



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 112 届会议

(2017 年 5 月 8 日至 17 日)

一. 引言

1. 本文件反映了在日内瓦举行的被强迫或非自愿失踪问题工作组第 112 届会议所处理的来文、审议的案件及开展的其他活动。

二. 来文

2. 在第 111 届和第 112 届会议间隔期间，工作组在其紧急行动程序下，向以下国家转交了 68 起案件：巴林(2)、中国(1)、埃及(45)、马来西亚(1)、巴基斯坦(12)、苏丹(1)、阿拉伯叙利亚共和国(2)、土耳其(1)、土库曼斯坦(1)、委内瑞拉(玻利瓦尔共和国)(1)和巴勒斯坦国(1)。

3. 在第 112 届会议上，工作组决定向 13 个国家转交 290 起新报告的强迫失踪案件。工作组澄清了以下国家的 21 起案件：阿根廷(1)、巴林(1)、孟加拉国(1)、埃及(10)、老挝人民民主共和国(3)、尼日利亚(1)、苏丹(2)、土耳其(1)和巴勒斯坦国(1)。根据政府提供的资料澄清了 14 起案件，根据来文方提供的资料澄清了 7 起案件。

4. 在第 111 届和 112 届会议间隔期间，工作组还与其他特别程序机制一起，联合转交了 16 项来文：6 项紧急呼吁：中国(2)、刚果民主共和国(1)、伊朗伊斯兰共和国(1)、意大利(1)和阿拉伯联合酋长国(1)；2 项联合指控信函：阿尔及利亚(1)和土耳其(1)；4 项迅速干预信函：埃及(1)、萨尔瓦多(1)、斯里兰卡(1)和乌拉圭(1)；以及 4 项“其他信函”：多民族玻利维亚国(1)、哥伦比亚(1)、尼日利亚(1)和欧洲联盟(1)。

* 本报告附件不译，原文照发。



5. 在第 111 届和 112 届会议间隔期间，工作组还向墨西哥转交了一项闭会期间一般性指控。在第 112 届会议上，工作组审查和通过了关于肯尼亚、墨西哥和缅甸的 3 项一般性指控。

三. 其他活动

6. 在第 112 届会议期间，工作组会见了强迫失踪受害者的亲属和就这一问题开展工作的非政府组织。工作组还与日本和葡萄牙政府的代表举行了正式会晤。

7. 会议期间，工作组讨论了年度报告、关于其对阿尔巴尼亚的国别访问报告、关于移徙情况下强迫失踪问题的专题报告和其他内部事项和活动，包括未来的访问。

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

阿尔及利亚

联合指控信函

8. 2017 年 3 月 31 日，工作组与其他特别程序机制一起，转交了一项联合指控信函，有关据指称对 Rafik Belamrania 的逮捕、拘留和指控，据报告是为了报复他公布人权事务委员会关于他父亲被强迫失踪的决定。

对联合紧急呼吁的答复

9. 2017 年 3 月 6 日，阿尔及利亚政府转交了对 2016 年 11 月 1 日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报告的联合紧急呼吁的答复。政府在答复中指出，该集合被安全部队驱散，没有任何示威者被逮捕或拘留。它还解释说，警察部队干预和平示威与以下事实有关，即参加在君士坦丁省省长总部外抗议的失踪者家属事先没有获得许可。政府最后说，按照法律程序对抗议者进行了调查并将其释放。¹

意见

10. 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。

¹ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=49045>。

阿根廷

澄清

11. 根据政府以前提供的资料，工作组决定在六个月规则规定的期限到期后澄清一起案件(见 A/HRC/WGEID/110/1, 第 14 段)。

巴林

紧急行动

12. 2017 年 5 月 4 日，工作组依照其紧急行动程序，向巴林政府转交了 Mahmood Isa Saleh Helal 一案，据指称他于 2017 年 4 月 8 日在穆哈拉格的 Al-Hilal 医院入口处被国家安全机构的特工逮捕。

13. 2017 年 5 月 22 日，工作组依照其紧急行动程序，向巴林政府转交了 Fadhel Sayed Abbas Hasan Radhi 一案，据指称他在麦纳麦的家里被刑事调查总局的官员逮捕。

根据来文方提供的资料做出的澄清

14. 根据来文方提供的资料，工作组决定澄清 Helal 先生一案。据报告，该人士已从拘留所释放。这一信息后来得到政府的证实。

来文方提供的资料

15. 来文方就一起未决案件提供了最新资料，但其不足以澄清该案件。

孟加拉国

标准程序

16. 工作组向政府转交两起案件，有关：

(a) Mohammad Akhter Hossain, 据指称 2016 年 5 月 3 日在伦格布尔区 Pirgacha Upazila 的 Birbiriapara 被身穿便衣一伙人逮捕，他们自称是警方刑侦部门的成员；

(b) S.M. Moajjem Hossain, 据指称 2016 年 1 月 26 日在达卡 Bashundhara 住宅区的一栋房子里被身穿便衣的武装人员绑架，他们自称是一执法机构的成员。

根据来文方提供的资料做出的澄清

17. 根据来文方提供的资料，工作组决定澄清 Humam Quader Chowdhury 一案。据报告，该人士被从拘留所释放。

来文方提供的资料

18. 来文方就一起未决案件提供了最新资料，但其不足以澄清该案件。

政府提供的资料

19. 2017 年 3 月 13 日，大不列颠及北爱尔兰联合王国政府就记录在孟加拉国名下的一个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。

新闻稿

20. 2017 年 2 月 24 日，工作组发布新闻稿，要求孟加拉国政府停止该国境内强迫失踪人数的日益增加。² 工作组对报告的案件数目增加表示担忧，其中包括据称孟加拉警方快速行动营要对尤其是政府的政治反对派的强迫失踪和法外处决负责的几起案件。

多民族玻利维亚国

其他信函

21. 2017 年 2 月 16 日，工作组与其他四个特别程序机制一起，联合转交了一项“其他信函”，欢迎多民族玻利维亚国立法大会颁布第 879 号法，设立一个真相委员会，以澄清 1964 年 11 月 4 日至 1982 年 10 月 10 日之间在该国发生的谋杀、强迫失踪、酷刑、任意拘留和性暴力行为。

布隆迪

标准程序

22. 工作组向政府转交了一起有关 Jean-Pierre Ndayisaba 的案件，据指称他于 2016 年 5 月 3 日在布琼布拉 Ngara 郊区第七街区被国家情报局的一名特工绑架。

来文方提供的资料

23. 来文方就一起未决案件提供了最新资料，但其不足以澄清该案件。

意见

24. 工作组继续关注布隆迪的暴力和不稳定局势，此种局势可能助长强迫失踪的发生(见 A/HRC/33/51, 第 85-86 段)。工作组回顾《宣言》第 7 条，它规定不得援引任何特殊情况，作为造成强迫失踪的理由。

25. 2009 年 5 月 27 日，工作组要求邀请获得邀请访问该国，其后又几次对要求发出催复函。工作组对 2017 年 3 月 27 日收到的答复的腔调和内容感到遗憾，在答复中，工作组的请求被拒绝。

² 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E#sthashC1elu2wa.dpuf。

中国

紧急行动

26. 2017 年 4 月 27 日，工作组依照其紧急行动程序，向该国政府转交李明哲一案。据指称他在 2017 年 3 月 19 日从中国澳门到达拱北口岸后被中国当局拘留。

政府提供的资料

27. 2016 年 3 月 20 日，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。

联合紧急呼吁

28. 2017 年 3 月 22 日，工作组与其他两个特别程序机制一起，转交了一项联合紧急呼吁，涉及与拘留四名人权维护者和律师有关的、特别是在“指定居所监视居住”情况下的任意逮捕、短期失踪、长期单独拘禁、酷刑和其他残忍、不人道或有辱人格待遇的指控。四位被指称的受害者是谢阳、李和平、王全璋和江天勇。还表示关注的是，对他们的指控可能与他们作为人权维护者的活动有关。

29. 2017 年 4 月 13 日，工作组与其他三个特别程序机制一起，转交了一项联合紧急呼吁，有关即将进行的对被中国当局关押在全国各地不同监狱的来自朝鲜民主主义人民共和国的 31 名个人的强迫遣返。这些个人如果被送回朝鲜民主主义人民共和国，有可能遭受粗暴的侵犯人权行为，包括监禁、强迫劳动和可能的强迫失踪，以及酷刑和其他形式的残忍、不人道和有辱人格的待遇或处罚，这是违反不驱回原则的。

哥伦比亚

政府提供的资料

30. 2017 年 2 月 13 日，哥伦比亚政府就三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。

其他信函

31. 2017 年 3 月 8 日，工作组与另一特别程序机制一起，转交了一项联合“其他信函”，有关就设立一个单位以搜索失踪者进行司法辩论，设立这一单位被设想为在哥伦比亚和平进程下商定的真相、正义、赔偿和不再发生全面制度的一部分。

朝鲜民主主义人民共和国

标准程序

32. 工作组向该国政府转交了 23 起案件。这些案件的摘要载于附件二。

33. 依照工作组的工作方法，大韩民国政府和日本政府也收到了涉及其国民的案件卷宗的副本。

政府提供的资料

34. 2016 年 10 月 21 日，朝鲜民主主义人民共和国政府就 34 起未决案件转交了资料。所提供的资料被认为不足以导致对案件作出澄清。

意见

35. 工作组仍然关注的是，该国政府不就该国存在严重、系统的强迫失踪现象的非常严重的指控与工作组合作，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。

刚果民主共和国

联合紧急呼吁

36. 2017 年 5 月 5 日，工作组与其他两个特别程序机制一起，转交了一项联合紧急呼吁，有关对刚果民主共和国武装部队和其他国家行为者，以及来自 Kamuina Nsapu 的民兵进行、包括对儿童进行严重侵犯人权行为的指控。这些指控包括过度使用武力、即决杀戮和法外杀戮、绑架、强迫失踪，以及在万人坑和其他未知地点填埋受害者。这些侵权行为有可能于 2017 年 1 月至 3 月发生在东西开赛地区。

意见

37. 工作组仍然对东西开赛地区的局势感到关切。据报道，截至 2017 年 7 月，共发现 52 个万人坑。工作组促请政府对事实进行认真调查，并着手对在万人坑中发现的尸体迅速进行识别和挖掘。工作组还要求政府履行人权理事会第 35/33 号决议所规定的义务，特别是与在该国的联合国联合人权办公室合作。

埃及

紧急行动

38. 工作组依据其紧急行动程序，向政府转交了 45 起案件。这些案件的摘要载于附件一。

标准程序

39. 工作组依据其标准程序，向政府转送了 19 起案件。这些案件的摘要载于附件二。

根据来文方提供的资料做出的澄清

40. 根据来文方提供的资料，工作组决定澄清 Ahmed Shawky Abdelsattar Mohamed Amasha 一案。据指称该人士目前关押在 Tora 监狱。

来文方提供的资料

41. 来文方就一起未决案件提供了资料，但其不足以澄清该案件。

政府提供的资料

42. 在报告所述期间，政府就 17 起未决案件转交了资料。根据所提供的资料，工作组决定对 17 起案件适用六个月规则。

澄清

43. 根据政府以前提供的资料，工作组决定在六个月规则规定的期限到期后澄清 9 起案件(见 A/HRC/WGEID/110/1, 第 41 段)。

迅速干预信函

44. 2017 年 5 月 3 日，工作组与其他三个特别程序机制一起，转交了一项迅速干预信函，有关 Ahmed Shawky Abdelsattar Mohamed Amasha 的被绑架、拘留、受酷刑和虐待，据报告是为了报复他作为人权维护者进行的活动，包括为人权理事会特别程序机制记录强迫失踪案件。

意见

45. 工作组回顾《宣言》第 13 条第 1 款、第 3 款和第 5 款，其中指出每个国家应在任何知情或具有合法利益关系的人指称有人遭受强迫失踪时，确保前者有权向主管和独立的国家当局提出申诉并获得该当局对此申诉进行迅速、彻底和公正的调查；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；应采取步骤，保证对在提出申诉时或在调查程序期间出现的任何恶劣对待、恐吓或报复或任何形式的干涉予以应有的惩罚。

萨尔瓦多

迅速干预信函

46. 2017 年 3 月 16 日，工作组与另一个特别程序机制一起，转交了一项迅速干预信函，有关指称在萨尔瓦多对一名女人权维护者进行攻击和骚扰。

冈比亚

来文方提供的资料

47. 来文方就一起未决案件提供了最新资料，但其不足以澄清该案件。

希腊

政府提供的资料

48. 2017 年 3 月 29 日，希腊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。

圭亚那

来文方提供的资料

49. 来文方就一起未决案件提供了资料，但其不足以澄清该案件。

伊朗伊斯兰共和国

标准程序

50. 工作组向该国政府转交了一起案件，有关 Robert Alan Levinson，据指称他在伊朗伊斯兰共和国 Kish 岛一家旅馆的大堂被穿便衣的伊朗伊斯兰共和国安全部门特工绑架。

51. 工作组依照其工作方法，向美利坚合众国政府转交了该案件卷宗的副本。

政府提供的资料

52. 2017 年 2 月 9 日，阿拉伯叙利亚共和国政府就记录在伊朗伊斯兰共和国名下的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。

53. 2017 年 2 月 10 日，伊朗伊斯兰共和国政府就一起未决案件转交了资料。根据所提供的资料，工作组决定适用六个月规则。

54. 2017 年 5 月 5 日，伊朗伊斯兰共和国政府就两起未决案件转交了资料。所提供的资料被认为不足以导致对案件作出澄清。

联合紧急呼吁

55. 2017 年 4 月 5 日，工作组与其他四个特别程序机制一起，联合转交了一项紧急呼吁，有关以下人士被逮捕：改革派记者 Ehsan Mazandarani、改革派、反对党国家信任党高级成员 Hengameh Shahidi、国家资助的 Borna 新闻社社会事务编辑 Tahereh Riahi、国家运营的“你好，太阳”电视节目制片人和伊斯兰共和国官方新闻社前记者 Zeinab Karimian、医生和社会活动家 Mehrnaz Haghighi、一位 17 岁的阿拉伯民族环保人士；Goftego 杂志社长和改革派研究人员 Morad Saghafi；电影导演和制片人 Saleh Deldam；“改革派论坛”管理员 Ali Heydarvalizadeh；和“改革派新闻”管理员 Ali Ahmadnia。来文包括指控 Haghighi 女士、Heydarvalizadeh 先生和 Ahmadnia 先生的命运和下落不明。

意大利

联合紧急呼吁

56. 2017 年 2 月 2 日，工作组与其他四个特别程序机制一起，联合转交了一项紧急行动，有关可能在意大利政府与利比亚政府之间目前正在讨论的伙伴关系框架下送回移民，这是违反不驱回原则的。

对联合紧急呼吁的答复

57. 2017 年 2 月 21 日，意大利政府转交了对 2017 年 2 月 2 日联合紧急呼吁的答复。该答复载有的资料介绍了利比亚与意大利 2017 年 2 月 2 日在罗马签署的关于发展领域的合作、防止非法移民、贩运和偷运人口和加强边界安全的谅解备忘录。³

肯尼亚

新闻稿

58. 2017 年 2 月 17 日，工作组发表新闻声明，呼吁肯尼亚和南苏丹政府揭示 2017 年 1 月在肯尼亚被绑架的两名南苏丹难民的命运。工作组呼吁肯尼亚和南苏丹当局保证该两位人士的安全并给予保护，并为可能有助于确定他们下落的证人提供保护。

一般性指控

59. 工作组收到可靠来源提供的资料，指称在肯尼亚存在妨碍执行《宣言》的障碍。该一般性指控载于附件三。

老挝人民民主共和国

澄清

60. 根据政府以前提供的资料，工作组决定在六个月规则规定的期限到期后澄清三起案件(见 A/HRC/WGEID/110/1, 第 64 段)。

利比亚

标准程序

61. 工作组向政府转交了 10 起案件，有关：

(a) Suliaman Abul` Hafid、Nasser Abu Bake、Jum`a Younis、Hamad Abu Thahawi、Abdul-Allah Al Mabrouk、Abdul-Jalil al-Surimi、Abdul-Naser al-Sh`ar 和 Youssef al-Sa`di，据指称他们 1996 年 6 月 29 日在的黎波里 Abu Salim 监狱的大屠杀中失踪。

(b) Ali Suleiman Masood Abdel Sayed，据指称 2016 年 8 月 17 日在 Ain Zara 的 Al-Gargarni 加油站附近被隶属于民族和解政府内政部的第八安全分部的成员绑架；

(c) Isaa Adel Issa Kaal，据指称最后一次有人见到他是 2016 年 5 月 11 日在隶属民族和解政府的特种部队总部。

³ 见 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=49139>。

政府提供的资料

62. 2017 年 2 月 9 日，苏丹政府就记录在利比亚名下的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。

马来西亚

63. 2017 年 5 月 17 日，工作组依照其紧急行动程序，向马来西亚政府转交了一起有关 Raymond Keng Joo Koh 的案件，据指称他于 2017 年 2 月 13 日在马来西亚雪兰莪州的八打灵再也据信属于一国家机构的特工绑架。

墨西哥

标准程序

64. 工作组向墨西哥政府转交一起有关 Jonathan Alejandro Charles Velázquez 的案件，据指称他于 2016 年 10 月 5 日在新莱昂州的 San Pedro Garza Garcia 市被逮捕，并被警方人员带到一个未知地点。

来文方提供的资料

65. 三个来文方就三起未决案件提供了最新资料，但其不足以澄清这些案件。

政府提供的资料

66. 2017 年 2 月 17 日，墨西哥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。

一般性指控

67. 工作组收到可靠来源提供的资料，指称在墨西哥存在妨碍执行《宣言》的障碍。2017 年 4 月 10 日，向墨西哥发送了一项一般性指控，指称强迫失踪的受害者在获取赔偿和社会援助方面遇到阻碍。2017 年 6 月 9 日，向墨西哥发送了另一项一般性指控，指称强迫失踪受害者的家属在寻找其亲人方面遇到阻碍。两项一般性指控均载于附件三。

摩洛哥

标准程序

68. 工作组向该国政府转交了 30 起案件。这些案件的摘要列入了附件二。

69. 工作组依照其工作方法，向西班牙政府转交了这些案件中 4 起案件的副本。

莫桑比克

来文方提供的资料

70. 来文方就一起未决案件提供了资料，但其不足以澄清这一案件。

政府提供的资料

71. 2017 年 5 月 17 日，葡萄牙政府就记录在莫桑比克名下的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。

缅甸

一般性指控

72. 工作组收到可靠来源提供的资料，指称在缅甸存在妨碍执行《宣言》的障碍。该一般性指控载于附件三。

意见

73. 工作组关注在若开邦发生严重和系统侵犯人权行为的一致和可靠的报告。它强调，如《宣言》第 2 条所规定，任何国家均不得进行、允许或容忍造成被强迫失踪的行为，且按照《宣言》第 7 条，不得援引任何特殊情况，作为造成被强迫失踪的理由。

尼日利亚

根据来文方提供的资料做出的澄清

74. 根据来文方提供的资料，工作组决定澄清 Sunday Chucks Obasi 一案。据报告，该人士已从拘留所被释放。

其他信函

75. 2017 年 4 月 27 日，工作组与其他六个特别程序机制一起，联合转交了一项“其他信函”，涉及 2016 年 12 月 5 日发布的关于司法调查委员会报告的白皮书。该委员会调查了 2015 年 12 月 12 日至 14 日在卡杜那州 Zaria 发生的尼日利亚伊斯兰运动与尼日利亚军队的冲突。

巴基斯坦

紧急行动

76. 在报告所述期间，工作组依照其紧急行动程序，向该国政府转交了 12 起案件，有关：

(a) Imran Pasha Abdul Majeed Pasha，据指称他于 2017 年 1 月 13 日被身穿便衣的准军事组织“游骑兵”从卡拉奇当地一家清真寺绑架；

(b) Sheikh Jamal Abdul Ghafoor，据指称他于 2017 年 1 月 17 日在卡拉奇被身穿制服的准军事组织“游骑兵”和身穿便衣的人从其住所绑架；

(c) Nafees Ahmed Siddiqui Zaheer Ahmed Siddiqui，据指称他于 2017 年 1 月 18 日在卡拉奇被身穿制服的准军事组织“游骑兵”和身穿便衣的人从其住所绑架；

(d) Mohammad Ijaz Aslam Deen, 据指称他于 2017 年 1 月 17 日在卡拉奇被身穿制服的准军事组织“游骑兵”和身穿便衣的人从其住所绑架;

(e) Fazl-e-Rabi Fazl-e-Rabi, 据指称他于 2017 年 2 月 7 日被联合袭击他家的军队、边境总队和当地警察成员逮捕;

(f) Hafeezullah Hafeezullah, 据指称他于 2016 年 12 月 13 日在开伯尔—普赫图赫瓦省 Sidgai 补给营被第二十一信德师的武装人员逮捕;

(g) Kashif Kashif, 据指称他于 2017 年 2 月 2 日在 Tehsil Jamrud 当地市场被身穿边境总队制服的人绑架;

(h) Khamadan Khan, 据指称他于 2016 年 12 月 16 日在应召离家去 Ghallanai 的军事情报办公室后失踪;

(i) Tofique Abro, 据指称他于 2017 年 4 月 25 日在信德省 Dadu 小路上被身穿便衣的“游骑兵”和警察绑架;

(j) Muhammad Farooq Muhammad Ashraf, 据指称他于 2017 年 5 月 8 日在卡拉奇被身穿制服的准军事组织“游骑兵”和警察从其家中绑架;

(k) Syed Shiraz Ali Syed Zahid Ali Hashmi, 据指称他于 2017 年 5 月 9 日在卡拉奇被身穿正式制服的准军事组织“游骑兵”和警察从其家中绑架;

(l) Sajid Ali Mohammad Ali, 据指称他于 2017 年 5 月 14 日在卡拉奇被身穿正式制服的准军事组织“游骑兵”和警察从其家中绑架。

标准程序

77. 工作组向该国政府转交了 40 起案件。这些案件的摘要载于附件二。

78. 依照工作组的工作方法, 卡塔尔政府收到了涉及一名卡塔尔国民的案件的卷宗副本。

来文方提供的资料

79. 一个来文方就两起未决案件提供了最新资料, 但不足以澄清这些案件。

政府提供的资料

80. 2017 年 2 月 17 日, 政府就 133 起未决案件转交了资料。根据政府提供的资料, 工作组决定对 109 起案件适用六个月规则。就其余 24 起案件提供的资料被认为不足以导致对案件作出澄清。

秘鲁

政府提供的资料

81. 2017 年 4 月 11 日, 政府就三个未决案件转交了资料。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

82. 工作组向俄罗斯联邦政府转交了有关下列人士的 106 起案件(括号中提供了据称失踪的日期), 据指称他们在车臣被俄罗斯军队绑架:

- Abdul Demelkhanov (2004 年 3 月 28 日)
- Abdul Yusupov (2003 年 1 月 22 日)
- Abdullakh Zanzievm (2000 年 10 月 5 日)
- Abdolvakhid Bukhadiev (1995 年 3 月 31 日)
- Adam Djamullaev (1995 年 2 月 4 日)
- Ali Shaipov (2003 年 8 月 21 日)
- Ali Shakhmirzaev (2000 年 4 月 24 日)
- Alikhan Magiev (2003 年 4 月 5 日)
- Alikhan Sapiev (2002 年 12 月 26 日)
- Amja Ymarova (2003 年 7 月 15 日)
- Andarbek Nazirov (1995 年 1 月 5 日)
- Anvar Shaipov (2000 年 9 月 13 日)
- Anzor Novryzov (2004 年 12 月 8 日)
- Anzor Yakhyaev (2003 年 3 月 17 日)
- Artur Bersunkaev (2001 年 6 月 13 日)
- Aset Yakhtyaeva (2001 年 11 月 7 日)
- Askhab Galaydinov (2003 年 1 月 17 日)
- Aslambek Bimurzaev (1995 年 3 月 31 日)
- Aslambek Ilyasov (2002 年 11 月 6 日)
- Aslan Idrisov (2003 年 4 月 5 日)
- Aslanbek Astamirov (2002 年 8 月 5 日)
- Ayub Elmyrzaev (2002 年 7 月 29 日)
- Ayub Ezerbiev (2002 年 11 月 1 日)
- Badrudin Abazov (2003 年 2 月 22 日)
- Bai-Ali Bagiev (2000 年 10 月 17 日)
- Bakar Khytiev (2004 年 10 月 27 日)
- Bamat-Giri Chadaev (2006 年 4 月 12 日)
- Beckhan Borgaev (2001 年 1 月 14 日)

- Beslan Baisultanov (2000 年 5 月 7 日)
- Bislan Shabazgireev (2002 年 11 月 1 日)
- Damkhad Mysaev (2002 年 11 月 30 日)
- Emil Viskhanov (2000 年 9 月 18 日)
- Gairbek Shovkhalov (2001 年 4 月 19 日)
- German Abyev (2002 年 6 月 16 日)
- Goisum Tashykhadjiev (2003 年 6 月 19 日)
- Ibragim Betaev (2003 年 4 月 26 日)
- Ibragim Eljurkaev (2003 年 4 月 2 日)
- Ibragim Yryskhanov (2002 年 4 月 12 日)
- Idris Ylybaev (2003 年 2 月 9 日)
- Iliyas Yakhyaev (2003 年 3 月 29 日)
- Imran Khamadov (2000 年 1 月 28 日)
- Isa Bechyrkaev (2000 年 5 月 18 日)
- Islam Gelgoev (1994 年 12 月 31 日)
- Islam Murtazaliev (2002 年 11 月 25 日)
- Ismail Eljurkaev (2003 年 4 月 2 日)
- Jandar Amaev (2002 年 11 月 24 日)
- Kazbek Vakhaev (2000 年 8 月 1 日)
- Khamzat Alimkhanov (2001 年 1 月 25 日)
- Khasan Khakimov (2002 年 3 月 22 日)
- Larisa Makueva (2000 年 2 月 1 日)
- Lechi Betaev (2003 年 4 月 26 日)
- Lema Shavanov (2001 年 2 月 18 日)
- Magomed Asykhonov (2002 年 6 月 10 日)
- Magomed Edilov (2001 年 12 月 9 日)
- Magomed Khambulatov (2003 年 1 月 10 日)
- Magomed Ymarov (2005 年 5 月 29 日)
- Mair-Ali Shavanov (2001 年 2 月 18 日)
- Makhmyt Inkhadjiev (2002 年 1 月 24 日)
- Mikail Khachykaev (2002 年 6 月 26 日)
- Milana Betilgirieva (2001 年 11 月 7 日)

- Mohamed Khasiev (2002 年 7 月 29 日)
- Movladi Dayev (2002 年 5 月 29 日)
- Muslim Abzailov (2003 年 7 月 6 日)
- Mykhmad Varaev (2004 年 12 月 28 日)
- Mysa Bamatgiriev (2005 年 3 月 15 日)
- Mysa Elmurzaev (2003 年 1 月 27 日)
- Myslim Bachaev (2000 年 1 月 11 日)
- Ramzan Bibaligov (1999 年 12 月 28 日)
- Ramzan Shakhgiriev (2003 年 4 月 10 日)
- Rizvan Elsaev (1995 年 1 月 22 日)
- Ruslan Adamov (2001 年 7 月 16 日)
- Ruslan Bekaev (2001 年 12 月 31 日)
- Ruslan Edilsultanov (2003 年 4 月 13 日)
- Ruslan Mysaev (2000 年 9 月 17 日)
- Ruslanbek Vakhaev (2001 年 10 月 5 日)
- Rustam Shakhgareev (2003 年 7 月 16 日)
- Said Alyev (2002 年 6 月 9 日)
- Said-Khysein Baitykaev (2001 年 1 月 8 日)
- Said-Mykhmad Vakhaev (2001 年 6 月 1 日)
- Said-Selim Benyev (2002 年 11 月 24 日)
- Saikhan Vazaev (2002 年 10 月 8 日)
- Saipydin Dagiev (1995 年 8 月 2 日)
- Salakh Yakhyayev (2003 年 3 月 17 日)
- Salam Shalaev (2001 年 10 月 9 日)
- Shami Ismailov (1995 年 1 月 3 日)
- Shamsa Magomadov (1995 年 1 月 9 日)
- Sherip Ismailov (1995 年 1 月 3 日)
- Sultan Bataev (2004 年 12 月 23 日)
- Sultan Chakalaev (2003 年 1 月 6 日)
- Sultan Chalaev (2000 年 1 月 17 日)
- Sylambek Ysamov (2003 年 5 月 3 日)
- Syliman Elmurzaev (2005 年 4 月 2 日)

- Syliman Shaikhaev (2002 年 9 月 17 日)
- Sypian Adamov (2001 年 7 月 16 日)
- Timerlan Cholaev (2001 年 10 月 12 日)
- Timur Beksultanov (2004 年 10 月 2 日)
- Timur Shakhmyradov (2005 年 5 月 5 日)
- Timur Shamyraev (2002 年 1 月 22 日)
- Turpal-Ali Yandaev (2003 年 6 月 19 日)
- Vait Askhabov (2001 年 3 月 12 日)
- Visit Abdulkadurov (2002 年 4 月 26 日)
- Visit Baigeriev (2002 年 10 月 24 日)
- Ymar Abyev (1995 年 3 月 15 日)
- Zavr Belalov (2002 年 5 月 9 日)
- Zelimkhan Khamastkhanov (2012 年 12 月 5 日)
- Ziyavdi Ysmanov (2003 年 1 月 28 日)

西班牙

来文方提供的资料

83. 来文方就一起未决案件提供了资料，但其不足以澄清该案件。

斯里兰卡

标准程序

84. 工作组向该国政府转交了 36 起案件。这些案件的摘要载于附件二。

迅速干预信函

85. 2017 年 3 月 23 日，工作组与其他两个特别程序机制一起，转交了一项迅速干预信函，有关据指称对一个非政府组织的成员采取恐吓和报复行为。

苏丹

紧急行动

86. 2017 年 3 月 16 日，工作组依据其紧急行动程序，向苏丹政府转交了一起关于 Hafiz Eldouma Abdelgadir Idriss 的案件，据称最后一次有人见到他是 2017 年 1 月底在喀土穆北部的 Kober 联邦监狱。该案件后来得到澄清(见下文第 87 段)。

根据来文方提供的资料做出的澄清

87. 根据来文方提供的信息，工作组决定澄清两起案件，有关：

- (a) Ibrahim Adam Mudawi，据指称他被关押在喀土穆北部的 Kober 监狱；
- (b) Idriss 先生，据指称他被关押在喀土穆的国家安全设施。

阿拉伯叙利亚共和国

紧急行动

88. 2017 年 2 月 8 日，工作组依照其紧急行动程序，向该国政府转交了 Abdulhadi Kamel 一案，据指称，最后一次有人见到他是 2016 年 12 月 16 日在叙利亚政府军控制的西阿勒颇 Ramouseh 街区附近的一个检查站。

89. 2017 年 4 月 28 日，工作组依照其紧急行动程序，向该国政府转交了 Mazen Albeek 一案，据指称，最后一次有人看到他是 2017 年 2 月 20 日在 Sednaya 监狱。

标准程序

90. 工作组向政府转交了 11 起案件，有关：

(a) Khalid Zain，据指称他于 2011 年 7 月 9 日在阿勒颇 Al-Sukkari 街区 Karam al-Jouz 街的一家商店被军队逮捕；

(b) Hani Alalosh，据指称他于 2013 年 6 月 28 日在 Lattakia 被国家安全部门的特工逮捕；

(c) Mazen Ali Hamoush，据指称他于 2013 年 6 月 9 日在阿勒颇的 Al-Jemaliyeh 警察局被武装人员逮捕；

(d) Abdallah Zain，据指称他于 2012 年 8 月 16 日在大马士革被人民委员会成员逮捕，该委员会是一民兵组织，据指称已并入叙利亚军队的国防军；

(e) Fadhil Othman，据指称他于 2012 年 10 月 21 日在去 Tal-Hamis 镇的路上在 Dhabanah 检查站附近被武装的军事安全部队成员逮捕；

(f) Anas al-Husseini，据指称他于 2012 年 12 月 13 日在大马士革被属于国家安全部队第四十支队，又称“反恐支队”的官员逮捕；

(g) Mohammad Zain，据指称他于 2012 年 8 月 16 日在阿勒颇 Al-Jamila 街区的 MTN 移动通信公司总部被人民委员会成员逮捕；

(h) Abdel Hakim Bakkar，据指称他于 2011 年 11 月 26 日在位于霍姆斯 Al-Budwaidah al-Sharqiyah 的家中被叙利亚军队和安全部队成员逮捕；

(i) Khaled Taha，据指称他于 2012 年 10 月 11 日在大马士革国际机场的工作地点被空军安全部队逮捕；

(j) Mansour Mansour，据指称他于 2012 年 7 月 28 日在大马士革被叙利亚军队和安全部队逮捕；

(k) Mostoo Ali，据指称他于 2012 年 4 月 8 日在伊德利卜的 Al-Shaghour 检查站被叙利亚军队和武装部队成员逮捕。

来文方提供的资料

91. 来文方就两起未决案件提供了资料，但其不足以澄清该两起案件。

政府提供的资料

92. 2017 年 2 月 9 日，政府就 9 起未决案件提供了资料。根据政府提供的资料，工作组决定对一起案件适用六个月规则。就其余 8 起案件提供的资料被认为不足以导致对案件作出澄清。

突尼斯

标准程序

93. 工作组向政府转交了 10 起案件，有关 Skender Djallel、Amar Djefafia、Amar Djallel、Amar Benbekai、Belabed Merouan、Kasmi Amar、Bouasla Rabah、Redouane Jeddar、Saadoun Ahmed 和 Boumenjel Zakaria。据指称，2007 年 4 月 17 日该 10 人在前往意大利途中于突尼斯领海失踪。

94. 工作组依照其工作方法，于 2017 年 6 月 9 日向阿尔及利亚和突尼斯两国政府以及欧洲边境和海岸警卫局转交了这些案件卷宗的副本，因为欧洲边境和海岸警卫局以及阿尔及利亚、意大利和突尼斯当局那一期间在该区域动员采取了联合措施。

土耳其

紧急行动

95. 2017 年 4 月 24 日，工作组依照其紧急行动程序，向土耳其政府转交了一起有关 Turgut Capa 的案件，据指称最后一次有人见到他是 2017 年 3 月 31 日在 Sentepe/Yenimahalle 公共汽车站，他涉嫌被土耳其当局拘留。

政府提供的资料

96. 2017 年 4 月 1 日，土耳其政府就 15 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。

澄清

97. 根据政府以前提供的资料，工作组决定在六个月规则规定的期限到期后澄清一起案件(见 A/HRC/WGEID/110/1, 第 126 段)。

联合紧急呼吁

98. 2017 年 4 月 10 日，工作组与其他八个特别程序机制一起，转交了一项联合紧急呼吁，有关据指称在土耳其东南部马尔丁省的 Omerli、Nusaybin 和 Artuklu 区进行的安全行动中，存在袭击和摧毁民屋，监视居民，剥夺获取食物、安全饮用水、环境卫生和保健服务的机会，任意逮捕和拘留，酷刑、虐待、强迫失踪和杀戮的行为。

土库曼斯坦

紧急行动

99. 2017 年 4 月 27 日，工作组依照其紧急行动程序，向土库曼斯坦政府转交了一起有关 Annamurad Atdaev 的案件，据指称他于 2017 年 1 月下旬从位于土库曼斯坦阿哈尔州 Tedzhen 的流放地失踪。

来文方提供的资料

100. 来文方就一起未决案件提供了资料，但其不足以澄清该案件。

阿拉伯联合酋长国

联合紧急行动

101. 2017 年 3 月 27 日，工作组与其他六个特别程序机制一起，转送了一项联合紧急呼吁，有关阿拉伯联合酋长国著名的人权维护者和博客作者 Ahmed Mansoor 被逮捕、秘密拘留和有可能被强迫失踪。

新闻稿

102. 2017 年 3 月 28 日，工作组发布新闻声明，呼吁阿拉伯联合酋长国政府立即释放于 2017 年 3 月 20 日被逮捕的 Mansoor 先生。工作组敦促当局立即披露 Mansoor 先生的下落，并强调指出，秘密拘留是强迫失踪的一种形式。

对联合紧急呼吁的答复

103. 2017 年 4 月 25 日，阿拉伯联合酋长国政府转交了对 2017 年 3 月 27 日发出的联合紧急呼吁的答复，其中包括检察官办公室提供的有关网络犯罪的资料，据该资料报告，Mansoor 先生因被指控在因特网上传播虚假信息 and 误导性信息以散布仇恨和教派纷争而于 2017 年 3 月 20 日被逮捕。Mansoor 先生已被告知这些指控，并被关押在阿布扎比的审前拘留所。据报告，他已被允许指定一名律师，他的家人也被允许按照适用于拘留设施的程序去探访他。

意见

104. 工作组回顾《宣言》第 13 条第 3 款和第 5 款，其中指出应采取步骤，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；并应采取步骤，保证对在提出申诉时或在调查程序期间出现的任何恶劣对待、恐吓或报复或任何形式的干涉予以应有的惩罚。

乌拉圭

迅速干预信函

105. 2017 年 5 月 8 日，工作组与其他五个特别程序机制一起，转送了一项快速干预信函，有关指称对参与促进人权和打击乌拉圭有罪不罚现象的 Louis Joinet、Pablo Chargoña 和其他 11 人进行威胁。

乌兹别克斯坦

政府提供的资料

106. 2017 年 3 月 17 日，政府就 7 起未决案件转交了资料。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

紧急行动

107. 2017 年 4 月 28 日，工作组依照其紧急行动程序，向委内瑞拉玻利瓦尔共和国政府转交了一起有关 Ángel Omar Vivas Perdomo 的案件，据指称他于 2017 年 4 月 7 日在家里被玻利瓦尔国家情报局的一组突击队员拘留。

来文方提供的资料

108. 来文方就两个未决案件提供了资料，但其不足以澄清该案件。

政府提供的资料

109. 2017 年 4 月 11 日，委内瑞拉玻利瓦尔共和国政府就 14 起未决案件转交了资料。所提供的资料被认为不足以导致作出对案件作出澄清。

巴勒斯坦国

紧急行动

110. 2017 年 2 月 16 日，工作组依照其紧急行动程序，向巴勒斯坦国政府转交了一起有关 Imad Abou Rizk 的案件，据指称，他于 2017 年 2 月 12 日在杰里科医院被巴勒斯坦军事情报局的成员绑架。这起案件后来得到澄清(见下文第 111 段)。

根据来文方提供的资料做出的澄清

111. 根据来文方提供的资料，工作组决定澄清 Rizk 先生一案。据报告，该人士已从拘留所被释放。

Annex I

Urgent actions

Egypt

The Working Group, following its urgent action procedure, transmitted 45 cases to the Government concerning:

- (a) Abdelkarim Omar Talat Mahmoud, allegedly abducted on 11 January 2017, from a hospital in El Mohandeseen district, by the Egyptian police officers;
- (b) Abdulrahman Mohamed Ibrahim Al Bih, allegedly arrested on 15 November 2016 in the shopping area of Nasr city, Cairo, by State Security agents;
- (c) Ahmed Sameh Mohamed Ahmed Mansour, allegedly arrested on 17 December 2016 close to the University of Cairo, on Al Mokhaym Al Daem road, Nasr City, by National Security agents;
- (d) Mohamad Jomaa Youssef Abdullah Zahra, allegedly abducted on 26 December 2016 from his home in Mahdeyah, Markaz Hehya, Ash Sharqia Governorate, by State Security officers,
- (e) Ahmed Fawzy Ahmed Hafez Marzouq, allegedly arrested on 2 January 2017 at his home in Al Sabayah Village, Al Brolos Station, As Sahel Al Qebli, Governorate of Kafr El Sheikh, by policemen in uniforms and several men in civilian clothing;
- (f) Zaïd Mohamed Ahmed Ahmed Al Bana, allegedly arrested on 11 January 2017 in front of Al Borg High school on Al Borg Way, Al Burj Al Burlos, Kafr El Sheikh Governorate, by National Security forces and Police agents;
- (g) Ahmed Seif Al Islam Mostafa Mostafa Mostafa Kamoun, allegedly arrested on 12 January 2017 in front of the Higher Institute for Engineering and Technology, by a group of State Security agents in plainclothes;
- (h) Ahmed Mohamed Ahmed Attia, allegedly abducted on 27 December 2016 from his home in Al Bakhama District, Sobeeh Village, Zakazik, Sharqia Governorate, Egypt, by police officers;
- (i) Yousri Kamal Mohamed Abdallah, allegedly arrested on 22 December 2016 at his home at 30A Ahmed Esmat Street, Ain Shams Sharkeya, Cairo Governorate, by security agents in plainclothes and police forces in uniforms.
- (j) Mostafa Morsi Khafagi, allegedly arrested on 17 December 2016 in front of the faculty Union at Saray Gharbiya by individuals believed to be State security agents, in civilian clothes;
- (k) Ibrahim Rajab Ibrahim Arafat, allegedly arrested on 21 December 2016 at a checkpoint in Kafr Abu Hussien, Zagazig, Sharqia by police security agents;
- (l) Mohamed Fawzy Abo Al Gheet Al Tahan, allegedly arrested 30 December 2016 in Baltym by six individuals wearing civilian clothes, who presented themselves as investigators;
- (m) Nasser Mohamed Zaki Mohamed, allegedly arrested on 7 February 2017 at Nile Corniche Street, in Cairo, by police and national security forces in civilian clothes;
- (n) Mohamed Ali Braham Mahmoud, allegedly arrested on 14 February 2017 at his house in Al Azhar hospital street, Cairo, by police and national security forces in civilian clothes;
- (o) Mahmoud Ahmed Abdul Mawla Shaoot, allegedly abducted on 7 February 2017 from a shop in Rasheed City by police officers from Rasheed Police Station;

- (p) Ahmed Shawky Abdelsattar Mohamed Amasha, allegedly abducted on 10 March 2017 at a police checkpoint of Nasr City, neighbourhood of Cairo, by police officers;
- (q) Omar Mohamed Abd-Alwahed, allegedly arrested on 26 December 2016 at the student residence where he was living in 10th Ramadan city, by police officers and national security forces;
- (r) Al-Said Mohamed Mohamed Ibrahim Dosoki allegedly arrested on 30 December 2016 at his home in Sobeesh village by police officers and national security officials;
- (s) Belal Mohamed Morsy Mehanna allegedly abducted on 6 January 2017 from his home by police officers and national security officials;
- (t) Ali Ragabahmed Mohamed Saleh, allegedly abducted on 23 February 2017 from his residence by police officers and national security officials;
- (u) Ezzat Alsaid Abd-Alfattah Abo Golwa, allegedly abducted on 23 February 2017 from his family residence in Alshohadaa Centre, Al-Monfeya Governorate, by officers of the national security forces and the special police;
- (v) Magdy Abd-Alhalim Mohamed Zaid, allegedly abducted on 28 February 2017 from his workplace by police officers and national security officials;
- (w) Mohamed Mohamed Al Morsy Al Sayad, allegedly abducted on 13 March 2017 from his house by Police and National Security agents;
- (x) Ahmed Abdelazeem Mohamed, allegedly abducted on 15 February 2017 on the road to Cairo by security agents;
- (y) Adel Asobky, allegedly abducted on 25 February 2017 from the police security office of Garbia, by police officers in plainclothes;
- (z) Asadat Abderahim Abdessalam Karim Edine, allegedly abducted on 25 February 2017 in the new city of Damietta by security agents in plainclothes;
- (aa) Ragab Mohamed Aly Mohamed El gidaway, allegedly abducted on 13 March 2017 in Cairo by police and National security forces;
- (bb) Sahl Abdul Basir Mohammed Tarab, allegedly abducted on 28 February 2017 from his residence in Kafr Al Marazqah, Qallin, Kafr El Sheikh Governorate by police and national security forces;
- (cc) Walid Kamal Muhammad Hassanin Al-Bahnacy, allegedly abducted on 1 March 2017 from his home in Arab-El-Raml by Police and National Security officers from the Quwaisena Centre, State of Munufiyyah;
- (dd) Yusuf Yusuf Yusuf Yusuf Al-Atawey, allegedly abducted on 28 March 2017 from the street in Al-Basarta by police and national security forces;
- (ee) Naem Shalaby Yusuf Mahfouz, allegedly abducted on 28 March 2017 in front of his home of Al-Basarta, Damietta by police and national security forces;
- (ff) Muhammed Kamal Muhammed Mandour, allegedly abducted on 16 March 2017 from his apartment at the Fifth district, Al-Obour city, Cairo, by police and national security forces;
- (gg) Hamdy Ahmed Muhammed Hassan, allegedly arrested on 28 March 2017 from his residence in the Faisal District of Giza Governorate by members of the police and national security forces;
- (hh) Ahmed Abdul Moneim Mohamed Abdul Ghani Zahran, allegedly arrested on 16 March 2017 at his workplace at the Adamayar Advertising Center, fifth settlement of Nasr city, by members of the police and national security forces;
- (ii) Mohamed Abdel Maksoud Mohamed El Khayat, allegedly abducted on 9 April 2017 from his apartment in Lasipher Desouk Center, Kafr el Sheikh Governorate by police and national security forces;

(jj) Ammar Yasser Mostafa Ahmed Helal, allegedly abducted on 8 April 2017 from his apartment in Hamza bin Abdel Motteleb Street, Hanouvil 20 Aldaraysa, Alexandria, by police and national security forces;

(kk) Ahmad Lotfi Ahmad Zaghlool, allegedly abducted on 4 April 2017 from the street in New Damietta by police officers belonging to the Homeland Security Department;

(ll) Refa'at Refa'at Muhammad Abu Ghazala, allegedly abducted on 4 April 2017 from the train on his way to Bani Sweif by police officers;

(mm) Moaaz Bellah Khaled Fayyad Mohamed, allegedly abducted on 7 April 2017 from his residence in Safur village, Markaz Dairab Negm, province of Sharqia, by police officers from Sharqia, national security officers and soldiers;

(nn) Saad Saad Ali Abdallah Khaled, allegedly abducted 24 April 2017 from his apartment in New Damietta, Damietta Governorate, by national security and police forces;

(oo) Alaa Ahmed Abd-Alkhaleq Said Ahmed Zazoa, allegedly abducted on 20 April 2017, from Al-Maadi, Nile Cornice, by police officers and national security forces;

(pp) Ahmed Abd-Allatif Ahmed Ali Ali, allegedly arrested 26 April 2017 at Borg Al-Arab airport in Alexandria by Airport security and National Security Forces in plainclothes.

(qq) Belal Atef Khalid Azzayyat, allegedly abducted on 16 April 2017, from a relative's house in Damietta by police and national security forces

(rr) Hassan Hassan Khalid Azzayyat and Muhammad Hammad Abdul-Ghani Saleem, allegedly abducted together on 4 April 2017 in a flat of Cairo, by special forces of the police;

Annex II

Standard procedure cases

Democratic People's Republic of Korea

1. The Working Group transmitted 23 cases to the Government, concerning:
 - (a) Baek Beom-gi, allegedly abducted from his house in Seoul on 18 September 1950, by the head of the Mincheong Committee and an agent from the Department of Internal Affairs.
 - (b) Kim Gyeong-hee, allegedly abducted from his house in Seoul on 28 July 1950, by the head of the Mincheong Committee, and an agent from the Department of internal Affairs.
 - (c) Kim Jae-bong, allegedly kidnapped on 20 August 1950 by North Korean soldiers.
 - (d) Kim Jeong-Dae, allegedly taken from his house in August 1950, by soldiers of the North Korean People's Army.
 - (e) Kim Ju-hyeon, allegedly arrested from his house in Ganghwa-gun on 17 September 1950, by soldiers of the North Korean People's Army.
 - (f) Kim Ki-Jeong, allegedly abducted from his home in Seoul in September 1950, by officers from the Internal Bureau.
 - (g) Kim Myeong-hyeok, allegedly abducted by members of the North Korean People's Army in mid-August 1950.
 - (h) Kim Yu-Yon, allegedly arrested from his home on 23 August 1950, by agents from the political Security Bureau.
 - (i) Kim Wu-jong, allegedly arrested from his workplace on 4 August 1950, by armed North Korean soldiers.
 - (j) Kim Wu-soon, allegedly abducted on 3 September 1950 by agents of the Security Bureau.
 - (k) Kwon Tae-sul, allegedly arrested on 8 August 1950, by an agent from the political Security Bureau and an armed soldier.
 - (l) Lee Jae-Gwan, allegedly arrested at his workplace in July 1950, by an officer of the Department of Internal Affairs.
 - (m) Lee Bong-woo, allegedly abducted on 21 August 1950, by members of the Political Bureau.
 - (n) Lee Chae-deok, allegedly detained in July 1950 by five men from the North Korean Army.
 - (o) Lee Gil-yong, allegedly abducted on 17 July 1950, by agents of the North Korean Political Security Bureau.
 - (p) Oh Heon-sik, allegedly abducted from his home on 1 August 1950, by two agents presumably from the Political Security Department or the Department of Internal Affairs.
 - (q) Seo Byeong-ho, allegedly abducted on 14 July 1950, by policemen from the North Korean regime.
 - (r) Yun Tae Kyong, allegedly abducted on 1 September 1950, by two persons believed to have links with the North Korean regime.

(s) Kim Kun II, a Japanese national allegedly arrested from his home in October 1982, by agents of the National Security Agency.

(t) Hye Kyung allegedly arrested in early October 1997, by agents of the National Security Agency.

(u) Kim Jang Ho allegedly arrested from his home in July 1996, by the Hoiryung City Security Agency.

(v) Lee Ho Rim, allegedly arrested from his home in July or August 1980, by agents from the National Security Agency.

(w) Young Nam Park, allegedly arrested in August 2002, by agents of the National Security Agency.

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

Egypt

3. The Working Group transmitted 19 cases to the Government, concerning:

(a) Yehia Mansour Ahmed EL Sharkawy, allegedly arrested on 9 July 2016 when he was travelling from Cairo to Aswan, by police officers;

(b) Fakhr El Din Youssef Zaki Abou El Azm, allegedly abducted on 9 June 2016 outside the hospital of 6th October university, by police officers;

(c) Ahmed Ramadan Abdel Salem El Ansary, allegedly abducted on 1 of July 2016 from his house in 15 Awlad el Sagheir street, Imbabah, Giza, by national security investigation forces;

(d) Mohamed Mostafa Mohamed Mohamed, allegedly arrested on 29 July 2016 from his apartment in a student residence in Al Zaria, El Hamra, by police forces in civilian clothes;

(e) Taher Ahmed Gamal El Dein Mohamed, allegedly abducted on on 21 September 2016 in an ambush in Cairo, by police officers;

(f) Haitham Fathey Ahmed Al Shandeney, allegedly abducted on 9 September 2016 from his workplace in Nacr city, by police officers;

(g) Shahat Abu Al Hassan Hagag Mahmud, allegedly arrested on 31 August 2016, in the street next to his house in Al Siel Aswan, by police officers;

(h) Wasel Omar Mohamed Mohamed Wasel, allegedly abducted on 19 September 2016 from the “Shebin car position”, next to the Shebin El Koum level crossing, by police officers;

(i) Mouslim Moaz Mohamed, allegedly arrested on 21 September 2016 at the Cairo international airport by security officers;

(j) Zaky Mohamed Sayed, allegedly arrested on 9 April 2016 from a restaurant in El Arish street, Faical, Giza, during a police raid;

(k) Sohaib Said Khedr Abdual Motagaly, allegedly abducted on 8 October 2016 from Dayrout court, after his trial during which he was sentenced to one-year imprisonment, by police officers;

(l) Reda Fathey AbdualBaky Ebrahim, allegedly arrested on 10 September 2016 at his home in El Karasy tour, El Mustafa, House No. 4, by security forces;

(m) Atieto Ali Saied Atieto, allegedly abducted on 20 September 2016 from a rented chalet floor on Azza Street, El Buseet area, MarsaMatrouh, by police officers;

- (n) Atieto Mohamed Amubarek Abu Ahmed, allegedly abducted on 20 September 2016, from a rented chalet floor, on Azza Street, El Buseet area, MarsaMatrouh, by police officers;
- (o) Ehab Salah El Din Attito, allegedly arrested on 17 September 2016 at his house in Mattarya, by police officers in plainclothes;
- (p) Khedr Walaa Shaban Goma Ebrahim, allegedly abducted on 17 August 2016 at the Alexandria Burj Al Arab Airport, by police officers;
- (q) Abdalrahman Fathy Abdalrahman Khalifa, allegedly arrested on 1 October 2016 at his student housing in Nasr city's 10th district, Cairo, by police and national security agents;
- (r) Raid Mohammed Aouis Murtada, allegedly abducted on 23 September 2016 from his workplace in the "European countryside", on the agricultural road of Cairo, Alexandria, by a police officer in plainclothes;
- (s) Ismael Abd-althany Ismael Heibah, allegedly arrested on 9 September 2016 in the street of his college in Albeheirah, by police officers from Nacer city;

Morocco

4. The Working Group transmitted 30 cases to the Government, concerning:

- (a) Mailid Brahim Ali Salem, allegedly abducted in January 1976 in the outskirts of Smara, by a group of soldiers of the Moroccan Armed Forces;
- (b) Salama Ali Abalehcn, allegedly abducted at the beheading of 1976, from the orchard of a person associated with him in Rafrata region, near Goulimin, by members of the armed forces and the Royal Gendarmerie;
- (c) Mohamed Ahmed Abdellah Mansour, allegedly abducted one day of January 1976 in the region of Lebtana, near Assa, by members of the Royal Armed Forces, the Royal gendarmerie and paramilitary forces from the Moroccan Ministry of Interior;
- (d) Hadia Mohamed Mbarek Zaidan, allegedly abducted in July 1976 from his home at Boulevard Lebbib Uld Ballal, Smara, by two gendarmes of the Royal Gendarmerie;
- (e) Abdati Mohamed Salem Brahim, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;
- (f) El Hufed Hama Embarek, allegedly abducted in July 1976 from his house in the Rbeib village of Smara, by two gendarmes of the Royal Gendarmerie;
- (g) Ali Nayem Fec-cu, allegedly abducted on 10 July 1976 from the outskirts of Smara, by two gendarmes of the Royal Gendarmerie;
- (h) Mohamed El Bu El Bachir, allegedly abducted on 12 November 1975 from the village of Jdairia, by a group of soldiers of the 20th Military Battalion;
- (i) Ali Salem Bachri Brahim Alamin, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;
- (j) Mohamed Fadel El Bachir Sid Ahmed, allegedly abducted in February 1976 in Oued Saguia, El Hamra, by agents of the Royal Gendarmerie;
- (k) Mohamed Fadel Jid Ahlou Sid, allegedly abducted on 25 October 1986 in El Aaiun, by military officers;
- (l) Moh-Lahmin Mohamed Fadel Cheij, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;
- (m) Mohamed Mohamed Mbarek El Almi, allegedly abducted in December 1976 in Rbeib, region of Smara, by individuals in uniforms believed to be members of the Moroccan Armed Forces;

- (n) Mohamed-Saleh Ahmed Didi El Bachir, allegedly abducted in November 1975 in Jdairia, by a group of the 20th Military Battalion of the Royal Armed Forces;
- (o) Mohamed Salem Salek Belkasem, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;
- (p) Mrabih Mohamed Mbarek Sid Ahmed, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;
- (q) Bachri Alamin Alamin, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;
- (r) Nafii Mailid Ouahman, allegedly abducted in November 1988 in Oued Saguia el Hamra; by Moroccan security officers;
- (s) Ali Najem Feku, allegedly abducted from his home, by two gendarmes of the Royal Gendarmerie;
- (t) Sid Najem Brahim Ahmed Salem Lemahad, allegedly abducted in 1976 in Tazoua, in the region of Smara, by individuals dressed in uniforms believed to be members of the Royal Armed Forces;
- (u) Baali Mustapha Mohamed Eschayer, allegedly abducted in July 1976 in Erbeib, by two gendarmes of the Royal Gendarmerie;
- (v) Baba Sidi Omar, allegedly abducted in July 1976 in Oued Saguia, by officers of the Royal Armed Forces;
- (w) Brahim-Salem Hmedou Hmaida, allegedly abducted in July 1976 in Amgala, by officers of the Royal Armed Forces;
- (x) El Hufed Hamma Embarec, allegedly abducted in July 1976 from his house in the Rbeib village of Smara, by two gendarmes of the Royal Gendarmerie;
- (y) Salka Bachri Bay, allegedly abducted in 1978 in Marrakech, by individuals in uniforms believed to be Moroccan security officers;
- (z) Sid Ahmed Babaih, allegedly abducted from his home in Alal Benabdallah street, Smara, by two gendarmes of the Royal Gendarmerie;
- (aa) Sid Ahmed Brahim Ahmed Salem Lemouahab, allegedly abducted in Tazoua, in the region of Smara, by individuals in uniforms believed to be Moroccan security officers;
- (bb) Yeslem Mohamed Emhaimed, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;
- (cc) Haimad Omar Bahia, allegedly abducted in July 1976 in Amgala, by officers of the Royal Armed Forces;
- (dd) Hamadi Sidia Mohamed, allegedly abducted in July 1976 from his home in the Erbeib village, outskirts of Smara, by two gendarmes of the Royal Gendarmerie.
5. In accordance with the methods of work of the Working Group, the Government of the Spain received a copy of the case files.

Pakistan

6. The Working Group transmitted 40 cases to the Government, concerning:
- (a) Umer Laal, allegedly arrested from his house on 12 December 2009, by the 55th Field Commander of the Pakistani Rangers.
- (b) Rasheed Ahmad, allegedly arrested on 28 April 2011 by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

- (c) Shabir Ahmad, allegedly abducted on 3 September 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (d) Hakim Ali Kovi, allegedly arrested on 16 June 2011, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (e) Naveed Akhtar, allegedly arrested on 17 August 2013, by members of security forces.
- (f) Tayyab Rizwan, allegedly arrested from his home on 11 April 2011, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (g) Kaleem Ullah, allegedly abducted from the Hayat Medical Complex on 17 June 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (h) Umer Ali, allegedly abducted from the Dera Ismail Khan Multan Road Mara Bazar on 29 November 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (i) Muhammad Madni, allegedly abducted from his home on 29 May 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (j) Rahim Dad Khan, allegedly abducted from his home on 20 April 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (k) Muhammad Zakria, allegedly abducted from his home on 11 March 2015, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (l) Muhammad Waqas Shah, allegedly abducted from his home on 25 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (m) Farooq Umer, allegedly abducted from the airport of Islamabad on 9 September 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (n) Hafiz Basheer Ahmad, allegedly abducted from Jamia Masjid Taunsa Sharif on 12 March 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (o) Tariq Saleem, allegedly abducted from his home on 26 March 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (p) Huzaifa, allegedly abducted from Shaw Mansoor Madrisa Awabi on 23 June 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (q) Sajid Javed, allegedly abducted on the way to Lahore from Islamabad on 12 August 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (r) Syer Abdul Salam Zaidi, allegedly abducted from his home on 18 May 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.
- (s) Muhammad Niaz, allegedly abducted from his home on 28 April 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(t) Abdul Ghafar, allegedly abducted from his home on 23 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(u) Muhammad Muavia, allegedly abducted from his home on 5 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(v) Molana Shalim, allegedly abducted from his home 27 August 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(w) Mr. Adeem Sartaj, allegedly abducted from Karachi on 9 May 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(x) Mr. Farooq Alam Khan, allegedly abducted from the National Police Foundation in Islamabad, on 18 January 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(y) Saad Ullah Jaan, allegedly abducted from Khyber super market on 25 July 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(z) Rooh Allah, allegedly abducted from Nawagai Tehsil & District Bajaur Agency on 28 March 2015, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(aa) Elahi Bux, allegedly abducted from his home on 31 January 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(bb) Adil Zafar Syed, allegedly arrested from his home on 28 October 2015, by members of the Sindh Police

(cc) Shahnawaz Khan, allegedly arrested from his home on 15 November 2015, by ranger officials

(dd) Muhammad Naeem, allegedly arrested from his home on 17 November 2015, by ranger officials.

(ee) Mohammad Riyasatullah, allegedly arrested from Nazimabad Flyover Bridge on 18 November 2015, by uniformed ranger officials, together with a person who was later released.

(ff) Tariq Qureshi Muhammad, allegedly arrested on 29 November 2015, at the election office of the Muttahida Quami Movement in the Ramswami Area, by uniformed rangers and officials dressed in civilian clothing.

(gg) Abid Hussain, allegedly abducted on 7 November 2015 by security forces believed to be military forces, near the Kidney Hospital in Muslimabad.

(hh) Mian Ishaq Syed, allegedly abducted from his home on 23 November 2015, by more than a dozen members of the military.

(ii) Kashif Khan, last seen in January 2016 at the Ghalanai Frontier Corps Camp in Mohmand Agency, FATA.

(jj) Rashid Khan, allegedly arrested from his home in the Village of Shammaal on 18 February 2015, during a search operation conducted by the army.

(kk) Zeeshan Mohammad, allegedly arrested on 3 July 2015, by members of the Inter-Services Intelligence (ISI).

(ll) Mr. Zakirullah, allegedly abducted on 19 September 2016, by uniformed men believed to be from the Pakistani army, near Saddar Road, Peshawar.

(mm) Zabit Khan, allegedly arrested on 29 November 2016, from Sardar Ahmad Jan Colony, Ring Road, Peshawar, by uniformed soldiers from the Pakistan army.

(nn) Mohammed Azeem, allegedly abducted from Turbat international airport on 20 April 2016, by members of the Frontier Corps.

Sri Lanka

7. The Working Group transmitted 36 cases to the Government, concerning:

(a) Krishnapakalan Nagarasa, allegedly last seen on 18 May 2009, after having surrendered at the Vattuvakkal Sri Lanka Army post.

(b) Nirmala Ansalam Arumainayagam, allegedly arrested in May 2009, by the Navy in the Pesalai sea area.

(c) Mukunthan Thangavelmudali, allegedly last seen on 17 May 2009, after he surrendered to the Sri Lanka Army.

(d) Pavithran Navaratnam, allegedly last seen on 22 May 2009, at the Sri Lanka Army checkpoint at Omanthai, Vavuniya District, Northern Province, Sri Lanka.

(e) Ananda Idamegama, allegedly last seen on 1 December 1989, and believed to be detained by security forces due to his affiliation to Janatha Vimukthi Peramuna (JVP).

(f) Manuel Balasundaram, allegedly abducted on 13 April 2009, by the Sri Lankan Army.

(g) Debsile Premadas, allegedly abducted on 24 April 2009, by the Sri Lankan Army.

(h) Sivaguru Sehar, allegedly abducted on 19 May 2009, by the Sri Lankan Army.

(i) Gnanaseharam Arumugam, allegedly abducted on 20 December 2008, by the Sri Lanka Special Task Force.

(j) Kishorkumar Kugathanan, allegedly abducted from his home on 8 September 2006, by unidentified armed persons working on behalf of the Sri Lankan Naval Forces, who took him away in a white van.

(k) Manoharan Selvanayagam, allegedly arrested on 14 May 2009, by Sri Lankan police officers.

(l) Sathanantham Sinnathambi, allegedly detained on 28 November 2007, by paramilitary members of the "Karuna Group".

(m) Subarajitha Sundaralingam, allegedly abducted on 17 May 2009, by soldiers from the Sri Lanka Army.

(n) Kokiladevi Velayutham, allegedly disappeared on 26 March 2009, after she surrendered to the Sri Lankan military at Vaddugagal, Mullaitheivu.

(o) Gowsalya Naganathan, allegedly last seen on 22 May 2010 at the Boosa detention Centre (Block-A).

(p) Rajeswary Nallathambi, allegedly abducted on 11 June 2009, by two members of the Sri Lankan security forces, who took her away in a white van.

(q) Pirakalathan Perinparasa, allegedly abducted on 21 March 2009, by members of the Sri Lankan Special Task Force.

(r) Pradeepa Rasadurai, allegedly last seen on 15 May 2009, in the military controlled area in Vattuvaka.

(s) Iraththanah Rasaiah, allegedly last seen on 22 June 2009, when he was admitted to the Vavuniya General Hospital.

- (t) Iyngaran Selvarasa, allegedly abducted on 3 September 2006, by unidentified armed individuals believed to be from the police or from the army, who took him away in a white van.
- (u) Arulraj Croos Soosaiyappu, allegedly abducted on 9 December 2005, by the Sri Lankan Army.
- (v) Anthony Fernando Thommai Fernando, allegedly abducted on 2 October 2009, by the Sri Lankan Army.
- (w) Saseeharan Kanagan, allegedly abducted on 24 June 2006, by members of the Sri Lankan Army and of the Eelam Peoples' Democratic Party (EPDP) paramilitary group.
- (x) Akaliyan Pathmanathan, allegedly abducted on 16 March 2009, by members of the Sri Lanka Army.
- (y) Rasaranjithan Rajitha, allegedly last seen on 3 June 2009, in the Padaviya Hospital (Trincomalee District, Eastern Province).
- (z) Thivakaran Maheswaran, allegedly arrested on 18 May 2009, after having surrendered to the Sri Lanka Army.
- (aa) Sathiyakala Kathirgamanathan, allegedly abducted on 22 February 2009 by the Liberation Tigers of Tamil Eelam (LTTE), and held after the war at a detention facility run by the Sri Lanka Government in the Vavuniya District.
- (bb) Yogenderan Yoshan, allegedly arrested on 03 May 2009, by the Sri Lanka Civilian Police.
- (cc) Antrainas Logu Arulappu, allegedly abducted on 16 March 1986, by the Sri Lanka Army.
- (dd) Arunan Suntharalingam, allegedly last seen on 18 May 2009, at the Vattuvakal Sri Lanka Army post.
- (ee) Kulendran Murugaiyah, allegedly abducted on 9 September 2006, by members of the Liberation Tigers of Tamil Eelam (LTTE), but reportedly then in the custody of the Sri Lankan Army.
- (ff) Juderaj Stanley Mohanraj, allegedly last seen on 18 May 2009 after he surrendered to the Sri Lanka Army.
- (gg) Kugenthiran Balasingham, allegedly last seen on 18 May 2009, after he surrendered to the Sri Lanka Army.
- (hh) Bravo Damian Joseph Anthonythasan, allegedly abducted on 8 March 2009 by members of the Liberation Tigers of Tamil Eelam (LTTE), and then reportedly abducted by the Sri Lankan Army after the end of the war in May 2009.
- (ii) Kajenthini Subramaniam, allegedly abducted on 27 February 2009, by members of the Liberation Tigers of Tamil Eelam (LTTE), and then reportedly abducted by the Sri Lankan Army after the end of the war in May 2009.
- (jj) Nagaratnam Sutharsan Kannan, allegedly last seen 17 May 2009, after he surrendered to the Sri Lanka Army.

Annex III

General allegations

Kenya

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 Kenya.
2. According to such sources, 24 Kenyan citizens were arrested by Kenyan police officers between 2012 and November 2016 in the Coastal region of Kenya. Since then, their whereabouts remain unknown, which would show a pattern of enforced disappearances in Kenya.
3. The sources reported that available evidence on extrajudicial killings and enforced disappearances on the Kenyan Coast suggests that the vast majority of the alleged perpetrators are officers from counterterrorism or other specialized police units. In particular, the Kenyan Antiterrorism Police Unit (ATPU), a unit that reportedly operates outside regular police command hierarchies, is allegedly involved.
4. It was reported that these enforced disappearances of alleged terror suspects are targeting in particular Muslims and vulnerable groups within Kenyan society. In other cases, Kenyan authorities were reportedly failing to provide families with a reason for the arrest or the criminal charges.
5. According to the sources, several weeks before disappearing on 26 June 2012, four out of the 24 disappeared individuals had told persons associated with them that the ATPU was threatening them.
6. When relatives reported their disappearance to the Likoni Ferry Police Post officers did not respond and appeared unconcerned, even though the men were abducted nearby. A duty officer at Likoni Ferry Police Post advised the relatives to look for their bodies in the mortuary, as police had reportedly shot them.
7. The sources also reported that the bodies of the four individuals were never found. On 30 June 2012, persons associated with the disappeared individuals gave statements at the Nyali police station, near Kisauni, Mombasa, where the four had been staying but the police did not respond.
8. During court proceedings in the Machakos bus station bombing case, the sources reported that the prosecutor indicated that two of those individuals had fled Kenya to avoid prosecution and that the authorities had not pursued any further investigations.
9. The sources further observed that these enforced disappearances contribute to a climate of state- sanctioned violence and impunity, merely adding to national insecurity, as well as create a climate of fear, notably for young Muslim men.
10. According to the sources, the excessive use of force, killings and enforced disappearances constitute unlawful acts by state law enforcement officials that remain uninvestigated and unpunished so far by the state.

Mexico

General allegation sent on 10 April 2017

11. 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 Mexico.

12. De acuerdo con las fuentes, en el derecho mexicano existen diferentes vías y mecanismos a nivel estatal y federal para obtener la asistencia o la reparación del daño cuando ocurre una violación de los derechos humanos. Estas vías y mecanismos aplicarían tanto en casos de desaparición forzada, como en casos de desaparición cometidas a manos de particulares. Si la violación se considera un delito, la vía penal tiene como uno de sus fines la reparación del daño; si se acredita en el marco de una investigación sobre una violación de los derechos humanos, las recomendaciones emitidas por la Comisión Nacional de Derechos Humanos e instituciones similares de cada Estado, tienen facultades para determinar o solicitar a las autoridades tanto medidas de asistencia como recomendar medidas de reparación. Existe también el sistema de víctimas creado a partir de la Ley General de Víctimas (LGV) y de las correspondientes Leyes de Víctimas a nivel estatal, donde se establecen medidas de asistencia, atención, apoyo y reparación integral. Finalmente, se encuentran las vías jurisdiccionales como el recurso de amparo y la Ley Federal de Responsabilidad patrimonial del Estado, cuyos efectos para reparar a las víctimas de desaparición son limitados.

13. De acuerdo con las fuentes, y con base en su experiencia directa, a pesar de la existencia de estos mecanismos no se ha documentado un solo caso en el que las víctimas hayan recibido medidas de reparación integral. Las fuentes reportan, específicamente, las siguientes deficiencias:

14. La Comisión Nacional de los Derechos Humanos (CNDH)

15. La Comisión Nacional de los Derechos Humanos (CNDH) está facultada para dictar medidas de reparación del daño en sus recomendaciones. Sin embargo, la legislación aplicable no establece procedimientos claros y definidos que deben seguir las autoridades responsables para cumplir con la recomendación, y en específico, las vías que deben agotar las víctimas para obtener la reparación integral del daño. Asimismo, la Ley de la CNDH no establece los estándares mínimos que debe seguir esta institución al momento de ordenar la reparación a favor de las víctimas de graves violaciones de los derechos humanos.

16. Más allá de los vacíos legales en materia de asistencia y reparación del daño para la CNDH y las comisiones estatales, lo que perciben las fuentes es una falta de voluntad para tratar de aplicar estándares internacionales y lo establecido en la Ley General de Víctimas. El hecho de que la CNDH no quiera incorporar en sus investigaciones y recomendaciones medidas de asistencia, atención, apoyo y reparación integral para las víctimas y que, en los reducidos casos en los que se hace, no las determine necesariamente tras consensuarlas con las víctimas, reflejaría una ausencia de voluntad política. Preocupa a las fuentes, que siendo la institución que debería ser el referente en esta materia, su labor haya sido muy limitada.

17. Preocupa también el papel que el Poder Judicial ha tomado frente las solicitudes de amparo presentadas por algunas víctimas. El carácter no vinculante de las recomendaciones de la CNDH permite que el cumplimiento de las mismas por parte la autoridad responsable, también en lo que concierne a las medidas de reparación, no esté sometido a control constitucional.

18. La responsabilidad patrimonial del Estado como vía para obtener indemnización para víctimas de desaparición

19. La Ley Federal de Responsabilidad Patrimonial del Estado (LFRPE) reconoce el derecho de las víctimas a la indemnización por los daños sufridos a causa de la actividad irregular del Estado. La víctima debe acudir ante tribunales administrativos, probar el daño sufrido, la existencia de la actuación irregular por parte de agentes estatales y la existencia de un nexo de causalidad entre ambos. De acuerdo con la LFRPE, cualquier ente público federal del Poder Judicial, Legislativo y Ejecutivo, con excepción de la CNDH, está sometido a responsabilidad patrimonial del Estado. Por esta vía son reclamables las indemnizaciones ordenadas en los fallos de la Corte Interamericana de Derechos Humanos, y las recomendaciones de la CNDH y de la Comisión Interamericana de Derechos Humanos.

20. Cabe señalar que, en casos de desaparición forzada de personas, la responsabilidad patrimonial del Estado se limita a la indemnización a favor de la víctima por la participación de agentes estatales en la desaparición del familiar, dejando a un lado el resto

de medidas que componen la reparación integral a la víctima, tales como restitución, rehabilitación, satisfacción y garantías de no repetición. En la práctica, las víctimas de graves violaciones de los derechos humanos no recurren de manera usual a esta vía, sobre todo porque requiere asistencia legal, y esto conllevaría gastos que muchas víctimas no pueden asumir. Asimismo, para los familiares de personas desaparecidas la indemnización económica por sí sola no puede considerarse una medida de reparación adecuada y suficiente.

21. El juicio de amparo como vía para obtener reparación para víctimas de desaparición

22. El juicio de amparo permite el control constitucional de los actos u omisiones de autoridades judiciales y no judiciales. De acuerdo con la Ley de Amparo los efectos del amparo son únicamente de carácter restitutivo, cuando esto resulte factible.

23. Los alcances de los efectos contemplados en la Ley de Amparo han sido sometidos a interpretación de la SCJN. Inicialmente, la SCJN reconoció que el juicio de amparo permitía otro tipo de medidas de reparación además de las de restitución, como por ejemplo en el amparo en revisión 554/2013, en el que la SCJN reconoció irregularidades y encubrimiento por parte de las autoridades ministeriales en un caso de feminicidio. Sin embargo, en el amparo en revisión 207/2016 la SCJN determinó que el juicio de amparo sólo permitía como medida de reparación la restitución y no otro tipo de medidas, como las garantías de no repetición con efectos estructurales, ni medidas de satisfacción, como una disculpa pública, ni el pago de indemnizaciones. Por lo tanto, la SCJN despojó al juicio de amparo de la capacidad reparadora. Este último criterio ha sido sustentado en varios precedentes, que aunque no son jurisprudencia, muestran el ánimo unánime de los ministros y las ministras de la SCJN. De acuerdo con las fuentes, la actual línea de interpretación escogida por la SCJN no es conforme a los criterios del derecho internacional de los derechos humanos y, de todas maneras, desalienta a las víctimas de desaparición a que utilicen el recurso de amparo, porque saben de antemano que no se les otorgaría una reparación integral por el daño sufrido.

24. En casos de desaparición, las fuentes han encontrado que la vía del amparo no ha sido útil para lograr la reparación ni para lograr frenar las violaciones. El juicio de amparo no está diseñado normativamente para ser un verdadero juicio de derechos humanos, por lo cual se limita su alcance como garantía constitucional. Esta situación se torna aún más crítica con la interpretación de la SCJN en el sentido de afirmar que el juicio de amparo no tiene el alcance para lograr la reparación integral para las víctimas, sino solamente es capaz de ordenar medidas netamente restitutivas cuando el caso lo permita.

25. La Ley General de Víctimas y la Comisión Ejecutiva de Atención a Víctimas

26. La Ley General de Víctimas (2013) constituye el marco jurídico principal para atención a víctimas de graves violaciones de los derechos humanos, incluso de desaparición forzada, y sus familiares. La LGV obliga a toda autoridad, en el marco de sus competencias, a proporcionar medidas de asistencia social y de reparación.

27. Si bien la Ley General de Víctimas consagra una definición amplia de la noción de víctima, su interpretación y sus normas, así como los métodos de trabajo y directrices adoptadas por el mecanismo encargado de garantizar su aplicación (la Comisión Ejecutiva de Atención a Víctimas — CEAV), son mucho más restrictivos y, en la práctica, conducen a la exclusión de varias personas de los derechos consagrados en la ley. Se informa que la labor de la CEAV también se ha visto paralizada por retrasos en la financiación, en la adopción de reglamentos internos, y en el nombramiento (y reelección) de sus comisionados. De acuerdo con las fuentes, los comisionados de la CEAV han interpretado restrictivamente el mandato de la Comisión, lo que ha impedido el registro de muchas víctimas de desaparición, haciéndolas así inelegibles para recibir asistencia monetaria. Por ejemplo, varias víctimas reportan dificultades prácticas para inscribir sus nombres en el Registro Nacional de Víctimas (RENAVI).

28. Se reporta que hasta la fecha, la CEAV no ha cumplido de manera adecuada y eficaz su mandato: en varios casos los funcionarios no han demostrado su disposición o capacidad para atender adecuadamente a las víctimas y sus familias. Se reportan situaciones

frecuentes de re-victimización, incluyendo tratos denigrantes, o la provisión de información inexacta que, en la práctica, ha impedido a las víctimas el goce de sus derechos.

29. Hasta la fecha, las fuentes no tienen conocimiento directo de ningún caso en el que las víctimas obtengan la reparación integral según lo dispuesto en la Ley General de Víctimas. La compensación depende de la existencia de una orden formal emitida por una autoridad judicial o por un mecanismo de derechos humanos. Posteriormente, la víctima debe presentar una nueva solicitud al CEAV para obtener la indemnización. Se trata de un procedimiento excesivamente formal y complicado que impone a las víctimas cargas procesales que a menudo no pueden solventar y que está limitado únicamente a la indemnización. No hay claridad en cuanto al procedimiento a seguir para obtener otras medidas de reparación, tales como rehabilitación, satisfacción y garantías de no repetición.

30. El reconocimiento como víctima y el registro como tal en el RENAVI son condiciones previas indispensables para tener acceso a cualquier medida de asistencia social y reparación. Se han reportado la pérdida de archivos, errores en el llenado de formularios, la imposición de requisitos burocráticos y formales que no están explícitamente establecidos en la legislación aplicable. Cabe destacar que el número exacto de víctimas de desaparición registradas en el Registro Nacional de Víctimas es actualmente desconocido.

31. De acuerdo con las fuentes, las y los familiares de personas desaparecidas que tienen acceso a algún tipo de asistencia social, lo han logrado con base en su propia iniciativa y perseverancia, ya que el marco jurídico e institucional vigente es complicado y difícil de navegar. Por ejemplo, si con gran sacrificio los familiares adelantan los gastos de algún tipo de apoyo (por ejemplo gastos médicos o gastos de transporte y entierro) y luego solicitan el reembolso al que tienen derecho de conformidad con la LGV, comúnmente se les mantiene esperando durante meses, o se les niega la cobertura de estos gastos.

32. En su informe de seguimiento a las recomendaciones hechas por el Grupo de Trabajo tras su visita a México en marzo de 2011 (A/HRC/30/38/Add.4), el Grupo de Trabajo expresó su satisfacción por la emisión de la Ley General de Víctimas. Sin embargo, lamentó que no se haya brindado una sola reparación a víctimas del delito de desaparición forzada por parte de la CEAV. El Grupo de Trabajo también expresó su preocupación por el escaso número de víctimas de desaparición forzada que se albergan en el RENAVI. Por lo anterior, el Grupo de Trabajo instó al Estado a que tome medidas efectivas con el objetivo de que todas las víctimas de desaparición forzada tengan igual derecho a la reparación y que los familiares y a las asociaciones de familiares reciban el respaldo necesario para el desempeño de sus tareas.

33. Vinculado también a la provisión de asistencia social y reparaciones a las víctimas, se encuentra el tema de la declaración de ausencia por desaparición forzada. A nivel federal, la legislación vigente no contiene esta figura, que pudiera regular la situación legal de las personas desaparecidas con respecto a cuestiones financieras, derecho familiar o derechos de propiedad. En unos cuantos Estados existe legislación al respecto, sin embargo, los procedimientos para obtener tales certificados suelen ser largos y excesivamente complicados, y los funcionarios públicos aún no están familiarizados con ellos.

34. Finalmente, las fuentes informan que todos los obstáculos anteriormente descritos se presentan también para familiares de personas migrantes desaparecidas en México, sobre todo en el caso de que residan en otros países. Sin embargo, la condición de especial vulnerabilidad que caracteriza esta población, hace que tengan que enfrentarse a obstáculos y dificultades prácticas adicionales. Las y los familiares de personas migrantes desaparecidas enfrentan obstáculos para acceder a medidas de asistencia social adecuadas y que tomen debidamente en cuenta las peculiaridades de la situación de las personas migrantes, particularmente por parte de la CEAV.

35. Cabe destacar que todo lo que se relata en esta alegación general concierne tanto a víctimas de desaparición forzada como a víctimas de desaparición perpetrada por particulares. Sin embargo, en México se presentan una serie de circunstancias que no permiten descartar la participación de agentes estatales o la existencia de formas de apoyo, tolerancia o aquiescencia por parte del Estado en las desapariciones cometidas por particulares. Al no cumplir el Estado con su obligación positiva de prevenir e investigar de

manera eficaz los casos, no es posible determinar con certeza la participación — directa o indirecta — de agentes del Estado en la conducta delictiva. Sin embargo, existe un contexto en el que se han identificado patrones criminales que señalan a funcionarios involucrados con el crimen organizado. Las fuentes sostienen que, el fracaso sistemático de México para investigar las desapariciones cometidas por algunos grupos criminales, crean un clima de impunidad que equivale a la tolerancia de dichos crímenes, lo que sería suficiente para que dichas desapariciones sean considerados como desapariciones forzadas.

36. En este sentido, en el citado informe de seguimiento de su visita a México (A/HRC/30/38/Add.4), el Grupo de Trabajo se refirió a la impunidad generalizada como un patrón crónico que favorece la perpetración de las desapariciones forzadas, y llamó al Estado a que se adopten medidas efectivas de prevención y combate a la impunidad.

General allegation sent on 9 June 2017

37. De acuerdo con información recibida, de enero de 2007 a septiembre de 2016, los órganos de justicia de los estados de la Federación informaron a la Comisión Nacional de Derechos Humanos (CNDH) haber localizado 855 fosas clandestinas, de las que se exhumaron 1548 cadáveres, habiéndose identificado a 796 de ellos. En paralelo, cuatro estados, Coahuila, Colima, Nuevo León y Veracruz informaron haber exhumado un total de 35958 restos óseos y/o humanos. Esta información, colectada por la CNDH en su informe sobre Desaparición de personas y fosas clandestinas en México, no incluye fosas halladas en 14 de los estados que, o bien señalaron no contar con ningún antecedente que aportar o que omitieron directamente el pedido de colaboración realizado.

38. Por otra parte, en el mismo informe se señala que un relevamiento hemerográfico correspondiente al mismo período dio como resultado la existencia de 1143 fosas clandestinas y la exhumación de 3230 cadáveres y/o restos humanos, es decir que amplía la cantidad de fosas informadas oficialmente.

39. Si bien el hallazgo de fosas clandestinas tiene la potencialidad de abrir un camino hacia el hallazgo de los restos de miles de personas desaparecidas en el territorio de México y por lo tanto de brindar un alivio a los familiares que los buscan de manera desesperada desde que fueron privados de su libertad, el mismo informe destaca que estos hallazgos se dan en un contexto de deficiencias estructurales en las instituciones y mecanismos del estado que podrían coadyuvar a la identificación.

40. En este sentido, la CNDH relevó una muestra de 100 investigaciones ministeriales relacionadas con la desaparición de personas entre 2009 y 2015, de la que concluye que las pesquisas se llevan adelante con una “preocupante falta de exhaustividad en la investigación de los hechos y en la búsqueda y localización de las víctimas por el Ministerio Público”, y que se detectaron irregularidades en las investigaciones al no realizarse indagatorias prontas, exhaustivas e imparciales.

41. De acuerdo a este mismo informe, se destaca la carencia de registros integrales y centralizados para poder medir la magnitud del problema, ya que de las cifras oficiales colectadas por el Registro Nacional de Datos de Personas Extraviadas o Desaparecidas, no se podría determinar aun con certeza cuántos casos serían propiamente desapariciones forzadas imputables a autoridades estatales que hubieren obrado de manera directa o mediante apoyo o aquiescencia, cuáles serían responsabilidad de particulares, de la delincuencia organizada o de otras causas.

42. Adicionalmente, la información recibida destaca también la carencia de una base de datos genéticos única, que podría permitir eventualmente la identificación de muchos de los restos hallados en las fosas clandestinas y que aún no han sido identificados.

43. Siempre según la fuente, a este contexto se sumaría la falta de profesionalización de los servidores públicos encargados de procesar y reportar la información, así como de aquellos encargados de investigar los casos y realizar las tareas de búsqueda, tanto a nivel local como federal.

44. En su informe de seguimiento de su visita a México (A/HRC/30/38/Add.4), el Grupo de Trabajo destacó que “en la mayor parte del territorio las medidas implementadas son notoriamente insuficientes particularmente para la búsqueda y localización de personas

cuyo paradero se desconoce a consecuencia de la comisión de un delito, incluyendo el de desaparición forzada”, e instó al estado para que el Sistema Nacional de Búsqueda de Personas Desaparecidas cumpla con los parámetros de sus recomendaciones, así como lo observado por otros organismos internacionales (par. 21). Asimismo, lamentó en esa misma oportunidad que no se hayan seguido sus recomendaciones en materia de investigaciones forenses. (par. 24.)

45. El Grupo de Trabajo ha tomado nota de distintas políticas llevadas adelante por el Estado en relación con la búsqueda de las personas desaparecidas. En este sentido, se pueden mencionar el acuerdo para avanzar en un Registro Nacional de Fosas Clandestinas, la aprobación del “Protocolo homologado para la búsqueda de personas desaparecidas y la investigación del delito de desaparición forzada de personas”, el proceso para la implementación de la Base de Datos AM/PM y la creación de la Fiscalía Especializada de Búsqueda de Personas Desaparecidas.

46. Sin perjuicio de ello, de acuerdo a la fuente, se trata de medidas que no han modificado aun en la práctica la situación descripta.

47. Por otro lado, el Grupo de Trabajo ha tomado nota con satisfacción de la aprobación por el Senado del proyecto de Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, que pretende sentar las bases normativas, entre otras cosas, para la búsqueda de las personas desaparecidas. Ello sin perjuicio de que ha relevado una serie de críticas de distintas fuentes fiables, en particular en lo que hace al Sistema Nacional de Búsqueda.

Myanmar

48. 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 Myanmar.

49. The sources report that hundreds of Rohingya have been detained as part of security operations in northern Rakhine State, Myanmar, and that some of them are considered victims of enforced disappearances.

50. According to sources, a Rohingya militant group attacked border police outposts on 9 October 2016 in northern Rakhine State, and nine border police officers were reportedly killed during the attacks. The sources argue that Myanmar security forces responded by launching a major security operation, conducting “clearance operations” and sealing the area, effectively barring humanitarian organizations, media and independent human rights monitors from entering. The sources report that a wide range of human rights violations were committed during the operations by the security forces against the Rohingya including enforced disappearances. They argue that these violations appear to be part of a widespread and systematic attack against the Rohingya population which may amount to crimes against humanity.

51. According to the sources, 485 people had been arrested in January only, and, on 19 February, 585 people had been reportedly arrested, among whom 39 are “facing trial for killing people, destroying public property and communicating with illegal organizations” while the others remain under investigation. The sources allege that most of those arrested during the operations are held at the Buthidaung prison in Rakhine State, and that an unknown number among them have not been in communication with their families since being arrested. The sources point out that the OHCHR report issued on 3 February also raises concerns about enforced disappearances noting that out of the 205 people interviewed, 45% reported to have a family member missing after they were taken away by Myanmar security forces.

52. The sources mention that the security forces arrested, as part of the operation, village leaders, business owners, religious leaders, Arabic teachers as well as ordinary villagers, and that there are thirteen arrested children including some as young as 10 years old. The testimonies collected by the sources demonstrate that there are people who failed to return home after being summoned to security force headquarters, and that some

relatives do not know where their loved ones are being detained, what they have been charged with, or whether they have access to a lawyer.

53. The sources also report that those who speak out about the violations in Rakhine State also risk arbitrary arrest and other reprisals. According to sources, the authorities have intimidated and threatened villagers who have tried to speak out about the situation, and some individuals have fled to Bangladesh after recounting security force abuse to media and others. In Bangladesh, refugees and asylum-seekers also face the threat of arrest and deportation, and disclosure of their identity and the identities of their loved ones can still place them at risk. The sources request immediately disclose the fate and whereabouts of all individuals detained during the security operations in northern Rakhine State and ensure that they are treated humanely, allowed prompt and regular access to their families, lawyers of their own choosing and adequate medical care.
