had therefore been hampered or had come to a halt. In such cases, the Committee emphasized to the State party the importance of establishing mechanisms for ensuring the accountability of State officials in charge of search and investigation, and requested the State party to investigate allegations that such officials had hindered proceedings, in accordance with article 12 of the Convention and in the light of principle 15 of the Guiding Principles for the Search for Disappeared Persons. In some cases, in which the local investigation authorities were alleged to have been involved in the disappearance, the Committee recommended that the State party consider transferring the search and investigation to the federal authorities.

40. Regarding two requests for urgent action that the Committee registered during the reporting period, concerning cases of disappearance in the States of Veracruz and Michoacán respectively, the Committee was informed that, despite the existence of information signalling the possibility of the direct participation of the police, the investigations in each case of alleged enforced disappearance had been opened as kidnapping, and were reportedly being delayed as a consequence. In both cases, the Committee requested the State party to ensure that all possible hypotheses were considered during the search and investigation processes in the light of the information available, including the possibility of enforced disappearance within the meaning of article 2 of the Convention.

41. During the reporting period, the Committee registered a request for urgent action concerning a military operation conducted on 5 January 2023 in Jesús María, Culiacán, Sinaloa, aimed at arresting a member of a group known as Los Chapitos, son of the former



leader of the Sinaloa drugs cartel, Joaquín “El Chapo” Guzman Loera. The request for urgent action concerned one of the 140 persons who were reportedly disappeared in the context of this operation.

42. During the reporting period, the Committee registered several requests for urgent action related to cases of alleged enforced disappearance in the Tierra Caliente region, also known as the “Bermuda Triangle”, located close to the border between the States of Michoacán and Jalisco. Disappearances were reported in cities and towns including Sahuayo, Nueva Italia and Jilotlán de los Dolores. The cases share the pattern of being reportedly committed by persons belonging to organized criminal groups with the acquiescence and, at times, the direct involvement of the authorities of the State party. In these cases, the Committee recommended that the State party ensure close collaboration with the families of the victims and their representatives during the search and investigation efforts and guarantee that the hypothesis of the involvement or acquiescence of the State authorities was sufficiently considered.

43. The Committee remains concerned about the perilous and vulnerable situation of environmental and other human rights defenders in Mexico. On 19 January 2023, the Committee registered a request for urgent action concerning the disappearance on 15 January 2023 of two human rights defenders, Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, known for their work related to the rights of Indigenous peoples and for their opposition to the activities of extractive industries in the State of Michoacán. The vehicle that they had been driving was later found abandoned, with signs suggesting the use of firearms by third parties against the defenders. The Committee recommended that the State party ensure that, during the search and investigation, sufficient weight was accorded to the hypothesis that the human rights work of Mr. Lagunes Gasca and Mr. Díaz Valencia could be a possible motive for their disappearance. The Committee calls on the State party to take all possible measures to resolve this emblematic case, which has reportedly had a chilling effect on the human rights community in Mexico.

### **3. Other developments**

#### **(a) Cases of disappearance in the context of demonstrations in Cuba**

44. In 2021, the Committee registered requests for urgent action concerning 187 disappeared persons related to the social protests that began in Cuba on 11 July 2021. The requests for urgent action concerned demonstrators who had allegedly been detained by security forces, and the security forces had later denied the demonstrators’ relatives information on their whereabouts. The Committee recalled that failure to register a detention, even for brief periods of time, followed by refusal to acknowledge the deprivation of liberty or to disclose information on the disappeared person’s whereabouts placed the individual outside the protection of the law and constituted enforced disappearance under article 2 of the Convention.<sup>8</sup>

45. After receiving case-specific information from the State party, the Committee decided to close cases concerning 165 of the disappeared persons, either because they had already been released from detention or had been placed under house arrest, or because the authors were unable to dispute the information provided by the State party or provide any additional information to suggest that the persons remained disappeared. The Committee also decided to discontinue the cases concerning the remaining 22 disappeared persons, because their location had been confirmed but they remained in detention. The Committee expressed concern at the repeated allegations of incommunicado detention of protesters, in some cases for up to several months, and recalled that such practice, which could be conducive to enforced disappearance, should be exceptional, in order to avoid harm to the detainee’s life or integrity and to protect investigations. The Committee recalled in that regard that, under article 17 (2) (d) of the Convention, States parties had an obligation to guarantee that any person deprived of liberty be authorized to communicate with and be visited by his or her

<sup>8</sup> See the joint statement by the Committee and the Working Group on Enforced or Involuntary Disappearances, 26 August 2016. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E).

family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she was a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law.

**(b) Case of disappearance in Japan**

46. During the reporting period, the Committee registered a case of disappearance of a tourist, a national of France, in Nikko, Japan, during a visit in July 2018. The Committee was informed of a context of murders in Nikko at the time of the disappearance. Following the opening of an investigation in France for kidnapping, the French authorities sent two international letters rogatory to the Japanese authorities in October 2018 and April 2021, along with a request to the Japanese police to collect and safeguard the disappeared person's mobile phone data, but have received no response to date. The Committee requested the State party to cooperate with and afford the greatest measure of assistance to France, also a State party to the Convention, with a view to assisting the disappeared person and her relatives, and in searching for, locating and releasing her, in compliance with article 15 of the Convention.

**E. Decisions by the Committee at its twenty-fourth session**

47. The Committee took the following decisions:

(a) In cases of disappearance in Ukraine, the Committee would continue to process and register cases allegedly attributable to Ukraine, and would refer to the Working Group on Enforced or Involuntary Disappearances cases allegedly attributable – directly or indirectly – to the Russian Federation;

(b) When an author failed to respond to the Committee's request for information after three reminders, the Committee would suspend its follow-up to the case (see paras. 5 and 15).

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