



人权理事会

强迫或非自愿失踪问题工作组

强迫或非自愿失踪问题工作组转交的来文、审查的案件、提出的意见及开展的其他活动*

第一百二十三届会议** (2021 年 2 月 15 日至 19 日)

一. 来文

1. 2020 年 10 月 1 日至 2021 年 2 月 19 日, 工作组根据紧急程序向下列国家转交了 34 起案件: 喀麦隆(2)、中国(1)、埃及(5)、印度(1)、伊朗伊斯兰共和国(1)、伊拉克(1)、巴基斯坦(11)、卡塔尔(1)、沙特阿拉伯(4)、土耳其(1)、坦桑尼亚联合共和国(2)、乌兹别克斯坦(3)和委内瑞拉玻利瓦尔共和国(1)。
2. 在 2021 年 2 月 15 日至 19 日举行的第一百二十三届会议上, 工作组决定转交 205 起新报告的强迫失踪案件: 阿富汗(2)、孟加拉国(2)、布隆迪(12)、中国(8)、朝鲜民主主义人民共和国(2)、埃及(5)、伊朗伊斯兰共和国(1)、伊拉克(3)、缅甸(14)、尼泊尔(1)、巴基斯坦(77)、俄罗斯联邦(2)、沙特阿拉伯(3)、斯里兰卡(36)、阿拉伯叙利亚共和国(33)、阿拉伯联合酋长国(2)和也门(1)。
3. 工作组还决定转交 11 起新报告的相当于强迫失踪的侵权案件, 这些案件据称为非国家行为体在利比亚(1)和也门(10)实施。
4. 工作组还澄清了 51 起案件, 涉及以下国家: 白俄罗斯(1)、喀麦隆(1)、埃及(3)、利比亚(1)、巴基斯坦(29)、菲律宾(12)、沙特阿拉伯(2)、阿拉伯叙利亚共和国(1)和委内瑞拉玻利瓦尔共和国(1)。根据政府提供的资料澄清了 32 起案件, 根据其他来文方提供的资料澄清了 19 起案件。
5. 2020 年 10 月 1 日至 2021 年 2 月 19 日, 工作组与其他特别程序机制联合转交了 52 份来文。来文包括 3 封迅速干预函, 分别发给: 印度(1)、巴基斯坦(1)和斯里兰卡(1); 12 项联合紧急呼吁, 分别发给: 阿尔巴尼亚(1)、亚美尼亚(1)、阿塞拜疆(1)、喀麦隆(1)、埃及(1)、伊朗伊斯兰共和国(2)、伊拉克(1)、缅甸(1)、巴

* 本文件附件不译, 原文照发。

** 鉴于冠状病毒病(COVID-19)大流行造成的旅行限制, 工作组举行了视频会议。



拿马(1)、俄罗斯联邦(1)和土耳其(1)；34 封联合指控函，分别发给：柬埔寨(1)、中国(1)、哥伦比亚(1)、科摩罗(1)、科特迪瓦(1)、刚果民主共和国(1)、埃及(2)、印度尼西亚(1)、伊拉克(1)、老挝人民民主共和国(2)、马达加斯加(1)、墨西哥(1)、缅甸(1)、巴基斯坦(1)、巴拉圭(1)、秘鲁(2)、俄罗斯联邦(1)、斯里兰卡(1)、阿拉伯叙利亚共和国(2)、泰国(1)、突尼斯(1)、土库曼斯坦(1)、乌克兰(1)、坦桑尼亚联合共和国(2)、乌兹别克斯坦(1)、委内瑞拉玻利瓦尔共和国(1)和越南(1)，以及“其他行为方”(叙利亚反对派和革命力量全国联盟及萨那事实当局)(2)；三封“其他信函”，分别发给：墨西哥(2)和沙特阿拉伯(1)。¹

6. 工作组本届会议审查并通过了三项一般性指控，分别涉及哥伦比亚、墨西哥和阿拉伯叙利亚共和国(见附件二)。委员会还举行了数次专题讨论，主题包括委员会的工作方法、即将就域外转移情形下发生的强迫失踪问题发布的专题报告，以及计划就《保护所有人不遭受强迫失踪宣言》第 7 条编写的一般性意见。

7. 工作组在本报告所述期间发布的新闻稿和声明完整清单载于附件四。

二. 其他活动

8. 工作组在本届会议期间与失踪者亲属和就这一问题开展工作的非政府组织举行了虚拟会议。

9. 也在本届会议期间，工作组与阿尔及利亚和日本两国的政府代表举行了会议，并与其他政府的代表举行了非正式双边会议。

10. 2020 年 11 月 19 日，在非洲人权和民族权委员会第六十七届常会期间，工作组与非洲委员会和强迫失踪问题委员会联合举办了一次关于非洲强迫失踪状况的网络研讨会。

11. 工作组在本报告所述期间开展的其他活动清单载于附件五。

三. 工作组在本届会议期间审查的关于在各国发生的强迫或非自愿失踪的资料

阿富汗

标准程序

12. 工作组根据标准程序向该国政府转交了两起案件，事关：

- (a) 一名阿富汗国民，据称 2017 年 2 月 2 日在加兹尼被警方拘留；
- (b) 一名阿富汗国民，据称 2017 年 2 月 1 日在坎大哈的家中被警方逮捕。

¹ 工作组就失踪者亲属、证人或相关组织成员受到恐吓、迫害或报复的情况发出了迅速干预函。此外，过去的侵犯人权行为可成为指控函的内容；持续或可能发生的侵犯人权行为可成为紧急呼吁的内容；有关不符合国际人权法律和标准的法案、法律、政策和做法的关切被归类为“其他信函”。所有此类信函在转交有关国家 60 天后，连同政府做出的任何答复一起公布，可查阅 <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>。

阿尔巴尼亚

联合紧急呼吁

13. 2020 年 12 月 30 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关一名土耳其国民，据报告他马上要被阿尔巴尼亚移交给土耳其，期间面临被强迫失踪的风险。

亚美尼亚

联合紧急呼吁

14. 2020 年 12 月 7 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关纳戈尔诺—卡拉巴赫冲突区及其周边地区武装冲突期间发生的强迫失踪案件。向阿塞拜疆政府转交了一封信函，表达了类似关切。

15. 2021 年 2 月 22 日，亚美尼亚政府对紧急呼吁作出答复。

阿塞拜疆

联合紧急呼吁

16. 2020 年 12 月 7 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关纳戈尔诺—卡拉巴赫冲突区及其周边地区武装冲突期间发生的强迫失踪案件。向亚美尼亚政府转交了一封信函，表达了类似关切。

17. 2021 年 1 月 5 日，阿塞拜疆政府对紧急呼吁作出答复。

孟加拉国

标准程序

18. 工作组根据标准程序向该国政府转交了两起案件，事关：

(a) Mohammad Murshidul Islam, 据称 2017 年 4 月 19 日在 Taherpur 街头被快速行动营成员绑架；

(b) Abdul Kuddus Mohammad, 据称 2017 年 4 月 6 日在 Baghmara 街头被快速行动营成员绑架。

白俄罗斯

根据来文方提供的资料作出的澄清

19. 根据该国政府和其他来文方提供的资料，工作组决定澄清 Maria Kalesnikava 的案件，据报道她被关押在明斯克第八监狱。

布隆迪

标准程序

20. 工作组根据标准程序向该国政府转交了 12 起案件(见附件一)。

柬埔寨

联合指控函

21. 2020 年 12 月 11 日, 工作组与其他特别程序机制联合转交了一封指控函, 事关在柬埔寨失踪的一名泰国政治反对派成员据称是被强迫失踪, 以及一名墨西哥和土耳其国民在柬埔寨被逮捕, 被强迫失踪, 随后被驱逐到土耳其。向老挝人民民主共和国、泰国和越南发出了类似信函, 载有关于各国协调、协助或默许在该区域实行域外拘留的指称。

喀麦隆

紧急程序

22. 工作组根据紧急程序向该国政府转交了两起案件, 事关两名喀麦隆国民 Ngo Ernest Mofa 和 Mokube Onyori 2020 年 11 月 4 日在后者家门前被喀麦隆国家安全人员绑架。

根据来文方提供的资料作出的澄清

23. 根据来文方提供的信息, 工作组决定澄清 Njoka Kingsley Fomomyuy 一案, 曾对该案件适用六个月规则。Njoka 先生被拘留在雅温得 Kondengui 中央监狱。

联合紧急呼吁

24. 2020 年 10 月 7 日, 工作组与其他特别程序机制联合发出紧急呼吁, 事关 2020 年 9 月 22 日和平示威期间限制和平集会自由权和过度使用武力的指控。

中国

紧急程序

25. 工作组根据紧急程序向该国政府转交了一起案件, 事关中国公民常玮平, 据称他于 2020 年 10 月 22 日在家中被宝鸡市公安局逮捕。

标准程序

26. 工作组根据标准程序向该国政府转交了八起案件, 事关:

(a) Tenzin Choephel, 据称 2018 年 3 月在拉萨贡嘎机场被警方逮捕;

(b) Abudukeremu Abudurousuli, 中国维吾尔族公民, 据称 2017 年 5 月在喀什被当地警方逮捕;

(c) Molidan Maimaiti, 中国维吾尔族女公民, 据称 2017 年 5 月在喀什被当地警方逮捕;

(d) Aikebaier Wushuer, 中国维吾尔族公民, 据称 2017 年 5 月在温宿县被当地警方逮捕;

(e) Abulati Muairemu, 中国维吾尔族女公民, 据称 2017 年 4 月 15 日在喀什被当地警方逮捕;

(f) Turepu Toheti, 中国维吾尔族公民, 据称 2017 年初在阿尔斯兰巴格被当地警方逮捕;

(g) Rouziniyazi Turepu, 中国维吾尔族公民, 据称 2017 年初在阿尔斯兰巴格被当地警方逮捕;

(h) Yuerniyazi, 中国维吾尔族女公民, 据称 2016 年初在阿尔斯兰巴格被当地警方逮捕。

来文方提供的资料

27. 来文方提供了另外四起未决案件的资料, 但被认为不足以澄清案件。

适用六个月规则

28. 2021 年 1 月 14 日, 该国政府就一起未决案件提供了资料, 工作组据此决定对该案件适用六个月规则。² 据报告, 此案当事人已获得自由。

政府提供的资料

29. 2021 年 1 月 14 日, 中国政府转交了 21 起案件的资料, 但被认为不足以澄清这些案件。

30. 2021 年 2 月 5 日, 瑞典政府转交了有关中国的一起案件的资料, 但被认为不足以澄清案件。

联合指控函

31. 2020 年 12 月 4 日, 工作组与其他特别程序机制联合转交了一封指控函, 事关人权维护者常玮平律师据称在“指定居所监视居住”过程中被强迫失踪。

意见

32. 工作组仍然十分关切的是, 所收到的涉及新疆维吾尔自治区维吾尔族居民的指控, 沿袭着同一模式。这些指控包括, 有人因在国外有亲属或因曾前往国外居住而被拘留。工作组还收到令人震惊的信息显示, 有人在给住在国外的亲属打过视频电话后不久就被拘留。因此, 据称新疆维吾尔自治区的居民因为担心招致报复而不敢与国外的亲属联系, 其亲属也往往因担心让他们承担被拘留的风险, 既不敢与他们建立任何联系, 也不敢试图获得他们的消息。

33. 工作组强调, 家属应得到保护, 免遭虐待、恐吓或报复(《保护所有人不遭受强迫失踪宣言》第 13 条)。

² 关于适用六个月规则的信息, 见工作组工作方法第 25 段。

34. 工作组希望该国政府尽快对 2013 年 2 月 19 日提出的国别访问请求和随后发出的提醒函作出肯定答复。

哥伦比亚

联合指控函和答复

35. 2020 年 12 月 4 日，工作组与其他特别程序机制联合转交了一封指控函，事关没有开展有效调查和双边合作，以处理包括有组织武装团体和犯罪团体在内的非国家武装行为者，在与委内瑞拉玻利瓦尔共和国边境附近实施的移民和边境工人失踪案件。向委内瑞拉玻利瓦尔共和国发出了一封类似的信函。

36. 2021 年 2 月 2 日和 25 日，哥伦比亚政府对联合指控函作出答复。

一般性指控和答复

37. 工作组从可靠来源收到资料，指称在哥伦比亚执行《保护所有人不遭受强迫失踪宣言》方面遇到困难。工作组向该国政府发出附件二所载一般性指控函，主要涉及该国没有就 2002 年 11 月至 2003 年 3 月据称侵犯 Recetor 和 Chámeza 两地农民的人权的行为(包括强迫失踪)开展调查和给予赔偿。

38. 2021 年 1 月 14 日，该国政府对工作组 2020 年 11 月 17 日转交的一般性指控作出答复。³ 该国政府在答复中指出，主管当局已采取各种调查步骤，挖掘可能埋在安蒂奥基亚省圣安东尼奥地区的人类遗骸并确认其身份。由于遗骸已严重腐烂，不适于发送生物样本进行基因匹配。据报道，调查期间咨询了代表强迫失踪受害者的民间社会组织。

科摩罗

联合指控函

39. 2020 年 10 月 14 日，工作组与其他特别程序机制联合转交了一封指控函，事关 Insaa Mohamed(别名 Bobocha)的权利遭受侵犯，据称他遭到域外绑架，强行从马达加斯加遣返科摩罗(见下文第 80 段)。2021 年 3 月 18 日，就上述指控发布了新闻稿。

科特迪瓦

联合指控函

40. 11 月 25 日，工作组与其他特别程序机制联合转交了一封指控函，事关 Edith Gbalet Pulcherie、Cyrille Bi Djehi、Gédéon Junior Gbaou、Aimé César Kouakou N'goran 和 Pascal Affi N'Guessan 被任意拘留和强迫失踪，以及和平集会权受到不当限制。

³ A/HRC/WGEID/122/1, 第 60 段和附件二。

朝鲜民主主义人民共和国

标准程序

41. 工作组根据标准程序向该国政府转交了两起案件，事关：

(a) Dong-hyun Baek, 大韩民国国民，据称在 1967 年 12 月 20 日乘小型拖网渔船 Nampoong-ho 号在东海作业时，被朝鲜民主主义人民共和国海军绑架；

(b) Eung-won Kim, 大韩民国国民，据称在 1968 年 7 月 2 日乘小型拖网渔船 Geumyoong-ho 号在东海作业时，被朝鲜民主主义人民共和国海军绑架。

42. 工作组依照其工作方法，向大韩民国政府转交了案件的副本。

意见

43. 工作组继续呼吁该国政府按照人权理事会有关决议开展有意义的合作。

刚果民主共和国

联合指控函

44. 2020 年 10 月 14 日，工作组与其他特别程序机制联合转交了一封指控函，事关人权维护者 Olivier Muhubiri 和 Christine Mugabo 据称受到骚扰、恐吓和威胁，因从事人权工作和就此与联合国合作而受到报复。

埃及

紧急程序

45. 工作组根据紧急程序向该国政府转交了五起案件，事关：

(a) Hussein Mohamed Meshrif Mohamed Meshrif, 埃及国民，最后一次被见到是 2021 年 1 月 10 日在国家安全局总部接受讯问；

(b) Adel Abdullah Wazeer Abdul al-Maqsood, 埃及国民，2021 年 1 月 21 日在工作场所被国家安全局官员逮捕；

(c) Abdulaziz Gamal Metwally Ibrahim, 埃及国民，2020 年 10 月 18 日被国家安全局官员从苏伊士 El-Erbain 警察局带至不明地点；

(d) Mostafa Farag, 埃及国民，2020 年 10 月 11 日在吉萨 Al-Kenisah 区 Al-Munjid 大街外 Adel Emam 街的家中被国家安全局官员、警察和特种部队人员逮捕；

(e) Abdelfattah Soliman, 埃及国民，2020 年 9 月 2 日在代盖赫利耶省曼苏拉民事登记处被国家安全局官员逮捕并带至不明地点。

标准程序

46. 工作组根据标准程序向该国政府转交了五起案件，事关：

(a) Islam Ahmed, 埃及国民，2020 年 1 月 20 日被国家安全局便衣从家中绑架；

(b) Omar Mohammed Sayed Ahmed Amin, 埃及国民, 2019 年 6 月 7 日在街上被身着制服和便衣的安全部队成员绑架;

(c) Ahmed Salah Ahmed Mohamed, 埃及国民, 2020 年 2 月 8 日在住所门前被身着制服和便衣的安全部队成员逮捕;

(d) Abdel Moneam Soleiman, 埃及国民, 2020 年 10 月 17 日在埃及和苏丹陆地边界被身着制服的边防官员逮捕;

(e) Hany Farag, 埃及国民, 2020 年 9 月 3 日中午被国家安全局便衣绑架。

适用六个月规则

47. 该国政府提供了资料, 工作组据此决定对 17 起案件适用六个月规则, 事关: Mostafa Fouad Abdelawad、Sobhi Abdelhadi Abdelhakim、Amer Fadl Abdelnaim、Mohamed Abdessalam Ali Mohamed、Imad Atifi Hammam、Nasser Khayri Shahata al-Mahdi、Majdi Mohamed Ali Mohamed Farghali、Nasser Suleiman Yassin Abdenasser、Mohamed Ali Ramadan Salama、Maysara Mahmoud Fouad Abdelmoniem、Abduallah Kilany Abdeljaber Abdelaal、Yahia Osama Yahia Abu Salama、Islam Mohamed Tamsah Metwally、Ahmed Mohamed Mansi el-Sayed Salem、Hasan Gouda Mohamedain Gouda、Abdelfattah Farag Musa Soliman and Mostafa Salah Salihin Farag。

政府提供的资料

48. 2020 年 10 月 22 日、12 月 8 日、9 日、11 日和 15 日, 该国政府转交了四起案件的资料, 但被认为不足以澄清这些案件。

澄清

49. 根据该国政府先前提供的资料, 工作组决定澄清三起案件。在所有案件中, 下列人员据称处于被拘留状态: Abdulrahman Mohammd Ahmed Sayed、Kamal Nabil Mohammad Abdullah Fayad 和 Mussaab Mohammad Ismael Sarwi。

停止审议

50. 工作组决定, 作为例外并根据工作方法第 28 段的规定, 停止⁴ 审议 13 起未决案件, 事关: Mamdouh al-Arabi Azhari Diab、Ibrahim Abdallah、Mohamed Abdelmohsen、Bahloul Ahmed、Nabil Mohamed Ali Hassan al-Batouji、Sayed Ali Hassan、Ahmed Chalkami、Mahmoud Ahmed Badawi Fayed、Khaled Mohamed、Atef Suleiman、Mohamed al-Aryan Salama Aouda、Mohamad Saad Abdo Turk and Hassan Ahmed Ashour。然而, 这些案件可能随时重启审理。

联合指控函

51. 2020 年 11 月 25 日, 工作组与其他特别程序机制联合转交了一封指控函, 事关人权维护者 Gasser Abdel Rakez、Karim Ennarrah 和 Mohamed Basheer 因恐怖主

⁴ 关于停止审议案件, 见工作组工作方法第 28 段。

义和与国家安全有关的罪行而被逮捕并受到正式指控，这显然是为了报复他们在非政府组织“埃及个人权利倡议”的主持下与外交界代表举行了一次人权会议。

52. 2020 年 12 月 21 日，工作组与其他特别程序机制联合转交了一封指控函，事关在拘留期间不给予适当、及时的医疗护理，导致 Ibrahim Hassan AbdelGhany al-Batea、Magdy Taha Mohamed el-Qalawy 和 Tony Hasan Khalifa Farghal 死亡。

意见

53. 工作组注意到，几起案件的资料存在矛盾之处，2020 年 1 月收到的资料称没有迹象表明有关个人遭到逮捕，而 2020 年 12 月收到的资料证实他们被拘留。工作组就此回顾《保护所有人不遭受强迫失踪宣言》第 9 条、第 10 条和第 12 条。

萨尔瓦多

政府提供的资料

54. 2020 年 10 月 28 日，该国政府转交了两起案件的资料，但被认为不足以澄清这些案件。

洪都拉斯

政府提供的资料

55. 2020 年 9 月 8 日，该国政府转交了 120 起案件的资料，但被认为不足以澄清这些案件。

印度

紧急程序

56. 工作组根据紧急程序向该国政府转交了一起案件，事关 Mohammad Ashraf Khan Sehrai，据称他于 2020 年 7 月 12 日在查谟和克什米尔地区斯利那加的家中被印度军人和持枪的准军事人员绑架。

来文方提供的资料

57. 来文方提供了两起未决案件的资料，但被认为不足以澄清案件。

迅速干预函

58. 2020 年 12 月 22 日，工作组与其他特别程序机制联合转交了一封迅速干预函，事关据称国家安全人员在查谟和克什米尔的突袭行动中实施恐吓、进行搜索并没收财产。

印度尼西亚

联合指控函

59. 2021 年 2 月 1 日，工作组与其他特别程序机制联合转交了一封指控函，事关据称军方在巴布亚省因潭查亚县苏加帕对 Apinus Zanamani 和 Luther Zanamani 实施拘留、强迫失踪和法外处决。

伊朗伊斯兰共和国

紧急程序

60. 工作组根据紧急程序向该国政府转交了一起案件，事关伊朗伊斯兰共和国库尔德少数族裔国民 Muhammad Adwaiy，据称他于 2021 年 1 月 9 日在 Avroman 地区 Selin 村的住所被情报部人员绑架。

标准程序

61. 工作组根据标准程序该国向政府转交了一起案件，事关伊朗记者 Albofatleh Foad，据称他于 2020 年 8 月 12 日在阿瓦兹 Kooieh Ramazan, Fazeh 2 Karmandi, 26 号街 19 号的住所被伊朗情报机构人员逮捕。

联合紧急呼吁和答复

62. 2020 年 10 月 1 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关伊朗伊斯兰共和国两名库尔德少数族裔国民 Heidar Ghorbani 和 Arsalan Khodkam 即将被处决，前者因 Baghi(武装叛国)罪，后者因 Moharebeh(武装夺取生命或财产并制造恐惧)罪而被判处死刑。

63. 2020 年 11 月 24 日，该国政府对紧急呼吁作出答复，指出两人被定罪的法律依据，并表示两人的正当诉讼权利均得到保障。

64. 2021 年 2 月 19 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关至少 110 名库尔德少数族裔成员被逮捕，据称他们参与了不同形式的民间社会活动。工作组对据报告称有 40 人被强迫失踪表示关切。

意见

65. 工作组表示严重关切最近有报告称，伊朗伊斯兰共和国至少有 40 名库尔德少数族裔国民在厄尔布尔士、克尔曼沙阿、库尔德斯坦、德黑兰和西阿塞拜疆省被强迫失踪(见上文第 64 段)。工作组就此回顾《保护所有人不遭受强迫失踪宣言》第 2 条、第 3 条、第 10 条和第 13 条。

66. 工作组深感遗憾的是，几年来没有收到该国政府对所转交的任何来文的答复。工作组希望尽快收到资料。

伊拉克

标准程序

67. 工作组根据标准程序向该国政府转交了一起案件，事关 Azad AbdulKarim Mohammad Ali, Salam al-Alaei 和 Saad al-Alaei。

联合指控函

68. 2020 年 11 月 9 日，工作组与其他特别程序机制联合转交了一封指控函，事关人权维护者 Ali Jasib Hattab al-Holaijy 据称被强迫失踪。

69. 2020 年 11 月 27 日，工作组与其他特别程序机制联合转交了一封指控函，事关记者和人权维护者 Sherwan Amin Nao Sherwani 据称被强迫失踪和任意拘留。

老挝人民民主共和国

政府提供的资料

70. 2020 年 10 月 6 日，该国政府转交了四起案件的资料，但被认为不足以澄清这些案件。

来文方提供的资料

71. 来文方提供了四起未决案件的资料，但被认为不足以澄清案件。

联合指控函

72. 2020 年 12 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关四名泰国政治活动者据称在老挝人民民主共和国失踪，一名老挝人权维护者据称在泰国被强迫失踪。工作组在信中强调，在搜寻人员和调查案件方面缺乏进展。向柬埔寨、泰国和越南发出了类似信函，载有关于各国协调、协助或默许在该区域实行域外拘留的指称。

73. 2021 年 2 月 5 日，工作组与其他特别程序机制联合转交了一封指控函，事关一名据报告自 2012 年以来被强迫失踪的人权维护者的新资料。

意见

74. 工作组严重关切的是，收到的资料表明，老挝人民民主共和国与强迫失踪受害者有关联的人无法向地方当局报告这些强迫失踪案件，因为他们持续面临迫害，据称还有受到报复的风险。工作组强调，家属应得到保护，免遭虐待、恐吓或报复(《保护所有人不遭受强迫失踪宣言》第 13 条)。

75. 工作组希望该国政府尽快对 2020 年 4 月 8 日提出的国别访问请求作出肯定答复。

黎巴嫩

政府提供的资料

76. 2020 年 12 月 4 日，该国政府转交了 12 起案件的资料，但被认为不足以澄清这些案件。

利比亚

标准程序

77. 工作组于 2019 年 9 月宣布，将开始记录非国家行为体实施的可能相当于强迫失踪的侵权行为。⁵ 因此，工作组在会议期间审议了这样一起案件，据称是在利比亚国民军控制的利比亚领土上实施的。⁶ 工作组根据标准程序向该国政府和利比亚国民军转交了一份信函，事关利比亚公民 Sulayman Yaseen Sulayman Elmiqdad，据称于 2019 年 8 月 4 日在家中被哈利法·哈夫塔尔将军率领的利比亚国民军的一支附属民兵绑架。

根据来文方提供的资料作出的澄清

78. 根据来文方提供的资料，工作组决定澄清一起案件。

来文方提供的资料

79. 来文方提供了八起未决案件的资料，但被认为不足以澄清案件。根据一个来文方提供的新资料，工作组决定暂停在第一百二十二届会议上对 Majdi Faraj Hamad Salah al-Hawat 的案件适用的六个月规则。

马达加斯加

联合指控函

80. 2020 年 10 月 14 日，工作组与其他特别程序机制联合转交了一封指控函，事关 Insa Mohamed(别名 Bobocha)，据称他被国家域外绑架，强行从马达加斯加遣返科摩罗(见上文第 37 段)。

马尔代夫

政府提供的资料

81. 2020 年 1 月 18 日，该国政府转交了一起案件的资料，但被认为不足以澄清案件。

来文方提供的资料

82. 来文方提供了一起案件的资料，但被认为不足以澄清案件。

⁵ A/HRC/42/40, 第 94 段。

⁶ 工作组强调，转交利比亚国民军的案件绝不意味着对任何领土、城市、地区、或其当局的法律地位表示任何意见。

墨西哥

政府提供的资料

83. 2020 年 12 月 9 日，该国政府转交了 357 起案件的资料，其中 44 起已得到处理，但这些资料被认为不足以澄清案件。

联合指控函

84. 2020 年 10 月 1 日，工作组与其他特别程序机制联合转交了一封指控函，事关在失踪者亲属、人权维护者和“A Tu Encuentro”组织成员参加 Guanajuato 的示威活动后，对其实施拘留和启动刑事调查。这封信还涉及民间社会组织“Guanajuato Despertó”的一名活动人士。

联合“其他信函”和答复

85. 2020 年 10 月 9 日，工作组与其他特别程序机制联合转交了一封“其他信函”，事关一项建立一支以特殊、规范、有序、从属和补充的方式执行公共安全任务的常设武装部队的协定；该协定于 2020 年 5 月 11 日公布，有效期为 2020 年 5 月 12 日至 2024 年 3 月 27 日。

86. 2020 年 10 月 23 日，该国政府对“其他信函”做出答复。

87. 2021 年 1 月 21 日，工作组与其他特别程序机制联合转交了一封“其他信函”，事关一项法令草案，该法令颁布了《共和国总检察长办公室法》(Ley de la Fiscalía General de la República)并废除现行的《共和国总检察长办公室组织法》；该法令草案于 2020 年 10 月 7 日在参议院公报上公布。提出的关切是，法令草案如果获得通过，可能会侵犯受害者特别是人权维护者和移民获得有效补救的权利，侵犯了解真相、获得正义和补救的权利，违反总检察长办公室的独立性原则，以及影响查找失踪者的工作。

一般性指控

88. 工作组从可靠来源收到资料，指称在墨西哥执行《保护所有人不遭受强迫失踪宣言》方面遇到困难。附件二所载一般性指控重点指出莫雷洛斯州总检察长办公室在处理无名遗体方面的违规行为。

意见

89. 工作组仍然关切以往的指控，即参议院 2021 年 3 月 17 日通过的新《共和国总检察长办公室法》和有关强迫失踪的各项法律的相关修正案，对包括强迫失踪在内的侵犯人权行为受害者的权利构成重大影响，阻碍了结束有罪不罚现象的相关努力，削弱了应对这些挑战所需的机构间协调。

90. 工作组就此回顾《保护所有人不遭受强迫失踪宣言》第 13 条和第 19 条。工作组还回顾指出，应在受害者及其家属以及国家人权机构和民间社会组织的积极参与下，建立公共问责机制和相关程序。⁷

⁷ A/HRC/45/13/Add.3, 第 73 段。

缅甸

标准程序

91. 工作组根据标准程序向该国政府转交了 14 起案件，事关：

(a) 据称 2017 年 1 月初在 Maung Gli Taung 村被缅甸军方(缅甸)士兵绑架的一名罗兴亚人；

(b) 据称 2016 年 10 月 20 日在 Kya Gaung Taung 村被缅甸士兵绑架的一名罗兴亚人；

(c) 据称 2017 年 9 月 6 日在 Thay Kan Gwa Son 村被缅甸士兵绑架的一名罗兴亚人；

(d) 据称 2017 年 8 月 30 日在 Wed Kyein 村被缅甸士兵绑架的一名罗兴亚女童；

(e) 据称 2016 年 10 月 20 日在 Yai Twin Kyun 村被属于政府安全部队的缅甸士兵绑架的一名罗兴亚男童；

(f) 据称 2016 年 10 月 13 日在 Kyet Yoe Pyin 村被缅甸士兵逮捕的一名罗兴亚人；

(g) 据称 2017 年 8 月 27 日在 Chut Pyin 村被缅甸士兵绑架的一名罗兴亚人；

(h) 据称 2017 年 8 月 25 日在 Pan Kaing 村被一队缅甸士兵绑架的一名罗兴亚女童；

(i) 据称 2017 年 9 月 2 日在 Ah Htet Nan Yar-Pyaing Taung 村被缅甸士兵绑架的一名罗兴亚人；

(j) 据称 2017 年 8 月 26 日在 Kyun Phauk Phyu Su 村被缅甸士兵绑架的一名罗兴亚人；

(k) 据称 2017 年 8 月 26 日在 Kyun Phauk Phyu Su 村被缅甸士兵绑架的一名罗兴亚人；

(l) 据称 2017 年 8 月 27 日在 Pan Kaing 村被缅甸士兵绑架的一名罗兴亚人；

(m) 据称 2017 年 8 月 27 日在 Pan Kaing 村被缅甸士兵绑架的一名罗兴亚男童；

(n) 据称 2016 年 12 月在 Yai Khut Chaung Khwa 村被缅甸士兵逮捕的一名罗兴亚人。

联合指控函

92. 2021 年 2 月 18 日，工作组与其他特别程序机制联合转交了一封指控函，事关 2021 年 2 月 1 日军事政变后侵犯和平集会权，关闭互联网，对记者、抗议者和政治人物肆意攻击、实施任意拘留和强迫失踪。

联合紧急呼吁

93. 2020 年 12 月 18 日，工作组与其他特别程序机制联合发出一项紧急呼吁，事关一名 17 岁男童及其父亲 Serajul Mustafa 被强迫失踪、遭到任意拘留和虐待，Mustafa 先生后在拘留期间死亡。据称，上述拘留与若开邦安全部队 2020 年 9 月和 10 月在若开邦发动的行动有关。

意见

94. 工作组感到极为震惊的是，缅甸军方接管政权并推翻文官政府，包括自 2021 年 2 月 1 日政变以来，据称记者、抗议者和政治人物被强迫失踪。工作组回顾《保护所有人不遭受强迫失踪宣言》第 7 条。工作组敦促军方恢复民主制度，确保所有因行使人权而被拘留者立即获释，在拘留期间不遭受任何伤害。

尼泊尔

标准程序

95. 工作组根据标准程序向该国政府转交了一起案件，事关 Nandalal Chauhan，据称他于 2006 年 2 月在 Joganiya Chowk 被尼泊尔军队的士兵逮捕。

巴拿马

联合紧急呼吁和答复

96. 2020 年 11 月 10 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关据称 Muaz Türkyılmaz 被剥夺自由并有可能被引渡到土耳其，在土耳其将面临被强迫失踪和任意拘留的风险。紧急呼吁的副本已转交土耳其政府。

97. 2021 年 1 月 8 日，巴拿马政府对紧急呼吁作出答复，说明了剥夺 Türkyılmaz 先生自由的法律依据，并确认土耳其已提出引渡请求。

巴基斯坦

紧急程序

98. 工作组根据紧急程序向该国政府转交了 11 起案件，事关：

(a) Muhib Ali Leghari, 别名 Muhib Azad Leghari, 巴基斯坦国民，据称 2020 年 9 月 4 日在海得拉巴 Sahib Khan Chandio 村附近被巴基斯坦警方绑架；

(b) Ahmad Ullah, 巴基斯坦国民，据称 2021 年 1 月 1 日在开伯尔—普赫图赫瓦省北瓦济里斯坦 Turi Khel, Spalga 的住所被巴基斯坦军方逮捕；

(c) Badshah Islam, 巴基斯坦国民，人权维护者，“普什图保护运动”成员，据称 2021 年 1 月 13 日在开伯尔—普赫图赫瓦省北瓦济里斯坦 Tehsil Speen Wam, Speen Wam 邮局 Datta Khel 的住所被巴基斯坦军方逮捕；

(d) Taj Aman Ullah, 巴基斯坦国民，学生，据称 2020 年 9 月 20 日在开伯尔—普赫图赫瓦省北瓦济里斯坦，Tehsil Miranshah, Miranshah 邮局，Turi Khel, Spalgal 被巴基斯坦军方绑架；

(e) Fayaz Hussain Shaikh, 巴基斯坦国民, 活动者, 据称 2020 年 11 月 8 日凌晨 1 时 30 分左右在海得拉巴 Latifabad 的 Liaqat 医科大学外的 Jamshoro 被警察逮捕;

(f) Amal Noor, 巴基斯坦国民, 据称 2020 年 12 月 11 日在开伯尔—普赫图赫瓦省南瓦济里斯坦的 Tehsil Tank, 被巴基斯坦军事特勤局人员绑架;

(g) Anwar Ullah, 巴基斯坦国民, 据称 2020 年 12 月 10 日在其位于开伯尔—普赫图赫瓦省南瓦济里斯坦 Tehsil Speen Wam 邮局 Aba Khel 的店铺内被巴基斯坦军方逮捕;

(h) Shah Hikmat, 巴基斯坦国民, 据称 2020 年 10 月 7 日在其位于开伯尔—普赫图赫瓦省北瓦济里斯坦 Thsil Data Khel, Data Khel 邮局, Zai Saidgal 的住所被巴基斯坦军事特勤局人员绑架;

(i) Waheed Ullah, 巴基斯坦国民, 据称 2020 年 8 月 20 日凌晨 4 时左右在开伯尔—普赫图赫瓦省南瓦济里斯坦 Pathan Kot Tank 的住所被巴基斯坦军事特勤局人员绑架;

(j) Yaqoob Khan, 巴基斯坦国民, 据称 2020 年 12 月 8 日在开伯尔—普赫图赫瓦省北瓦济里斯坦 Saidagi Tehsil Miranshah 的一个检查站被巴基斯坦军方逮捕;

(k) Naeem Gul Khan, 巴基斯坦国民, 据称 2020 年 12 月 25 日在开伯尔—普赫图赫瓦省南瓦济里斯坦的一个检查站被边防部队第 195 分队的指挥官逮捕。

标准程序

99. 工作组根据标准程序向该国政府转交了 77 起案件(见附件一)。

适用六个月规则

100. 2021 年 1 月 6 日, 该国政府提供了 15 起未决案件的资料, 工作组决定对这些案件适用六个月规则。

政府提供的资料

101. 2021 年 1 月 6 日, 该国政府转交了 53 起案件的资料, 但被认为不足以澄清这些案件。

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 14 起案件, 其中 11 人据报已经获释、1 人据报已经死亡, 2 人据报仍被拘留。

来文方提供的资料

103. 来文方提供了两起未决案件的资料, 但被认为不足以澄清案件。

联合迅速干预函

104. 2020 年 12 月 21 日，工作组与其他特别程序机制联合转交了一封迅速干预函，事关人权维护者 Fazal ur Rehman Afridi 及其部分亲友继续面临恐吓、受到报复威胁和骚扰。

联合指控函

105. 2020 年 12 月 23 日，工作组与其他特别程序机制联合转交了一封指控函，事关记者和人权活动者 Mudassar Mahmood(别名 Naaru)据称被强迫失踪，其亲友受到威胁和恐吓，据称记者 Matiullah Jan 短期被迫失踪且目前仍遭受恐吓。

意见

106. 工作组对巴基斯坦境内强迫失踪的新指控数量居高不下表示关切，这些指控显示，少数群体成员、政治活动者、记者和人权维护者被强失踪的状况令人震惊。工作组特别注意到，尽管据称由国家人员直接参与的强迫失踪事件的数量高得惊人，但政府未能采取有效措施防止这种做法。防范不力和普遍存在的有罪不罚表明，强迫失踪受到姑息。

107. 工作组回顾《保护所有人不遭受强迫失踪宣言》第 2 条、第 3 条、第 7 条和第 10 条。

巴拉圭

联合指控函和答复

108. 2020 年 10 月 6 日，工作组与其他特别程序机制联合转交了一封指控函，事关联合特遣部队在康塞普西翁省开展的行动(可能涉及任意处决、短期强迫失踪甚至酷刑)导致两名阿根廷女童死亡，以及该国在鉴定和审查法医证据程序方面的违规行为。

109. 2020 年 11 月 19 日、12 月 3 日和 2021 年 1 月 15 日，政府对联合指控函作出答复，说明已采取法医和法律措施，调查两名女童据称被强迫失踪和死亡事件。

秘鲁

联合指控函

110. 2020 年 11 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关将用于建造 La Hoyada 保护区的土地转让给交通运输部，用于扩建 Coronel FAP Alfredo Mendiivil Duarte 机场。

111. 2020 年 12 月 24 日，工作组与其他特别程序机制联合转交了一封指控函，事关该国 1980 至 2000 年暴力事件受害者纪念碑受到严重破坏的事件，该纪念碑旨在促进和平与和解文化及尊重人权和受害者尊严。

菲律宾

澄清

112. 根据该国政府先前提提供的资料，工作组决定澄清 12 起案件。据报告，其中 11 起案件中的下列个人已获释：Abdel Babao、Salvador Baddul、Martin Banggay、Rogelio Gammad、Leonor Guimmay、Francisco Gundan、Ronnie Manablug、Rodolfo Soriano、Juan Tappo、Rudy Lacxing 和 Rodrigo Manali。此外，据报告 Tido Zumaga 已经死亡。

来文方提供的资料

113. 根据一个来文方提供的新资料，工作组破例决定将在第一百二十一届会议上对事关 Larry Aparato、Andres Awid 和 Pablo Awid 的三起案件适用的六个月规则再延长三个月。

卡塔尔

紧急程序

114. 工作组根据紧急程序向该国政府转交了一起案件，事关印度公民 Muneeb Ahmad Sofi，据称他最后一次被见到是 2020 年 10 月 19 日在 Safari Mall 警察局。

俄罗斯联邦

标准程序

115. 工作组根据标准程序向该国政府转交了两起案件，事关：

(a) Aпти Ramzanovich Zaynalov，据称 2009 年 6 月 28 日在格罗兹尼一个服务站被国家人员绑架；

(b) Mikhail Borchashvili，据称 2006 年 3 月 9 日在格罗兹尼的住所被国家武装人员绑架。

适用六个月规则

116. 乌克兰政府和自称“顿涅茨克人民共和国”⁸ 代表分别于 2021 年 1 月 14 日和 2020 年 12 月 8 日就一起未决案件提供了资料，工作组决定对该案件适用六个月规则。

政府提供的资料

117. 2020 年 12 月 24 日和 2021 年 1 月 6 日，该国政府转交了 47 起案件的资料，但被认为不足以澄清这些案件。

⁸ 工作组强调，转交给自称“顿涅茨克人民共和国”的案件绝不意味着对任何领土、城市或地区或其当局的法律地位表达任何意见。

来文方提供的资料

118. 来文方提供了 30 起未决案件的最新资料，但被认为不足以澄清这些案件。

联合指控函

119. 2021 年 1 月 26 日，工作组与其他特别程序机制联合转交了一封指控函，事关历史学家和人权维护者 Yuri Alexeevich Dmitriev 受到起诉和监禁，他曾研究大清洗期间苏联公民被处决的情况及其遗体在 Karelia 的位置。

联合紧急呼吁

120. 2021 年 2 月 17 日，工作组与其他特别程序机制联合转交了一项紧急呼吁，事关据称 Ismail Isaev 和 Salekh Magamadov 遭到任意拘留和强迫失踪。

意见

121. 关于北高加索的未决案件，工作组重申，终止或暂停对据称强迫失踪的刑事调查，并不能免除该国政府在适当尊重文化习俗的情况下查找和确定和查明失踪人员或其遗体下落并将遗体归还亲属的义务。

122. 关于库页岛朝鲜族人失踪的未决案件，工作组要求该国与大韩民国之间的任何双边协定都保护失踪者亲属了解真相的权利，特别是允许他们查阅相关档案信息。

123. 工作组希望该国政府尽快对 2006 年 11 月 2 日提出的国别访问请求和随后发出的提醒函作出肯定答复。

沙特阿拉伯

紧急程序

124. 工作组根据紧急程序向该国政府转交了四起案件，事关：

(a) Abdulaziz Saeed Abdulla, 卡塔尔国民，伊斯兰研究专业大学生，据称最后一次听到他的消息是 2020 年 8 月 24 日，当时他被政府关押在艾卜哈监狱；

(b) Salman bin Abdulaziz bin Salman Al-Saud, 别名 Salman Ghazalan, 学者、外交官；

(c) Abdulaziz bin Salman bin Mohammed Al-Saud, 他是 Salman bin Abdulaziz bin Salman Al-Saud 的父亲，据称于 2020 年 11 月 28 日从利雅得当局的一幢别墅中被确认为国民警卫队、沙特警察和皇家警卫队的警卫人员带到不明地点；

(d) Hussein Said Abdel-Fattah Abo al-Kheir, 约旦国民，在约旦 Al-Tafila 从事司机工作，据称最后一次被见到是在 2020 年 7 月 24 日被关押在 Tabouk 监狱之时。

标准程序

125. 工作组根据标准程序向该国政府转交了三起案件，事关：

(a) Mohammad Afzal, 巴基斯坦国民, 移民工人, 据称最后一次被见到是 2017 年 4 月 9 日在 Briman 监狱;

(b) Mohammed Imran, 巴基斯坦国民, 移民工人, 据称最后一次被见到是 2019 年 9 月 12 日在 Briman 监狱;

(c) Muammar al-Qaddafi Nagy al-Qanawy, 埃及国民, 重型机械司机, 据称最后一次被见到是 2020 年 1 月 14 日在 Tabouk 监狱。

适用六个月规则

126. 2020 年 12 月 23 日, 该国政府就一起未决案件提供了资料, 工作组据此决定对该案件适用六个月规则。

政府提供的资料

127. 2020 年 10 月 7 日和 2021 年 1 月 14 日, 该国政府转交了两起案件的资料, 但被认为不足以澄清案件。

根据来文方提供的资料作出的澄清

128. 根据来文方提供的资料, 工作组决定澄清有关 Abdulaziz Saeed Abdulla 的案件。

联合“其他信函”

129. 2020 年 12 月 17 日, 工作组与其他特别程序机制联合转交了一封“其他信函”, 事关 2020 年 6 月 19 日修订后的 2017 年《打击恐怖主义犯罪及资助恐怖主义法》对在沙特阿拉伯享有人权和基本自由的严重影响。

对一般性指控的答复

130. 2020 年 8 月 10 日, 该国政府对工作组 2020 年 6 月 12 日转交的一般性指控作出答复。⁹ 该国政府在答复中说, 关于调查规则和做法鼓励强迫失踪的指控没有依据。政府提及旨在防止强迫失踪和防止对被剥夺自由者实施酷刑和其他形式虐待并确保正当程序的相关国内立法。

塞尔维亚

政府提供的资料

131. 2021 年 1 月 26 日, 该国政府转交了一起案件的资料, 但被认为不足以澄清案件。

西班牙

来文方提供的资料

132. 来文方提供了一起未决案件的最新资料, 但被认为不足以澄清案件。

⁹ A/HRC/WGEID/121/1, 第 112 段和附件一。

斯里兰卡

标准程序

133. 工作组根据标准程序向该国政府转交了 36 起案件(见附件一)。

联合指控函

134. 2020 年 11 月 9 日,工作组与其他特别程序机制联合转交了一封指控函,事关斯里兰卡为处理 25 年冲突期间犯下的严重侵犯人权行为而采取或承诺执行的过渡期正义措施出现倒退,以及受害者团体领导的纪念工作遭遇障碍,而且受害者和民间社会受到恐吓。

联合迅速干预函

135. 2020 年 10 月 6 日,工作组与其他特别程序机制联合转交了一封迅速干预函,事关 2020 年 8 月 30 日在贾夫纳区和拜蒂克洛区举行的纪念强迫失踪受害者国际日和平集会期间,警方对示威者进行骚扰并过度使用武力。信中载有资料称,一些女人权维护者和“东北部被强迫失踪人员亲属协会”成员遭受了暴力和骚扰行为。

意见

136. 工作组提及 2021 年 2 月 5 日与其他特别程序机制联合发布的信件,其中敦促斯里兰卡当局停止倒退,保持近年来在重建民主机构和要求对过去的罪行追责、为受害者伸张正义以及达成社区间和解方面取得的进展。

137. 尽管斯里兰卡发生了大量强迫失踪事件,但当局未能显示出在案件调查、确定受害者下落或命运及追究肇事者责任方面取得了充分的进展。此外,政府发表的声明,包括关于将采取步骤签发死亡证明和对失踪人员问题办公室进行“适当调整”的声明,令失踪者家人更为担忧今后如何了解失踪亲属下落和命运。

阿拉伯叙利亚共和国

标准程序

138. 工作组根据标准程序向该国政府转交了 33 起案件(见附件一)。

根据来文方提供的资料作出的澄清

139. 根据来文方先前提供的资料,工作组决定澄清一起案件,事关 Rafat Abdel Rahman Khader Abu Nabhan,据报告 he 已从拘留中获释。

联合指控函

140. 2020 年 11 月 6 日,工作组与其他特别程序机制联合转交了一封指控函,事关制定和实施过渡期正义措施,以处理 2011 年 3 月以来对平民犯下的严重违反国际法行为的政治进程,该国政府与反对派在这一进程中没有进行谈判,也没有让受害者切实参与进来。已将内容相同的指控函联合转交给叙利亚反对派和革命力量全国联盟。

141. 2021 年 1 月 6 日，叙利亚反对派和革命力量全国联盟对指控函作出答复。

意见

142. 工作组对于据报告两名叙利亚妇女及其 8 名子女(均为未成年人)被据称隶属于叙利亚武装部队的武装团体绑架这一事件极为关切。他们的下落和命运仍不得而知。工作组谨对儿童和妇女特别容易遭受强迫失踪表示关切，工作组的两项一般性意见也对此作出强调。¹⁰

143. 工作组确认，叙利亚五个失踪者家属协会 2021 年 2 月 10 日提出的《真相和正义宪章》遵循的是全面且以权利为基础的愿景。该宪章呼吁采取集体行动，追究肇事者的责任，保护受害者及其亲属获得真相、寻求正义、赔偿和进行纪念的权利。

泰国

联合指控函

144. 2020 年 12 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关 6 起据称泰国政治活动者在国外失踪的案件，并表示关切这些案件可能表明存在一种在域外绑架后强迫失踪的模式。信中还提到，老挝人民民主共和国国民、人权维护者 Od Sayavong 据称在泰国被强迫失踪，越南国民、人权维护者 Truong Duy Nhat 据称被短期强迫失踪，后以被拘留的状态出现在越南。向柬埔寨、老挝人民民主共和国和越南发出了类似信函，载有关于各国协调、协助或默许在该区域实行域外拘留的指称。

突尼斯

联合指控函

145. 2021 年 2 月 8 日，工作组与其他特别程序机制联合转交了一封指控函，事关第 2013-53 号和第 2014-17 号组织法概述的过渡期正义进程缺乏实质性进展，特别是在赔偿和问责领域缺乏进展，以及试图抹杀真相和尊严委员会为支持对突尼斯以往侵犯人权行为进行真相调查和伸张正义而开展的工作及取得的成果。

土耳其

紧急程序

146. 工作组根据紧急程序向该国政府转交了一起案件，事关 Huseyn Galip Kucukozigit，据称他于 2020 年 12 月 29 日在安卡拉被土耳其国家情报组织人员绑架，并被带到不明地点。

来文方提供的资料

147. 来文方提供了八起未决案件的最新资料，但被认为不足以澄清案件。

¹⁰ A/HRC/WGEID/98/1 和 Corr.1 以及 A/HRC/WGEID/98/2。

政府提供的资料

148. 2021 年 1 月 19 日，该国政府转交了五起案件的资料，但被认为不足以澄清这些案件。

联合紧急呼吁

149. 2020 年 11 月 6 日，工作组与其他特别程序机制联合发出紧急呼吁，事关据报道瑞典和伊朗伊斯兰共和国国民 **Habib Chaab** 在土耳其遭到拘留和强迫失踪，并有可能被移交给伊朗伊斯兰共和国。

150. 2021 年 1 月 5 日，该国政府对紧急呼吁作出答复。

意见

151. 工作组重申，终止或暂停对据称强迫失踪的刑事调查，并不能免除该国政府在适当尊重文化习俗的情况下查找和确定和查明失踪人员或其遗体下落且将遗体归还亲属的义务。

土库曼斯坦

联合指控函

152. 2021 年 2 月 17 日，工作组与其他特别程序机制联合转交了一封指控函，事关对一名独立记者的明显报复行为，包括据称其受到无理指控、司法骚扰和似乎被强迫失踪。

乌克兰

来文方提供的资料

153. 来文方提供了一起未决案件的最新资料，但被认为不足以澄清案件。

联合指控函

154. 2020 年 11 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关据称被强迫失踪的两名乌兹别克斯坦国民 **Rahmiddin Saparov** 和 **Alisher Haydarov**，他们在被显然是强行遣返乌兹别克斯坦之前身处乌克兰。

155. 2021 年 2 月 5 日，该国政府对指控函作出答复。

阿拉伯联合酋长国

标准程序

156. 工作组根据标准程序向该国政府转交了两起案件，事关：

(a) **Bashir Nasser Ali al-Marwalah**，也门国民，据称最后被见到是 2017 年在阿拉伯联合酋长国，地点不明；

(b) **Adel Said al-Haj Ebeid**，别名 **Abu al-Samah**，也门国民，据称最后被见到是 2018 年 2 月在阿拉伯联合酋长国一个不明地点的公共建筑内。

意见

157. 工作组仍然感到关切的是，据称 Sheikha Latifa Mohammed al-Maktoum 被隔离拘留，新收到的资料表明她的权利可能受到进一步侵犯。工作组就此敦促该国政府查实 Al-Maktoum 女士的命运，并立即采取措施，为她的安全和福祉提供充分保障。

坦桑尼亚联合共和国

紧急程序

158. 工作组根据紧急程序向该国政府转交了两起案件，事关：

(a) Said Rwasia, 布隆迪公民，在坦桑尼亚联合共和国境内具有难民身份，2020 年 7 月 22 日在 Mtendeli 难民营被身着制服的坦桑尼亚警察和其他身着制服的身份不明武装人员逮捕，并被带到一个秘密地点；

(b) Anaclet Nkuzimana, 布隆迪公民，在坦桑尼亚联合共和国境内具有难民身份，2020 年 7 月 22 日在 Mtendeli 难民营被身着制服的坦桑尼亚警察和其他身着制服的身份不明武装人员逮捕，并被带到一个秘密地点。

联合指控函

159. 2021 年 1 月 18 日，工作组与其他特别程序机制联合转交了一封指控函，事关坦桑尼亚联合共和国 2020 年 10 月选举期间对基本自由持续施加严格的限制。

160. 2021 年 1 月 25 日，工作组与其他特别程序机制联合转交了一封指控函，事关布隆迪难民在坦桑尼亚联合共和国遭到强迫失踪、任意逮捕和拘留、虐待或酷刑且可能被杀害。

乌兹别克斯坦

紧急程序

161. 工作组根据紧急程序向该国政府转交了三起案件，事关：

(a) Rahmiddin Saparov, 据称 2020 年 10 月 19 日在乌克兰 Poltava 第 64 号拘留所附近被可能属于乌兹别克安全部门的人员绑架。据称随后他在乌克兰执法机构的协调下被强行转送至乌兹别克斯坦；

(b) Alisher Haydarov, 据称 2020 年 10 月 4 日在乌克兰尼古拉耶夫市 Privolnaya 大街附近被可能与乌克兰安全部门有关联的不明身份人员逮捕。据称随后他在乌兹别克斯坦执法机构的协调下被递解至乌兹别克斯坦；

(c) Gurbuz Sevilay, 土耳其国民，据称 2021 年 1 月 28 日在塔什干的公寓内被据报与乌兹别克情报机构有关联的五名男子绑架。

162. 工作组根据其工作方法决定，向乌克兰政府转交有关 Saparov 先生和 Haydarov 先生的信函副本，并向土耳其政府转交关于 Sevilay 先生的信函副本。

联合指控函

163. 2020 年 11 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关 Saparov 先生和 Haydarov 先生据称被强迫失踪。

意见

164. 工作组对以打击恐怖主义和应对暴力极端主义为借口，对乌兹别克斯坦国民实施域外绑架和强迫遣返的报道表示关切。工作组强调，不承认国家代理人剥夺自由和拒绝承认拘留，构成强迫失踪，即使这种失踪时间不长。工作组还提及《保护所有人不遭受强迫失踪宣言》第 8 条。

委内瑞拉玻利瓦尔共和国

紧急程序

165. 工作组根据紧急程序向该国政府转交了一起案件，事关委内瑞拉玻利瓦尔共和国国民、国民警卫队队长 Antonio José Sequea Torres，据称他于 2020 年 5 月 4 日在阿拉瓜州 Chuao 被国家情报局人员逮捕，后于 2020 年 12 月 27 日在国家情报局位于加拉加斯的总部失踪。

来文方提供的资料

166. 来文方提供了一起未决案件的资料，但被认为不足以澄清案件。

联合指控函

167. 2020 年 12 月 4 日，工作组与其他特别程序机制联合转交了一封指控函，事关没有开展有效调查和双边合作，以处理包括有组织武装团体和犯罪团体在内的非国家武装行为者，在与哥伦比亚边境附近实施的移民和边境工人失踪和法外处决案件。向哥伦比亚发出了一封类似的信函。

越南

政府提供的资料

168. 2020 年 11 月 16 日，该国政府转交了一起案件的资料，但被认为不足以澄清案件。

联合指控函

169. 2020 年 12 月 11 日，工作组与其他特别程序机制联合转交了一封指控函，事关被认为在 2019 年被越南当局逮捕的泰国国民 Siam Theerawut 据称被强迫失踪，越南国民、人权维护者、博客作者和记者 Truong Duy Nhat 据称 2019 年被泰国警察逮捕并遣返越南。信中还提及越南允许强迫失踪和隔离拘留的法律条款。向柬埔寨、老挝人民民主共和国和泰国发出了类似信函，载有关于各国协调、协助或默许在该区域实行域外拘留的指称。

也门

标准程序

170. 工作组根据标准程序向该国政府转交了一个案件，事关 Tawfeeg al-Saba'i，据称他于 2019 年 12 月 26 日在 Al-Amri 附近的检查站被与政府有关联的武装人员绑架。

171. 工作组于 2019 年 9 月宣布开始记录非国家行为体实施的相当于强迫失踪的侵权行为。¹¹ 因此，工作组在第一百二十三届会议期间审议了四起据称在萨那事实当局控制的领土内犯下的相当于强迫失踪的案件。¹² 工作组根据标准程序向萨那事实当局转交了 10 起案件，事关：

(a) Yaser al-Yunaid, 据称 2017 年 2 月 20 日在 Al-Sada 村被隶属于萨那事实当局的武装人员绑架；

(b) Fahmi al-Mariri, 据称 2016 年 3 月 13 日驱车前往伊卜市时被隶属于萨那事实当局的人员绑架；

(c) A'ateb Mahyoob, 据称 2019 年 11 月 9 日在胡班省 Al-Rifai 医院门前被隶属于萨那事实当局的人员绑架；

(d) Abdo al-Buhairi, 据称 2017 年 1 月 25 日在 Taiz (Al-Makha 路口) 被隶属于萨那事实当局的便衣绑架；

(e) Najeeb al-Shuja, 据称 2016 年 3 月 15 日在 Al-Jahmalia 的家中被据信隶属于萨那事实当局的人员实施突袭绑架；

(f) Khaled al-Sayaghi, 据称 2016 年 1 月 4 日在 Taiz 被隶属于萨那事实当局的五名人员绑架；

(g) Khalil al-Ashmi, 据称 2017 年 9 月在萨那事实当局管理的军事监狱内失踪；

(h) Muhammed al-Sinwi, 据称 2015 年 8 月 19 日在 Bani Ali 附近的检查站被隶属于萨那事实当局的武装人员绑架；

(i) Majed al-Ghashami, 据称 2015 年 8 月 18 日前往马里布时被隶属于萨那事实当局的人员在伊卜绑架；

(j) Muntaser al-Yusifi, 据称 2015 年 1 月 8 日前往沙特阿拉伯途中在 Hajja 被隶属于萨那事实当局的武装人员绑架。

172. 2020 年 10 月 6 日，工作组与其他特别程序机制联合向萨那事实当局转交了一封指控函，事关据称对 10 名也门记者实施任意逮捕和拘留、酷刑，并在不公正审判后判处死刑。

¹¹ A/HRC/42/40, 第 94 段。

¹² 工作组强调，转交萨那事实当局的案件绝不意味着对任何领土、城市、地区、或其当局的法律地位表示任何意见。

Annex I

Standard procedure cases

Burundi

1. The Working Group transmitted 12 cases to the Government, concerning:
 - (a) Armel Banteyakandi, a Burundian citizen, abducted on 8 September 2018 in front of his home by two policemen who came on-board a car with tinted windows. There were witnesses to this arrest;
 - (b) Mr. Jospin Keen Iradukunda, a Burundian national, arrested in February 2016 at Nyakabiga I, 10ème avenue, in the commune of Mukaza, in the Bujumbura Mairie province, Burundi by agents of the Service National de Renseignement (SNR) wearing a uniform;
 - (c) Pierre Claver Habarugira, a Burundian citizen, abducted on 4 October 2015 from his home, by individuals in police uniforms;
 - (d) Elvis Irakoze, a Burundian national, arrested by policemen on 11 December 2015 at around 11pm in Kinanira, in a bar near his residence located close to the MUSALAC dispensary in Bujumbura Mairie;
 - (e) Mr. Ismaïl Bandushubwenge was last seen on 10 December 2015 in Bujumbura Mairie, Musaga area, 1ère avenue;
 - (f) Jean Paul Nintunze, Burundian citizen, last seen on 5 July 2018, around 3 p.m. while training near the Gihofi camp (521st battalion) where he was a resident soldier;
 - (g) Nestor Ndayizeye, a Burundian citizen arrested on 20 December 2015 in the commune of Bugabira, Kirundo province, by agents of the National Intelligence Service (SNR) from Bujumbura acting under the authority of a colonel whose identity is known;
 - (h) Elie Bizimana, a Burundian citizen arrested on 4 March 2020 on Tenga-Gahwama Hill, Rubrizi area, Mutimbuzi Commune, Bujumbura Rural Province, Burundi, by the head of the Service National de Renseignement (SNR) in Mutimbuzi Commune;
 - (i) Isaïe Batumunwa, a Burundian citizen abducted on 22 July 2019 at 7 am on his way to the Nyeshenza market, by agents of the National Intelligence Service (SNR) in military and civilian dress;
 - (j) Jean Claude Hakizimana, a Burundian citizen, in village IV, arrested on 26 February 2020, at around 8 p.m., in the commune of Gihanga, by the Chief of Imbonerakure of the commune of Gihanga, whose identity is known;
 - (k) Egide Mpawenimana, a Burundian citizen abducted on 9 July 2019 near the bridge over the Rusizi River in the commune of Mutimbuzi, by the head of the National Intelligence Service (SNR) of the commune of Mutimbuzi, whose identity is known;
 - (l) Jérémie Ndayitwayeko, a Burundian citizen arrested on 13 May 2019 around 12 p.m. on the hill of Muyange by the head of the National Intelligence Service of the province of Bujumbura rural, accompanied by the head of the SNR of the commune of Mutimbuzi, whose identities are known.

Pakistan

2. The Working Group transmitted 77 cases to the Government, concerning:
 - (a) Muhammad Amir, a Pakistani national, allegedly arrested in January 2004 in Tehsil Samandri, District Faisalabad, by agents of the Inter-Services Intelligence (ISI);

- (b) Muhammad Niaz, a Pakistani national, allegedly abducted on 9 April 2014 from his place of residence in Madina Colony, District D.I. Khan, Khyber Pakhtunkhwa, by agents of the Military Intelligence (MI);
- (c) Doda, a Pakistani national, allegedly arrested on 4 September 2019 at his place of residence in Pidrak, district Kech, Balochistan, by Frontier Corps personnel;
- (d) Usman, a Pakistani national, allegedly abducted on 4 September 2019 from Pidrak by agents of the Military Intelligence (MI), Frontier Corps and the Pakistani police;
- (e) Sikandar Malik, a Pakistani national, allegedly abducted on 9 December 2015 at 11:55 p.m. from his place of residence in Marrar Chack No. 42/R.B Tehsil Sangla Hill, District Nankana Sahib, Punjab by four to five individuals believed to belong to the Pakistani police;
- (f) Nasruddin, a Pakistani national, allegedly abducted on 24 August 2013 at Chaman Bazar Killa Abdullah by members of a secret agency, possibly by the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (g) Raees Khan, a Pakistani national, allegedly abducted on 2 September 2012 from Shinwari, Tapa Khoga Khel, Teshil & P.O Landi Kotal, District Khyber, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (h) Ali Haider Shah, a Pakistani national, allegedly abducted on 7 September 2018 in Gulzair Quaid, Islamabad, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (i) Bakhat Shah Zeb, a Pakistani national, was allegedly abducted on 29 April 2020 in front of Adiala Jail in Rawalpindi by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (j) Noor Zada, a Pakistani national, allegedly abducted on 6 June 2014 from his place of residence in Sirwaki Spain Kai, South Waziristan, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (k) Saaz Khan, a Pakistani national, allegedly abducted in May 2012 in Linda Bazar Haji Camp near the railway station of Lahore by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (l) Suleman Farooq Chaudhri, a Pakistani national, allegedly abducted on 4 October 2019 from Bahria town phase 3 Rawalpindi by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (m) Qari Muhammad Yaseen, a Pakistani national, allegedly abducted on 14 November 2015 from the Madrasa Khalid bin Walid Farooq Azam Mor Abbottabad by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (n) Waseem Ahmed, a Pakistani national, allegedly abducted on 26 July 2019 from his place of residence in Choti PO Khas District Attock by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);
- (o) Muhammad Talha, a Pakistani national, allegedly abducted on 10 July 2020 from his house on 1084 street no 2 Transfarmer Chok Servise Road Sadqa Abad Rawalpindi, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(p) Yaar Muhammad, a Pakistani national, allegedly abducted on 19 February 2014 at 5:00 p.m. from his place of residence in Mohmand Agency by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(q) Muhammad Azeem, a Pakistani national, allegedly arrested on 22 September 2019 near his residence in Gulistan e Johar, Karachi, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(r) Abdul Shakoor, a Pakistani national, allegedly abducted on 9 November 2017 from his place of residence in Post Office Sheikh Umar Tehsil Kot Addu District Muzaffargarh by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(s) Hazab Ullah Qambrani, a Pakistani national, a university student, allegedly abducted on 14 February 2020 from Main Road Qambrani, Quetta, Balochistan, by members of Pakistani security forces dressed in plain clothes and believed to be state agents;

(t) Din Minhaj Ud, a Pakistani national, allegedly abducted on 19 April 2013 from Sherpao Colony, near Allah Wali Mosque on Street no 2, house no 373 in Karachi by members of a secret agency, possibly from the Military Intelligence or the Secret Services;

(u) Irshad Ahmad, a Pakistani national, allegedly abducted on 5 June 2016 in Razmak, District Debra Ismail Khan, Khyber Pakhtunkhwa by members of a secret agency, allegedly by the Pakistani Military Services;

(v) Israr Mohammad, a Pakistani national, allegedly arrested on 2 July 2013 at a check post of the Pakistani Army in Ashari Ghatt, District Lower Dir, Khyber Pakhtunkhwa by members of the Pakistani Military Secret Services;

(w) Mahmood Mudassar, a Pakistani national and journalist in Faisalabad, allegedly abducted on 20 August 2018 in Kamal Bun (about 4 km ahead of Mahandri and 10 km before Kaghan, Province KPK) by individuals believed to be members of a secret agency, possibly from the Military Intelligence (MI);

(x) Zia Ur Rehman, an Afghan national, allegedly abducted on 7 November 2019 near Masjid Rajgan in Odhar Wal, District Chakwal, Punjab by members of a secret agency, possibly by members of the Pakistani Military and State Secret Services;

(y) Khalid Khan, a Pakistani national, allegedly abducted on 28 October 2010 in Kohat Tunnel, near Tribe Zarghun Khel, Meri Khel, Post Office Darra Adam, District Kohat, Khyber Pakhtunkhwa, by agents of the National Army;

(z) Suhail Raza Bhatti, a Pakistani national, human rights activist, allegedly arrested on 17 September 2015 at the Government Boys Degree College Shahdadkot, District Kamber Shahdadkot, Sindh, by agents of the Pakistani Police, the Pakistan Rangers (Sindh), the Inter-Services Intelligence and the Military Intelligence;

(aa) Abdul Baqi, a Pakistani national, allegedly abducted on 5 April 2012 at Shabrozz Hotel, Prince Road, Quetta District, Balochistan, by agents of the Pakistani Military and the Secret services;

(bb) Gulab Khan, a Pakistani national, allegedly abducted on 12 September 2011 in Shaktoi, District South Waziristan, Khyber Pakhtunkhwa, by agents of the Pakistani Military;

(cc) Shafiq Mohammad, a Pakistani national, allegedly abducted on 9 January 2015 from Karachi, Sindh, by agents of the Pakistan Military and Secret Services;

(dd) Umar Daraz, a Pakistani national, allegedly abducted on 15 November 2012 in Shaktoi, District South Waziristan, Khyber Pakhtunkhwa, by unidentified officers in civilian clothes believed to belong to the Pakistani Military and Secret Services;

(ee) Farman Ullah, a Pakistani national, allegedly arrested on 17 July 2020 at his place of residence in Kotka Abbas Khan Bhitani, Post Office Tajori Rasool Khel Kallay, District Lakki Marwat, Khyber Pakhtunkhwa, by agents of the Pakistani Military and secret services believed to belong to a check post named Mali Khel Jani Khel;

(ff) Sadaqat Khan, a Pakistani national, allegedly arrested on 2 May 2013 at his place of residence in Yaka Toot, Chan Agha Colony, District Peshawar, Khyber Pakhtunkhwa, by agents of the Pakistani Army and Military Secret Services dressed in plain clothes;

(gg) Sarfaraz, a Pakistani national, allegedly abducted in 2014 from Karachi Airport by members of a Secret Agency officers, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(hh) Haq Nawaz, a Pakistani national, allegedly abducted on 25 February from his workplace in Shewa Ada Pul Distt Swabi by members of a secret agency, possibly from the Military Intelligence (MI), the Inter- services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ii) Adil Anwar, a Pakistani national, allegedly abducted in 2009 from the village of Barabandi, Swat, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(jj) Ijaaz, a Pakistani national, allegedly abducted in 2012 from Chinar Colony, Mingora Swat, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(kk) Imran Mohammad, a Pakistani national, allegedly abducted on 25 July 2020 from his workplace, a pharmacy located in Bilal Colony, North Nazim Abad, district Karachi Central, Sindh, by agents of the Pakistani military and secret services;

(ll) Bakht Zaman, a Pakistani national, allegedly abducted on 25 August 2009 from his shop in Faiz Abad, Post Office Faiz Abad, Saidu Sharif, District Swat, Khyber Pakhtunkhwa, by an officer belonging to the Pakistani police;

(mm) Zafran Ullah, a Pakistani national, allegedly abducted on 21 November 2020 from Asmoon Khel Post Office, Tehsil Spin Wam, District North Waziristan, Khyber Pakhtunkhwa by agents of the Pakistani military;

(nn) Waqar Ahmad, a Pakistani national, allegedly abducted on 14 May 2020 from Post Office Mubarak Shahi, Tehsil Mir Ali, District North Waziristan, Khyber Pakhtunkhwa by agents of the Pakistani military;

(oo) Rizwan a Pakistani national, allegedly abducted on 2 April 2015 at 3:30 a.m., from his place of residence at Bilal Colony Clifton, District South Karachi, Sindh, by agents of the Military Intelligence Services and the Pakistani police;

(pp) Alamgir, a Pakistani national, allegedly abducted on 24 August 2012 from his place of residence in Nawela Area, Tehsil Parawah, District D.I Khan, Khyber Pakhtunkhwa, by agents of the Pakistani Military Secret Services;

(qq) Abid Ullah, a Pakistani national, allegedly abducted on 21 June 2014 from a military checkpoint named Khudi near Mir Khun Khel, Turi Khel, Post Office Miranshah, Tehsil Miranshah, District North Waziristan, Khyber Pakhtunkhwa, by agents of the Pakistani Military Services;

(rr) Hazrat Ullah, a Pakistani national, allegedly abducted on 21 March 2021 from a Sohrab Gott, District Karachi, Sindh, by agents of Pakistani Military rangers;

(ss) Abid Rahman, a Pakistani national, allegedly arrested on 2 September 2019 at Misbah Block Factory, Khaisoor Road Moski, Mir Ali, District North Waziristan, Khyber Pakhtunkhwa, by agents of the Pakistani military;

(tt) Gul Rahman, a Pakistani national, allegedly abducted on 28 August 2020 from Wali Noor checkpoint of Pakistani Army, Post Office Jani Khel, Tehsil Bannu, District Bannu, Khyber Pakhtunkhwa by agents of the Pakistani military;

(uu) Shahid Noor, a Pakistani national, allegedly abducted on 13 September 2018 from his place of residence at Wali Noor Post Office Jani Khel Mushtarka, Tehsil & District Bannu, Khyber Pakhtunkhwa, by members of the Pakistani Military;

(vv) Abdul Majeed Baloch, a Pakistani national, allegedly abducted on 30 July 2020 from a factory in Ibrahim Hyderi Mills, Karachi by at least 10 individuals believed to belong to the Pakistani police;

(ww) Syed Naeem Akhtar Shah, a Pakistani national, allegedly abducted on 23 July 2016, at approximately 5:30 p.m., by individuals believed to belong to the Pakistani police while traveling from Hub, Balochistan, to Karachi, Sindh;

(xx) Dodo Khan Chandio, a Pakistani national, allegedly abducted on 26 June 2020 from a taxi stand in Khanpur Junjo near K. N. Shah, District Dadu by members of the Pakistani police;

(yy) Shahzad Ali Sher Manglo, a Pakistani national, a political activist, allegedly abducted on 17 June 2020 near an electric pole and a water pump on the main road of Gulshan-e- Hadeed Phase 2, Karahi, Sindh. It is believed that the perpetrators of Mr Manglo's abduction were state agents due to his affiliation to the JSSM political separatist party.

(zz) Jawed Noor, a Pakistani national, allegedly abducted on 20 January 2016 from Bannu Township, District Bannu, Khyber Pakhtunkhwa by the Pakistani Military Secret Services dressed in plain clothes;

(aaa) Umar Hayat Khan, a Pakistani national, allegedly abducted on 21 November 2017 from Khwaza Khela, District Swat, Khyber Pakhtunkhwa by agents of the Pakistani military;

(bbb) Arif Ullah, a Pakistani national, allegedly arrested on 28 November 2017 at his place of residence in Wazir Memlion Khel, Bachki, Jani Khel, District Bannu, Khyber Pakhtunkhwa, by agents of the Pakistani army;

(ccc) Amin, a Pakistani national, allegedly arrested on 15 May 2019 at his residence in Drazinda, Post Office Shewa, Miami Kabul Khel, Tehsil Shewa, District North Waziristan, Khyber Pakhtunkhwa by agents of the Pakistani army;

(ddd) Ullah Ikram, a Pakistani national, allegedly arrested on 22 October 2014 at his residence in Chagh Malai, Post Office and Tehsil Sarokai, District South Waziristan by agents of the Pakistani Military Intelligence (MI);

(eee) Muhammad Saleem, a Pakistani national, allegedly arrested on 23 November 2014 at Sadar Bazar, District Peshawar, Khyber Pakhtunkhwa, by agents of the Pakistani army during a general search and control operation;

(fff) Saad Abdul, a Pakistani national, allegedly abducted on 27 February 2013 from his house in House No-700, Block No-D, Mohallah North Nazim Abad, Tehsil and District Central Karachi, Sind, by agents of the Pakistani Army and Secret Services;

(ggg) Aman Ullah, an Afghan national, allegedly abducted on 1 January 2016 from Karkhano Market, district Peshawar, Khyber Pakhtunkhwa, Pakistan, by agents of the Pakistani Army and Military Services.

(hhh) Asif Khan, a Pakistani national, allegedly abducted on 11 February 2010 from Khair Pur, District Sukkur, Sindh, by Pakistani Military and Secret Services;

(iii) Asif Nawaz, a Pakistani national, allegedly abducted on 3 October 2020 from his place of residence in Mir Ali Tehsil, District North Waziristan, Khyber Pakhtunkhwa, by agents of the Pakistani Military;

(jjj) Aziz Ullah, a Pakistani national, alleegedly abducted on 14 September 2011 from District Bannu, Khyber Pakhtunkhwa, by agents of the Pakistani Military;

(kkk) Habib Salam, a Pakistani national, allegedly abducted on 1 September 2017 from Tarnol Area, District Rawalpindi, Punjab, by unidentified individuals believed to belong to the Pakistani military;

(lll) Izhar Ahmad, a Pakistani national, allegedly abducted on 18 April 2016 from the business of a person associated with him located in District Bajaur, Khyber Pakhtunkhwa, by agents of the Pakistani military;

(mmm) Wali Khan, a Pakistani national, allegedly arrested on 25 June 2020 at Ghor E Wala, District Bannu, Khyber Pakhtunkhwa, by agents of the Pakistani army and of the Counter- Terrorism Department of Ghor E Wala, District Bannu, Khyber Pakhtunkhwa;

(nnn) Naqeeb Ullah, a Pakistani national, allegedly arrested on 2 January 2016 at his village Khedi Post Office Eifak, Mir Ali Tehsil by agents of the Pakistani army;

(ooo) Nawab Khan, a Pakistani national, allegedly arrested on 21 January 2014 at Narwabu, Tehsil Salarzai, District Bajaur, Khyber Pakhtunkhwa by agents of the Pakistani army;

(ppp) Said Muhammad, a Pakistani national, allegedly arrested on 29 August 2020 at Draban Road, Mandi Chowk, District Derra Ismail Khan, Khyber Pakhtunkhwa, by agents of the Pakistani army and Pakistani secret services;

(qqq) Sana Ullah, a Pakistani national, allegedly abducted on 1 September 2011 from Masque Kanghar Bisti Number Daar, Baqa Pur P/O Hatiji Tehsil by members of a secret agency, possibly by the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(rrr) Muhammad Anas, a Pakistani national, allegedly abducted on 13 May 2020 from Mohala Layqat Abad Number 2 Faisalabad by members of a secret agency, possibly by the Military Intelligence (MI), the Inter- services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(sss) Faqeer Muhammad, a Pakistani national, allegedly arrested on 14 August 2020 at Safoora Chowrangi Karachi Sindh by members of a secret agency, possibly by the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ttt) Sheir Rehman, a Pakistani national, allegedly abducted on 2 October 2020 from his place of residence in Servise Road Near Moter Way Church Interchange Village Bahbudi by members of a secret agency, possibly by the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(uuu) Naimat Ullah Khan, a Pakistani national, allegedly abducted on 2 November 2013 from district Khand Yaro, Sindh, by agents of a Pakistani military secret service dressed in plain clothes;

(vvv) Umar Sadiq, a Pakistani national, allegedly arrested on 14 July 2019 at the Khwaja Khar Check-Post near Gar Baz, Post Office Bakaka Khel, Baka Khel Wazir by agents of the Pakistani military;

(www) Zahoor Ahmad, a Pakistani national, allegedly arrested on 22 May 2017 in Malak Din Khel by agents of the Pakistani military;

(xxx) Noor Zalam, a Pakistani national, allegedly arrested on 9 February 2020 at Loralai District of Balochistan, by agents of the Pakistani military secret services;

(yyy) Bakht Shah Zeb, a Pakistani national, allegedly abducted at approximately 5 p.m. on 29 April 2020 in front of Adyala prison, District Rawalpindi, Punjab, by 12 to 13 agents of a Pakistani secret agency, dressed in plain clothes.

3. In accordance with its methods of work, the Working Group transmitted a copy of the cases of Mr. Zia Ur Rehman and Mr. Aman Ullah to the Government of Afghanistan.

Sri Lanka

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

(a) A minor boy, allegedly disappeared on 8 December 1992 in Thalavai, Pangudaweli, Batticaloa District. It is believed that he was abducted by the Sri Lankan Army;

(b) Ravindran Kannamuthu, allegedly arrested on 24 September 1992 and taken to the Komandurai Army Camp, by the Sri Lankan Army;

- (c) Sundaresan Saundaranayagam, allegedly abducted on 24 September 1993 from a paddy field in Eachatheevu, Vavunatheevu, Batticaloa District, by the Sri Lankan Army;
- (d) Karunaharan Sinnathambi, allegedly detained on 15 March 1985 in a paddy field in Karavetti, Batticaloa District, by the Sri Lankan Army;
- (e) Kandasamy Sinnathurai, allegedly disappeared on 10 May 1985. It is believed he was abducted by the Sri Lankan Army;
- (f) Kanaharatnam Supaiya, allegedly disappeared on 4 June 1993 in Chenkaladi, Batticaloa District. It is believed that he was abducted by the Sri Lankan Army;
- (g) A minor girl allegedly disappeared on 1 February 1993 in Chenkaladi, Batticaloa District. It is believed that she was abducted by the Sri Lankan Army;
- (h) Thuraisingam Thurasamy, allegedly disappeared on 30 June 1992 in Nelupodiyarukal, Pangudaweli, Batticaloa District. He was allegedly abducted by the Sri Lankan Army;
- (i) Mohan Vadivelu, allegedly disappeared on 8 December 1992 in Pangudaweli, Batticaloa District. It is believed that he was abducted by the Sri Lankan Army;
- (j) A minor girl, allegedly disappeared on 22 July 1996 in Pangudaweli, Batticaloa District. It is believed that she was abducted by Sri Lankan Army;
- (k) Balasingham Vavithurai, allegedly disappeared on 3 September 1991 after going to the hospital in Chenkaladi, Batticaloa District. It is believed he may have been abducted by the Sri Lankan Army;
- (l) Pelpola Loku Liyanage Alwis, allegedly abducted in mid-1989 from Colombo, by the Sri Lanka Army;
- (m) Upasena Dholamulage, allegedly abducted from a house in Thelikada Kosthuwa, Galle, Sri Lanka on 6 September 1989, by the Sri Lanka Army;
- (n) Nandhasiri Eshwara Kanganamge, allegedly abducted from an unknown location in Vadhuraba, Galle, on 13 November 1988, by the Sri Lanka Army;
- (o) Jagath Sithi Hatuwage, allegedly abducted in 1989 from Hikaduwa, Galle, by the Sri Lanka Army;
- (p) Lawrance Francis, allegedly abducted on 21 April 1992 while fishing and navigating in direction of Jaffna, by members of the Mandaithivu Sri Lankan Navy;
- (q) Weerasena Welalagoda Korale allegedly arrested on 3 March 1990 from his home in Hadhuganava, Galle, by the Sri Lanka Army;
- (r) Anuraj Anandanadarajah, allegedly arrested on 15 May 2009 at the Omanthai checkpoint, by the Sri Lankan army;
- (s) Gunatheepan Gunasekaram, allegedly arrested in Kilinochchi on 3 January 2007, by the Sri Lankan Army;
- (t) Krishnarajah Kanthasamy, allegedly arrested when traveling from Kilinochchi to Batticaloa, on 20 January 2007, by the Sri Lankan Army;
- (u) Kajendran Arumairajah, allegedly last seen in May 2009, while surrendering to the Army during a roundup by the Military Division of Mathalan in Puthukkudiyiruppu;
- (v) Shantharuban Sathananthan, allegedly arrested in Eluvaitivu, Jaffna District, on 20 November 2008, by the Sri Lankan Army;
- (w) Maheswary Kumarasamy, allegedly arrested on 15 May 2009 at the Omanthai check post, by the Sri Lankan Army;
- (x) Jesupatham Jegatheepan, allegedly abducted on 18 November 2008, during the siege of Visvamadu, in the Kilinochchi district, by the Sri Lankan Army;
- (y) Wakeesan Kanthasamy, allegedly disappeared on 19 April 2009 in Pokkanai, Northern Province. It is alleged that he was abducted by the Sri Lankan Army;

- (z) Senthooran Kanapathy, allegedly disappeared on 19 April 2009. It is alleged that he was abducted by the Sri Lankan Army;
- (aa) Athinesarasa Arunasalam, allegedly arrested on 17 March 1987, in Koomancholai, Batticaloa District, by the Sri Lanka Police's Special Task Force;
- (bb) Ravichandran Naharasi, allegedly disappeared on 27 May 1996 in Muthiraiyadi, Pankudaveli, Batticaloa District. It is believed that he was abducted by the Sri Lankan army;
- (cc) Sureswaran Poobalapillai, a Sri Lankan, allegedly disappeared on 23 July 2000 in Chenkaladi, Batticaloa District. It is believed he was abducted by the Sri Lankan Army;
- (dd) Sathiyaraj Sanmugam, allegedly detained on 1st January 1998 in Pangudaweli, Batticaloa District, by the Sri Lankan Army;
- (ee) Jeyanthanan Sornalingam, allegedly disappeared on 4 January 2000 in Chenkaladi. It is believed that he was abducted by the Sri Lankan army;
- (ff) Sundharajan Thillaiyambalam, allegedly abducted on 8 July 2004 from his home in Pangudaweli, Batticaloa District, by unknown officials in a white van;
- (gg) Baskaran Vadivelu, allegedly disappeared on 16 April 2004. It is believed he was abducted by the Sri Lankan Army;
- (hh) Johndonbosco Francis, allegedly abducted on 21 April 1992 while fishing and navigating in direction of Jaffna, by members of the Mandaithivu Sri Lankan Navy;
- (ii) Jeyasundara Hiniduma Liyanage, allegedly abducted on 15 November 1988, from his house in Galle, by members of the Sri Lanka Army;
- (jj) Chandrapala Kalagejagodage allegedly arrested at Bandaranayaka International Airport on 3 August 1990, by the police.

Syrian Arab Republic

5. The Working Group transmitted 33 cases to the Government, concerning:

- (a) Mayada Wakel, allegedly abducted on 7 April 2013 along with her five minor children by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (b) A minor boy, allegedly abducted on 7 April 2013 along with his mother and four siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (c) A minor boy, allegedly abducted on 7 April 2013 along with his mother and four siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (d) A minor girl, allegedly abducted on 7 April 2013 along with her mother and four siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (e) A minor girl, allegedly abducted on 7 April 2013 along with her mother and four siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (f) A minor girl, allegedly abducted on 7 April 2013 along with her mother and four siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;
- (g) Nawal Alkhalil, allegedly abducted on 7 April 2013 along with her three minor children by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint "Saqr Rostom" near the city of Homs;

- (h) A minor boy, allegedly abducted on 7 April 2013 along with his mother and two siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint “Saqr Rostom” near the city of Homs;
- (i) A minor boy, allegedly abducted on 7 April 2013 along with his mother and two siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint “Saqr Rostom” near the city of Homs;
- (j) A minor boy, allegedly abducted on 7 April 2013 along with his mother and two siblings by members of the National Defense Militia reportedly affiliated with the Syrian Government at the checkpoint “Saqr Rostom” near the city of Homs;
- (k) Mazen Al-Hamada, allegedly abducted on 22 February 2020 from either Berlin Schoenefeld or Berlin Tegel Airport by an official affiliated with the Syrian Government from which he was reportedly transferred to Syria where he subsequently disappeared. In accordance with its methods of work, the Working Group transmitted a copy of the case to Germany and the Netherlands;
- (l) Okba Mashaan, allegedly arrested on 28 March 2012 in Al-Bu Amer village by Baath party militias reportedly affiliated with the Syrian security forces;
- (m) Marwan Ibrahim, allegedly abducted on 14 November 2012 by armed groups affiliated with the Syrian security forces in the suburbs of Al-Hajar Al-Aswad;
- (n) Ayham Ghazzoul, allegedly abducted on 5 November 2012 from the Medical Faculty in Damascus by an armed group of students affiliated with Syrian security forces;
- (o) Mohammad Nassif, allegedly abducted on 25 November 2014 in Baqaa, Lebanon, by armed groups loyal to Hezbollah and then handed over to the Syrian intelligence services who transferred him to Syria. In accordance with its methods of work, the Working Group transmitted a copy of the case to the Government of Lebanon;
- (p) Mohammad Kheir Mamdouh Issawi, allegedly arrested on 6 October 2011 by the Syrian security forces on Hama Road between Kefr Zaite and Hama at a temporary checkpoint which was set up for several hours;
- (q) Mamdouh Raheel Dukhan, allegedly arrested at his shop in Damascus on 10 November 2015 by members of the Syrian security forces;
- (r) Hassan Hikmat Hussein, allegedly arrested on 13 April 2013 by Syrian security forces at a temporary checkpoint on the way to Al Hal market;
- (s) Mustafa Ahmad Rashed Suleiman, allegedly abducted on 29 April 2017 from his home in Arbin by members of the Islamic Army presumably supported by the Syrian security forces;
- (t) Abdallah Thalj Al Salman, allegedly arrested on 21 March 2013 by the Syrian armed forces close to Najha Military Residence in Damascus;
- (u) Mohammad Badih Hajj Mahmoud, allegedly arrested on 17 October 2013 by the Syrian armed forces in a raid on his house in Latakia;
- (v) Mohamed Abdul Qader al Sheikh, allegedly arrested in May 2012 by the Syrian armed forces in Aleppo;
- (w) Abdel Qader Abdel Hamid Sulieman, allegedly arrested in November 2012 by members of the Syrian armed forces in Idlib;
- (x) Abdel Razak Dahan Dukhan, allegedly arrested in August 2014 by members of the Syrian armed forces at a check-point close to the Syria-Lebanon border;
- (y) Wissam Ali Al Hallaq, allegedly arrested on 7 March 2013 by members of the Syrian armed forces in Aleppo;
- (z) Ahmad Najdat Tofran, allegedly abducted on 21 April 2013 by members of the Syrian armed forces at a checkpoint located at Dummer al Balad, Damascus;
- (aa) Mahmoud Mostafa Quzhair, allegedly arrested on 6 June 2012 by members of the Syrian armed forces in his home in Idlib;

- (bb) Gayyath Hajji Abdel Qader, allegedly arrested on 4 June 2012 by members of the Syrian armed forces in his home in Ramliyah;
- (cc) Mohammad Ali Al Ali, allegedly arrested on 29 November 2018 by the Syrian armed forces at a checkpoint on the cross-road of Abu Dhur;
- (dd) Ibrahim Ramadan Zaidan, allegedly arrested on 1 March 2013 by the Syrian armed forces at a checkpoint at Mesaif bridge, near West Hama;
- (ee) Fajr Hamduna Al Abdallah, allegedly arrested in September or October 2012 by the Security branch at military barracks at Jabal Al Sheikh;
- (ff) Hisham Khaleel Daher, allegedly arrested on 10 July 2011 by the Syrian security services at Government Department building in Idlib;
- (gg) Nasr Thabet Bsses, allegedly arrested on 13 February 2013 by an armed group affiliated with the Syrian armed forces in a raid on his house in Al Haffa.

Annex II

[Spanish only]

General allegations

Colombia

1. El Grupo de Trabajo recibió información de fuentes fidedignas sobre obstáculos encontrados en la aplicación de la Declaración sobre la Protección de Todas las Personas contra las Desapariciones Forzadas en Colombia.
2. Según la información recibida, los miembros de la comunidad campesina de Recetor y Chámeza, Colombia, fueron objeto de un conjunto de violaciones de los derechos humanos, incluyendo desapariciones forzadas, torturas, ejecuciones sumarias, amenazas de muerte, desplazamiento forzado y despojo entre noviembre de 2002 y marzo de 2003 en el marco de la Política de Seguridad Democrática, implementada a partir de 2002. Las desapariciones forzadas, aparentemente utilizadas de forma sistemática como herramienta para controlar y aterrorizar a la población local, han sido presuntamente cometidas por grupos paramilitares y agentes del Estado, actuando estos últimos en complicidad o con aquiescencia.
3. De acuerdo con la información proporcionada, estas violaciones se produjeron en el marco de las operaciones de contrainsurgencia contra los grupos guerrilleros de la zona, incluida la Operación Emperador del ejército colombiano, a través de la Fuerza de Tarea Cazador. Como resultado, se registraron 62 casos de desaparición forzada en la comunidad de Recetor y 21 casos en la comunidad de Chámeza, seguidos por el desplazamiento forzado masivo del 75% de la población regional. La falta de prácticas de investigación eficaces y rápidas en relación con la búsqueda de las personas desaparecidas y la investigación penal de los presuntos autores fomentó un clima generalizado de impunidad.

A. La práctica de desapariciones forzadas y otras violaciones de derechos humanos

4. Se señala que la presunta violencia sistemática en los municipios de Recetor y Chámeza, derivó de la disputa por los recursos naturales, debido al descubrimiento de petróleo en el suelo de Recetor, que consolidó como prioritarias las políticas de minería y orden público del Estado sobre el territorio. Debido a la llegada de grupos armados como las *Fuerzas Armadas Revolucionarias de Colombia* (FARC) y el *Ejército de Liberación Nacional* (ELN) en la década de 1990, la población fue consecuentemente estigmatizada por estar vinculada a los grupos guerrilleros y sus actividades. En consecuencia, desde los años 90 el Ejército hizo presencia para proteger la infraestructura petrolera y desde 2002 operó como parte de la política de contrainsurgencia, lo que resultó en una militarización permanente de la zona según la fuente.
5. Según la información recibida por el Grupo de Trabajo, las desapariciones forzadas y otras graves violaciones de derechos humanos afectaron a siete veredas - El Vagón, Guruvita, Comogo, Sinagaza, Teguita Alta, Guafal de Caja y Barriales- que pertenecían a la jurisdicción bajo control del Ejército colombiano, entre ellos el Batallón de Infantería 44 Ramón Nonato Pérez y el Batallón Móvil de Contraguerrilla No. 25 Héroes de Paya.
6. Según la fuente, las alianzas contrainsurgentes estaban conformadas por el Ejército Nacional a través del Comandante del Batallón 44 Ramón Nonato Pérez y por un grupo paramilitar a través del Comandante militar de las *Autodefensas Campesinas del Casanare* (ACC). Se alega la complicidad sistemática entre las fuerzas militares, los grupos paramilitares y las autoridades civiles evidenciada en la coautoría, connivencia, tolerancia, aquiescencia y encubrimiento de las mencionadas graves violaciones de derechos humanos. La coordinación militar-paramilitar también habría incluido la entrega de información de inteligencia y, en particular, la elaboración, en cooperación con las autoridades civiles, de “listas negras” en las que se enumeran los nombres de las personas que supuestamente cooperaban con los grupos guerrilleros.

7. Según se informa, las víctimas afectadas por las mencionadas violaciones fueron campesinos, agricultores, empleados, médicos, estudiantes y personas acusadas de haber colaborado con los grupos guerrilleros. Las personas fueron secuestradas a plena luz del día y llevadas a los campamentos paramilitares, donde fueron sometidas a torturas y tratos crueles, inhumanos y degradantes, como la práctica de golpearlas, quemarlas, cortarlas con cuchillos, desmembrarlas, asfixiarlas con jabón o ejecutarlas sumariamente. Asimismo, en el campamento paramilitar, las personas cautivas debían someterse a interrogatorios en los que se les obligaba a acusar a miembros de la comunidad de estar vinculados a los grupos guerrilleros.

8. Se alega que estas prácticas fueron seguidas por la destrucción parcial de las viviendas de las personas desaparecidas y sus familias, el robo de sus fuentes de sustento, así como amenazas de muerte, lo que resultó en el desplazamiento forzado del 90% de las familias de personas desaparecidas. A largo plazo, estas prácticas destruyeron la economía campesina, las tradiciones culturales, así como el tejido social de la sociedad campesina y el vínculo con sus tierras según la fuente.

B. Deficiencias en los procesos de búsqueda de personas desaparecidas

9. A pesar de las visitas interinstitucionales de entidades de la Comisión de Búsqueda de Personas Desaparecidas entre otras instituciones, se alega que prevalece la falta de formulación de Planes de Búsqueda en el Plan Metodológico de las investigaciones realizadas por las Fiscalías y la inexistencia de planes regionales de búsqueda de personas desaparecidas. 17 años después de los hechos, y casi cinco años después del Acuerdo de Paz entre el gobierno y las FARC, el gobierno no habría proporcionado planes de búsqueda adecuados en el 99% de los casos pendientes según la fuente.

10. Se informa además que la participación de las víctimas en la elaboración de los planes de búsqueda, así como en cualquier otra política pública, habría sido sistemáticamente obstaculizada debido a la ausencia de voluntad política. La exclusión de las víctimas de los comités técnicos formados para la búsqueda limitaría aún más la eficacia de las investigaciones. Según la información proporcionada por la fuente, no se han llevado a cabo investigaciones efectivas sobre los actos de violencia contra las mujeres, incluida la violencia sexual y la desaparición forzada.

11. Asimismo, la fuente reporta la ausencia o el retraso significativo de los procesos de exhumación e identificación de los restos humanos exhumados bajo la Ley 975/05c y la falta de devolución de dichos restos a sus familiares. Se informa que la ausencia de participación de agencias forenses extranjeras independientes por falta de voluntad política, la falta de la sistematización oficial de las fosas y los restos humanos encontrados y de información sobre el estado de los procedimientos de pruebas de ADN facilitados a las víctimas obstaculizan gravemente los procesos de identificación.

C. Impunidad generalizada

12. Se señala a la atención del Grupo de Trabajo que el gobierno supuestamente no investigó ni procesó a los agentes estatales presuntamente responsables de los crímenes cometidos, lo que fomentó un nivel alarmante de impunidad según la fuente. Aunque los principales jefes paramilitares de las ACC fueron procesados, ningún oficial o suboficial del ejército, ni autoridad civil identificada como responsable en relación con los hechos o con responsabilidad de mando, salvo un coronel, habría sido llamado a juicio disciplinario o penal para responder a los graves hechos, acciones y omisiones que condujeron a las mencionadas violaciones de derechos humanos.

13. Por el contrario, se documentaron intentos de minimizar el número de víctimas y de ocultar la ocurrencia de desapariciones forzadas por parte de las autoridades militares y civiles. Las investigaciones penales se habrían caracterizado por una gran negligencia, con la prevalencia de pesquisas insulares o paralizadas en fases “preliminares”, retrasos en los procedimientos, cierre de las investigaciones sin encontrar a las víctimas y filtración a perpetradores de información de las investigaciones. En consecuencia, la fuente alega que la responsabilidad del Estado por las masivas y reiteradas desapariciones forzadas y violaciones

de derechos humanos contra la población civil de Recetor y Chámeza está profundamente comprometida.

14. La fuente denuncia además la ausencia de sanción disciplinaria y/o penal de los funcionarios públicos que dilataron, o bajo los cuales se paralizaron las investigaciones.

E. Procesos de revictimización y falta de reparación

15. Según la fuente, existe un clima de intimidación y hostigamiento contra los familiares de las personas desaparecidas que les impide presentar denuncias y los somete a graves consecuencias psicológicas, como la ansiedad y el estrés, que pueden equivaler a un trato cruel, inhumano o degradante, o incluso a la tortura y otras formas de revictimización.

16. De acuerdo con la fuente, no se han realizado medidas efectivas de memorialización frente a las graves violaciones cometidas en la comunidad de Recetor y Chámeza. Por ejemplo, las políticas públicas relacionadas con la Verdad y la Memoria están enteramente ausentes en relación con las escuelas públicas en la comunidad, que habrían sido utilizadas como centros de tortura, encarcelamiento y ejecución sumaria. La ausencia de estas políticas perjudica gravemente el reconocimiento de los crímenes y la restauración de la dignidad de las víctimas de desaparición forzada.

17. La fuente concluye que la falta de reparación de las víctimas y el abandono social del Estado en relación con las diversas formas de revictimización de las víctimas de desapariciones forzadas provocó una grave situación humanitaria y generó un efecto perjudicial en el disfrute de sus derechos económicos, sociales y culturales. Por último, la ausencia de programas psicosociales para víctimas obstaculiza cualquier posibilidad de reparación del impacto psicológico duradero resultante de la práctica de la desaparición forzada y otras graves violaciones de derechos humanos.

18. El Grupo de Trabajo estaría agradecido por la cooperación y toda la información que pueda proveer el Gobierno de Su Excelencia sobre las siguientes preguntas:

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

(ii) Sírvase explicar qué medidas se han tomado para la búsqueda de las 62 personas desaparecidas en Recetor y las 21 personas desaparecidas en Chámeza, y si se han formulado planes de búsqueda en relación con las desapariciones forzadas perpetradas en la región. Asimismo, si se han entablado diálogos con los familiares de desaparecidos y se les ha permitido participar en la elaboración del plan de búsqueda.

(iii) Si se han tomado medidas para investigar la alegada coordinación delictiva entre las fuerzas militares y paramilitares con autoridades civiles, en particular la producción e intercambio de información de inteligencia con “listas negras” de quienes luego serían víctimas de las violaciones a los derechos humanos. Asimismo, si se han adoptado medidas para desclasificar, recopilar y sistematizar información de inteligencia relacionada con estos hechos. Sírvase también informar si se han formulado imputaciones contra las autoridades militares y civiles presuntamente involucradas en los hechos.

(iv) Si se han llevado adelante investigaciones penales o disciplinarias para deslindar la responsabilidad de los funcionarios públicos que habrían paralizado las investigaciones de los hechos.

(v) Sírvase describir se han adoptado políticas para la reparación integral de los familiares de las personas desaparecidas, incluyendo programas para posibilitar su retorno, así como el del resto de la población regional desplazada forzosamente. Asimismo, si se han elaborado políticas públicas para la memorialización de las graves violaciones a los derechos humanos ocurridas, en particular en relación con el alegado uso de escuelas como centros de tortura de las personas que eran secuestradas.

México

19. El Grupo de Trabajo recibió información de fuentes fidedignas sobre obstáculos encontrados en aplicación de la Declaración sobre la protección de todas las personas contra las desapariciones forzadas. La presente alegación general trata las irregularidades en las que ha incurrido la Fiscalía General del Estado de Morelos (FGEM) en el manejo de cadáveres no identificados.

20. Entre el 23 de mayo y el 6 de junio de 2016, según señala el párrafo 4 de la Recomendación 48/2016, publicada por la Comisión Nacional de Derechos Humanos: ‘Informe de Búsqueda, identificación y registro de personas desaparecidas’, fueron exhumados de la fosa común de Tetelcingo un total de 119 cadáveres. De éstos, 107 cuerpos contaban con carpeta de investigación, 8 cuerpos sin ella y 3 cuerpos fueron donados por la FGEM a distintas universidades del Estado de Morelos.

21. En 2015, las organizaciones de familiares desaparecidos en el Estado de Morelos, constataron la existencia de una fosa clandestina en la colonia Pedro Amaro, en el municipio de Jojutla. El acta de Cabildo, con fecha 14 de mayo de 2014, señala que la FGEM, en colaboración con las autoridades municipales, inhumó 38 cadáveres, si bien el Fiscal de la época, Javier Pérez Durón, aseguró en medios de comunicación que sólo existían 35 cadáveres con su carpeta de investigación.

22. Entre marzo y abril de 2017, se logró la exhumación de la fosa de Jojutla en la que se encontraron además de las 38 inhumaciones que la Fiscalía reconoció, 85 perfiles genéticos sin identificar. No obstante, los trabajadores del Panteón Pedro Amaro declararon que dicha fosa podría contener 150 cadáveres, aunque las exhumaciones se detuvieron a los 85 hallazgos. Habiendo transcurrido tres años, no hay avances en las investigaciones y 84 de los 85 hallazgos recuperados siguen en calidad de desconocidos (continúan sin identificar).

23. Además, ‘los restos exhumados del Panteón Pedro Amaro fueron inhumados nuevamente en el Panteón Jardín de los Recuerdos en Cuautla, Morelos y no en frigoríficos como debía haberse hecho para mantener la cadena de custodia de la evidencia forense’.

24. De esta manera, la actuación de la FGEM en la fosa de Jojutla habría permitido la continuidad de las desapariciones forzadas, en al menos dos ocasiones: ‘la primera vez disponiendo los cuerpos en la fosa común irregular de la colonia Pedro Amaro, sin ningún tipo de protocolo, respeto, o manejo...’, y la segunda ‘por el tratamiento dispensado a la evidencia recuperada, tanto a los cuerpos recuperados como a los accesorios encontrados junto a los cuerpos (...), destrozando así la evidencia forense que aún se conservaba con los hallazgos’.

25. Según la información recibida, la FGEM:

26. No aplicó los protocolos de búsqueda de personas desaparecidas.

27. En concreto, no ha creado perfiles genéticos que permitan cotejar los restos hallados con las familias que buscan a sus seres queridos, aumentando de manera injustificada la incertidumbre de las familias. De esta manera, la FGEM ha faltado a la obligación de llevar a cabo la identificación forense, reconocida en numerosas ocasiones por la jurisprudencia de la CorteIDH (entre otros, Caso de la Hermanas Serrano Cruz vs. El Salvador, párr.178) y la Relatora especial de la ONU sobre ejecuciones extrajudiciales, sumarias y arbitrarias, en su Informe A/75/384/, de 12 de octubre de 2020.

28. La FGEM ‘tampoco ha designado un enlace familiar que pueda dar cuentas del avance en el proceso iniciado con la exhumación de las fosas- como sugiere el ‘Protocolo de Minnesota’; no cuenta con una estrategia específica para identificación de los cadáveres encontrados; no conservó la cadena de custodia que establece dicho protocolo, y permitió que la administración municipal interviniera en los predios colindantes a la fosa, acordonados para su exhumación.

29. En este sentido, la Corte IDH ha señalado en varias ocasiones que en el manejo de la escena del crimen y el tratamiento de los cadáveres es necesario actuar con la debida diligencia necesaria para conservar los elementos de prueba que permitan concluir con éxito la investigación (Caso González y otras vs. México. Sentencia de 16 de noviembre de 2009,

párr.301). En cuanto a conservar la cadena de custodia, la Corte IDH considera que consiste en llevar un registro escrito preciso, complementado por fotografías y otros elementos que permitan reconstruir la historia del elemento probatorio (Caso Velázquez Paíz y otros vs. Guatemala. Sentencia de 19 de noviembre de 2015, párr. 153).

30. Además, transcurridos tres años desde las exhumaciones, la falta de actuación de la FGEM, supone la vulneración de la obligación de llevar a cabo la búsqueda de la persona desaparecida, que incluye una investigación penal de los responsables de la desaparición. En este sentido, las fuentes están preocupadas por el hecho de que la FGEM ha detenido las durante 3 años las investigaciones, paralizando las actuaciones tendientes a identificar los perfiles genéticos hallados en la fosa de Jojutla. Asimismo, ‘ha limitado el derecho a la verdad de las familias de los desaparecidos, al restringir las informaciones sobre la fosa de Jojutla, coartar la participación de las familias en las investigaciones y dilatar las acciones tendientes a identificar los 84 cuerpos que continúan sin identificar’.

31. El Grupo de Trabajo estaría agradecido por la cooperación y toda la información que pueda proveer el Gobierno de Su Excelencia sobre las siguientes preguntas:

- (i) Si los hechos relatados en la presente alegación son exactos. Si no es así, ¿cuáles son los hechos reales?
- (ii) ¿Qué medidas han sido adoptadas por el Gobierno de Su Excelencia para requerir a la FGEM que demuestre las acciones llevadas a cabo para la identificación de los restos mortales hallados en la fosa de Jojutla?
- (iii) ¿De qué manera ha adoptado la FGEM un ‘¿Plan de Exhumaciones’ a fin de identificar cuántas fosas comunes irregulares hay actualmente en Morelos, dónde están localizadas y cuál ha sido la participación de las autoridades en su funcionamiento?
- (iv) ¿En qué medida cabría la posibilidad de que la FGEM construyese un Centro de Identificación Humana con el equipamiento necesario para llevar a cabo el peritaje de los casi 700 cuerpos que continúan sin identificar y de los que se recuperarían de otras fosas comunes irregulares?

Syrian Arab Republic

32. The source reports that, between 2011 and 2017, the Syrian government, acting through branches of the Syrian Armed Forces and State Security Department, systematically perpetrated enforced disappearances against Sunni Muslims in Aleppo, Damascus, Homs, Idlib, Latakia and Rif-Dimashq. The large geographic spread is indicative of the widespread nature of the disappearances perpetrated by the government.

33. In many cases, the events amounting to the deprivation of liberty of the concerned individuals occurred in a public setting, often in full view of the victim’s family and neighbours. The relatives have described the way in which their loved ones were forcibly removed from their homes or places of work by Syrian military officers. In several cases, Syrian military officers physically beat the alleged victims while they stood standing in the street, or while they were being taken to the car.

34. The alleged arrests were also carried out at checkpoints run by the Syrian military. As the fighting in Syria intensified, the number of checkpoints in the country increased exponentially. The Syrian military used checkpoints to verify IDs and to conduct personal searches. It has also been suggested that checkpoints were set up for the explicit purpose of forcibly disappearing people. In some instances, the deprivation of liberty leading to the disappearances occurred at a checkpoint on the border between Syria and Lebanon.

35. In the majority of cases, the precise reason for the arrest or other deprivation of liberty remains unknown. The source details how Syrian military branches would carry out mass arrests of men, in particular, in a way that appears random and indiscriminate. The impression left on the relatives is that the intention behind the carrying out of mass public arrests was to incite terror in the local community.

36. Although the individuals disappeared by the Syrian military appear to be random targets, the source suggests that there is an underlying logic to the military's activities. While some relatives allege that sectarianism lies at the heart of their loved ones' disappearance, others suggest that there is a punitive aspect to enforced disappearance, claiming their loved ones were disappeared as retaliation for local resistance to the government. One of the few concrete reasons for deprivation of liberty indicated is a failure to perform military service.

37. The deprivation of liberty was followed by a complete refusal on the part of the Syrian authorities to disclose information about the fate or whereabouts of the concerned person, or even to acknowledge their existence. The relatives describe desperate attempts to obtain further information about their loved ones, often over a prolonged period. In the absence of official mechanisms for obtaining further information, it is left to relatives' own initiative to undertake the necessary inquiries into the fate or whereabouts of their loved ones.

38. In many instances, fears of reprisals have prevented relatives from making further inquiries on the fate and whereabouts of their loved ones. Male members of the family are particularly fearful. As a result, it is often female family members, who put themselves at risk to uncover the fate or whereabouts of their missing relatives. On the rare occasions when relatives have been able to obtain information, it is usually through informal sources. Several have described attempts to leverage their personal connections with individuals, such as members of the military, who have close ties to the government. Often, they were only able to obtain information through informal sources by paying exorbitant amounts of money.

39. When relatives have attempted to follow up on the leads obtained through informal channels, they have come up against the state's refusal to verify the hard-won information by acknowledging the disappearance. The refusal to validate the relatives' search for the truth compounds the original act of disappearance and is a source of re-traumatization.

40. The information provided indicates that individuals forcibly disappeared by the Syrian government were subjected to torture and cruel, inhuman, or degrading treatment. Such treatment can occur from the moment of arrest or deprivation of liberty and continue throughout the disappearance.

41. Information received also describes the disappearance of Syrian nationals by a non-state armed group known as the Army of Islam, or the Islamic Army. While the Army of Islam does not appear to be a regular division of the Syrian Armed Forces, the information provided indicates that there was cooperation between the Army of Islam and the Syrian government, and that the former was operating with the acquiescence of the latter.

42. The source also outlines the predatory way in which private individuals have sought to exploit the grief caused by enforced disappearance. Abusing the trust placed in them by relatives who are desperate to know the circumstances of the disappearance and the fate or whereabouts of their loved ones, individuals close to the Syrian government have solicited bribes for the mere promise of information and the comfort that it may bring. This amounts to enriching oneself at the expense of relatives' fundamental right to know the truth.

43. The individuals involved in brokering information include military officials, judges, and lawyers. In some cases, the relatives have fallen victim to acts of pure deception, as the promised information fails to materialize, and the broker cuts off all communication with the relatives. In other cases, the brokers are engaged in acts of extortion rather than deception, demanding huge amounts of money for even the most modest services. Some relatives believe that brokers have gone so far as to mislead them about their loved one's death.

44. It is reported that the damage caused by enforced disappearance has overwhelmed the family structures that existed prior to the disappearance in Syria. In many cases, enforced disappearance resulted in the loss of not one parental relationship, but two, as the remaining caregiver struggles to deal with the psychological harm caused by the disappearance, while shouldering the new responsibilities that have been thrust upon them.

45. The source maintains that there is a clear link between the forcible disappearance of a family member and a reduction in children's educational development and attainment. The information provided reveals that education is often disrupted when a Syrian household loses a male relative. Most relatives reported some form of disruption to children's education as a result of their loved one's disappearance. Some cited loss of motivation as the primary reason,

re-emphasizing the severe psychological and emotional consequences of enforced disappearance. Others pointed to a drop in familial support for their education, the need to work, or the pressure to marry early. Though boys and girls are similarly affected, the underlying reasons are gendered.

46. It is indicated that patriarchal norms and structures in Syria mean that a girl's right to education is often precariously held. Young Syrian women and girls have repeatedly indicated that losing their father meant losing a pillar of support for their education. Some have lost their right to freely choose their own destiny completely. This is because the financial uncertainty caused by the disappearance of the family breadwinner puts young women and girls at risk of forced and child marriage.

47. Young men and boys have reported that they became acutely aware of the family's economic and social situation following the disappearance of the family breadwinner. Recognition of the economic disruption caused by the disappearance of the breadwinner goes hand in hand with a growing sense of responsibility to improve the family's financial and social situation. Young men and boys step into stereotypically male adult roles, including by becoming income earners, to meet the needs of the family. The information presented suggests that this disproportionately affects the first-born boy in the family.

48. The combined effect of all of these factors is that the forcible disappearance of a male breadwinner increases the risk that young men and boys will be forced into child labour. It is reported that young men and boys, whose parent is disappeared, start to work from around the age of 10. They perform jobs involving hard labour, such as farming, woodcutting, and carrying heavy goods. Such work is well beyond their physical development, making it is hazardous to their health and physical wellbeing.

49. Although the source suggests that young men and boys are more likely to be forced into child labour, girls are also affected. Taking on the role of income earner impairs the enjoyment of other rights, particularly the right to education. Young men and boys have explained that education was incompatible with their new role within the family, as they took on responsibilities such as care of younger siblings and earning to support the family.

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

- (i) Please provide any additional information and any comment you may have on the above-mentioned allegations.
- (ii) What are the rules and the procedure for accurately and promptly informing family members, legal counsel or any other persons having a legitimate interest in the information on the places of detention of persons deprived of their liberty?
- (iii) How does your Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?
- (iv) Please provide information concerning safeguards to prevent the arbitrary deprivation of liberty, as well as to prevent torture and other acts of ill-treatment of persons deprived of their liberty.
- (v) How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that complaints are promptly, thoroughly and impartially investigated by that authority? What steps does your Government take to protect relatives of the disappeared from any form of reprisals?
- (vi) What State authority is designated to receive and investigate such complaints? Does this authority have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found?
- (vii) How does your Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations,

restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

(viii) Please indicate if the political process to bring about an end to the conflict includes negotiations aimed at the design and implementation of transitional justice measures to address the gross violations of international human rights law and serious violations of international humanitarian law committed against civilians since March 2011.

(ix) Please provide information in relation to the functioning of the Working Group on the Release of the Detainees/Abductees, the Handover of Bodies and the Identification of Missing Persons and whether victims and their families are consulted or participate in its work.

Annex III

[English and Spanish only]

Replies to general allegations

Colombia

1. On 14 January 2021, the Government replied to the general allegation transmitted after the 122nd session (A/HRC/WGEID/122/1 para 60, annex I).

Información sobre la alegación general respecto del Estero de San Antonio

2. El Director de Justicia Transicional de la Fiscalía General de la Nación, mediante comunicación de 11 de diciembre de 2020, presentó, bajo el siguiente tenor, información respecto de las actuaciones realizadas respecto de la búsqueda de desaparecidos en el Estero San Antonio:

3. El señor Manuel Bedo Ya Holguín, presidente de la Asociación Nacional de Pescadores a Pequeña Escala & Artesanales de Colombia (ANPAC) allegó derecho de petición a finales de 2019, en donde relacionó varios hechos victimizantes en el municipio de Buenaventura, además de la posible presencia de restos humanos en el llamado Estero San Antonio.

4. El despacho 223 adscrito al Grupo de Búsqueda, Identificación y Entrega de Personas Desaparecidas (GRUBE) de la Dirección de Justicia Transicional, puso así en marcha la Fase 1 del Plan Nacional de Búsqueda, consistente en la compilación y documentación de la información indispensable para garantizar la eficacia de las acciones de búsqueda de las personas presuntamente inhumadas en el Estero San Antonio y la elaboración de protocolos técnicos aplicables a los procesos de búsqueda de cadáveres en cuerpos de agua, puesto que a la fecha no se cuenta con ellos.

5. Se ordenaron las siguientes actividades investigativas:

6. A. Ampliación de la información allegada por el señor Manuel Bedo Ya Holguín, presidente de la Asociación Nacional de Pescadores a Pequeña Escala & Artesanales de Colombia (ANPAC).

En diligencia de entrevista, el señor Bedoya Holguín afirmó que a partir del año 2000 los habitantes de Buenaventura fueron víctimas del conflicto armado promovido por el paramilitarismo, fenómeno que se caracterizó por la desaparición de más de 300 personas bajo la modalidad de desmembramiento en “casas de pique” siendo arrojadas posteriormente al Estero.

También indicó que la degradación del conflicto ha generado en los pobladores un temor generalizado a denunciar y brindar información: “conoce mamás, pero no dicen nada, no les saca usted ni unas palabras, se niegan a dar información. Pero en el barrio la playita hay muchas familiares quienes han sufrido las muertes de un familiar, pero no dicen nada. Hasta se ponen bravos si uno dice uno les pregunta algo (...)” (sic).

Esta problemática ha impedido poder establecer un universo real de desaparecidos en la zona debido al alto subregistro y bajo nivel de denuncia de los hechos ante las autoridades.

7. Ubicación de fuentes de información.

Se logró ubicar y entrevistar a un postulado a la Ley de Justicia y Paz que además de ser ex integrante del Bloque Calima de las AUC fue comandante de urbanos en el municipio de Buenaventura desde el año 2001 hasta el 18 de diciembre de 2004’.

La fuente indicó que ha enunciado y aceptado ante los Fiscales de Justicia y Paz su responsabilidad en la desaparición de varias víctimas en el municipio mencionado y

que, en el rango temporal del 2000 al 2004, los paramilitares acordaron con miembros de la Policía y la Armada Nacional no dejar los cuerpos de las personas asesinadas en las vías públicas para evitar llamados de atención a dichas autoridades, implementando así la modalidad de inmovilizar a las víctimas (amarradas de pies y manos) para ser llevadas en vehículos a los diferentes muelles clandestinos ubicados en zonas de bajamar donde se encontraban las embarcaciones de propiedad de las AUC.

De ahí eran conducidas a los manglares del Estero San Antonio y amarradas a sus raíces o dejadas entre 7 a 10 metros o de 20 a 30 metros de la orilla conforme el estado de la marea.

Agregó que “en el sitio denominado Estero San Antonio no hay fosas porque las víctimas no eran enterradas ahí, no había tierra firme, se dejaban amarradas a las raíces de los mangles con el estómago abierto, considero que a las fechas muchas de estas víctimas que se dejaron en estos Esteros va a ser imposible recuperar sus restos por el fenómeno de la marea, este fenómeno ayuda que los huesos se desintegren con mayor facilidad o en su defecto se encuentren marea más adentro ya que esto hace muchos años” (sic).

Por otra parte, el informante manifiesta estar en capacidad de mostrar a las autoridades los puntos en los cuales eran dejadas las víctimas, situación que será verificada una vez se cuente con los recursos logísticos y de seguridad que permitan su comparecencia en la zona’.

Adicionalmente, mediante correo electrónico del 21 de agosto del año en curso se solicitó a la Fiscalía 18 Delegada ante Tribunal indagar en diligencia de versión libre a los demás postulados del Bloque Calima de las AUC respecto a las desapariciones en el Estero de San Antonios.

En lo concerniente a las personas desaparecidas en un lapso distinto a la temporalidad del Bloque Calima (es decir diferente al año 2000 a 2004), el despacho 22J GRUBE se articuló con la Fiscalía 53 delegada del eje temático de desaparición forzada de Buenaventura’ para realizar las siguientes actividades investigativas:

- Labores de vecindario con apoyo de la Capitanía de Puerto de Buenaventura e Infantería de Marina, el ANPAC y la SIJIN con el fin de establecer la extensión del Estero, su área y los barrios lo conforman.
- Consultas en SIRDEC y sistema WATSON a fin de establecer el universo de desaparecidos reportados en los barrios que conforman el Estero.
- Consecución de mapas y ubicación de fuentes y/o testigos que indiquen posibles identidades de personas desaparecidas o muertas y lugares donde se encuentran inhumados clandestinamente.
- Revisión interna de las investigaciones que actualmente cursan en las fiscalías del eje temático de desaparición forzada de Buenaventura.
- Revisión de los registros que figuran tanto en SIJUF como SPOA de las investigaciones activas o inactivas por desapariciones ocurridas en Buenaventura del 01 de enero de 2006 al 31 de agosto de 2020.
- Análisis de contexto y asociación de casos dirigido a la construcción de patrones comunes en el actuar de los agentes generadores de violencia, como son la Empresa, los Urabeños, las AUC y las FARC que vienen afectando e impactando a la comunidad de Buenaventura, específicamente en los barrios LLERAS, SAN JOSE, ALFONSO LOPEZ, MURO YUSTI, VIENTO LIBRE, LA PLA YITA, LA PALERA, LA INMACULADA Y PUNTA DEL ESTE, PUEBLO NUEVO, JUAN XXIII, ROCKEFELLER Y SAN LUIS, BELLA VISTA, PAMPA LINDA Y CRISTAL.

El proceso de búsqueda se encuentra actualmente en la recolección de más datos para dar paso a las fases 2 y 3 del Plan Nacional de Búsqueda, esto es el análisis y verificación de la información con miras a la implementación de acciones para el

impulso y avance de las investigaciones, además de la definición de mecanismos de búsqueda aplicables al contexto del caso.

8. C. Caracterización de la zona que abarca el Estero de San Antonio.

Con el objetivo de definir un contexto geográfico y medioambiental del Estero, se ofició a la Fuerza Naval del Pacífico del Ejército Nacional, al Establecimiento Público Ambiental (EPA), a la Corporación Autónoma Regional de Valle del Cauca (CVC), al Instituto de Investigaciones Marinas y Costeras (INVEMAR) y a la Dirección General Marítima (DIMAR) solicitando su caracterización.

Las respuestas han sido analizadas de manera conjunta con el Ejército Nacional y con los peritos del Grupo de Criminalística de Nivel Central con miras a definir estrategias de búsqueda viables.

9. D. Solicitud de apoyo a cuerpos de rescate.

El cuerpo técnico de investigación CTI de la Fiscalía General de la Nación no cuenta actualmente con buzos o personal especializado en procesos de búsqueda y recuperación de restos óseos en cuerpos de agua.

En consecuencia, el despacho 223 GRUBE y la Fiscalía 53 seccional de Buenaventura han solicitado al Ejército Nacional, a los Bomberos Voluntarios de Buenaventura y la Defensa Civil Colombiana de la Seccional Valle, el apoyo de recurso humano para dicha labor.

Los Bomberos Voluntarios y el Ejército Nacional respondieron que no cuentan con personal idóneo en el tema. Se está a la espera de una respuesta por parte de la Defensa Civil.

10. Restos óseos de personas víctimas de desapariciones forzadas halladas en el Estero San Antonio.

Según lo informado por la coordinación de los Grupos de Identificación Humana del CTI Nivel Central, se han recuperado varios cuerpos que fueron hallados por los pobladores en áreas de bajamar y flotando en las aguas del Estero San Antonio:

11. ENTERO SAN ANTONIO – BUENAVENTURA

12. Radicado Nunc 761096000163201002605 Fosa 1 Acta 1 - CNI Fecha Exhumación: 23/11/2010

Despacho Fiscal: 27 Seccional – Buenaventura Fuente: Sin Más Información

Resultados. Sexo: Indeterminado, Eda. Indeterminada; Talla: Indeterminada, Patrón Racial: Indeterminado; Manera De Muerte: Homicidio; Causa De Muerte: Indeterminada; No Apto Para Genética

13. Radicado Nunc 761096000163201002605 Fosa 2 Acta 2 – CNI Fecha Exhumación: 23/11/2010

Despacho Fiscal: 27 Seccional – Buenaventura Fuente: Sin Más Información

Resultados: Sexo: Indeterminado, Eda: Indeterminada; Talla: Indeterminada; Patrón Racial: Indeterminado; Manera De Muerte: Homicidio; Causa De Muerte: Indeterminada; No Apto Para Genética

14. Radicado Nunc 761096000163201002605 Fosa 3 Acta 3 – CNI Fecha Exhumación: 21/11/2010

Fiscal: 27 Seccional – Buenaventura Fuente: Sin Más Información

Resultados: Sexo: Indeterminado, Eda: Indeterminada, Talla: Indeterminada; Patrón Racial: Indeterminado; Manera De Muerte: Homicidio; Causa De Muerte: Indeterminada; No Apto Para Genética

15. De otra parte, se relaciona radicado NUNC, bajo el cual se recuperaron tres (3) cuerpos, en el Estero San Antonio, los cuales fueron entregados a Medicina Legal - Cali:

Radicado Nunc 761096000164201501606 Fecha Exhumación. 25/11/2015

Despacho: Fiscal Indagación – Buenaventura Fuente: Sin Información

16. Cuerpo Entregado A Medicina Legal Y Ciencias Forenses – Cali:

Teniendo en cuenta los informes de las diligencias de exhumación por parte del Grupo de Identificación Humana del CTI, la caracterización del Estero San Antonio realizada por la Corporación Autónoma Regional del Valle del Cauca – CVC y los resultados de genética de las muestras biológicas, la coordinación del Grupo de Criminalística conceptuó sobre los factores de descomposición que influyen en los cadáveres que se encuentran inmersos en agua desde la experiencia de la disciplina de la antropología forense, así.

17. Es importante recordar que los procesos de descomposición por los que atraviesa un cadáver desde el momento de su muerte hasta su recuperación en tierra o agua están relacionados con agentes físicos y químicos que participan en el deterioro y transformación de sus estructuras óseas y dentales, estos son: PH, clima, entorno, temperatura, humedad, e intervención al cadáver de fauna y plantas, además del tiempo transcurrido antes de su recuperación, como también a las heridas que causaron su muerte.

18. Estos procesos producen pérdida ósea, desmineralización y erosión que debilita las estructuras óseas hasta hacerlas desaparecer siendo reabsorbidas por el entorno o el medio donde estuvo expuesto el cadáver.

19. Haciendo una analogía del contexto y de los análisis en laboratorio sobre los casos recuperados en zonas de manglares, tenemos el caso de Tímbiqui, donde los cadáveres que llevaban 40 días en esta zona, se hallaron esqueletizados y desarticulados en su anatomía y dispersos por el manglar. Lo anterior puede ser producto de los animales carroñeros o del alto oleaje, o el denominado “reflujo de marea donde se observan velocidades fuertes de corriente” y las estructuras óseas meteorizadas, producto del alto índice humedad.

20. Se ha observado que los cuerpos recuperados de espejos de agua (ríos, manantiales, lagos, mar), por el alto grado de saturación de agua han perdido casi todas sus propiedades y en la mayoría de los casos, las estructuras óseas y dentales presentan erosión, desmineralización y por consiguiente extrema fragilidad.

21. Dentro de los análisis de los perfiles bioantropológicos del GIH Seccional Cali, realizados a los cadáveres recuperados de la zona del municipio de Buenaventura, según RADICADO NUNC 761096000163201002605, se puede observar que el sexo, edad, talla, causa de muerte, tienen un resultado indeterminado y las muestras biológicas (hueso y dientes) no fueron aptas para ser enviadas a cotejo genético. Son las condiciones que presentan las estructuras óseas y dentales, que no permiten mejores resultados.

Conformación de mesa técnica con peritos del grupo de Criminalística y de identificación humana del CTI Nivel Central.

22. Actualmente, la entidad no cuenta con protocolos o cartas de navegación ni antecedentes técnicos que permitan orientar la búsqueda de restos óseos en los contextos geográficos planteados en el caso que nos ocupa.

23. Por tal motivo, se solicitó a la coordinación de los Grupos de Criminalística del CTI Nivel Central la designación de un perito con experiencia en análisis y abordaje de procesos de recuperación de cadáveres en cuerpos de agua, para que en una mesa técnica exponga la existencia o no de estándares técnicos mínimos para el abordaje de casos de similar naturaleza.

24. Adicionalmente, se requirió un concepto sobre los aspectos técnicos de factibilidad de consecución de restos óseos de las personas inhumadas en el Estero San Antonio, el cual se encuentra actualmente en construcción.

Comunicación remitida al INVIAS

25. Mediante oficio dirigido al doctor Juan Esteban Gil Chavarría, Director del Instituto Nacional de Vías – INVIAS, se informó que el GRUBE se encuentra adelantando diferentes actividades investigativas encaminadas a la recolección de información que permita guiar los procesos de búsqueda de varias víctimas del delito de desaparición forzada arrojadas al Estero San Antonio en el marco del conflicto armado interno.

26. De este modo, y en vista a la inminente ejecución del contrato de obra e interventoría para el dragado de mantenimiento en ese corredor fluvial, se instó al Instituto a tomar las medidas de prevención y preservación necesarias dirigidas a evitar la pérdida de los CNI que presuntamente yacen en el Estero.

27. Por otra parte, se indicó que, si en la ejecución de la obra civil citada se presentan hallazgos de zonas de inhumación clandestina o de restos óseos expuestos, se informará inmediatamente a esta Dirección.

Reuniones con las autoridades municipales de Buenaventura, el Observatorio Social del Delito y las organizaciones de víctimas.

28. El despacho 22J GRUBE ha tenido comunicación permanente con las organizaciones sociales que representan los intereses de los familiares de las víctimas desaparecidas, el Observatorio Social del Delito, la alcaldía municipal y su secretaría de Gobierno, haciendo presencia institucional en cada una de las convocatorias realizadas a la fecha.

29. Se ha ilustrado a la comunidad sobre los avances y los retos planteados por el caso que nos ocupa, buscando la construcción de canales de comunicación y retroalimentación.

Actividades a realizar.

30. Se programará una diligencia de verificación con la fuente informante para que indique los puntos en los que eran dejadas las víctimas desaparecidas.

31. Dichas coordenadas serán analizadas de manera conjunta con el INVIAS, el Ejército Nacional y su Armada y el CTI con el objetivo de evaluar si los puntos señalados serán afectados por las labores de dragado, además del diseño de estrategias de búsqueda aplicables al contexto de la zona a abordar, esto, teniendo en cuenta que las zonas de manglar se caracterizan principalmente por su difícil acceso al ser conformadas por raíces que impiden la navegación de ciertas embarcaciones y su recorrido a pie es difícil por ser terreno movedizo.

32. Desde el punto de vista técnico – científico se analizará la información recaudada una vez se finalice la fase 1 del PNB y se buscará el apoyo de organismos nacionales e internacionales que cuenten con personal calificado para el abordaje del caso en el contexto medioambiental actual.

Observaciones sobre algunos casos de conocimiento del Grupo de Trabajo

33. La Dirección de Asuntos Internacionales de la Fiscalía General de la Nación, mediante comunicación de 29 de diciembre de 2020, remitió información actualizada respecto de los casos ubicados en las casillas números 715, 282, 254, 887, 838, 531, 821 y 820, de los 943 casos bajo conocimiento del ilustre Comité.

34. Vale precisar que la Fiscalía Delegada para la Seguridad Ciudadana advirtió que: “[...] en relación a los restantes casos a cargo de dicha Delegada, no se encontró actualización en los sistemas misionales de información SIJUF y SPOA.[...]”

Kingdom of Saudi Arabia

35. On 10 August 2020, the Government replied to the general allegation transmitted after the 121st session (A/HRC/WGEID/121/1 para 112, annex I).

In response to the request to provide any additional information or comment on the allegations

36. The allegations and claims are untrue, based as they are on unfounded and uncorroborated information.

37. In the context of its cooperation with international human rights mechanisms, Saudi Arabia wishes to point out that its domestic law, which is derived from Islamic sharia and complies with the country’s international obligations, includes provision for the respect and promotion of human rights. The law sets forth a number of statutory rights and safeguards,

pursuant to which a judge is required to adjudicate fairly. Many of these principles are enshrined in the Basic Law of Governance, article 26 of which requires the State to protect human rights in accordance with Islamic sharia. Article 36 of the Basic Law of Governance stipulates that: “The State shall ensure the security of all its citizens and residents. The movement of individuals may not be restricted, nor may they be detained or imprisoned save in accordance with the law.”

38. Under article 7 of the Basic Law of Governance, governance in Saudi Arabia derives from the principles of Islamic sharia. Moreover, as per article 8 of the Basic Law, governance rests upon justice, consultation and equality, likewise in accordance with Islamic sharia. For its part, article 44 of the Basic Law defines the authorities of the State as: the judiciary, the executive and the regulatory authority. Each of the three has a specific mandate and they cooperate with one another in the exercise of their functions.

39. The judiciary in Saudi Arabia enjoys complete independence in the exercise of its functions meaning that it operates impartially and without external influence. No one, in fact, may interfere in its work. The judiciary derives its authority and principles from Islamic sharia, which enshrines the principle of justice as the basis of governance. Judicial independence is guaranteed under article 46 of the Basic Law of Governance, which reads: “The judiciary is an independent authority and the decisions of judges are subject to no authority other than that of Islamic sharia.” Article 1 of the Statutes of the Judiciary states: “Judges are independent. They are subject to no authority other than Islamic sharia and statutory law, and no one may interfere in the course of justice.” Moreover, according to article 48 of the Basic Law of Governance: “The courts apply the provisions of Islamic sharia to the cases that come before them in accordance with the Qur’an and the Sunna and with laws decreed by the ruler that do not conflict with the Qur’an and the Sunna.” As for article 49 of the Basic Law: “The courts in Saudi Arabia are competent to adjudicate in all crimes and disputes, with the exception of cases that fall under the jurisdiction of the Board of Grievances (the administrative judiciary).”

40. It should be noted that no one may be arrested, detained or restricted in his or her freedom of movement save as provided for by law, in accordance with article 36 of the Basic Law of Governance. Article 38 of the Basic Law enshrines the principles of the individual nature of punishment and the non-retroactive nature of laws. It states: “Penalties are personal and there can be no offence and no penalty save with reference to the provisions of sharia or statutory law. Penalties can be imposed only for actions subsequent to the enactment of a law.” For its part, article 3 of the Code of Criminal Procedure stipulates: “No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law.” The laws of Saudi Arabia envisage a number of procedural safeguards which regulate criminal proceedings, guarantee the rights of defendants and ensure that the latter are presumed innocent until found guilty under the terms of a final court judgment handed down in conformity with the legal and statutory requirements set forth in the provisions of the Code and of other laws relevant to the nature of the proceedings.

41. Under the laws of Saudi Arabia, all accused persons are guaranteed to have their case examined by a competent and independent court in a fair and public trial during which they are given the possibility of defending themselves, of calling upon the assistance of lawyers and of challenging the court’s rulings against them. Those rulings are then subjected to review before courts of a higher level. Saudi domestic laws guarantee freedom of opinion and expression for all persons unless such acts are deemed to breach or exceed the bounds of public order or the norms applicable to society, its members or its precepts. Such a restriction is consistent with the relative international standards, including article 29 (2) of the Universal Declaration of Human Rights, which states: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare.” It is likewise consistent with article 19 of the International Covenant on Civil and Political Rights according to which all persons have the right to hold opinions without interference and the right to freedom of expression, the latter being subject to certain restrictions such as are

necessary for respect of the rights or reputations of others and for the protection of national security or of public order, or of public health or morals.

42. All citizens and residents, men and women, enjoy their rights and exercise their freedoms without discrimination, in accordance with national law. No group, regardless of its designation, is accorded precedence with regard to the exercise of those rights and freedoms. Any person whose rights are violated may lodge a complaint using the available legal remedies.

43. Under the laws of Saudi Arabia, all accused persons are guaranteed to have their case examined by a competent and independent court in a fair and public trial during which they are given the possibility of defending themselves, of calling upon the assistance of lawyers and of challenging the court's rulings against them. Those rulings are then subjected to review before courts of a higher level. Moreover, no one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law, as explained above. Investigators have the right to prevent an accused person from communicating with others for a limited period if that is in the interests of the investigation, without prejudice to the person's right to contact a legal representative or lawyer. This is a legal provision enshrined in article 119 of the Code of Criminal Procedure.

44. When accused persons make confessions of their own free will before the investigating authority, they must then endorse those confessions before the courts, in accordance with article 101 of the Code of Criminal Procedure. In making a judgment, the judge does not rely on confessions but on factual and presumptive evidence, arrest and search reports, witness testimonies, and cross-examinations and statements heard during the trial proceedings. Measures taken by the judge in that context may comprise hearing witnesses, visiting and inspecting the scene of the offence and seeking the assistance of experts, including forensic medical examiners. The trial, in fact, serves as the final investigation and therefore necessitates safeguards and protection for the parties involved. Article 161 of the Code of Criminal Procedure provides that if at any time accused persons confess to the charges against them, the court must hear their statements and question them on the details. It is a violation of Islamic sharia and domestic law to obtain evidence through torture and, under article 187 of the Code, any course of action that is contrary to Islamic sharia and applicable statutory law is invalid.

45. The Presidency of State Security is a government agency that concerns itself with all matters related to national security. Its functions, mandate and duties are not discretionary but are defined in domestic law, and it does not conduct trials. Like a number of other government agencies, it is associated with the Prime Minister. The presidency was established in order to enhance the capacities of security agencies, improve security-related decision-making and formulate security policies.

46. As regards the Public Prosecution Service, it is part of the Saudi judiciary and is entirely independent in the performance of its duties, meaning that it operates with full impartiality and without being swayed or influenced, and no one has the right to interfere in its work, in accordance with the Public Prosecution Act.

47. Judges in Saudi Arabia are appointed by decree of the Supreme Judicial Council, endorsed by royal order, in accordance with article 47 of the 2007 Statutes of the Judiciary, which stipulates: "Appointment and promotion in the judiciary shall be by royal order, pursuant to a decree of the Supreme Judicial Council setting forth the formal requirements applicable in each individual case." Judges are not appointed unless in possession of accredited diplomas. They are subject to certain conditions and are incorporated into the judiciary in accordance with articles 31 to 42 of the above-mentioned Statutes.

48. The functions of the judiciary and those of the executive are separate, each having its own specific mandate and remit. The judiciary enjoys complete independence in the exercise of its functions, as explained earlier.

49. With regard to the case involving the citizen Khaled al-Omair, the reply from Saudi Arabia made clear the reasons for his detention, the steps taken in his case at that time and

the fact that they bore no relation to his complaint that he had suffered torture in the previous case. The reply also indicated the date and place of his detention.

50. The laws of Saudi Arabia are consistent with articles 2, 3, 4, 7, 9, 10, 12, 13 and 14 of the International Convention for the Protection of All Persons from Enforced Disappearance.

In response to the request to provide information about safeguards against enforced disappearance

51. Domestic law in Saudi Arabia provides adequate human rights safeguards, including protection against enforced disappearance and other abuses. There are no secret detention centres in the country and, in accordance with article 26 of the Code of Criminal Procedure, persons may be arrested only by a law enforcement agency and under an arrest order issued by the competent authority. Under article 2 of the Code, persons may be detained or imprisoned only in a location designated for such purposes and for the period prescribed by the authority. According to article 37 of the Code: “No person shall be detained or imprisoned except in places designated for that purpose by the law. The administrator of a prison or detention centre may not admit anyone except pursuant to an order specifying the reasons for and period of detention, duly signed by the competent authority. The inmate shall not remain in custody following the expiry of the period specified in that order.”

52. The placement, transfer and release of prisoners and detainees is to be recorded in special registers, as per article 7 of the Prison and Detention Act. For its part, article 114 of the Code of Criminal Procedure states: “Detention shall end after 5 days unless an investigator sees fit to extend the period of detention in which case he shall, prior to expiry of that period, refer the file to the director of the Public Prosecution Service in the relevant province – or the person deputized to act for him from among the heads of the departments within his jurisdiction – so that he may issue an order, either to release the detainee or to extend the detention for a further period or successive periods, provided that the total does not exceed 40 days from the date of arrest. In cases requiring detention for a longer period, the matter shall be referred to the director of the Public Prosecution Service – or the person deputized to act for him – so that he may issue an order to extend the detention for a further period or successive periods, provided that each period does not exceed 30 days. Following that time, the accused must either be referred to the competent court or released. In exceptional cases that require detention for a longer period, the court may approve an application to extend the detention for a further period or successive periods as it sees fit, issuing a reasoned judicial ruling to that effect.”

53. All detention centres and prisons in Saudi Arabia are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Prison and Detention Act. Moreover, under article 7 of the Act, no one may be placed in, transferred to or released from a prison or detention centre without a written order from the competent authority. The Public Prosecution Service carries out its oversight duties in line with its own Statutes, article 3 (f) of which grants prosecutors the authority to supervise and inspect prisons, detention centres and any other location in which criminal sentences are enforced, to receive complaints from prisoners and detainees, verify the legitimacy of their imprisonment or detention, check whether any persons are being held beyond the expiry of the specified term, take the steps to secure the release of persons imprisoned or detained without legitimate reason and launch legal proceedings against the persons responsible. For its part, the Human Rights Commission is authorized to visit prisons and detention centres at any time and without official permission, pursuant to article 5 (6) of its Statutes. In accordance with articles 5 and 11 of the Statutes, it verifies any potential violations that might have occurred and refers them to the competent authorities for them to take the necessary legal measures.

54. The National Society for Human Rights, which is a civil society association, also visits prisons and detention facilities, interviews inmates and detainees, receives complaints, monitors any violations that might have occurred and follows up with the competent authorities.

55. Offices have been allocated inside prisons for the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights. This helps to facilitate the exercise of their oversight mandate, which includes receiving complaints from

prisoners and detainees, ascertaining their veracity and addressing them promptly and directly.

56. Accused persons are to be referred to the investigating authorities within 24 hours of arrest, according to article 34 of the Code of Criminal Procedure, which stipulates: “A law enforcement official must immediately take the statement of the arrested person. If there appears to be sufficient evidence to charge that person, he must be referred to the investigating judge, along with the police report, within 24 hours. The investigating judge must interrogate the arrested person within 24 hours then order either his arrest or release.” Accused persons are to be questioned as soon as they have been arrested and, if this is not possible, they are to be placed in detention for a period not exceeding 24 hours. Once that period has passed, the director of the place of detention must inform the head of the department to which the investigator in question belongs, and the department must then proceed to investigate the accused person or order his release. This provision is enshrined in article 109 of the Code while, under article 118, law enforcement officials may not interview or communicate with a detainee without written authorization for the investigator. The article reads: “The director of a prison or detention centre may not authorize a law enforcement official to communicate with a detainee without written authorization for the investigator. In such a case, the name of the person so authorized, the time of the interview and the date and content of the authorization are to be recorded in the register.”

In response to the request concerning the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty

57. Under domestic law, State institutions have a legal obligation to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality. If any of those institutions or their representatives, or anybody else, violates a person’s rights, there are a number of mechanisms that provide effective human rights safeguards within a reasonable time frame, in accordance with the law. These include the courts and governmental and non-governmental human rights institutions.

58. The right to challenge the legality of arrest or detention is a general principle of Saudi law and is set forth in article 115 of the Code of Criminal Procedure, which stipulates: “When an accused person is detained, the original detention order is to be delivered to the director of the detention centre, who is to sign a copy of the order as an acknowledgement of receipt. Pretrial detainees may lodge a complaint against a detention order or a detention-extension order. The complaint is to be submitted to the head of the investigating body to which the investigator belongs, the head of the branch or the Public Prosecutor, as appropriate, and a decision is to be taken within five days of the date of submission.”

59. One of the safeguards consists in the obligation to make accused persons aware of their legal rights at the moment of arrest or detention, in accordance with article 22 of the implementing regulation to the Code of Criminal Procedure, which states: “On arrest or detention, accused persons shall be informed of the following:

- (a) The reasons for the arrest or detention;
- (b) Their right to seek the assistance of a legal representative or lawyer during investigation and trial;
- (c) Their right to communicate with a person whom they wish to inform of their arrest or detention.

60. Accused persons are required to sign to acknowledge that they have been made aware of those rights. Any refusal to sign shall be noted in the record.”

61. The safeguards also include the right to seek the assistance of a defence lawyer or legal representative. In fact, article 4 (1) of the Code of Criminal Procedure reads: “Accused persons have the right to avail themselves of the services of a legal representative or lawyer during the investigation.” Article 70 of the Code states: “The investigator may not separate an accused person from his legal representative or lawyer during the investigation.” For its part, article 139 of the Code stipulates: “If persons lack the financial means to seek the assistance of a lawyer, they may ask the court to appoint one to defend them, at State expense,

as set forth in the regulations.” Under article 19 of the Act regulating the legal profession, all judicial bodies and investigating authorities must provide lawyers with the facilities they need to carry out their duties and must allow them to examine the case documents and be present during the investigation. Lawyers’ requests, furthermore, may not be refused without a legal justification. Additionally, the Charter of the Saudi Bar Association contains provisions to support the role of lawyers in promoting and protecting human rights.

In response to the request concerning rules and procedures to ensure that families, lawyers or any other person with a legitimate interest are informed immediately and precisely as to the whereabouts of persons deprived of their liberty

62. Anyone who has been arrested and detained may communicate with a person of their choice to inform them of the situation, in accordance with article 36 (1) of the Code of Criminal Procedure, which stipulates: “Persons who are detained shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify them of their detention.” Article 116 of the Code states: “Persons arrested or detained are to be informed immediately of the reasons for their arrest or detention and they have the right to communicate with a person of their choice. This shall take place under the supervision of a law enforcement official.” Moreover, following arrest or detention, accused persons are made aware of their right to communicate with an individual of their choice, pursuant to article 22 of the implementing regulation to the Code of Criminal Procedure, as indicated in the reply to No. 3 above.

In response to the request concerning safeguards to prevent torture and other forms of ill-treatment against persons deprived of their liberty, and how personnel of national security agencies are trained in article 6 (3) of the Declaration

63. The laws of Saudi Arabia prohibit and punish torture and contain a series of guarantees and measures aimed at ensuring that no detainee or prisoner is subjected to torture, ill-treatment or other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure stipulates that no person may be arrested, searched, detained or imprisoned except where provided for by law, and that a person may be detained or imprisoned only in a location designated for such purposes and for the period prescribed by the competent authority. Moreover, arrested persons may not be subjected to physical or mental harm or to torture or ill- or degrading treatment. Article 36 of the Code also requires that arrested persons be treated in a manner that preserves their dignity and that they should not be subjected to physical or mental harm. Under article 102 of the Code, the interrogation of accused persons is to be conducted in a manner that does not influence their will to make statements. They must not be required to take an oath or be subjected to coercive measures. Nor may they be interrogated outside the premises of the investigating authority unless the investigator deems such action to be necessary.

64. Under article 118 of the Internal Security Forces Act, the offences provided for in Royal Decree No. 43 are prohibited for officers, non-commissioned officers and personnel, and entail an investigation, a disciplinary court-martial and a criminal trial. Article 28 of the Prison and Detention Act prohibits the use of violence of any kind against prisoners or detainees and envisages disciplinary measures against civilian or military officials who perpetrate such acts, without prejudice to any criminal penalty they may also incur. Pursuant to article 2 (8) of Royal Decree No. 43 of A.H. 1377 (A.D. 1958), public officials who, in the course of their duties, inflict ill-treatment or use coercion such as torture, cruelty, confiscation of property or denial of personal liberties – including exemplary punishment, imposition of fines, imprisonment, exile or mandatory residence in a certain place and illegal entry into private dwellings – face imprisonment for up to 10 years.

65. Saudi Arabia remains bound by the human rights treaties to which it is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which are considered to be part of domestic law.

66. Members of the Public Prosecution Service supervise the conduct of law enforcement officers pursuant to article 25 of the Code of Criminal Procedure, which stipulates: “Law enforcement officials – in the discharge of their law enforcement duties as envisaged in the

present Act – are under the supervision of the Public Prosecution Service. The Service may ask the competent authority to look into cases involving persons responsible for violations or shortcomings in the discharge of their duties, and it may request that disciplinary proceedings be launched, without prejudice to the right also to bring criminal charges.” Thus, all the actions of law enforcement officials are monitored and supervised by the Public Prosecution Service. This is to prevent any violation of the rights, safeguards and rules enshrined in law in general and in the Code of Criminal Procedure in particular, and to hold to account persons responsible for violating such provisions. Anyone may, without legal retribution, refuse to obey orders or instructions that are at variance with the law. Provisions that conflict with Islamic sharia, or with statutory laws deriving from Islamic sharia, are considered null and void, in accordance with article 187 of the Code, which reads: “Any action that is inconsistent with the provisions of Islamic sharia and the legislation derived therefrom shall be deemed null and void.” Law enforcement officials are given specialized training courses on the application of the law while, for its part, the Human Rights Commission organizes courses, lectures, seminars and workshops to give human rights workers (governmental and non-governmental) the technical skills necessary to enable them to carry out their duties, on the basis of international human rights standards and in the light of the provisions of Islamic sharia.

In response to the question regarding how the Government ensures that anyone with knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent authority. What guarantees exist to ensure that complaints are investigated by the authorities promptly, thoroughly and impartially? What measures are taken to protect complainants from reprisals?

67. Saudi domestic laws provide protection for informants and witnesses in criminal cases, including cases of enforced disappearance. People are encouraged to denounce such crimes and reports are dealt with seriously even when made anonymously. Under the provisions of article 27 of the Code of Criminal Procedure, law enforcement officials are required to accept all reports and complaints they receive. The article reads: “Law enforcement officials, each within their jurisdiction, are required to accept all reports and complaints they may receive regarding offences. They – and the subordinates under their supervision – are to examine those reports and complaints, gather relevant information to be noted in records that they are required to sign, summarize and date that information in a register held for that purpose and promptly notify the Public Prosecution Service. Law enforcement officials are required, moreover, to go to the scene of an incident, secure the area, take possession of any items that may have a bearing upon the offence, safeguard evidence and take such measures as the situation might require. All the measures taken in that regard are to be noted in a special register which is to be signed by the law enforcement officials and his assistants.” Under article 40 of the Code of Criminal Procedure, anyone who is aware that a prisoner or detainee is being held unlawfully, or in a place not intended for imprisonment or detention, is required to notify the Public Prosecution Service. The article states: “Anyone who knows that a person is being imprisoned or detained unlawfully, or in a place not intended for imprisonment or detention, must notify the Public Prosecution Service. The competent official from the Service must go immediately to the place where the prisoner or detainee is located, conduct an investigation and order the person’s release if he is being unlawfully imprisoned or detained. The official shall write a report to that effect for submission to the competent authority so that it may launch legal proceedings against the persons responsible.” Reports of a prisoner or detainee being held unlawfully, or in a place not intended for imprisonment or detention, are to be accepted even if the party making the report has no legitimate interest in the matter. The competent official from the Public Prosecution Service then goes to the place in question and takes the necessary steps, as per article 27 of the implementing regulation to the Code of Criminal Procedure, which reads: “(a) Oral or written reports concerning a prisoner or detainee being held unlawfully, or in a place not intended for imprisonment or detention, are to be accepted under article 40 of the Code, even if the party making the report has no legitimate interest in the matter. A record is to be drawn up that contains the personal information of the party making the report and the contents of the report itself; (b) The head of the branch or of the competent department is to inform the Public Prosecution Service of the existence of a prisoner or detainee being held unlawfully, or in a

place not intended for imprisonment or detention. The party thus informed must immediately assign an official from the Service to go to the place where the prisoner or detainee is located and take the measures required under article 40 of the Code.” Investigators may conceal the identity of a witness if they believe that the interests of the investigation or of the witness himself so require. This possibility is enshrined in article 69 (3) of the implementing regulation, which stipulates: “Investigators may conceal the identity of a witness and not confront the witness with the parties to the case or with other witnesses, if they believe that the interests of the investigation or of the witness himself so require.” Anyone who seeks to intimidate or interfere with a witness is liable to be imprisoned for up to 24 hours, by order of the courts. Such an order is definitive, in accordance with article 119 of the implementing regulation, which reads: “Persons who are at the origin of any attempt to intimidate or interfere with witnesses while they are making their testimony shall be dealt with in accordance with article 142 of the Code and article 100 of the implementing regulation.” For their part, the courts protect witnesses against any attempted intimidation or interference in accordance with article 168 of the Code of Criminal Procedure, which stipulates: “Testimony shall be given at the court session, and each witness shall be heard separately. Where necessary, witnesses may be kept apart or confronted with each other. The court shall refuse to raise any question that is intended to influence the witness, or any leading question. The court shall not permit the raising of indecent questions unless they relate to material facts conducive to a ruling in the case. The court shall protect witnesses against any attempt to intimidate or confuse them during the delivery of testimony.” The Public Prosecution Service supervises and oversees prisons, detention centres and any other location in which criminal sentences are enforced. It receives complaints from prisoners and detainees, takes steps to secure the release of persons imprisoned or detained without legitimate reason, and launches legal proceedings against the persons responsible, as explained under No. 2 above. As article 68 of the Code of Criminal Procedure makes clear, such complaints are not to be disclosed: “The proceedings of the investigation and its outcomes are considered to be confidential and must not be disclosed, either by investigators or by their assistants, such as clerks, experts or others who, by virtue of their professional duties, are associated with the investigation. Persons who violate this provision will be held liable.” The party making the report may choose whether or not to disclose his own name. The misuse or abuse of authority on the part of public servants is prohibited under article 12 (a) and (b) of the Civil Service Act, which stipulates: “Public servants are prohibited from misusing their professional mandate or abusing their authority.” Moreover, the duties of public law enforcement officials (civilian and military) are enshrined in the laws that govern and regulate their functions. These include Royal Decree No. 43 – which criminalizes ill-treatment or coercion, such as torture, cruelty, confiscation of property or denial of personal liberties, in the course of discharging public duties – as well as other laws. Internal instructions and directives rest on the assumption that these laws are an integral part of the duties of public officials, who must abide by such laws and, if they fail to do so, face both criminal and disciplinary action. They cannot evade that responsibility and any transgression of powers or misuse of authority is investigated and punished.

In response to the question regarding which State authority is responsible for receiving and investigating such complaints and whether that authority is able to access all places where persons deprived of their liberty are being held and each part of those places, as well as any place in which there are grounds to believe that such persons may be found

68. The Public Prosecution Service, which exercises its functions with complete independence, supervises, oversees and inspects prisons, detention centres and any other location in which criminal sentences are enforced, as explained in Nos. 2 and 6 above. In fact, article 38 of the Code of Criminal Procedure states: “Competent members of the Public Prosecution Service shall, at any time and without regard to official hours, visit prisons and detention centres within their jurisdictional areas to ascertain that no one is being unlawfully imprisoned or detained. They shall examine the records of such prisons and detention centres, have access to prisoners and detainees, hear their complaints and accept any submissions they make in that connection. The wardens of prisons and detention centres shall provide the members of the Public Prosecution Service with everything they need to perform their duties.” According to article 39 of the Code: “Prisoners and detainees have the right to submit, at any

time, a written or verbal complaint to the warden of the prison or detention centre and request that it be conveyed to a member of the Public Prosecution Service. The warden must accept the complaint and forward it at once, after recording it in a special register. The prisoner or detainee must receive acknowledgement of receipt. The administration of the prison or detention centre is required to allocate a separate office for members of the Public Prosecution Service from which they can monitor the conditions of prisoners and detainees.”

69. Moreover, as explained under No. 2 above, the Human Rights Commission can visit prisons and detention centres at any time and without official permission. It receives human rights-related complaints and verifies any potential violations that might have occurred, which it refers to the competent authorities for them to take the necessary legal measures. For its part, the National Society for Human Rights, which is a civil society association, also visits prisons and detention facilities, interviews inmates and detainees, receives complaints, monitors any violations that might have occurred and follows up with the competent authorities. Moreover, offices have been allocated inside prisons for the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights. This helps to facilitate the exercise of their oversight mandate, which includes receiving complaints from prisoners and detainees, ascertaining their veracity and addressing them promptly and directly.

In response to the question regarding the means available to ensure access to effective legal remedies for victims of enforced disappearance, including the families of disappeared persons

70. Under the Basic Law of Governance, all persons have the right to seek legal redress on an equal footing and without discrimination. Article 47 of the Basic Law states: “All citizens and residents of the Kingdom of Saudi Arabia have an equal right to take legal action.” Any victim, or that victim’s heirs, can always bring private criminal case, in accordance with article 16 of the Code of Criminal Procedure, which reads: “The victim or his representatives or heirs may initiate a criminal action in respect of all cases involving a private right of action and pursue such proceedings before the competent court; in such circumstances, the court must summon the public prosecutor to attend.” Any person who has suffered harm as the consequence of a crime, or that person’s heirs, may pursue private action even if the request in that regard was not accepted during the investigation. This is enshrined in article 147 of the Code, which reads: “Any person – or his heirs – who has suffered detriment as a result of an offence shall be entitled to pursue a private action before the court that is hearing the criminal case, at any stage of the proceedings, even if the request was not deemed admissible during the investigation.” If the person who has suffered harm as the consequence of a crime does not have legal capacity and has no legal or testamentary guardian, the courts must appoint a guardian to pursue that person’s private action. This is set forth in article 148 of the Code, which stipulates: “If the victim of an offence has neither legal capacity nor a legal or testamentary guardian, the court before which the criminal case is being brought shall appoint a representative to pursue the victim’s private action.” Article 17 of the Code reads: “In cases where a private right of action is envisaged, no criminal proceedings or investigation may be initiated other than on the basis of a complaint filed by the victim or his representatives or heirs, unless the Public Prosecution Service considers it to be in the public interest to institute proceedings and investigate those offences.”

Annex IV

Press releases and statements

1. On 5 October 2020, the Working Group, together with other special procedure mechanisms, issued a press release calling on the UK Parliament to reject a government bill they say would give British soldiers advance immunity for war crimes and crimes against humanity.¹
2. On 12 October 2020, the Working Group, together with other special procedure mandates, issued a press release calling for the end to detention and intimidation of peaceful protesters.
3. On 27 November 2020, the Working Group, together with other special procedure mandates, issued a press release calling for the release of Egyptian human rights defenders jailed after meeting diplomats.
4. On 30 November 2020, the Working Group, together with other special procedure mandates, issued a press release calling on governments around the world to do more to prevent slavery and exploitation during the COVID-19 pandemic.
5. On 7 December 2020, the Working Group, together with other special procedure mandates, issued a press release indicating that the decision to release on bail three senior staff from the Egyptian Initiative for Personal Rights (EIPR) was a positive first step.
6. On 9 December 2020, the Working Group, together with other special procedure mechanisms, issued a press release calling on the Pakistan to uphold its human rights obligations by initiating prompt, thorough and impartial investigations into acts of enforced disappearances and torture, in particular concerning the incommunicado detention of human rights defender Idris Khattak.
7. On 16 December 2020, the Working Group endorsed a press release issued by the Special Rapporteur on the situation of human rights defenders, expressing dismay at the treatment of human rights defenders and lawyers in China, as they continue to be charged, detained, disappeared and tortured five years after the start of a crackdown on the profession under the guise of national security concerns.²
8. On 18 January 2021, the Working Group, together with other special procedure mechanisms, issued a press release condemning the violent events at the US Capitol in Washington and calling on the United States of America to de-escalate tensions and unify the country in full respect for democracy and the rule of law.
9. On 1 February 2021, the Working Group, together with other special procedure mechanisms, issued a press release calling on Russia to ensure historian and human rights defender Yuri Alexeevich Dmitriev has a fair trial amid concerns the proceedings against him are politically motivated after a court ordered he stop using his own lawyer and engage a state appointed counsel.³
10. On 1 February 2021, the Working Group, together with other special procedure mechanisms, issued a press release calling on Azerbaijan and Armenia to promptly release prisoners of war and other captives from the recent Nagorno-Karabakh conflict, and to return bodies to families for burial with due respect for cultural customs.⁴
11. On 4 February 2021, the Working Group together with other special procedure mechanisms, issued a press release calling on Iran to stop the execution of Baloch minority

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26342&LangID=E>.

² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E>.

³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26703&LangID=E>.

⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26702&LangID=E>.

prisoners condemning the hanging of Javid Dehghan, an Iranian from the Baloch minority, on 30 January 2021.

12. On 5 February 2021, the Working Group, together with other special procedure mechanisms, issued a press release urging the Sri Lankan authorities to stop rolling back hard fought progress made on rebuilding democratic institutions, and to press for accountability for past crimes and deliver justice for victims and promote reconciliation between communities.⁵

⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26725&LangID=E>.

Annex V

Other activities

1. On 1 October 2020, Bernard Duhaime and Luciano Hazan participated in an event at the University of the País Vasco (Spain) in commemoration of the 40th anniversary of the Working Group.
 2. On 28 October 2020, Luciano Hazan held a meeting with the Ministry of Justice and Human Rights in Chile, to discuss the mandate of the Working Group.
 3. On 27 October 2020, Luciano Hazan participated in an event organized by the International Commission of Jurist and the Human Rights Joint Platform, with a presentation on enforced disappearances in Turkey.
 4. On 20 November 2020, Luciano Hazan participated in a meeting entitled “*The right to search for the disappeared*”, with the participation of national search units of Mexico, Colombia, El Salvador and Peru, and with representatives of the Committee on Enforced Disappearances and the Interamerican Commission on Human Rights.
 5. On 10 December 2020, Luciano Hazan presented the Working Group’s thematic report on Standards and public policies for an effective investigation of enforced disappearances, in a meeting with the *Movimiento por nuestros desaparecidos* in Mexico.
-