



人权理事会

被强迫或非自愿失踪问题工作组

被强迫或非自愿失踪问题工作组处理的来文、审议的案件、 发表的意见及开展的其他活动*

第 111 届会议(2017 年 2 月 6 日至 10 日)

一. 导言

1. 本文件反映了在首尔举行的被强迫或非自愿失踪问题工作组第 111 届会议所处理的来文、审议的案件及开展的其他活动。
2. 工作组感谢大韩民国政府主办并推动其第 111 届会议的成功举行。

二. 来文

3. 在第 110 届和第 111 届会议间隔期间，工作组在其紧急行动程序下，向以下国家转送了 71 起案件：巴林 (1)、孟加拉国 (2)、中国 (1)、埃及 (48)、伊朗伊斯兰共和国 (2)、利比亚 (2)、莫桑比克 (1)、尼日利亚 (1)、巴基斯坦 (10)、苏丹 (1)、土耳其 (1)和阿拉伯联合酋长国 (1)。
4. 在第 111 届会议上，工作组决定向 15 个国家转送 348 起新报告的强迫失踪案件。工作组还澄清了以下国家的 40 起案件：巴林 (1)、埃及 (27)、约旦 (1)、利比亚 (1)、墨西哥 (3)、巴基斯坦 (3)、土耳其 (1)、乌克兰 (1)和阿拉伯联合酋长国 (2)。根据政府提供的资料澄清了 21 起案件，根据来文方提供的资料澄清了 19 起案件。

* 本报告附件不译，原文照发。



5. 在第 110 届和 111 届会议间隔期间，工作组还与其他特别程序机制一起，联合转送了 18 项来文：9 项紧急呼吁：孟加拉国 (1)、中国 (2)、埃塞俄比亚 (1)、苏丹 (3)、伊朗伊斯兰共和国 (1) 和巴基斯坦 (1)；2 项联合指控信函：阿尔及利亚 (1) 和阿根廷 (1)；6 项迅速干预信函：印度 (2)、伊朗伊斯兰共和国 (2)、墨西哥 (1) 和摩洛哥 (1)，并向斯里兰卡转送了一份“其他信函”。

6. 在第 111 届会议上，工作组还审查和通过了关于孟加拉国、厄立特里亚、印度尼西亚和伊朗伊斯兰共和国的 4 项一般性指控。

三. 其他活动

7. 在第 111 届会议期间，工作组会见了强迫失踪受害人的亲属和就相关问题开展工作的非政府组织。工作组还与伊拉克、日本和大韩民国政府的代表举行了正式会晤。

8. 2017 年 2 月 5 日，工作组就移徙情况下的强迫失踪问题举行了专家磋商会，收到的投入和贡献可丰富将在 2017 年 9 月人权理事会第三十六届会议上提交的报告。

9. 会议期间，工作组还参加了一次关于过渡时期司法情况下强迫失踪问题的学术活动。工作组还讨论了阿尔巴尼亚国家访问报告的起草情况、其他内部事项以及包括未来访问在内的各项活动。

四. 工作组在届会期间审查的关于在各国发生的强迫或非自愿失踪的资料

阿尔巴尼亚

政府提供的资料

10. 2016 年 12 月 2 日，阿尔巴尼亚政府就一起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

阿尔及利亚

标准程序

11. 工作组向该国政府转送了 6 起案件，涉及以下人士：

(a) El Hacène Nait Djoudi, 据称 1996 年 7 月 17 日在离开其工作地点阿尔及尔区域服务局时被警察逮捕；

(b) Lofti Rahim, 据称 1995 年 8 月 25 日在去 Koléa 的 Barbissa 途中被社区警卫逮捕；

(c) Abdelkrim Ibziz, 据称 1996 年 7 月 18 日去海滩途中在街上被逮捕；

(d) El Hadi Oudina, 据称 1996 年 8 月 22 日在家中被军方官员逮捕；

(e) Brahim Hadj Kouider, 据称 1994 年 11 月 1 日在家中被 Oued El Alleug (卜利达省) 宪兵逮捕;

(f) Benyoucef Hacine, 据称 1995 年 3 月 23 日在经过 Haouch El Gros 与布法里克之间的军队路障时被 Bouinane 的军人和宪兵逮捕。

政府提供的资料

12. 2015 年 8 月 18 日, 阿尔及利亚政府就 9 起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

联合指控信函

13. 2016 年 11 月 1 日, 工作组与其他特别程序机制一起, 转送了一项联合指控信函, 有关在一次失踪人员亲属和平集会后发生任意逮捕和拘留以及对示威活动过度使用武力的报告。

意见

14. 关于上述指控, 工作组回顾《宣言》第 13 条第 3 款, 该款阐明: “应采取步骤, 确保所有与调查有关的人, 包括申诉人、律师、证人和调查人员受到保护, 免遭恶劣对待、恐吓或报复”。此外, 工作组回顾人权理事会第 7/21 号决议, 其中理事会促请各国采取措施, 充分保护强迫或非自愿失踪案件的证人、反对强迫失踪的人权维护者、失踪者律师和家属不受任何可能的恐吓或虐待。

阿根廷

联合指控信函

15. 2016 年 9 月 26 日, 工作组与其他特别程序机制一起, 就对人权维护者 Laura Figueroa 和 Cesar Sivo 进行威胁和恐吓的举报, 转送了一项联合指控信函。

对联合指控信函的答复

16. 2016 年 11 月 28 日, 阿根廷政府转交了对 2016 年 9 月 26 日发送的联合指控信函的答复。政府在答复中就采取某些措施以解决指称的对 Figueroa 女士的威胁和恐吓行为提供了资料。¹

巴林

紧急行动

17. 2016 年 11 月 24 日, 工作组依照其紧急行动程序, 向巴林政府转送了关于 Sayyed Alawi Al-Alawi 的案件, 据称他 2016 年 10 月 24 日在加拉利地区被巴林国家特工逮捕, 并送往一个未知地点。该案后来得到来文方的澄清(见下文第 18 段)。

¹ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32048>。

根据来文方提供的资料做出的澄清

18. 根据来文方提供的资料，工作组决定澄清关于 Sayyed Alawi Al-Alawi 的案件，据报告，他被关在司法调查部的审前拘留所。

孟加拉国

紧急行动

19. 2016 年 9 月 9 日，工作组依照其紧急行动程序，向该国政府转送了 Yasin Muhammad Abdus Samad Talukder 一案，据称 2016 年 7 月 14 日他在达卡 DOHS Banani 附近的 Kakoli 汽车站被便衣官员逮捕。

20. 2016 年 11 月 30 日，工作组依照其紧急行动程序，向该国政府转送了 Abdullahil Azmi 一案，据称 2016 年 8 月 22 日他被孟加拉国警察部队侦探部门的便衣官员从家中带走。

标准程序

21. 工作组向该国政府转送了 5 起案件，涉及以下人士：

(a) Mahabub Hasan Sujon Hasan, 据称 2013 年 12 月 7 日在位于纳拉扬甘杰 Shanmandi Union 的 Noakandi 村一栋农舍中被司法机构人员绑架；

(b) Kazi Farhad Kazi, 据称 2013 年 12 月 7 日在位于纳拉扬甘杰 Shanmandi Union 的 Noakandi 村一栋农舍中被司法机构人员绑架；

(c) Somrat Molla 和 Khaled Hasan Sohel Hasan, 据称 2013 年 11 月 28 日在达卡中心监狱前被司法机构人员绑架；

(d) Mohammad Tariqul Alam, 据称 2013 年 3 月 7 日在离开达卡 Sher-e-Bangla Nagar 的政府雇员和官员所居住的“Nam”大楼时被快速行动旅成员绑架；

(e) Hummam Quader Chowdhury, 据称 2016 年 8 月 4 日与几个朋友开车旅行时被孟加拉国安全局人员拘留。

来文方提供的资料

22. 来文方就一起未决案件提供了最新资料。

联合紧急呼吁

23. 2016 年 10 月 28 日，工作组与其他两个特别程序机制一起，就指称绑架律师 Ahmad Bin Quasem 一事，转送了一项联合紧急呼吁。这一绑架似乎与他担任在国际刑事法庭前代表他父亲 Mir Quasem Ali 的法律辩护组一员的工作直接有关。Ahmad Bin Quasem 的案件已通过工作组的紧急行动程序于 2016 年 8 月 11 日转送孟加拉国(见 A/HRC/WGEID/110/1, 第 17 段(a))。

一般性指控

24. 工作组收到可靠来源提供的资料，指称在孟加拉国存在妨碍执行《保护所有人不遭受强迫失踪宣言》的障碍。该一般性指控载于附件二。

意见

25. 工作组对继续收到指称孟加拉国存在强迫失踪案件的新举报，以及政府对工作组的案件和来文不作答复感到关切。工作组强调，如《宣言》第 7 条所规定，不得援引任何情况作为造成被强迫失踪的理由，且根据第 10 条第 2 款，应将他们遭到拘留一事以及他们的拘留地点、包括转移的准确情况立即通知其家属、律师或任何其他有合理理由关心这种情况的人。

不丹

来文方提供的资料

26. 一个来文方就 5 起未决案件提供了最新资料。根据收到的资料，工作组决定将这 5 起案件从不丹的记录转移到印度的记录。

布隆迪

标准程序

27. 工作组向该国政府转送了两起案件，涉及以下人士：

(a) Savin Nahindavyi, 据称 2016 年 5 月 1 日在布琼布拉的国家情报局被其局长和特工绑架；

(b) Eric Niyungeko, 据称 2015 年 10 月 31 日在 Bujumbura-Karuzi 路上被国家情报局特工绑架。

政府提供的资料

28. 2017 年 1 月 4 日，布隆迪政府就两起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

智利

来文方提供的资料

29. 一个来文方就一起未决案件提供了最新资料。

中国

紧急行动

30. 2016 年 12 月 2 日，工作组依照其紧急行动程序，向该国政府转送了江天勇一案，据称他于 2016 年 11 月 21 日从长沙去北京途中，被国家安全部门官员带走，下落不明。

来文方提供的资料

31. 一个来文方就一起未决案件提供了最新资料。

联合紧急呼吁

32. 2016 年 12 月 5 日和 2016 年 12 月 28 日，工作组与其他四个特别程序机制一起，就上述指称江天勇失踪事件，转送了两项联合紧急呼吁。

哥伦比亚

政府提供的资料

33. 2016 年 9 月 2 日，哥伦比亚政府就一起未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

对一般性指控的答复

34. 2016 年 9 月 6 日，哥伦比亚政府转送了对 2016 年 3 月 9 日发出的关于妇女被强迫失踪的一般性指控信函的答复。政府在答复中提到失踪人员搜索委员会采取措施，以打击哥伦比亚妇女被强迫失踪的现象和在采取差别做法的同时确定这些妇女的下落。它还提到其他机构为确保从性别角度提供赔偿而采取的措施。西班牙文的答复全文载于附件三。

意见

35. 工作组感谢哥伦比亚政府 2016 年 9 月 6 日提供的与一般性指控有关的资料。工作组回顾其关于受强迫失踪影响的妇女的一般性意见(A/HRC/WGEID/98/2)，其中强调在应对强迫失踪问题时，性别视角应纳入国家采取的所有措施，包括立法、行政、司法等措施。性别平等要求所有人，无论其性别，都能不受歧视地享有《保护所有人不遭受强迫失踪宣言》中所载的各项权利。

朝鲜民主主义人民共和国

标准程序

36. 工作组向该国政府转送了 34 起案件。这些案件的摘要载于附件一。

37. 依照工作组的工作方法，大韩民国政府也收到了涉及其国民的案件的副本。

政府提供的资料

38. 2016 年 10 月 21 日，朝鲜民主主义人民共和国政府就 16 起未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

意见

39. 工作组关注的是，该国政府不与工作组合作，调查关于该国存在严重、系统的强迫失踪现象的非常严重的指控，反而指控工作组不公正和参与所谓的对朝鲜民主主义人民共和国的政治阴谋。工作组希望坚定地重申，工作组的运作具有最高水准的客观性、独立性和公正性。

埃及

紧急行动

40. 在报告所述期间，工作组在其紧急行动程序下，向埃及政府转送了 48 起案件，涉及以下人士：

(a) Ali Abdul Rahman Hussein, 据称 2016 年 10 月 4 日在开罗的 Matariyia 区被警察逮捕；

(b) Salih Hussein, 据称 2016 年 10 月 4 日在 Matariyia 区被警察逮捕；

(c) Ahmed Abdelrahim Hanafi Abdelrahim, 据称 2016 年 9 月 7 日在从位于亚历山大 Al Wardian 的家去 Sidi Gaber 街区途中被国土安全官员或内政部的警察部队绑架；

(d) Ahmed Atef Ahmed Abdelrahim Baghdadi, 据称 2016 年 8 月 30 日在新开罗被国土安全官员绑架；

(e) Sherin Said Hamed Bekhit, 据称 2016 年 10 月 19 日在位于曼努菲亞 Berket Elsabea 的家中被安全部队逮捕；

(f) Qadry Sami Zaki Abdulrahman Mwafi, 据称 2016 年 10 月 29 日在开罗被警察部队绑架；

(g) Omar Khaled Abdelrahman Mahmoud, 据称 2016 年 10 月 27 日在开罗被警察绑架；

(h) Hamdi Taha Abdelrahim Elabasi, 据称 2016 年 10 月 29 日在开罗被警察部队绑架；

(i) Mohamed Saad Mohamed Awad Zekilah, 据称 2016 年 11 月 9 日在 Kafr Al Dawar 的家中被警察部队绑架；

(j) Ahmed Abdelrahman Ahmed Youssef Mabrouk, 据称 2016 年 9 月 6 日在 10 月 6 日市被国土安全警察绑架；

(k) Omar Ali Elsayed Ahmed Bateekh, 据称 2016 年 9 月 20 日在阿斯旺市的一个检查站被警察部队绑架；

(l) Saber Mohamed Saber Mohamed, 据称 2016 年 9 月 21 日在亚历山大的 Sidi Bachar Qibli 被安全部队绑架；

(m) Ali Khaled Ali Eltablawy, 据称 2016 年 10 月 2 日在 10 月 6 日市被一名警察和两名士兵绑架；

(n) Mohamed Abd el Majeid Abd al Aziz Abdual Rahman, 据称 2016 年 11 月 3 日被警察从亚历山大的第 45 街绑架；

(o) Ahmed Omar Makram, 据称 2016 年 12 月 6 日在谢赫村省的 Balteem 被警察绑架；

(p) Maher Abd el Hamied Nagy, 据称 2016 年 11 月 28 日在 Quesna 法院内被警察绑架；

(q) Moaz Ebrahim Lofti el Sayed, 据称 2016 年 12 月 8 日在开罗被警察绑架;

(r) Mohamed Abu Rawash Mohamed al Daushiy, 据称 2016 年 12 月 8 日在 Manshaet Sultan 村被国家安全特工绑架;

(s) Osama Mohamed Shaban, 系高中学生, 1998 年 12 月 11 日生于开罗的 Ain Shams, 据称 2016 年 11 月 20 日被穿制服的警察从街上绑架;

(t) Ebrahim Khalaf Thabet Hardiy, 据称 2016 年 11 月 17 日在开罗的 El Marag 地区被警察绑架;

(u) Khalaf Thabet Hardiy, 据称 2016 年 11 月 17 日在 El Marag 地区被警察绑架;

(v) Hussein Mohamed Hassan Farrag, 据称 2016 年 8 月 22 日在阿斯特省边界的一个警察检查站被国家安全部队绑架;

(w) Omar Tarek El Sayed Tarek El Sayed El Nomrosy, 据称 2016 年 9 月 10 日在 Sidi Bishr 被国家安全警察绑架;

(x) Ehab Salah El Din Attito, 据称 2016 年 9 月 17 日被警察特工从家中绑架;

(y) Abdel Rahman Taha El Sayed Ahmed El Kassaby, 据称 2016 年 10 月 5 日在代盖赫利耶省 Al Mansurah 中心的 Qulinjeel 村被国家安全部队绑架;

(z) Abd Al Rahman Nasr Al Deen Amin, 据称 2016 年 9 月 25 日在 Ahmed Orabi Ard El Geneina 街被警察绑架;

(aa) Helal Omar Mohamed Ahmed Nasr, 据称 2016 年 9 月 25 日在吉萨省的 Fiesal 被警察绑架;

(bb) Abd Al Rahman Ahmed Abd Al Aal, 据称 2016 年 9 月 29 日在 Arab el walda - Helwa 被安全部队绑架;

(cc) Mohamed Gomaa Ali Ismail Hassan, 据称 2016 年 9 月 29 日在 Sharqiyah 的 Abu Hamad 被国家安全特工绑架;

(dd) Ali Said Khedr Abd Al Motagaly, 据称 2016 年 10 月 2 日在 Dirout 警察局被释放后失踪;

(ee) Abed Mohamed Ali Eltablawy, 据称 2016 年 10 月 2 日在 10 月 6 日市被警察绑架;

(ff) Yahiya Abd Al Fattah Shaheen, 据称 2016 年 10 月 6 日在开罗的 Heliopolis 被警察绑架;

(gg) Nabil Ibrahim Al Desouky Mohamed Helmy, 据称 2016 年 10 月 8 日在开罗的 Al Oubour 被警察绑架;

(hh) Ahmed Magdy Hassan, 据称 2016 年 10 月 9 日在扎加齐格市第二警察局被国家安全特工绑架;

(ii) Yahya Mohamed Abu Al Saoud Yahya Ali Ramadan, 据称 2016 年 10 月 9 日在 Zefta Center 被警察绑架；

(jj) Abd Al Latif El Dieb, 据称 2016 年 10 月 10 日在亚历山大的新 Burj Al Arab 被安全部队绑架；

(kk) Ibrahim Kamel Qandil, 据称 2016 年 10 月 17 日在达米埃塔被警察绑架；

(ll) Ahmed Saied Abd Al Salam Al Ashmawey, 据称 2016 年 10 月 17 日在 Al Oubour 被警察绑架；

(mm) Abd Al Fattah Al Sayed Shaheen, 据称 2016 年 10 月 16 日在盖勒尤比的 Sheben Al sheben Al Qanater 被警察绑架；

(nn) Ahmed Masoud Salem, 据称 2016 年 10 月 17 日在 Damietta 被警察绑架；

(oo) Mohamed Abd Al Latif El Sayed Ibrahim Makawy Makawy, 据称 2016 年 10 月 23 日在亚历山大被武装安全部队绑架；

(pp) Ibrahim Ahmed Ibrahim Al Subki, 据称 2016 年 11 月 2 日在 El Amireya 被警察绑架；

(qq) Ahmed Magdy Abd Al Aalim Mohamed, 据称 2016 年 11 月 3 日在位于 Noor El Islam 清真寺路的家中被警察绑架；

(rr) Abd Al Rahman Mohamed Mahmud Abd Al Gawad, 据称 2016 年 11 月 4 日在西奈沙漠被警察绑架；

(ss) Ahmed Samir Mohamed Al Sayed Hindy, 据称 2016 年 11 月 7 日在亚历山大的 Raas el Tin 被警察绑架；

(tt) Taher Abdallah Abd Al Ghany Abd Al Ghany, 据称 2016 年 11 月 10 日在 Zawyat Kerdasa 被警察绑架；

(uu) Amr Jamal Hassan, 据称 2016 年 12 月 5 日在 10 月 6 日市被警察绑架；

(vv) M Samir Mohamed Al Sayed Hindy, 据称 2016 年 12 月 15 日在亚历山大的 Carmouz 被警察绑架。

标准程序

41. 工作组向埃及政府转送了 2 起案件，涉及以下人士：

(a) Aly Mohamed Naguid Abdel Hamid, 据称 2016 年 8 月 7 日在 Al Sharquia 的一家诊所被警察逮捕；

(b) Ahmed Nasr El Din Abd Al Salam Radwan, 据称 2016 年 9 月 23 日在 Marsa Matrouh Gate 的一次警察行动后被逮捕。

根据来文方提供的资料做出的澄清

42. 根据来文方提供的资料，工作组决定对 5 起案件作出澄清，涉及以下人士：

- (a) Hassan Abderrahmane Elsayd Mahmoud, 据报告被拘留在 Tora 监狱;
- (b) Abdelrahman Gamal Mohamed Ahmed, 据报告 2016 年 12 月 6 日在警方袭击艾斯尤特市一栋公寓时被打死;
- (c) Mohamed Saad Mohamed Awad Zekilah, 据报告重新出现在亚历山大省 Bab Sharq 区检察官办公室; ;
- (d) Omar Makram Ali, 据报告 2017 年 1 月 11 日出现在谢赫村法院;
- (e) Ehab Salah El Din Attito, 据报告 2016 年 12 月 22 日重新出现在 Tora 监狱。

来文方提供的资料

43. 来文方就 3 起未决案件提供了最新资料。向埃及政府转送了这些资料。

政府提供的资料

44. 在审查期间, 政府就 32 起未决案件转送了资料。根据提供的资料, 工作组决定对 28 起案件适用六个月规则, 并澄清另外两起案件。这些资料也得到来文方的证实(见上文第 43 段)。就最后一一起案件提供的资料被认为不足以导致对案件作出澄清。

澄清

45. 根据政府以前提供的资料, 工作组决定在 6 个月规则(见 A/HRC/WGEID/109/1, 第 38 段)规定的期限期满之后, 澄清 18 起案件, 并根据来文方提供的资料, 在 6 个月规则(见 A/HRC/WGEID/110/1, 第 41 段)规定的期限期满之前澄清另一起案件, 这些案件涉及以下人士: Mostafa Samir Ibrahim、Al Sayed Saad Al Deen Al Saadani, Salah Ahmed Metwally Galal、Aly Mohamed Abdul Fattah、Mohammed Abdelaziz Farag、Abdelaziz Mohammed Abdelaziz Farag、Ismael Abdelaziz Farag、Mohamed Hassan Ahmed Kadiha、Mohamed Ibrahim Ahmed Lasheen、Islam Ali Abu Alma'aty Salem、Anas Emad Al Sayed Shosha、Anas Khamis Abdul Moniem、Ahmed Abdel Moneim Musharraf Issawi、Abd el-Rahman Abd el-Salam Ayoub、Desoky Abdul Mawgood Eissa、Mohamed Abd al-Twwab Ahmed、Ahmed Abdullah Ibrahim Saloma、Abdul Rahman Mahmoud Ramadan 和 Ahmed Awany Abdelbasir Mohammed。据报告, 3 人已从拘留所获释, 另外 16 人被拘留在一个已经披露的地点。

对一般性指控的答复

46. 2016 年 8 月 31 日, 埃及政府转送了对 2016 年 6 月 17 日发送的一般性指控的答复, 该一般性指控有关据报告自 2014 年中以来强迫失踪案件数目激增, 称建立了广泛的“短期失踪”模式。政府在答复中指出, 埃及正面临以虚假信息为基础的恶意攻击, 它们旨在损害埃及并抹黑它在海外的形象, 而且对埃及存在强迫失踪案件并没有令人信服的证据, 因为此种行为按照埃及法律构成犯罪, 会受到严厉的刑罚。答复中列入了若干宪法和其他法律条款。答复的全文载于附件三。

意见

47. 工作组感谢埃及政府对一般性指控作出答复(见上文第 46 段)。但工作组感到遗憾的是,该答复仅仅把关于强迫失踪的指控驳斥为“以虚假信息为基础的恶意攻击”,似乎没有充分考虑到这些指控的严重性。关于保障个人权利和自由的内部规定,工作组敦促该国政府严格监督和确保这些规定的执行,并提请注意有必要保证对强迫失踪的行为采取有效补救措施。它还建议政府采取有效的立法、行政、司法或其他措施,以防止和终止《保护所有人不遭受强迫失踪宣言》第 3 条中所列入的强迫失踪行为;确保迅速将被剥夺自由者遭到拘留一事以及他们的拘留地点、包括转移的准确情况立即通知其家属、律师或任何其他有合法理由关心这种情况的人(第 10 条第 2 款)。

48. 关于上文第 42 段 (b),工作组仍关注围绕据报告 Abdelrahman Gamal Mohamed Ahmed 死亡的环境,他是一名医科学生,据称 2016 年 12 月 6 日在艾斯尤特市一次警察袭击中与其他两人一起被打死。委员会被提请注意到,Abdelrahman Gamal Mohamed Ahmed 当时已在警察手里,此前据称他于 2016 年 8 月 25 日被穿国家安全局制服的人绑架。工作组要求该国政府彻底调查这一指控,并要求向其通报调查结果。

49. 工作组对在 2017 年 1 月 30 日和第 111 届会议后收到多个答复对埃及政府表示感谢,工作组将在收到它们的翻译文本后尽快对其进行处理和审议。

萨尔瓦多

来文方提供的资料

50. 一个来文方就 3 起未决案件提供了资料。

政府提供的资料

51. 2017 年 1 月 23 日,萨尔瓦多政府就 3 起未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

厄立特里亚

一般性指控

52. 工作组收到可靠来源提供的资料,指称在厄立特里亚存在妨碍执行《保护所有人不遭受强迫失踪宣言》的障碍。该一般性指控载于附件二。

埃塞俄比亚

来文方提供的资料

53. 一个来文方就一起未决案件提供了资料。

54. 工作组依照其工作方法,向肯尼亚政府转送了这一案件的副本。

联合紧急呼吁

55. 2016 年 10 月 7 日，工作组与其他七个特别程序机制一起，就据称 2015 年 11 月以来，特别是在奥罗米亚和阿姆哈拉区域持续镇压抗议行动以及数百人强迫失踪，转送了一项联合紧急呼吁。

希腊

政府提供的资料

56. 2016 年 10 月 31 日，希腊政府就一起未决案件转送资料。所提供的资料被认为不足以导致对案件作出澄清。

圭亚那

来文方提供的资料

57. 一个来文方就一起未决案件提供了资料。

印度

标准程序

58. 工作组向该国政府转送了 4 个案件，涉及以下人士：

(a) Jalal-ud-din Tass, 据称最后一次被人看见是 1999 年 12 月 28 日在查谟和克什米尔 Zamboor Pattan “第九拉其普特联队”的 Choolan 军营，此前他被召去领取过去被军营指挥官没收的身份证件；

(b) Mohammad Ismaiel Tass, 据称最后一次被人看见是 1999 年 12 月 28 日在“第九拉其普特联队”的 Choolan 军营，此前他被召去领取过去被军营指挥官没收的身份证件；

(c) Javaid Ahmed Bhat, 系一名 16 岁男孩，据称 1995 年 6 月 14 日被第 22 拉什特里亚联队逮捕；

(d) Farooq Ahmad Shalbab, 据称 1995 年 6 月 14 日被第 22 拉什特里亚联队逮捕。

来文方提供的资料

59. 一个来文方就最早登记在不丹名下的 5 起未决案件提供了最新资料。工作组根据收到的资料，决定将这 5 起案件从不丹的记录转到印度的记录。

迅速干预信函

60. 2016 年 10 月 11 日，工作组与其他特别程序机制一起，就指称的对 Khurram Parvez 的任意逮捕、拘留、恐吓和旅行禁令，转送了一项紧急呼吁。

2016 年 11 月 24 日与其他特别程序机制联合发表的新闻声明公开表达了工作组与这一案件有关的关注。²

对联合紧急呼吁的答复

61. 2016 年 9 月 5 日，印度政府转送了对 2015 年 10 月 9 日发出的联合迅速干预信函(见 A/HRC/WGEID/108/1, 第 56 段)的答复，该干预信函有关指称继续拒绝延长一位人权律师的护照，以图限制其调查强迫失踪的工作。答复中列入了否认来文所载指称的资料。³

62. 2016 年 9 月 29 日，印度政府转送了对 2016 年 9 月 16 日发出的联合迅速干预信函的答复，该干预信函有关指称对 Khurram Parvez 的任意逮捕、拘留、恐吓和旅行禁令(A/HRC/WGEID/110/1, 第 52 段)。答复中列入了与拘留人权维护者 Khurram Parvez 有关的事态发展的资料。⁴

印度尼西亚

一般性指控

63. 工作组收到可靠来源提供的资料，指称在印度尼西亚存在妨碍执行《保护所有人不遭受强迫失踪宣言》的障碍。该一般性指控载于附件二。

伊朗伊斯兰共和国

紧急行动

64. 2016 年 11 月 16 日，工作组在其紧急行动程序下，向伊朗伊斯兰共和国政府转送了关于 Mohammad Ali Taheri 的案件，据称 2016 年 10 月 16 日他从德黑兰的 Evin 监狱失踪。

65. 2016 年 12 月 12 日，工作组在其紧急行动程序下，向伊朗伊斯兰共和国政府转送了关于 Saber Naderi 的案件，据称 2016 年 12 月 4 日他被情报部(Etelaat)官员从家中绑架。

联合紧急呼吁

66. 2016 年 11 月 22 日和 2017 年 1 月 26 日，工作组与其他四个特别程序机制一起，就指称对工作组审理的未决案件所涉两个人的亲戚 Raheleh Rahemipor 采取报复行为，转送两项联合紧急呼吁。

² 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20697&LangID=E#sthash.56bdr9PJ.dpuf。Mr. Parvez 先生于 2016 年 11 月 29 日被释放。

³ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=31948>。

⁴ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=31865>。

67. 2017 年 1 月 13 日，工作组与其他五个特别程序机制一起，就指称 Ali Moezzi 从监狱失踪一事，转送一项紧急行动。据报告，他在西德黑兰 Karaj 戒备森严的 Gohardasht 监狱的两年徒刑即将结束。

一般性指控

68. 工作组收到可靠来源提供的资料，指称在伊朗伊斯兰共和国存在妨碍执行《保护所有人不遭受强迫失踪宣言》的障碍。该一般性指控载于附件二。

意见

69. 工作组仍感严重关切的是，收到指称对 Raheleh Rahemipor 采取报复行动的资料(见上文第 66 段)，这些报复行动似乎与她宣称要为其亲戚获得真相与正义直接有关。工作组还注意到，Rahemipor 女士现在因“反国家宣传”而被判处两年监禁。⁵

70. 工作组希望强调《保护所有人不遭受强迫失踪宣言》第 13 条第 3 款，该款阐明：“应采取步骤，确保所有与调查有关的人，包括申诉人、律师、证人和调查人员受到保护，免遭恶劣对待、恐吓或报复”。此外，人权理事会第 7/21 号决议促请各国政府采取措施，充分保护强迫或非自愿失踪案件的证人、反对强迫失踪的人权维护者、失踪者的律师和家属不受任何可能的恐吓或虐待。失踪者的家属应受到保护，无论是否已经启动刑事调查。

伊拉克

政府提供的资料

71. 2017 年 1 月 19 日，伊拉克政府就一起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

约旦

根据来文方提供的资料所做的澄清

72. 根据来文方提供的资料，工作组决定澄清关于 Abdelsalam Abdulmalik Mohammad Yousef Othman 的一起案件，据报告，该人士 2016 年 6 月 29 日从在安曼的情报总局大楼中被释放。

科威特

来文方提供的资料

73. 一个来文方就一起未决案件提供了最新资料。

⁵ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20928&LangID=E#sthash.HTM67kLT.dpuf。

利比亚

紧急行动

74. 2016 年 11 月 5 日，工作组在其紧急行动程序下，向利比亚政府转送了关于 Nader Snoussi Ali Al Omrani 的一起案件，据称 2016 年 10 月 6 日他在去 Al Fuatir 清真寺的路上被几个便衣武装人员绑架，该清真寺位于的黎波里 Hawazet Al Batata 的 Al Hadhba Al khadra 区大马士革街区中心。

75. 2016 年 12 月 30 日，工作组在其紧急行动程序下，向利比亚政府转送了关于 M. Gabir Mokhtar Zain Elabdeen Mahmoud 的一起案件，据称 2016 年 9 月 25 日他在的黎波里西海岸 Gargarish 地区的“AT Home”咖啡馆被第二支助旅绑架，据报告该团体隶属内政部。

76. 委员会依照其工作方法，向苏丹政府转送了这一案件的副本。

标准程序

77. 工作组向该国政府转送 3 起案件，涉及以下人士：

(a) Muftah Al Kadiki, 据称 2014 年 11 月 2 日在贾迪达班加西地区的 Nour al Mubeen 清真寺外被隶属“尊严行动”部队的武装平民志愿者绑架；

(b) Ibrahim Al Sour, 据称最后一次被人看见是 2015 年 1 月 18 日他离开在班加西的家之后；

(c) Al Sunissi Khalifa Bedar Abu Samara, 据称 1994 年 6 月被国内安全局 Ajadabia 分部的官员从在 Al-Wahedah 的家中逮捕。

根据来文方提供的资料做出的澄清

78. 根据来文方提供的资料，工作组决定澄清关于 Nader Snoussi Ali Al Omrani 的一起案件。据报告，该人士已被法外处决。

意见

79. 工作组呼吁该国政府全面调查关于据报告 Nader Snoussi Ali Al Omrani 被法外处决的指称，并要求向其通报结果。

墨西哥

根据来文方提供的资料做出的澄清

80. 根据来文方提供的资料，工作组决定澄清关于 Adriana Guadalupe Castañeda Bernal、Diana Lizeth Bernal Hernandez 和 Julio César Castañeda Bernal 的 3 起案件。据报告，他们都被营救。

来文方提供的资料

81. 一个来文方就 6 起未决案件提供了最新资料。

政府提供的资料

82. 2016 年 12 月 23 日，政府就一起未决案件转送了资料。政府所提供的资料被认为不足以导致对案件作出澄清。

对联合紧急呼吁的答复

83. 2016 年 10 月 14 日和 11 月 8 日，政府对 2016 年 7 月 25 日和 2016 年 8 月 19 日与其他特别程序机制一起转送的两项联合紧急呼吁作出答复。⁶

84. 第一项联合紧急呼吁有关指称谋杀 José Jesús Jiménez Gaona 和对 Francisca Vázquez Mendoza 谋杀未遂，以及骚扰和恐吓属于被拘留失踪者亲属委员会“Hasta Encontrarlos”的维护人权人士的行为。政府在其答复中指出维拉克鲁斯州检察长办公室已启动调查，并提供了向 Jiménez Gaona 先生的家人提供援助和保护措施的详情。关于 Gabriel Alberto Cruz Sánchez 和他的家人，政府报告说，它不了解有关紧急呼吁中陈述的所谓事实，但已指示瓦哈卡州检察长办公室和该州的公共安全部表明在其主管的领域是否登记了与所指称事实有关的任何报告，还指示它们采取必要行动，保障 Gabriel Alberto Cruz Sánchez 家人的身心完整。

85. 第二项联合紧急呼吁有关指称不适当地干预律师 Vidulfo Rosales Sierra 与 Ayotzinaba⁴³ 名失踪学生中一位学生父亲的私人通信，以及可能促成人权维护者丧失合法性的其他行动。政府在其答复中报告了提供的保护措施，尤其是由保护人权维护者和记者机制提供的保护措施。

迅速干预信函

86. 2016 年 10 月 11 日，工作组与其他特别程序机制一起，转送了一项迅速干预信函，有关指称克雷塔罗州人权维护者以及一名强迫失踪受害者的亲属受到威胁和攻击，以及指称 Miguel Agustín Pro Juárez A.C. 人权中心(Prodh 中心)的成员受到威胁。

意见

87. 工作组希望回顾《保护所有人不遭受强迫失踪宣言》第 13 条第 3 款，该款阐明：“应采取步骤，确保所有与调查有关的人，包括申诉人、律师、证人和调查人员受到保护，免遭恶劣对待、恐吓或报复”。此外，人权理事会第 7/21 号决议促请各国采取措施，充分保护强迫或非自愿失踪案件的证人、反对强迫失踪的人权维护者、失踪者律师和家属不受任何可能的恐吓或虐待。

摩洛哥

标准程序

88. 工作组向摩洛哥政府转送了 4 起案件，有关以下人士：

⁶ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32011> 和 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32033>。

(a) Bulaila Aomar Mahayub, 据称 1976 年 7 月 10 日在斯马拉他的店铺中被皇家宪兵队成员绑架;

(b) Buseid Alamin Abdal-la, 据称 1976 年 7 月 11 日在斯马拉的家中被皇家宪兵队成员绑架;

(c) Hamudi Saleh Brahim, 据称 1976 年 7 月 10 日在 Rbeib 被皇家宪兵队成员绑架;

(d) Brahim-Salem Ahmed Hmeida, 据称 1976 年 7 月在 Amgala 被皇家部队第 6 连的士兵绑架。

89. 委员会依照其工作方法, 向西班牙政府转送了最后一个案件的副本。

迅速干预信函

90. 2016 年 10 月 31 日, 工作组与其他特别程序机制一起, 转送了一项紧急干预信函, 有关指称安全部队对 Carlos Martin Beristain、Gloria Guzman 和 Arantza Chacon 实施恐吓和报复行为。安全部队拒绝允许他们入境, 因此阻碍了他们参加非政府组织组织的与西撒哈拉强迫失踪案件有关的活动。

对迅速干预信函的答复

91. 2017 年 1 月 19 日, 政府对 2016 年 10 月 31 日转送的迅速干预信函作出答复, 指出此一访问是那些可能对公共秩序构成威胁的活动的一部分。因此, 依照关于外国人进入和在摩洛哥逗留的 2003 年 11 月 11 日第 02-03 号法, 禁止有关人士进入摩洛哥领土。

意见

92. 工作组感谢摩洛哥政府 2017 年 1 月 19 日就 2016 年 10 月 31 日的迅速干预信函提供资料, 但对答复的内容感到惊诧。工作组回顾, 亲属了解失踪者命运和下落真相的权利是一项不受任何限制和克减的绝对权利。国家不可为限制这一权利而援引任何合法的目的或特殊的情况。

93. 此外, 工作组回顾《保护所有人不遭受强迫失踪宣言》第 13 条第 3 款, 该款阐明: “应采取步骤, 确保所有与[强迫失踪]调查有关的人, 包括申诉人、律师、证人和调查人员受到保护, 免遭恶劣对待、恐吓或报复”。此外, 人权理事会第 7/21 号决议促请各国政府采取措施, 充分保护强迫或非自愿失踪案件的证人、反对强迫失踪的人权维护者、失踪者律师和家属不受任何可能的恐吓或虐待。

莫桑比克

紧急行动

94. 2016 年 11 月 15 日, 工作组在其紧急行动程序下, 向莫桑比克政府传送了关于 Américo António Melro Sebastião 的一起案件, 据称 2016 年 7 月 29 日他在索法拉的 Nhamapaza 被穿制服的特工绑架。

95. 工作组依照其工作方法, 向葡萄牙政府转送了这一案件的副本。

政府提供的资料

96. 葡萄牙政府转送了关于上述案件的资料。所提供的资料被认为不足以导致对案件作出澄清。

尼泊尔

标准程序

97. 工作组向尼泊尔政府转送了 9 起案件，有关以下人士：

(a) Jung Bahadur Chaudhary, 据称 2002 年 9 月 18 日在甘琼布尔被 Belauri 警察局的警察逮捕；

(b) Natthu Ram Chaudhary, 据称 2002 年 9 月 18 日在甘琼布尔 Belauri 警察局前接受安检时被警察逮捕；

(c) Bhagi Ram Chaudhary, 据称 2002 年 12 月 12 日在莫蒂布尔的家中被警察逮捕；

(d) Pushpa Kumar Giri, 据称 2003 年 11 月 7 日在 Bagbazaar 被军队逮捕；

(e) Dil Bahadur Thapa (Magar), 据称最后一次被人看见是 2003 年 4 月 12 日在辛杜帕尔乔克县的尼泊尔乔塔拉军营，此前据报告 2003 年 4 月 9 日他在乔塔拉的集市被军队绑架；

(f) Durg Bahadur Oli, 据报告 2002 年 9 月 28 日在家中被军人绑架；

(g) Milap Singh Rana, 据称 2002 年 11 月 11 日被尼泊尔皇家陆军和警察的联合部队逮捕；

(h) Rajendra Bahadur Chaurel, 据称 2004 年 1 月 9 日被加德满都 Chaunni 的尼泊尔皇家陆军 Jagadal 营的成员从家中绑架；

(i) Shanta Pokharel, 据称 2008 年 2 月 15 日被苏尔凯德区警察局的一群警察逮捕。

尼日利亚

紧急行动

98. 2016 年 11 月 17 日，工作组在其紧急行动程序下，向尼日利亚政府转送了关于 Sunday Chucks Obasi 的一起案件，据称 2016 年 8 月 16 日他在阿南布拉州 Nnewi 市 Nnewi-Ichi 的 Chukwudi 大院被 5 名疑似来自国家安全部的安全特工绑架。

巴基斯坦

紧急行动

99. 在审查所涉期间，工作组在其紧急行动程序下，向巴基斯坦政府转送了 10 起案件，涉及以下人士：

- (a) Usmana Junaid, 据称 2016 年 7 月 11 日在卡拉奇北 Nazimabad 的大师教练中心附近被情报局人员绑架;
- (b) Akbar Ali Khan, 据称 2016 年 8 月 12 日被军队从家中绑架;
- (c) Ishrat Ali Mohammad Ahmed, 据称 2016 年 10 月 8 日被准军事组织“游骑兵”从家中绑架;
- (d) Usman Riaz, 据报告 2016 年 10 月 6 日从拉合尔的 Gulberg 地区失踪;
- (e) Shabir Ahmed, 据称 2016 年 10 月 4 日在俾路支省的 Gwarkop 被边境兵团和三军情报局的成员逮捕;
- (f) Armghan Mehmood, 据称于 2016 年 12 月 7 日在拉合尔 Tufail 路的渣打银行附近被绑架;
- (g) Saleem Shazad Mehboob Elahi, 据称 2016 年 12 月 31 日被准军事组织“游骑兵”从卡拉奇的家中绑架;
- (h) Mohammad Ashraf Noor Mohammad, 据称 2016 年 12 月 31 日被准军事组织“游骑兵”从卡拉奇的家中绑架;
- (i) Iqbal Hussain Khan, 据称 2016 年 9 月 7 日在布内尔被军方逮捕;
- (j) Muhammad Arif Muhammad Haider, 据称 2017 年 1 月 12 日被准军事组织“游骑兵”从卡拉奇大学校园绑架。

标准程序

100. 工作组向该国政府转送了 48 起案件。这些案件的摘要载于附件一。

来文方提供的资料

101. 一个来文方就一起未决案件提供了最新资料。

根据来文方提供的资料作出的澄清

102. 根据来文方提供的资料, 工作组决定澄清 Syed Abdul Naved Syed Abdul Saeed 一案。据报告该人士已经死亡。

政府提供的资料

103. 2016 年 12 月 19 日, 政府就一起未决案件转送了资料。根据提供的资料, 工作组决定对此案适用六个月规则。

澄清

104. 根据政府以前提供的资料, 在六个月规则规定的期限到期后, 工作组决定澄清 Burg Ali Muhammad Rashid Ali 一案。

联合紧急呼吁

105. 2017 年 1 月 11 日, 工作组与其他两个特别程序机制一起, 就据称在 2016 年 1 月 4 日至 7 日失踪的四位人权活动者 Waqas Goraya, Asim Saeed, Salman Haider 和 Ahmed Raza Naseer 的下落不明, 转送一项联合紧急呼吁。

意见

106. 工作组再次提请注意《宣言》第 7 条和第 10 条第 2 款(见上文第 25 段)。

秘鲁

来文方提供的资料

107. 一个来文方就 3 起未决案件提供了信息。

大韩民国

政府提供的资料

108. 2016 年 12 月 23 日, 大韩民国政府就 3 起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

俄罗斯联邦

标准程序

109. 工作组向俄罗斯联邦政府转送了 116 起案件, 有关据称在车臣被俄罗斯军队绑架的下列人士(括号中提供了据称失踪的日期):

- Idris Abdulazimov (2002 年 6 月 2 日)
- Sylimbek Akhmarov (2000 年 2 月 9 日)
- Abybakar Akhmatov (2005 年 11 月 24 日)
- Angela Akhmedkhanova (2000 年 1 月 18 日)
- Ramzan Aliev (2002 年 11 月 13 日)
- Zajindi Aliev (2002 年 7 月 30 日)
- Shamsyidin Alisyltanov (2002 年 5 月 16 日)
- Akhmed Alsyltanov (1995 年 1 月 2 日)
- Isa Arsagiriev (1995 年 5 月 14 日)
- Ilyas Arsakhanov (1995 年 3 月 21 日)
- Ayub Arsambiev (2002 年 6 月 7 日)
- Ramzan Babyshev (2003 年 2 月 4 日)
- Farkhad Bachaev (1999 年 11 月 1 日)
- Apti Bagaev (1995 年 6 月 10 日)
- Yakub Bagazaev (2002 年 3 月 28 日)
- Akhmed Baisyltanov (2002 年 12 月 31 日)
- Khampasha Baisyltanov (2002 年 12 月 31 日)

- Syliman Baisyltanov (2002 年 12 月 31 日)
- Ayub Bakhaev (2001 年 3 月 13 日)
- Salambek Bamatgiriev (2004 年 11 月 15 日)
- Badrydi Barkhanov (2002 年 12 月 19 日)
- Iskhadjji Batykaev (2001 年 12 月 15 日)
- Shaiman Batykaev (1995 年 6 月 26 日)
- Aslan Bazaev (2000 年 12 月 31 日)
- Sobyry-Ali Bedigov (2002 年 7 月 14 日)
- Shirvani Chabaev (2004 年 11 月 19 日)
- Aslan Chapanov (2000 年 9 月 12 日)
- Lema Chapanov (2000 年 9 月 12 日)
- Khamzat Chapsyrkaev (2002 年 7 月 17 日)
- Akhmed Cherniskaev (2002 年 7 月 8 日)
- Isa Chokmyrzaev (2003 年 7 月 8 日)
- Jamaldi Dadaev (2004 年 4 月 22 日)
- Vakha Dadaev (1995 年 3 月 6 日)
- Magomed Djabrailov (2001 年 8 月 30 日)
- Tyrpal-Ali Djabrailov (2000 年 5 月 27 日)
- Said-Sali Djamalkhanov (2001 年 5 月 22 日)
- Rustam Dokhshykaev (2001 年 3 月 28 日)
- Aminat Dokhtykaeva (2002 年 6 月 19 日)
- Said-Khasan Dydyrkaev (2003 年 10 月 22 日)
- Slavik Edilsyltanov (2002 年 7 月 8 日)
- Said-Khysein Elembaev (2001 年 3 月 29 日)
- Said-Khysein Elgakaev (2001 年 6 月 2 日)
- Khavaj Elikhanov (2001 年 12 月 4 日)
- Eli Eljyrkaev (1994 年 12 月 31 日)
- Alash Elmyrzaev (2005 年 5 月 23 日)
- Apti Elmyrzaev (2002 年 7 月 8 日)
- Magomed Elmyrzaev (2002 年 7 月 30 日)
- Mirza Elmyrzaev (2000 年 2 月 2 日)
- Ziyavdi Elmyrzaev (2002 年 4 月 21 日)

- Vakhid Elsaev (2001 年 12 月 17 日)
- Vakha Ersiev (2002 年 11 月 19 日)
- Islam Eskaev (2002 年 4 月 23 日)
- Adam Eskiev (2002 年 7 月 30 日)
- Adam Eskirkhanov (2002 年 11 月 5 日)
- Anzor Gadaev (2008 年 8 月 5 日)
- Rystam Gadaev (2000 年 6 月 1 日)
- Bislan Gaitykaev (2004 年 10 月 1 日)
- Sultan Gazakbiev (2003 年 1 月 11 日)
- Ruslan Gerikhanov (2003 年 7 月 14 日)
- Bykhara Ibakov (2002 年 7 月 23 日)
- Movlid Ibragimov (2002 年 3 月 21 日)
- Aslambek Imakaev (2000 年 3 月 6 日)
- Balavdi Imakaev (2000 年 3 月 6 日)
- Aslan Inalov (2004 年 9 月 23 日)
- Denis Istamylov (2003 年 7 月 14 日)
- Gilani Khabilyaev (2000 年 10 月 3 日)
- Ziyavdi Khabilyaev (2000 年 10 月 3 日)
- Bilykhadji Khachykaev (2002 年 12 月 26 日)
- Ali Khadaev (2003 年 1 月 5 日)
- Khasan Khadjiev (2003 年 3 月 17 日)
- Aslan Khadyzov (2001 年 4 月 29 日)
- Bislan Khalidov (2003 年 8 月 11 日)
- Isa Khalidov (2002 年 11 月 29 日)
- Aby Khasyev (2001 年 8 月 30 日)
- Salamo Khyliyev (2004 年 11 月 25 日)
- Saikhan Lylyev (2000 年 6 月 4 日)
- Magomed Magamadov (2002 年 3 月 1 日)
- Alkhazur Magomadov (2002 年 7 月 30 日)
- Rasul Magomadov (2002 年 11 月 12 日)
- Anzor Malikov (2000 年 3 月 6 日)
- Zilaydi Malikov (2000 年 3 月 6 日)

- Adam Mamakaev (2002 年 10 月 25 日)
- Lema Matsaev (2002 年 11 月 13 日)
- Avga Mejiev (2003 年 1 月 17 日)
- Idris Midaev (2002 年 7 月 26 日)
- Luiza Osmaeva (2000 年 1 月 18 日)
- Tymisha Sadykova (2006 年 3 月 15 日)
- Aslanbek Saidal-Aliev (2002 年 9 月 4 日)
- Rustam Sakhabov (2002 年 7 月 30 日)
- Bislan Saparbiev (2002 年 10 月 9 日)
- Islam Shabaev (2002 年 4 月 16 日)
- Lema Shadaev (2005 年 10 月 27 日)
- Shaikhi Shadaev (2005 年 10 月 27 日)
- Akhmed Shaipov (2003 年 4 月 9 日)
- Ramzan Shaipov (2004 年 5 月 8 日)
- Akhiyad Shakhidov (2002 年 5 月 14 日)
- Khamzat Shakhidov (2002 年 5 月 14 日)
- Alkhazyr Shamaev (2002 年 5 月 17 日)
- Said-Ali Sharshyev (2003 年 7 月 20 日)
- Aslambek Shavanov (2001 年 9 月 24 日)
- Mairbek Shavanov (2001 年 9 月 24 日)
- Abyiazid Shidaev (2002 年 10 月 25 日)
- Aslan Shovkhalov (1995 年 6 月 9 日)
- Salambek Sylipov (1995 年 2 月 11 日)
- Islam Syrkaev (2002 年 11 月 12 日)
- Timur Tsakaev (2001 年 11 月 2 日)
- Zybair Tsakaev (2002 年 7 月 9 日)
- Galavdi Tsaldaev (2000 年 1 月 22 日)
- Mansyr Tsaldaev (2000 年 1 月 22 日)
- Aslan Tsamaev (2002 年 7 月 21 日)
- Abi Tsartsaev (2000 年 11 月 21 日)
- Islam Tsonaev (2003 年 7 月 24 日)
- Aly Tsymaev (2000 年 4 月 6 日)
- Khasain Vakhaev (2001 年 4 月 12 日)
- Sharpydin Visaitov (2001 年 12 月 22 日)
- Adam Visarkhanov (2001 年 9 月 22 日)

来文方提供的资料

110. 来文方就一起未决案件提供了资料。

对一般性指控的答复

111. 2016 年 12 月 6 日，俄罗斯联邦政府转送了对 2016 年 12 月 1 日发送的一般性指控的答复。该一般性指控有关据报告克里米亚自治共和国境内存在妨碍执行《保护所有人不遭受强迫失踪宣言》的障碍。政府在答复中指出，它不能对该一般性指控进行评论，因为它含有“与克里米亚共和国领土状况有关的不可接受的措辞，即提到大会第 68/262 号决议”。

意见

112. 工作组感谢收到俄罗斯联邦政府的答复，但对其中没有列入关于指控的实质性资料感到遗憾。工作组重申，应依照大会 2014 年 3 月 27 日第 68/262 号决议对提及克里米亚自治共和国予以理解。

斯里兰卡

标准程序

113. 工作组向斯里兰卡政府转送了 55 起案件。这些案件的摘要载于附件一。

来文方提供的资料

114. 来文方就一起未决案件提供了资料。

其他信函

115. 2016 年 12 月 2 日，就斯里兰卡政府提议的反恐怖主义法的政策和法律框架，向其发送了一封“其他信函”。

阿拉伯叙利亚共和国

标准程序

116. 工作组向该国政府转送了 22 起案件。这些案件的摘要载于附件一。

来文方提供的资料

117. 来文方就两个未决案件提供了资料。

苏丹

紧急行动

118. 2016 年 12 月 21 日，工作组在其紧急行动程序下，向苏丹政府转送了关于 Ibrahim Adam Mudawi 的一起案件，据称他于 2016 年 12 月 7 日在喀土穆大学校园被国家情报和安全局成员绑架。

联合紧急呼吁

119. 2016 年 11 月 17 日，工作组与其他两个特别程序机制一起，就指称 10 名苏丹医生被任意逮捕和强迫失踪，转送了一项联合紧急呼吁。

120. 2016 年 12 月 12 日，工作组与其他四个特别程序机制一起，就指称 24 名政治活动者和反对派在 2016 年 11 月 4 日至 27 日被国家情报和安全局任意逮捕和强迫失踪，转送一项联合紧急呼吁。

121. 2016 年 12 月 13 日，工作组与其他三个特别程序机制一起，就指称人权维护者 Hafiz Idris 和 Ibrahim Adam Mudawi 被强迫失踪一事，转送一项联合紧急呼吁，此前他们分别于 2016 年 11 月 24 日和 2016 年 12 月 7 日在喀土穆被国家情报和安全局逮捕。

对联合紧急呼吁的答复

122. 2016 年 11 月 23 日和 2016 年 12 月 29 日，苏丹政府转送了对分别于 2016 年 11 月 17 日⁷ 和 2016 年 12 月 12 日发出的两个联合紧急呼吁的两项答复。政府报告说，两项来文中的所有个人均已被释放。

123. 工作组感谢苏丹政府 2016 年 12 月 20 日发送的信函，政府在信函中对工作组将于 2017 年最后一个季度进行的访问表示欢迎。

塔吉克斯坦

政府提供的资料

124. 2016 年 8 月 22 日，塔吉克斯坦政府就 3 起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

泰国

来文方提供的资料

125. 来文方就一起未决案件提供了资料。

土耳其

紧急行动

126. 2016 年 12 月 5 日，工作组在其紧急行动程序下，向土耳其政府转送了关于 Mugjan Ekin 的案件，据报告他于 2016 年 10 月 24 日在安卡拉的 Batiken 区被指称的安全部队成员绑架。

标准程序

127. 工作组向该国政府转送了 18 起案件，涉及以下人士：

⁷ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32045>。

- (a) Hamdo Simsek, 据称于 1993 年 7 月 14 日失踪, 此前据报告他被军队送交警方拘留;
- (b) Fahri Balyeci, 据称 1996 年 9 月 29 日在迪亚巴克尔被逮捕;
- (c) İlhan İbak, 据称 1994 年 8 月 12 日在 Findik 区域指挥部进行的一次搜索行动中被逮捕;
- (d) Vasif Öztürk, 据称 1994 年 6 月 1 日在进入迪亚巴克尔 Kulp 的 Salkimli 村时被军队逮捕;
- (e) Nezir Tekçi, 据称 1995 年 4 月 27 日被 Bolu 游骑兵旅成员拘留;
- (f) Hizni Bilmen, 据称 1993 年 5 月 14 日在对 Budakli 村的一次袭击后与其他 7 人一起被 Mardin 宪兵指挥部的士兵逮捕;
- (g) Davut Altinkaynak, 据称 1995 年 11 月 5 日在对 Ulas 村的一次袭击后与其他 6 人一起被特别行动部队和准军事化部队拘留;
- (h) Cezayir Örfan, 据称 1994 年 5 月 24 日在对其村庄的一次袭击后被 Bolu 突击队成员拘留;
- (i) Mehmet Salim Acar, 据称 1994 年 8 月 20 日在 Ambar Köyü 附近的棉花田里干活时, 被两个自称警察的武装人员逮捕;
- (j) Ahmet Üstün, 据称 1993 年 3 月 15 日在对其村庄的袭击中被宪兵情报组织 “JITEM” 逮捕;
- (k) Adil Ölmez, 据称 1995 年 4 月从 Elazığ 监狱失踪;
- (l) Cemile Sarlı, 据称 1993 年 12 月 24 日在塔特万 Ulusoy 村的一座房子中被 6 名武装安全部队人员逮捕;
- (m) Abdurrahman Olcay, 系一名 10 个月大的男婴, 据称 1995 年 11 月 5 日在对 Ulas 村的一次袭击后, 与其他 6 人一起被特别行动部队和准军事化部队人员拘留;
- (n) İhsan Aslan, 据称 2012 年 12 月 24 日在 Cudi 区的一次行动后, 被准军事化部队成员逮捕;
- (o) Kemal Birlik, 据称 1995 年 3 月 29 日在服满三年徒刑后被释放时在 Kiziltepe 监狱前被安全部队成员逮捕;
- (p) Edip Aksoy, 据称 1995 年 6 月 7 日与另一人一起在 Dagkapt 被绑架;
- (q) Faruk Aksan, 据称最后一次被人看见是 1994 年 11 月 11 日在马尔丁的 Nusaybin;
- (r) Orhan Cingöz, 据称 1995 年 6 月 7 日与另一人一起在 Dagkapt 被绑架。

根据来文方提供的资料所作的澄清

128. 根据来文方提供的资料, 工作组决定澄清 Mugjan Ekin 一案。据报告, 该人士已获得自由。

政府提供的资料

129. 2017 年 1 月 9 日，土耳其政府也转送了关于 **Mugjan Ekin** 一案的资料。根据来文方提供并经政府证实的资料，工作组决定澄清这一案件(见上文第 128 段)。

130. 2017 年 1 月 9 日，政府就 5 起未决案件转送了资料。根据提供的资料，工作组决定对这 5 起案件适用六个月规则。

131. 政府还就 33 起未决案件提供了资料。所提供的资料被认为不足以导致对案件作出澄清。

重复

132. 工作组决定认为两个案件是重复的。重复的案件其后从工作组的记录中删除。

对联合紧急呼吁的答复

133. 2016 年 12 月 1 日，土耳其政府转送了对 2016 年 8 月 19 日发送的一项联合紧急呼吁的答复。答复中列入了有关针对 2016 年 7 月 15 日未遂政变采取的措施的资料。⁸

意见

134. 2017 年 1 月 9 日，政府转送了关于因诉讼时效限制而发布不起诉决定的案件的资料。工作组回顾其在土耳其国家访问报告中所发表的意见(A/HRC/33/51/Add.1, 第 19-20 段)。工作组尤其希望回顾，当《公民权利和政治权利国际公约》第 2 条规定的补救办法不再有效时，在重新确定这些补救办法之前，应中止与被强迫失踪行为有关的诉讼时效限制(《宣言》第 17 条第 2 款)。如果存在诉讼时效限制，这种限制应是实质性的并与罪行的极其严重性质相称(第 17 条第 3 款)，并仅应从失踪人员的命运和下落被揭示之时开始计算。

阿拉伯联合酋长国

紧急行动

135. 2016 年 11 月 4 日，工作组在其紧急行动程序下，向阿拉伯联合酋长国政府转送了关于 **Abdulaziz Al-Yassi** 的一起案件，据称他于 2016 年 9 月 8 日在 **Al Hamidiya** 警察局被警察逮捕。

澄清

136. 根据来文方提供的资料，工作组决定澄清 **Abdulaziz Al-Yassi** 一案。据报告，自 2016 年 12 月起，该人士被关押在 **Al Wathba** 监狱的第 9 号牢房。

⁸ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32050>。

137. 根据政府提供的资料，在六个月规则规定的期限到期后，工作组决定对 Walid Mohammed Ahmed Saeed Alabdouli 的案件作出澄清。据报告，该人士已于 2016 年 3 月 14 日被释放。

政府提供的资料

138. 2016 年 8 月 23 日，政府就 5 起未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

乌克兰

对一般性指控的答复

139. 2016 年 12 月 9 日，乌克兰政府转送了对 2016 年 12 月 1 日发送的一般性指控(见上文第 111 段)的答复，指出应完全依照大会第 68/262 号决议审议该一般性指控。

根据来文方提供的资料作出的澄清

140. 根据来文方提供的资料，工作组决定澄清 Vladimir Bezobrazov 一案。据报告该人士已获得自由。

乌兹别克斯坦

政府提供的资料

141. 2016 年 9 月 18 日，政府就 7 起未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

委内瑞拉玻利瓦尔共和国

政府提供的资料

142. 2016 年 9 月 2 日，哥伦比亚政府就两起记录在委内瑞拉玻利瓦尔共和国名下的未决案件转送了资料。所提供的资料被认为不足以导致对案件作出澄清。

也门

标准程序

143. 工作组向该国政府转送了一起关于 Mujahed Mohamed Ahmed Al Hamdani 的案件，据称他于 2015 年 1 月 1 日在马里布至沙巴瓦省的公路上旅行时被(哈迪政府控制的)军事特别安全部队成员逮捕。

Annex I

Standard procedure cases

Democratic People's Republic of Korea

1. The Working Group transmitted 34 cases to the Government, concerning:
 - (a) Kim Kwang Bok, allegedly arrested by the National Security Agency (NSA), from her house in Okcheon, Baegam County, Yanggang Province, Democratic People's Republic of Korea, in 2011;
 - (b) Kim Gwang Jae, allegedly arrested by the National Security Agency (NSA) from his home in Roha-ri, Kwaksan County, North Pyongan Province, Democratic People's Republic of Korea, in August 1999;
 - (c) Lee Dong Cheol, allegedly arrested by the National Security Agency (NSA) from his home in Hamheung, South Hamkyung Province, Democratic People's Republic of Korea, on 9 May 1980;
 - (d) Lee Hye Gyeong, allegedly arrested by the National Security Agency (NSA) from her house in Hoiryeong, North Hamkyung Province, Democratic People's Republic of Korea, in May 1996;
 - (e) Myeong-hwan Choi, a national of the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while on a fishing boat on Incheon Port, on 12 April 1967;
 - (f) Cheol-gyu Kim, a national from the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while fishing on the "Changmyeong" boat, on 2 July 1968;
 - (g) Gil-yun Park, a national from the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while out on the "Huiyoung 37" fishing boat, on 6 January 1971;
 - (h) Gwan Su Oh, a national from the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while out on the "Geumgangsan" fishing boat, on 22 June 1970;
 - (i) Jang-woon Park, a national of the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while out on the "Gilyong" fishing boat, 22 January 1966;
 - (j) Kyeon-hwa Shin, allegedly abducted together with three other persons, from her home in Chongjin, North Hamkyung Province, Democratic People's Republic of Korea, by security agents of the National Security Agency (NSA);
 - (k) Jong-ho Kwak, a national of the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while out on the "Boseung 2" fishing boat, on 20 March 1964;
 - (l) Kim Byeong Jae, allegedly arrested by the National Security Agency (NSA) from a tractor manufacturing factory in Kwaksan County, North Pyongan Province, Democratic People's Republic of Korea, in August 1999;
 - (m) Jae-dong Lim, a national of the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while on the "Youngchang" fishing boat, on 30 October 1968;
 - (n) Sung-mahn Kim, a national of the Republic of Korea, allegedly abducted by soldiers of the Democratic People's Republic of Korea while on the "Myeongduk" fishing boat, on 20 November 1965;

(o) Il Joo, a national of the Democratic People's Republic of Korea, allegedly abducted by officials from the National Security Agency (NSA), in May 2001;

(p) Baek Yang Guen, allegedly arrested by the National Security Agency (NSA) from his workplace at a hospital in North Pyongan Province, Democratic People's Republic of Korea, in August 1999;

(q) Soo-young Ahn, a national of the Republic of Korea, allegedly arrested by agents of the Democratic People's Republic of Korea near the Northern Limit Line, while on his fishing boat, on 28 December 1972;

(r) Kwang-won Park, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea near the Northern Limit Line, from the "Suwon-ho 32" fishing boat, on 15 February 1974;

(s) Sang-yoon Kim, a national of the Republic of Korea, allegedly abducted by agents of the of the Democratic People's Republic of Korea near the Northern Limit Line, from the "Gadeok-ho" fishing boat, on 10 July 1968;

(t) Jong-up Park, a national of the Republic of Korea, allegedly abducted by agents of the of the Democratic People's Republic of Korea near the Northern Limit Line, from the "Gadeok-ho" fishing boat, on 10 July 1968;

(u) Wan Chae Han, allegedly abducted by agents of the National Security Agency (NSA) on 16 September 2000, after being repatriated to the Democratic People's Republic of Korea from Yanji, China;

(v) Gwang Jung, who allegedly turned himself in to the National Security Agency (NSA) on 5 August 1997, after his plan to leave the Democratic People's Republic of Korea was reported to the authorities;

(w) Eui Do Lee, allegedly arrested at his house by agents of the National Security Agency, on 15 November 1977, and allegedly last seen on 25 May 1981 in "Camp 18", before being transferred to an unknown location;

(x) Bong Soon Park, allegedly arrested by officials from a security agency of the Democratic People's Republic of Korea in March 2007, and imprisoned in "Camp 22" in Hoiryung;

(y) Kyung Min Nam, allegedly arrested by officials from a security agency of the Democratic People's Republic of Korea in March 2007, and imprisoned in "Camp 22" in Hoiryung;

(z) Tae Bong Lee, allegedly abducted by officers from the National Security Agency when he was repatriated from China, in November 2001;

(aa) Dong-myeong Lee, allegedly arrested on the streets in Pyongyang by agents of the National Security Agency on 4 July 1970;

(bb) Im-bok Kim, allegedly arrested by agents of the National Security Agency when she was reportedly repatriated from China on 2 August 1994, and last seen on 13 February 1995 at the Yoduk Political Prison Camp;

(cc) Ji-yong Yoo, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea from the "Cheonwang-ho" fishing boat on 8 August 1975;

(dd) Kwang-won Lee, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea from the "Heungduk-ho" fishing boat, in May 1969;

(ee) Jin-young Kim, a national of the Republic of Korea allegedly abducted by state agents of the Democratic People's Republic of Korea from the "Taeyang-ho", fishing boat, on 10 July 1968, and allegedly last seen working at a mine in the Democratic People's Republic of Korea in 1986;

(ff) Cheon-hyang Park, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea near the Northern Limit Line, while on the "Huiyoung 37" fishing boat, on 6 January 1971;

(gg) Geon-pyo Hong, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea from a beach on Hongdo Island, in August 1978;

(hh) Hae-joon Lee, a national of the Republic of Korea, allegedly abducted by agents of the Democratic People's Republic of Korea near the Northern Limit Line, while on his fishing boat in July 1968.

2. In accordance with the methods of work of the Working Group, the Government of the Republic of Korea received a copy of the cases involving nationals of the Republic of Korea.

Pakistan

3. The Working Group transmitted 48 cases to the Government, concerning:

(a) Jawad Ali, allegedly abducted from his home by Elite force personnel from the police department of Khyber Pakhtunkhwa, on 22 September 2015;

(b) Ghulam Dastagir Hamid, allegedly abducted from his home by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 15 September 2015;

(c) Bahadur Sher Syed, allegedly arrested in his home by officers belonging to the Army, on 27 February 2016;

(d) Hameedullah Beg, allegedly abducted by army personnel while leaving the Talha Mosque after Friday prayers, on 9 October 2015;

(e) Shah Zareen, allegedly abducted from the High School in Peshawar, Swat district, by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 9 July 2009;

(f) Jahanzeb, allegedly abducted from the High School in Peshawar, Swat district, by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 9 July 2009;

(g) Hussain Hazrat, allegedly abducted from the High School in Peshawar, Swat district, by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 9 July 2009;

(h) Hussain Iqbal, allegedly abducted from the High School in Peshawar, Swat district, by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 9 July 2009;

(i) Muhammad Madani, allegedly abducted from his house by two officers from an intelligence state force of Pakistan, on 29 November 2012;

(j) Hafiz Ejaz Ahmad, allegedly abducted from the Muslim commercial College, Gujranwala Road, Hafizabad, by officers from an intelligence state force of Pakistan, on 30 August 2012;

(k) Fazal Raheem, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 13 November 2009;

(l) Manzaray, allegedly arrested from his home by officials believed to be from an intelligence state force of Pakistan, on 17 January 2010;

(m) Luqman, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 29 November 2012;

(n) Muhammad Asif, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 4 August 2015;

- (o) Sagheer Ahmad Shah, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on August 29, 2012;
- (p) Ehsaan Allah, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 9 September 2012;
- (q) Aashiq Ali, allegedly abducted from his home in Shikarpur, Sindh, by officials believed to be from an intelligence state force of Pakistan, on 27 June 2010;
- (r) Muhammad Nasir Khan, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 27 May 2010;
- (s) Bazeer allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 19 December 2009;
- (t) Sharif Ullat, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 24 April 2010;
- (u) Aashiq, Hussain, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 12 November 2009;
- (v) Sandar Khan, allegedly abducted from the High School in Peshawar, Swat district, by officers suspected to belong to the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency, on 9 July 2009;
- (w) Muhammad Ali, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 25 September 2009;
- (x) Abdullah Noor, allegedly abducted from a clinic in Gulshan-e-Iqbal, Karachi District, by officers believed to be from an intelligence state force of Pakistan, on 15 October 2009;
- (y) Farhan Younas, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 4 August 2010;
- (z) Shakeel Ahmad, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 29 November 2012;
- (aa) Aamir, Shareef, allegedly abducted at the Shalimar train by officials believed to be from an intelligence state force of Pakistan, on 31 July 2015;
- (bb) Abdul Hameed Khan, allegedly abducted at Guljaba Kabal during curfew, by officials believed to be from an intelligence state force of Pakistan, on 17 November 2008;
- (cc) Abdul Sattar, allegedly abducted at a Mosque by officials believed to be from an intelligence state force of Pakistan, on 4 November 2015;
- (dd) Riaz Muhammad Khan, allegedly arrested by officials believed to be from an intelligence state force of Pakistan, on 23 April 2009;
- (ee) Ali Anwar Bacha, allegedly abducted from his room at the Army Unit No. 14NL1, by officials believed to be from an intelligence state force of Pakistan, on 18 December 2009;
- (ff) Muhammad Amir Baloch, allegedly arrested by four policemen, on 23 March 2013;
- (gg) Ghazi Khan, allegedly abducted in front of the Central Jail by officials believed to be from an intelligence state force of Pakistan, on 1 August 2010;
- (hh) Ghulam Qadir, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, in 2010;
- (ii) Shahid Shahzad Tahir, allegedly abducted from Ghari Shahu Pul Lahore by officials believed to be from an intelligence state force of Pakistan, on 5 July 2011;
- (jj) Hafiz Hassan Akbar, allegedly arrested by officials believed to be from an intelligence state force of Pakistan, 19 October 2015;

(kk) Hasnain Afzal Raza, allegedly arrested at the Expo Centre near Johar Town Lahore, by officials believed to be from an intelligence state force of Pakistan, on 29 November 2012;

(ll) Izzat Khan, allegedly abducted at the Ali Market in Mingora, Swat District, by officials believed to be from an intelligence state force of Pakistan, on 29 November 2012;

(mm) Shahzad Murtaza Alvi, allegedly abducted from Jakab Abad Railway Station, by officials believed to be from an intelligence state force of Pakistan, on 10 June 2007;

(nn) Sher Bahadour, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 8 November 2009;

(oo) Muhammad Safdar, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 2 April 2010;

(pp) Shah Nazar Khan, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 11 September 2008;

(qq) Masood Khan, allegedly abducted at the Muslim Abad, Hawailian, Abbotabad, by officials believed to be from an intelligence state force of Pakistan, on 29 May 2010;

(rr) Muhammad Faheem, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 15 August 2011;

(ss) Noor Syed, allegedly abducted from the Hajji Camp, Truck Adda, near the Children Hospital in Peshawar, by officials believed to be from an intelligence state force of Pakistan, on 20 June 2009;

(tt) Younas, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 7 July 2009;

(uu) Fazal Wadood, allegedly abducted by officials believed to be from an intelligence state force of Pakistan, on 29 November 2012;

(vv) Sultan Mehmood, allegedly abducted from his home by officials believed to be from an intelligence state force of Pakistan, on 7 July 2009.

Sri Lanka

4. The Working Group transmitted 55 cases to the Government, concerning:

(a) Pushparasa Kanapathipillai, allegedly abducted from his home by men believed to be from the Criminal Investigation Division (CID), on 31 March 2008;

(b) Ravikumar Kandasamy, allegedly abducted by the Army after surrendering in a military controlled area at the end of the war, on 18 May 2009;

(c) Thavaseelan Selvaraja, allegedly abducted by the Manmunai Special Task Forces, on 18 March 2007;

(d) SusaiyakkobuKinsly Joseph, allegedly abducted by Sri Lankan Navy officers, on 11 May 2008;

(e) Krishnakumar Rudramoorthy, allegedly abducted by the Sri Lanka Army in the Mullaitivu District, Northern Province, on 18 May 2009;

(f) Selliah Visvanathan, allegedly disappeared after surrendering to the Sri Lankan Army, on 18 May 2009;

(g) Umapathy Pararasasingam, allegedly disappeared after surrendering to the Sri Lankan Army, on 17 May 2009;

(h) Pavanesan Punniyamoorthi, allegedly abducted by officials from the Sri Lanka Government, on 28 October 2006;

- (i) Kumuthini Punniyamoorthi, allegedly disappeared from Mullivaikal, Mullaithivu District, when it was overrun by the Sri Lanka military, on 16 May 2009;
- (j) Santhakumar Krishnapillai, allegedly abducted by the Sri Lankan Army after having surrendered, on 17 May 2009;
- (k) Rasaiya Erathanan, allegedly last seen at the Sri Lanka Army checkpoint located in Omanthai, Vavuniya District, Northern Province, on 23 June 2009, after allegedly being abducted by the Sri Lanka Army;
- (l) Anthony Kandiah, allegedly abducted by the Kitul Special Task Force at Uragamam, Batticaloa District, on 02 December 2008;
- (m) Ramana Sinnathambi, allegedly last seen at the Sri Lanka Army (SLA) checkpoint in Omanthai, Vavuniya district, on 23 May 2009, in the presence of persons wearing the SLA uniform;
- (n) Anthony Muththukaruppan, allegedly arrested by the Sri Lankan army, on 26 March 2009;
- (o) Soosathasan Anthony, allegedly disappeared in the military controlled area of Pallimunai, Mannar, on 18 May 2008;
- (p) Atputhaseelan Manuel Pathinathan, allegedly last seen with the Sri Lankan Army in Mullivaikal, on 6 January 2009;
- (q) John YogarasaNadarasa, allegedly abducted by the Sri Lanka Army in Mannar, Northern Province, on 14 August 2007;
- (r) Sevvel Marukan Satkunasingham, allegedly last seen on 10 October 2012, in Puthukudiyiruppu, Mullaithivu District, with persons dressed in Sri Lanka Army uniforms;
- (s) Kandasamy Thivichandran, allegedly arrested by Sri Lankan Army officials after surrendering on 17 May 2009;
- (t) Kellen Mary Santhiyogu, allegedly last seen with the Sri Lanka Army (SLA) in the Omanthai Army Camp;
- (u) Harry Muhunthan Thavarasa, allegedly arrested in Batticaloa by two members of the Batticaloa Police, on 3 May 2009;
- (v) Sutharsan Ramachanthiran, allegedly abducted by the Sri Lankan military in the army-controlled area of Karaiyan Mullivaikal, Mullaithivu, on 14 May 2009;
- (w) Arjun Sanmugarasa, allegedly arrested by the Sri Lankan Military after he surrendered in Mullivaikal, Mullaithivu, on 19 May 2009;
- (x) Nagalingam Mahalingam, allegedly abducted by the Sri Lankan Military in the area of Karaiyan Mullivaikal, Mullaithivu, on 14 May 2009;
- (y) Emmanuel Fernando, allegedly arrested at his house by men from the Sri Lankan military, on 21 November 2008;
- (z) Kumarasuwami Ganeshwaran, allegedly arrested by Sri Lankan military officers, on 16 May 2009;
- (aa) Paran Sanmuganathan, allegedly abducted by the Sri Lankan military, on 6 July 2009;
- (bb) Stanly Soosaiyappu Leon, allegedly abducted by suspected policemen from the Kotahena Police Station in Colombo, on 25 August 2008;
- (cc) Roshan Stanly Leon, allegedly abducted by suspected policemen from the Kotahena Police Station in Colombo, on 25 August 2008;
- (dd) Sivakaran Sivabalan, allegedly arrested by two officers of the Criminal Investigation Department (CID) from Vavuniya, at his house in Pesalai, Mannar, on 13 June 2009;

- (ee) Nitharshan Esthogupillai, allegedly arrested by the Sri Lanka Army while at the Mathalan Hospital in Suthanthirapuram, Mullaithivu, on 7 May 2009;
- (ff) Mohamed Naleer Mohamed Hakeem, allegedly abducted by Sri Lankan security forces, on 21 March 2009;
- (gg) Kirusnakumar Uruthramorththi, allegedly abducted by the Sri Lankan military after having surrendered, on 18 May 2009;
- (hh) Nalinikanth Anthonyjesuratnam, allegedly last seen after he was taken away for questioning by suspected soldiers of the Sri Lanka Army, at the Ananda Coomaraswamy IDP camp in Vavuniya District, on 25 May 2009;
- (ii) Rajeswaran Padmalingam, allegedly abducted by a white van, while he was riding a bicycle on Court Road, on 27 May 2008;
- (jj) Davalan Krishnapillai, allegedly abducted by members of the Mylanbaweli Special Task Force (STF), on 26 April 2007;
- (kk) Sathiadevan Velmurugu, allegedly last seen in the Unichchai jungle with two armed men, suspected members of the Maha Oya Special Task Force (STF), on 7 June 2008;
- (ll) Manoharan Subramaniam, allegedly abducted from his home by suspected officers from the Criminal Investigation Department (CID), on 24 March 2009;
- (mm) Jenaraj Yogaraja, allegedly abducted from his fishing boat, by the Navy, on 1 April 2009;
- (nn) Imparaja Rajakopal, allegedly abducted by an identified member of the Criminal Investigation Department (CID), on 15 February 2015;
- (oo) Gobinath Sellathurai, allegedly abducted by members of the Sri Lanka Army, on 24 April 2009;
- (pp) Jayanthi Thavapalan, reportedly last seen by relatives in October 2009, at the Padaviya Hospital, in Trincomalee District;
- (qq) Ravichanthiran Priyatharsini, allegedly last seen on 18 May 2009, at the Ramanathapuram Welfare Centre IDP camp, in Vavuniya District, Northern Province, in the custody of Sri Lanka Army personnel;
- (rr) Jevachandran Ramajah, allegedly disappeared in Mullivaikal, Mullaithivu District, on 17 May 2009;
- (ss) Gajendiran Kuperan, allegedly abducted by the Sri Lankan military, on 3 April 2009;
- (tt) Santhamary Dayasiri, allegedly last seen boarding a white bus with her two-year old son, after surrendering to the Sri Lanka Army at the Vattuvakal checkpoint, in Mullaithivu District, on 18 May 2009;
- (uu) Kalaichudar Dayasiri, a two year old boy, allegedly last seen boarding a white bus with his mother, after she surrendered to the Sri Lanka Army at the Vattuvakal checkpoint, in Mullaithivu District, on 18 May 2009;
- (vv) Mathivathani Sivagnanam, reportedly in the custody of the Sri Lanka Army at the end of the war, in 2009;
- (ww) Kaveenthran Kathiresan, allegedly last seen in the Government controlled area of Mullivaikal, Mullaithivu District, Northern Province, on 18 May 2009;
- (xx) Mathi Kanapathy, allegedly last seen at a LTTE bunker on 15 April 2009, before the LTTE surrendered to the Sri Lankan army;
- (yy) Karthika Thissaveerasingham, allegedly last seen in June 2009 at the Vavuniya Government Hospital, in the Northern Province, reportedly under the custody of the police;

(zz) Kavitha Sivapalarasasekaram, allegedly last seen leaving the LTTE-controlled area to surrender, on 16 May 2009;

(aaa) Rasitha Sivapalarasasekaram, allegedly last seen leaving the LTTE-controlled area to surrender, on 16 May 2009;

(bbb) Kathiravel Rasaratthinam, allegedly disappeared by people in military uniform at the checkpoint in Omanthai, on 19 May 2009;

(ccc) Ratnam Ratnarajah, allegedly arrested by the Vavuniya Police, on 23 June 2009.

Syrian Arab Republic

5. The Working Group transmitted 22 cases to the Government, concerning:

(a) Mahmoud Bakkar, allegedly arrested by members of the Syrian Army and the Security Forces at a checkpoint in Qatana, Rif Dimashq Governorate, on 25 December 2011;

(b) Abdel Hamid Al Salloum, allegedly arrested by members of the Syrian armed forces in Al Jabriya, Qalaat al-Madiq Nahiyah, Hama Governorate, on 20 March 2012;

(c) Abdul Rahman Al Jawalak, allegedly arrested by the Syrian Air Forces Intelligence at a checkpoint on the Maardes bridge, in Suran town, Hama Governorate, on 22 January 2012;

(d) Abdul Aziz, allegedly arrested by members of the Syrian armed forces in Al Jabriya, Nahiyah, Hama Governorate, on 20 March 2012;

(e) Ahmad Shamma, allegedly arrested by Members of the Syrian Army, the Military Intelligence Division, and other unidentified members of security forces, at a checkpoint in Tadmor roundabout, Homs, on 19 May 2013;

(f) Ahmed Al Othman, allegedly arrested on the road of Muhradah Jabriya in Hama, by members of the Air Forces Intelligence, on 30 August 2012;

(g) Abdul Aziz Bakkar, allegedly arrested by members of the Syrian Army and of the Security Forces, in his house in Al-Buwaydah al-Sharqiya, on 26 November 2011;

(h) Jassim Al Shehab, allegedly arrested at a checkpoint located in Teir Maalah, Homs governorate, by officers of the Military Intelligence Division, on 11 April 2011;

(i) Mohammad Saadouni, allegedly arrested by soldiers of the Syrian Army, Regiment No.44 (Special Unit), on 11 June 2015;

(j) Khalid Hussein, allegedly arrested at a checkpoint in Achrafieh, a neighbourhood in Aleppo, by members of the Popular Committees, which are local militias supported by the Syrian Government and merged into the National Defence force in 2012, on 14 October 2014;

(k) Samer Al Tosh, allegedly arrested by a Syrian army high officer, in Juret Al Shayah, Homs, on 3 March 2014;

(l) Majed Al Husni, allegedly arrested from his home in Homs by armed members of the political security forces of the Government, on 26 July 2015;

(m) Ahmad Swaidan, allegedly arrested by Syrian army when passing a checkpoint controlled by the Government forces in the Daraa Al Mahata neighbourhood, Daraa city, on 7 November 2014;

(n) Dima Khabazeh, allegedly arrested at the Jisr Al Shogor city water-company checkpoint, which at the time was allegedly controlled by the Army, on 5 November 2014;

(o) Tamer Abdul Rahman, allegedly arrested by armed members belonging to the political security forces of the Government when passing a checkpoint, on 8 May 2014;

(p) Mahmoud Ghandora, allegedly arrested by a patrol of military security in Idlip, when he went to collect his monthly salary, on 5 May 2014;

(q) Rabah Al Zain, allegedly arrested in the Al Saleh Al Ra Reyadiyeh checkpoint barrier, in Tareeq Al Sham road in Homs city, by military security forces controlling the checkpoint, on 21 June 2015;

(r) Youssef Al Khalaf, allegedly arrested by members of the army and the security forces at the crossing checkpoint of Bustan Alqasr in Aleppo, 16 March 2016;

(s) Mahmoud Bassil, allegedly arrested at his home in Qamshili by a patrol of the State Security forces, on 14 October 2014;

(t) Hassan Masri, allegedly arrested at Ad-Dabousiyah border checkpoint between Syria and Lebanon by members of the Military Security, on 5 August 2014;

(u) Jabara Hussein, allegedly arrested by members of a patrol of the State security forces, at his shop in Qamshili, on 11 March 2014;

(v) Al Maylam Mouath, allegedly arrested by members of the military security of the Government forces in a checkpoint in Hasan Taha Street, Deir Ez-Zour city, on 11 February 2015.

Annex II

General allegations

Bangladesh

1. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in Bangladesh.
2. The sources reported grave human rights abuses and violations committed by Bangladesh Security and Intelligence Forces as well as Law Enforcement Authorities. In particular, the Rapid Action Battalion, detective branch of the police, and the Bangladesh Directorate General of Forces Intelligence are said to be directly implicated in such abuses and violations. These violations include enforced or involuntary disappearances, arbitrary detention, extrajudicial killings and practices of torture, ill and other degrading, inhuman and cruel treatment.
3. The sources mentioned that 319 cases of disappearances in Bangladesh have been recorded in total between January 2009 and November 2016, with a substantial increase since 2013. The cases of Hummar Quader Chowdhury, Mir Ahmed Bin Quasem and Former Brigadier General Amaan Al-Azmi, respectively abducted without lawful order on 4 August, 9 August and 22 August 2016, have been highlighted by the sources as examples of hundreds, if not thousands, of such instances occurring in recent years. As of the other reported disappearances, two groups are said to be primarily targeted, namely leaders and activists of the primary opposition, the Bangladesh Nationalist Party, and student activists of the Islami Chhatro Shibir, the student wing of Bangladesh Jamaat-E-Islami party. Ordinary citizens and members of the ruling party are also said to have been targeted.
4. The sources informed that the Bangladeshi authorities refused the detainees access to a lawyer or family, have publicly denied having arrested political opponents and have systematically denied access to the complaint mechanisms or, if not denied, controlled the mechanism and further investigation, refusing to register complaints in which the words “enforced disappearance” appeared.
5. Additionally, according to the sources, the Bangladeshi Government is known to handle unlawfully arrested individuals in three ways, namely fabricating charges; dropping them across the Indian border where they are subsequently arrested as illegal migrants, or not seen again; or executing them in what is called “cross-fire shootings”.

Eritrea

6. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in Eritrea.
7. According to such sources, Eritrean officials have committed crimes against humanity in a widespread and systematic manner, including enforced disappearances. It is reported that these crimes were committed in Eritrean official and unofficial detention facilities, military training camps and other locations across the country over the past 25 years for political, religious and sometimes unknown reasons. The same information shows that the exact number of people who have been subjected to enforced disappearance remains unknown.
8. People have been allegedly whisked away from the streets, mosques and workplaces by masked Eritrean security agents, either in uniform or civilian clothes driving military vehicles without license plates.

9. Some witnesses described various forms of torture inflicted on them to obtain information, to punish for alleged wrongdoings, or to create a general climate of fear. Witnesses also reported that those detained were subject to enforced disappearance and that high profile cases of enforced disappearance include:

- Former fighters of the Eritrean Liberation Front, detained in 1992;
- Jehovah's Witnesses detained in 1994;
- Muslim teachers in Keren detained in 1994;
- Members of the Afar ethnic group, detained in 1998-1999;
- The G-15 political critics and journalists detained in 2001;
- Members of Muslim community detained for protesting the appointment of a Mufti in 2007;
- Djiboutian prisoners of war detained in 2008;
- Those alleged to have participated in the attempted takeover of the Ministry of Information building at Forto, detained in 2013.

10. It is reported that despite their efforts, many witnesses have not been able to obtain officially information about the fate of their relatives. Some were reportedly able to obtain information unofficially, for example, by bribing a prison guard or from released fellow detainees.

11. Information received indicates that enforced disappearances have had a particular impact on wives, mothers and children of the disappeared. It is reported that they are threatened or subjected to actual detention if they continue to seek from government authorities the establishment of the whereabouts of their husbands and fathers.

12. It is reported that gross violations of human rights continue to occur in the country and that almost all arrested were detained in violation of fundamental rules of international law.

Indonesia

13. The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Indonesia.

14. The sources report that no case of enforced disappearances has been solved by the government since former President Suharto stepped down in 1998. According to the sources, current President Joko Widodo's administration has yet to show seriousness and willingness to tackle the problem. On the contrary, the sources argue that President Widodo is seeking the support of Retired Army Lieutenant General Prabowo Subianto, who was dismissed from military service due to his alleged involvement in the abduction and enforced disappearances of 23 student activists in 1997-1998.

15. According to the sources, out of the 23 activists kidnapped, nine persons resurfaced, one activist was found dead, and 13 activists are still missing. However, no criminal prosecution has taken place against Prabowo Subianto and other high commanders. Prosecution that was carried out against 11 members of the special armed forces, Team Mawar, was only concerning the abduction of the nine student activists, who returned alive. No trial has been initiated concerning the enforced disappearances of the 13 student activists. Furthermore, the sources report that of the 11 members of Team Mawar who were convicted in the military court, some of them were promoted to higher positions and rank after a few years. Additionally, the sources inform that the President has not implemented the legally binding recommendations on the case of enforced disappearances of the student activists in 1997-1998 that the Parliament issued in 2009.

16. The source further reports the case of enforced disappearance of Dedek Khairudin to illustrate the insufficient efforts of the Government in this area. Mr. Khairudin was forcibly

taken by Navy personnel from his home on 28 November 2013. The sources informed that only six Navy personnel have been prosecuted and convicted with light sentences, and none of the higher commanders has been indicted. The sources argue that the Government has not demonstrated a serious commitment in locating him. No adequate compensation has been provided for the victim's family either.

Iran (Islamic Republic of)

17. The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Islamic Republic of Iran.

18. The source asserts that throughout the 1980s, the Iranian authorities detained, tortured, disappeared and killed thousands of people for their political opinions or religious beliefs. The killings reached the highest levels in August and September 1988 when the authorities implemented a plan to eliminate political prisoners across the country. In just a few weeks, an estimated 5,000 political prisoners were rendered incommunicado, executed in secret and without trial, and dumped in unmarked individual and mass graves. Reportedly, the victims' families were not informed about the fate of their loved ones.

19. From late 1988 onwards, the source reports, the authorities informed the families that their relatives had been executed, although the timing and details differed depending on the city. However, the bodies were never returned for proper burial. Nor did Government provide any concrete information about the circumstances of or reasons for the executions or the place of burial.

20. Three decades later, according to the source, there is still little information about the number and location of the graves. Existing research has identified 74 potential mass grave locations across Iran.

21. These locations, the source reports, are scattered across 21 provinces and 40 cities. Twenty-nine of the suspected mass graves are apparently in the outskirts of cemeteries and areas that were, at the time of the executions in 1988, disused and away from frequently visited areas. However, in many cases, the source alleges, with the passage of years and as the cemeteries have become more populous, the distance between the individual cemetery plots and the mass graves in the outskirts has decreased or in some cases completely disappeared. Other sites of suspected mass graves, according to the source, have been identified in the deserted outskirts of cities and in forests, gardens, recreational centers and prison courtyards.

22. The source submits that it has been able to confirm the locations of 10 mass graves. It is further asserted that Iranian authorities have concealed evidence of four identified mass graves. These graves are in or near Mashhad's Behesht Reza Cemetery in north-eastern Khorasan province, Rasht's Tazeh Abad Cemetery in northern Gilan province, Ahwaz's Behesht Abad Cemetery in southern Khouzestan province, and Khavaran in south-east of capital city, Tehran. It is alleged that techniques deployed to conceal evidence of mass graves include: repeated bulldozing; turning the sites of mass graves into stinking and unsightly garbage dumps; hiding the location of mass graves beneath new, individual burial spots; pouring concrete over mass graves; and forbidding families and members of the public from dignifying the sites of mass graves, including through erecting monuments and gravestones or adorning the sites with flowers, pictures, plaques and loving messages.

23. According to the source, in addition to destroying the physical evidence of mass graves, the Iranian authorities have adopted various practices to erase traces of extra-judicial executions and suppress the truth, including the exact number and identity of the victims and the identity of perpetrators. Allegedly, the authorities have excluded the names of those executed in 1980s from public death and burial records. In Tehran, the source reports, the families of some of the 1988 execution victims have repeatedly requested access to the death and burial records maintained by Behesht Zahra Organization, which is responsible for collecting such data. The organization has refused to supply any

information in writing. In some cases, however, staff has informed the families verbally that their relatives are buried in Khavaran.

24. The authorities, the source maintains, have also misrepresented the cause of death on victims' death certificates. Reportedly, the sources have obtained copies of 18 death certificates. Only three of them mention 'execution' or 'hanging' as the cause of death. In three death certificates entry about the cause of death has been left blank. The remaining 12 death certificates, the source claims, misrepresent the cause of the death of prisoners executed in 1980s. Three of the certificates cite "death" (fo't) as the cause of death; four refer to "death by natural causes" (marg-e tabiee); and three attribute death to illness such as bleeding or stroke. One certificate claims that the executed political prisoner died of "a car accident" and one mentions "natural causes in his house" as the cause of death.

25. A number of families, according to the source, have informed that due to a practice of deliberate misrepresentations, they have never applied for a death certificate. Others, the source alleges, have accepted inaccurate death certificates for practical needs.

Annex III

Reply from the Government of Egypt concerning the general allegations received by the Working Group on Enforced or Involuntary Disappearances concerning the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Egypt

(Translated from Arabic)

1. Egypt is contending with malicious attacks based on false information designed to harm the country and tarnish its image abroad. There is no cogent evidence of cases of enforced disappearance in Egypt, since such acts constitute an offence under Egyptian law entailing severe penalties. The allegations contained in the communication from the Working Group are bereft of evidence. They are simply unfounded statements. The State authorities are subject to regulations and to a binding judicial system that cannot be breached. Hence there are clearly no cases of enforced disappearance in the Arab Republic of Egypt against which the Government would be required to take action.

2. Article 99 of the Constitution stipulates that: “Any assault on the personal freedoms or sanctity of the life of citizens, or on other general rights and freedoms guaranteed by the Constitution and the law, is a crime with no statute of limitations applicable to either civil or criminal proceedings. The injured party may file a direct criminal suit. The State shall guarantee fair compensation for those who have been assaulted. The National Council for Human Rights shall inform the Public Prosecutor’s Office of any violation of such rights, and shall also be entitled to provide support for the injured party in civil proceedings at its request, in accordance with the law.”

3. Article 59 of the Constitution stipulates that: “Every person has the right to a secure life. The State shall provide security and reassurance for its citizens and for all persons residing within its territory.” Article 54 stipulates that: “Personal freedom is a natural right that shall be protected and may not be infringed. Apart from cases of flagrante delicto, it is not permissible to arrest, search, detain or in any way restrict the freedom of anyone without an order substantiated by the needs of the investigation. Every person whose freedom is restricted shall be immediately notified of the grounds therefor, shall be informed in writing of his or her rights, shall be permitted to contact his or her relatives and lawyer, and shall be brought before the investigating authority within 24 hours of the time of restriction of his or her freedom. The process of interrogation shall not begin until his or her lawyer is present. A lawyer shall be assigned to persons who do not have one. The requisite assistance shall be provided to persons with disabilities in accordance with the legally prescribed procedures. Anyone whose freedom is restricted, as well as other persons, shall have the right to file a complaint before the court against that measure. A decision on the complaint shall be taken within one week of the date of the said measure; otherwise, the person shall be released immediately. The rules and duration of pretrial detention and the grounds therefor shall be specified, as well as the circumstances in which damages shall be payable by the State in respect of pretrial detention or enforcement of a penalty imposed by a judgment that was subsequently set aside by a final judgment. It is not permissible, under any circumstances, to try an accused person for offences punishable by imprisonment unless a lawyer, appointed by the accused or assigned by the court, is present.”

4. Article 127 of the Code of Criminal Procedure stipulates that: “Any order for pretrial detention shall contain the suspect’s name, surname, occupation and place of residence as well as the charge against him, the legal provisions applicable to the situation, the date on which the order was issued, the signature of the person who issued it, namely the investigating judge or the public prosecutor, and the official stamp of the office of the public prosecutor or of the court, depending on the circumstances.”

5. Article 143 of the Code of Criminal Procedure stipulates that: “The period of pretrial detention shall not exceed three months unless the accused has been referred to the

competent court before the end of that period. In such cases the office of the public prosecutor shall issue a detention order within not more than five days of the date of notification of referral to the competent court, with a view to complying with the provisions of article 151 (1) of this Code. Otherwise the accused shall be released. If the charge against him or her constitutes a felony, the period of pretrial detention shall not exceed five months, unless the competent court issues an order prior to the expiry of that period extending the detention for not more than 45 days. Such an extension shall be renewable for one or more periods. Otherwise the accused shall be released.”

6. In no case may the period of pretrial detention during the preliminary investigation and subsequent stages of the criminal proceedings exceed one third of the maximum penalty for the offence. It should not exceed six months in respect of misdemeanours, eight months in respect of felonies, and two years in cases where the penalty prescribed for the offence is life imprisonment or the death penalty. The foregoing refutes allegations of unlawful deprivation of liberty by national law enforcement agencies or individuals and demonstrates that all cases are subject to serious investigations. Furthermore, the use of any form of torture or violence against individuals constitutes an offence under all Egyptian legislation.

7. The Egyptian Constitution affirms the right of all persons to dignity and stipulates that the crime of torture is not subject to the statute of limitations. According to article 51 of the Constitution, dignity is an inalienable right of every person and the State is required to respect and protect it.

8. Article 55 of the Constitution stipulates that: “Any person who is apprehended, detained or has his or her freedom restricted shall be treated in a manner that preserves his or her dignity. He or she may not be tortured, terrorized or coerced and may not be physically or mentally harmed. He or she shall be detained or imprisoned in designated locations that comply with humanitarian and health standards. Any violation of the aforementioned requirements shall constitute an offence and the perpetrator shall be punishable by law. The accused shall have the right to remain silent. Any statement that is proven to have been made by the detainee under any of the above-mentioned forms of duress, or the threat of such duress, shall be considered null and void.”

9. It should be noted that Egypt signed the Convention against Torture pursuant to Republican Decision No. 154 of 1986 and published in Official Gazette No. 1 of 7 January 1988. The Convention was thus incorporated in domestic law and the State is required to abide by its provisions. It follows that all the aforementioned allegations made against Egypt are baseless and inadmissible pursuant to the legislation cited above.

Reply from the Government of Colombia concerning the general allegations received by the Working Group on Enforced or Involuntary Disappearances concerning the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Colombia

(Original in Spanish)

1. De otra parte, el Estado colombiano pone en conocimiento del Honorable Grupo de Trabajo, la información allegada por parte de la Comisión de Búsqueda de Personas Desaparecidas - CBPD, mediante oficio CBPD No. 2016-1055 de fecha 3 de agosto de 2016, en el que se refiere a tres aspectos en particular, siendo estos los siguientes: 1. Consideraciones Generales sobre las tareas institucionales en los casos de presuntas desapariciones forzadas. 11. Medidas adoptadas por la CBPD para combatir la desaparición forzada de mujeres en Colombia en determinación de su paradero, aplicando el enfoque diferencial. 111. Medidas que otras instituciones han adoptado para asegurar la adecuada reparación de mujeres desaparecidas desde una perspectiva de género.

i. CONSIDERACIONES GENERALES

2. Sobre el primer aspecto mencionado por la CBPD, respecto a las consideraciones generales sobre las tareas institucionales, señala que su objetivo es el de “*apoyar y promover las investigaciones en contra de este delito, con el pleno respeto de las competencias institucionales y de las facultades de los sujetos procesales (...). Las actuaciones propias de la investigación del delito permanecen de manera autónoma e independiente dentro del ámbito de las competencias exclusivas de la Fiscalía General de la Nación*”.

ii. MEDIDAS ADOPTADAS POR LA CBPD PARA COMBATIR LA DESAPARICIÓN FORZADA DE MUJERES EN COLOMBIA Y DETERMINACIÓN DE SU PARADERO

3. La CBPD ha realizado importantes contribuciones a la lucha contra del delito de desaparición forzada en el país. “*si bien los mecanismos institucionales diseñados e implementados por la gestión de la Comisión para combatir el flagelo no fueron concebidos bajo un estricto enfoque diferenciador de género; sí han constituido avances decisivos para hacer frente de una mejor manera a la desaparición forzada de personas, sin factores de discriminación; esto es sin distinción alguna en razón de género, orientación sexual, edad, ocupación, posición social, ideológica y/o credo religioso (...)*”.

4. La Comisión ha elaborado el Proyecto de Ley Estatutaria que “*(...) precisa el procedimiento, ejecución y alcances del Mecanismo de Búsqueda Urgente; lo que daría origen a la Ley Estatutaria 971 de 2005. Esta disposición permite a cualquier ciudadano, particular o funcionario público, solicitar ante cualquier Juez o Fiscal del país, aquel que considere más conveniente, la activación del Mecanismo para que de manera inmediata la autoridad judicial disponga de todas /as actuaciones que se requieran para encontrar cuanto antes, con vida y sin menoscabo en su integridad física y moral a la persona reportada como desaparecida, y así evitar que en su contra se produzca el delito de desaparición forzada*”. En la primera etapa del mecanismo propuesto el cual está integrado por la solicitud y las actividades que efectúa la autoridad judicial, se documenta información detallada de la persona que se ha reportado como desaparecida para emprender acciones efectivas que permitan dar con su localización. En caso de ser mujer, se da una especial atención a la estrategia de búsqueda para encontrarla viva sin generarle ninguna afectación.

5. La CBPD también destaca la formulación del Plan Nacional de Búsqueda de Personas Desaparecidas, definido como el “*conjunto de instrucciones operativas detalladas, dirigidas a los funcionarios que, en las distintas entidades, deben actuar, con el objetivo de encontrar con vida y sin menoscabo en su integridad a las personas desaparecidas. De no ser posible lo anterior, para localizar el cuerpo de la persona desaparecida, recuperarlo, identificarlo plenamente, entregarlo dignamente a sus familiares y garantizar que adelanten libremente su duelo según sus costumbres y creencias*”.

6. Por su parte, el instituto Nacional de Medicina Legal y Ciencias Forenses (INMLyCF) quien también ha asumido las funciones de la Secretaría Técnica de la Comisión de Búsqueda, realizó en el 2015 la consolidación del capítulo “*El fenómeno de la desaparición forzada de mujeres en Colombia. La desaparición forzada de mujeres: otra violencia basada en género*”, en la que se presentaron cifras históricas entre 1938 y 2014. La actividad se llevó a cabo, con ocasión de las medidas de divulgación de información relacionadas con la búsqueda de personas desaparecidas.

7. Adicionalmente, el INMLyCF realiza entrevistas forenses para identificar, documentar expedientes, cruzar referencias entre las personas que han desaparecido y los cadáveres que no han sido identificados, y hace efectivos estudios multidisciplinarios de los cuerpos exhumados o inspeccionados por los organismos de policía judicial, según sean las gestiones hechas por la Fiscalía General de la Nación. Se hace preciso informar que, según reportes proporcionados por la institución, de las 31.305 mujeres que se han reportado como desaparecidas, 737 han sido halladas fallecidas y 12.639 han sido halladas con vida, por lo que el Estado ha mostrado respuesta a la problemática al 42.7% de los casos.

iii. MEDIDAS DE REPARACIÓN INSTITUCIONAL EN CASOS DE DESAPARICIÓN FORZADA

8. Es preciso señalar ante el Honorable Grupo de Trabajo, las labores que las instituciones realizan para asegurar la reparación adecuada de las víctimas de desaparición forzada. Se resalta el Protocolo Interinstitucional para la Entrega Digna de Cuerpos sin vida de Personas Desaparecidas de la Comisión de Búsqueda de Personas Desaparecidas, elaborado conjuntamente con víctimas de este delito en el país, el cual fija los principios y procedimientos para que las autoridades competentes investiguen, exhumen e identifiquen los cuerpos de conformidad con los estándares nacionales e internacionales, dando un enfoque humano y respetuoso a las víctimas.

9. Entre los principios que rigen el protocolo se resalta la aplicación del enfoque diferencial para que se tengan en cuenta las características de la víctima, priorizando la condición de la mujer.

10. Por su parte, la Unidad de Atención y Reparación Integral a las Víctimas, en cuanto a la implementación de las medidas de satisfacción para víctimas de desaparición forzada y sus familiares, no aplica una perspectiva diferencial de género. Su metodología es igualitaria tanto para hombres como para mujeres según sea su orientación sexual e identidad. Esto en concordancia con las iniciativas de memoria y reparación simbólica propuestas por las organizaciones de los familiares que han sido objeto de este flagelo.

11. Asimismo, las autoridades del orden nacional, en aplicación del artículo 139 de la Ley de Víctimas y Restitución de Tierras y del Decreto 303 del 20 de febrero de 2015 y el marco de la Semana de los Detenidos Desaparecidos y del Día Internacional de los Desaparecidos, realiza homenajes públicos a través de conferencias y talleres para fomentar la reflexión sobre el derecho a la memoria, la verdad, la vida y el respeto de los derechos humanos de las víctimas de desaparición forzada. El procedimiento que se sigue para este tipo de actividades es la concertación con los familiares en la que se reciben propuestas de las acciones a realizar en conmemoración de este día.

12. En lo que respecta a la entrega de cadáveres, el procedimiento está regido por la perspectiva diferencial de mujeres y género, con especial énfasis en los familiares del género femenino que participan en la entrega del cuerpo, el cual se hace respetando la dignidad de las víctimas de desaparición forzada y homicidio.

13. Es de señalar, que respecto a los casos referidos las instituciones están recopilando la información necesaria por lo que tan pronto se tenga el insumo correspondiente, estaremos rindiendo el informe requerido, especialmente en los tres casos puntuales a los que se hace referencia en la nota recibida.

14. El Estado colombiano reitera ante el Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias, su disposición en continuar implementando estrategias que contribuyan a localizar a las personas que han desaparecidos en diferentes circunstancias, formulando nuevas estrategias de reparación a las víctimas y sus familias, siempre respetando la dignidad de los afectados y priorizando las condiciones vulnerables de las víctimas en aplicación del enfoque diferencial.