



# General Assembly

Distr.: General

30 April 2021

Original: English

---

## Human Rights Council

### Working Group on Enforced or Involuntary Disappearances

## Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances\*

123rd session\*\* (15–19 February 2021)

### I. Communications

1. Between 1 October 2020 and 19 February 2021, the Working Group transmitted 34 cases under its urgent procedure, to Cameroon (2), China (1), Egypt (5), India (1), Iran (Islamic Republic of) (1), Iraq (1), Pakistan (11), Qatar (1), Saudi Arabia (4), Turkey (1), the United Republic of Tanzania (2), Uzbekistan (3) and Venezuela (Bolivarian Republic of) (1).
2. At its 123rd session, held from 15 to 19 February 2021, the Working Group decided to transmit 205 newly reported cases of enforced disappearance, to Afghanistan (2), Bangladesh (2), Burundi (12), China (8), the Democratic People's Republic of Korea (2), Egypt (5), Iran (Islamic Republic of) (1), Iraq (3), Myanmar (14), Nepal (1), Pakistan (77), the Russian Federation (2), Saudi Arabia (3), Sri Lanka (36), the Syrian Arab Republic (33), the United Arab Emirates (2) and Yemen (1).
3. The Working Group also decided to transmit 11 newly reported cases of violations that were tantamount to enforced disappearances allegedly perpetrated by non-State actors in Libya (1) and Yemen (10).
4. The Working Group also clarified 51 cases, in Belarus (1), Cameroon (1), Egypt (3), Libya (1), Pakistan (29), the Philippines (12), Saudi Arabia (2), the Syrian Arab Republic (1) and Venezuela (Bolivarian Republic of) (1). A total of 32 cases were clarified on the basis of information provided by Governments and 19 on the basis of information provided by other sources.
5. Between 1 October 2020 and 19 February 2021, the Working Group transmitted 52 communications jointly with other special procedure mechanisms. The communications consisted of three prompt intervention letters, to India (1), Pakistan (1) and Sri Lanka (1); 12 joint urgent appeals, to Albania (1), Armenia (1), Azerbaijan (1), Cameroon (1), Egypt (1), Iran (Islamic Republic of) (2), Iraq (1), Myanmar (1), Panama (1), the Russian Federation (1) and Turkey (1); and 34 joint allegation letters, to Cambodia (1), China (1), Colombia (1), the Comoros (1), Côte d'Ivoire (1), the Democratic Republic of the Congo (1), Egypt (2), Indonesia (1), Iraq (1), the Lao People's Democratic Republic (2), Madagascar (1), Mexico (1), Myanmar (1), Pakistan (1), Paraguay (1), Peru (2), the Russian Federation (1), Sri Lanka (1), the Syrian Arab Republic (2), Thailand (1), Tunisia (1), Turkmenistan (1), Ukraine (1),

---

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

\*\* In view of the travel restrictions imposed due to the coronavirus disease (COVID-19) pandemic, the Working Group met by videoconference.



the United Republic of Tanzania (2), Uzbekistan (1), Venezuela (Bolivarian Republic of) (1) and Viet Nam (1), as well as to “other actors” (the National Coalition of Syrian Revolutionary and Opposition Forces and the de facto authorities in Sana’a) (2) and three “other letters”, to Mexico (2) and Saudi Arabia (1).<sup>1</sup>

6. At its session, the Working Group reviewed and adopted three general allegations, concerning Colombia, Mexico and the Syrian Arab Republic (see annex II). It also held thematic discussions on its methods of work, on its upcoming thematic report on enforced disappearances occurring in the context of extraterritorial transfers and on an envisaged general comment on article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance.

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

## **II. Other activities**

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

9. Also at its session, the Working Group held meetings with representatives of the Governments of Algeria and Japan and informal bilateral meetings with representatives of other Governments.

10. On 19 November 2020, during the sixty-seventh ordinary session of the African Commission on Human and Peoples’ Rights, the Working Group organized, jointly with the African Commission and the Committee on Enforced Disappearances, a webinar on the situation of enforced disappearance in Africa.

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

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

### **Afghanistan**

#### **Standard procedure**

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

(a) A national of Afghanistan allegedly detained by the police in Ghazni on 2 February 2017;

(b) A national of Afghanistan allegedly arrested by the police from his home in Kandahar on 1 February 2017.

---

<sup>1</sup> The Working Group transmits prompt intervention letters in cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses or members of relevant organizations. Furthermore, past human rights violations can be the object of allegation letters; ongoing or potential human rights violations can be the object of urgent appeals; and concerns relating to bills, laws, policies and practices that do not comply with international human rights law and standards are categorized as “other letters”. All such communications are made public 60 days after their transmission to the State, along with any responses received from the Government, and are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

## **Albania**

### **Joint urgent appeal**

13. On 30 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning a national of Turkey reportedly facing imminent transfer from Albania to Turkey, during which he would be at risk of enforced disappearance.

## **Armenia**

### **Joint urgent appeal**

14. On 7 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning, inter alia, cases of enforced disappearance during the armed conflict in and around the Nagorno-Karabakh conflict zone. A letter expressing similar concerns was transmitted to the Government of Azerbaijan.

15. On 22 February 2021, the Government provided a reply to the urgent appeal.

## **Azerbaijan**

### **Joint urgent appeal**

16. On 7 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning, inter alia, cases of enforced disappearance during the armed conflict in and around the Nagorno-Karabakh conflict zone. A letter expressing similar concerns was transmitted to the Government of Armenia.

17. On 5 January 2021, the Government provided a reply to the urgent appeal.

## **Bangladesh**

### **Standard procedure**

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

- (a) Mohammad Murshidul Islam, allegedly abducted from the streets in Taherpur on 19 April 2017 by members of the Rapid Action Battalion;
- (b) Abdul Kuddus Mohammad, allegedly abducted from the streets in Baghmara on 6 April 2017 by members of the Rapid Action Battalion.

## **Belarus**

### **Clarification based on information from sources**

19. On the basis of information provided by the Government and other sources, the Working Group decided to clarify the case of Maria Kalesnikava, who is reportedly detained in prison No. 8 in Minsk.

## **Burundi**

### **Standard procedure**

20. Under its standard procedure, the Working Group transmitted 12 cases to the Government (see annex I).

## **Cambodia**

### **Joint allegation letter**

21. On 11 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of a Thai political opposition member who had disappeared in Cambodia and the alleged arrest in Cambodia, enforced disappearance and subsequent deportation to Turkey of a national of Mexico and Turkey. Similar letters, including allegations of States coordinating, assisting or acquiescing to extraterritorial detentions in the region were sent to the Lao People's Democratic Republic, Thailand and Viet Nam.

## **Cameroon**

### **Urgent procedure**

22. Under its urgent procedure, the Working Group transmitted two cases to the Government concerning Ngo Ernest Mofa and Mokube Onyori, two nationals of Cameroon abducted by National Security agents on 4 November 2020 in front of the latter's home.

### **Clarification based on information from sources**

23. On the basis of information provided by sources, the Working Group decided to clarify the case of Njoka Kingsley Fomomyuy, previously placed under the six-month rule. Mr. Njoka is detained at the central prison of Kondengui in Yaoundé.

### **Joint urgent appeal**

24. On 7 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning allegations of restrictions on the right to freedom of peaceful assembly and excessive use of force during peaceful demonstrations on 22 September 2020.

## **China**

### **Urgent procedure**

25. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Chang Weiping, a national of China allegedly arrested at his home on 22 October 2020 by forces of the Baoji City Public Security Bureau.

### **Standard procedure**

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

- (a) Tenzin Choephel, allegedly arrested by the police in March 2018 at Lhasa Gongkar Airport;
- (b) Abudukeremu Abudurousuli, a national of China of Uighur ethnicity allegedly arrested by members of the local police in May 2017 in Kashi;
- (c) Molidan Maimaiti, a female national of China of Uighur ethnicity allegedly arrested by members of the local police in May 2017 in Kashi;
- (d) Aikebaier Wushuer, a national of China of Uighur ethnicity allegedly arrested by members of the local police in May 2017 in Wensu county;
- (e) Abulati Muairemu, a female national of China of Uighur ethnicity allegedly arrested by members of the local police on 15 April 2017 in Kshgar;
- (f) Turepu Toheti, a national of China of Uighur ethnicity allegedly arrested by members of the local police at the beginning of 2017 in Arsilanbag;

(g) Rouziniyazi Turepu, a national of China of Uighur ethnicity allegedly arrested by members of the local police early in 2017 in Arsilanbag;

(h) Yuerniyazi, a female national of China of Uighur ethnicity allegedly arrested by members of the local police early in 2016 in Arsilanbag.

#### **Information from sources**

27. Sources provided information on four outstanding cases, but the information was considered insufficient to clarify the cases.

#### **Application of the six-month rule**

28. On 14 January 2021, the Government provided information on one outstanding case, to which the Working Group decided to apply the six-month rule.<sup>2</sup> The individual concerned is reportedly at liberty.

#### **Information from the Government**

29. On 14 January 2021, the Government of China transmitted information concerning 21 cases, but the information was considered insufficient to clarify the cases.

30. On 5 February 2021, the Government of Sweden transmitted information concerning one case in China, but the information was considered insufficient to clarify the case.

#### **Joint allegation letter**

31. On 4 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance in “residential surveillance at a designated location” of Chang Weiping, a human rights defender and lawyer.

#### **Observation**

32. The Working Group remains very concerned about the pattern of allegations it is receiving concerning individuals of Uighur ethnicity residing in Xinjiang Uighur Autonomous Region. These include allegations indicating that individuals are detained because they have relatives living abroad or after they have themselves returned from residing abroad. The Working Group has also received alarming information indicating that individuals have been detained shortly after having made videophone calls to relatives residing abroad. As a consequence, individuals residing in Xinjiang Uighur Autonomous Region are reportedly afraid to contact relatives living abroad for fear of reprisals and those relatives often refrain from establishing any contact or attempting to obtain information on their relatives for fear of putting them at risk of detention.

33. The Working Group underlines that families should be protected from ill-treatment, intimidation or reprisal (Declaration on the Protection of All Persons from Enforced Disappearance, art. 13).

34. The Working Group hopes that the Government will soon reply positively to its request to conduct a country visit transmitted on 19 February 2013 and through subsequent reminders.

### **Colombia**

#### **Joint allegation letter and replies**

35. On 4 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the lack of effective investigations and bilateral cooperation to address cases of disappearances involving, inter alia, migrants

<sup>2</sup> For information on the application of the six-month rule, see paragraph 25 of the methods of work of the Working Group.

and cross-border workers, by non-State armed actors, including organized armed groups and criminal groups, in the area near the border with the Bolivarian Republic of Venezuela. A similar letter was sent to the Bolivarian Republic of Venezuela.

36. On 2 and 25 February 2021, the Government provided replies to the joint allegation letter.

#### **General allegation and reply**

37. The Working Group received information from credible sources alleging difficulties encountered in Colombia in implementing the Declaration on the Protection of All Persons from Enforced Disappearance. It sent to the Government a general allegation letter, contained in annex II, focusing on the lack of investigations and reparations relating to alleged human rights violations, including enforced disappearances, targeting members of the peasant communities of Recetor and Chámeza between November 2002 and March 2003.

38. On 14 January 2021, the Government provided a reply to the general allegation transmitted by the Working Group on 17 November 2020.<sup>3</sup> In its reply, the Government noted that the competent authorities had undertaken various investigative steps to retrieve and identify human remains potentially buried in the area of San Antonio, Antioquia. Because of the advanced stage of decomposition of the remains, it would not have been suitable to send biological samples for genetic matching. Civil society organizations representing victims of enforced disappearances were reportedly consulted during the investigations.

### **Comoros**

#### **Joint allegation letter**

39. On 14 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning violations of the rights of Insa Mohamed, alias Bobocha, who had allegedly been subjected to an extraterritorial abduction and forcefully returned to the Comoros from Madagascar (see para. 80 below). On 18 March 2021, a press release was issued concerning those allegations.

### **Côte d'Ivoire**

#### **Joint allegation letter**

40. On 25 November, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arbitrary detention and enforced disappearance of Edith Gbalet Pulcherie, Cyrille Bi Djehi, Gédéon Junior Gbaou, Aimé César Kouakou N'goran and Pascal Affi N'Guessan, as well as undue restrictions on the right to peaceful assembly.

### **Democratic People's Republic of Korea**

#### **Standard procedure**

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

(a) Dong-hyun Baek, a national of the Republic of Korea allegedly abducted on 20 December 1967 by members of the navy of the Democratic People's Republic of Korea in the East Sea while working aboard the Nampoong-ho, a small fishing trawler;

(b) Eung-won Kim, a national of the Republic of Korea allegedly abducted on 2 July 1968 by members of the navy of the Democratic People's Republic of Korea in the East Sea while working aboard the Geumyoong-ho, a small fishing trawler.

---

<sup>3</sup> A/HRC/WGEID/122/1, para. 60 and annex II.

42. In accordance with its methods of work, the Working Group transmitted a copy of these cases to the Government of the Republic of Korea.

### **Observation**

43. The Working Group continues to call on the Government to cooperate meaningfully and in line with the relevant Human Rights Council resolutions.

## **Democratic Republic of the Congo**

### **Joint allegation letter**

44. On 14 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning human rights defenders Olivier Muhubiri and Christine Mugabo, who have allegedly been harassed, intimidated and threatened and who have allegedly been the subject of reprisals for their human rights work and for cooperating with the United Nations in that regard.

## **Egypt**

### **Urgent procedure**

45. Under its urgent procedure, the Working Group transmitted five cases to the Government concerning:

- (a) Hussein Mohamed Meshrif Mohamed Meshrif, a national of Egypt last seen on 10 January 2021 while being interrogated at the headquarters of the National Security Agency;
- (b) Adel Abdullah Wazeer Abdul al-Maqsood, a national of Egypt arrested on 21 January 2021 at his workplace by National Security Agency officers;
- (c) Abdulaziz Gamal Metwally Ibrahim, a national of Egypt removed on 18 October 2020 from the El-Erbain police station in Suez by National Security Agency officers and taken to an unknown location;
- (d) Mostafa Farag, a national of Egypt arrested on 11 October 2020 at his home on Adel Emam Street, off Al-Munjid Street, Al-Kenisah neighbourhood, Giza, by National Security Agency officers, police officers and agents of the special forces;
- (e) Abdelfattah Soliman, a national of Egypt arrested on 2 September 2020 at the Civil Registry office in Mansoura, Dakahlia Governorate, and taken to an unknown location by National Security Agency officers.

### **Standard procedure**

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

- (a) Islam Ahmed, a national of Egypt abducted on 20 January 2020 from his home by National Security Agency officers in civilian clothes;
- (b) Omar Mohammed Sayed Ahmed Amin, a national of Egypt abducted from the street on 7 June 2019 by members of the security forces in uniform and civilian clothes;
- (c) Ahmed Salah Ahmed Mohamed, a national of Egypt arrested on 8 February 2020 in front of his home by members of the security forces in uniform and civilian clothes;
- (d) Abdel Moneam Soleiman, a national of Egypt arrested on 17 October 2020 by border control officers in uniform at the land border between Egypt and the Sudan;
- (e) Hany Farag, a national of Egypt abducted on 3 September 2020 at around noon by National Security Agency officers in civilian clothes.

**Application of the six-month rule**

47. The Government provided information, on the basis of which the Working Group decided to apply the six-month rule to 17 cases, concerning 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, Abdualлах Kilany Abdeljaber Abdelaal, Yahia Osama Yahia Abu Salama, Islam Mohamed Temsah Metwally, Ahmed Mohamed Mansi el-Sayed Salem, Hasan Gouda Mohamedain Gouda, Abdelfattah Farag Musa Soliman and Mostafa Salah Salihin Farag.

**Information from the Government**

48. On 22 October and on 8, 9, 11 and 15 December 2020, the Government transmitted information concerning four cases, but the information was considered insufficient to clarify the cases.

**Clarification**

49. On the basis of information previously provided by the Government, the Working Group decided to clarify three cases. In all cases, it was indicated that the following individuals were reportedly in detention: Abdulrahman Mohammmd Ahmed Sayed, Kamal Nabil Mohammad Abdullah Fayad and Mussaab Mohammad Ismael Sarwi.

**Discontinuation**

50. The Working Group decided, exceptionally and in accordance with the provisions in paragraph 28 of its methods of work, to discontinue<sup>4</sup> its consideration of 13 pending cases, concerning 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. The cases may, however, be reopened at any time.

**Joint allegation letters**

51. On 25 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the arrest and filing of official charges for terrorism and national security-related crimes against human rights defenders Gasser Abdel Rakez, Karim Ennarrah and Mohamed Basheer in apparent retaliation to a human rights meeting they had held with representatives of the diplomatic community under the auspices of the non-governmental organization Egyptian Initiative for Personal Rights.

52. On 21 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the denial of adequate and timely health care in custody leading to the deaths of Ibrahim Hassan AbdelGhany al-Batea, Magdy Taha Mohamed el-Qalawy and Tony Hasan Khalifa Farghal.

**Observation**

53. The Working Group noted, for several cases, a discrepancy between the information received in January 2020, which indicated that there was no trace of the arrest of the concerned individuals, and the information received in December 2020, confirming their detention. In that regard, the Working Group recalls articles 9, 10 and 12 of the Declaration on the Protection of All Persons from Enforced Disappearance.

---

<sup>4</sup> For information about the discontinuation of cases, see paragraph 28 of the methods of work of the Working Group.



## **El Salvador**

### **Information from the Government**

54. On 28 October 2020, the Government transmitted information concerning two cases, but the information was considered insufficient to clarify the cases.

## **Honduras**

### **Information from the Government**

55. On 8 September 2020, the Government transmitted information concerning 120 cases, but the information was considered insufficient to clarify the cases.

## **India**

### **Urgent procedure**

56. Under its urgent procedure, the Working Group transmitted one case to the Government, concerning Mohammad Ashraf Khan Sehrai, who was allegedly abducted from his home in Srinagar, Jammu and Kashmir, on 12 July 2020 by Indian Army personnel and paramilitary gunmen.

### **Information from sources**

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

### **Prompt intervention letter**

58. On 22 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning allegations of intimidations, searches and confiscations committed during raids performed by national security agents in Jammu and Kashmir.

## **Indonesia**

### **Joint allegation letter**

59. On 1 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged detention, enforced disappearance and extrajudicial execution of Apinus Zanambani and Luther Zanambani by the military in Suagapa, Intan Jaya, Papua.

## **Iran (Islamic Republic of)**

### **Urgent procedure**

60. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Muhammad Adwaiy, a national of the Islamic Republic of Iran from the Kurdish minority who was allegedly abducted on 9 January 2021 from his place of residence in Selin Village, Avroman, by agents of the Ministry of Intelligence.

### **Standard procedure**

61. Under its standard procedure, the Working Group transmitted one case to the Government concerning Albofatleh Foad, an Iranian journalist allegedly arrested on 12 August 2020 at his residence in Kooieh Ramazan, Fازه 2 Karmandi, street 26, No. 19, in Ahwaz, by agents of the Iranian intelligence services.

**Joint urgent appeals and replies**

62. On 1 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the imminent executions of Heidar Ghorbani and Arsalan Khodkam, two nationals of the Islamic Republic of Iran from the Kurdish minority, after they were both sentenced to death, the former for *baghi* (armed rebellion against the State) and the latter for *moharebeh* (taking up arms to take lives or property and to create fear in the public).

63. On 24 November 2020, the Government provided a reply to the urgent appeal indicating the legal grounds on which the two persons had been convicted and that the right to due process was guaranteed for both men.

64. On 19 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the arrest of at least 110 individuals from the Kurdish minority reportedly involved in different forms of civil society activism. The Working Group expressed concern about reports indicating that 40 individuals had been subjected to enforced disappearance.

**Observation**

65. The Working Group expresses its grave concern about recent reports of at least 40 nationals of the Islamic Republic of Iran belonging to the Kurdish minority having been subjected to enforced disappearance in the provinces of Alborz, Kermanshah, Kurdistan, Tehran and Western Azerbaijan (see para. 64 above). In this regard, the Working Group recalls articles 2, 3, 10 and 13 of the Declaration on the Protection of All Persons from Enforced Disappearance.

66. The Working Group deeply regrets that it has not received any reply from the Government to any of the communications it has transmitted during the past several years and hopes to receive information soon.

**Iraq****Standard procedure**

67. Under its standard procedure, the Working Group transmitted one case to the Government concerning Azad AbdulKarim Mohammad Ali, Salam al-Alaei and Saad al-Alaei.

**Joint allegation letters**

68. On 9 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of human rights defender Ali Jasib Hattab al-Holaijy.

69. On 27 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance and arbitrary detention of journalist and human rights defender Sherwan Amin Naao Sherwani.

**Lao People's Democratic Republic****Information from the Government**

70. On 6 October 2020, the Government transmitted information concerning four cases, but the information was considered insufficient to clarify the cases.

**Information from sources**

71. Sources provided information on four outstanding cases, but the information was considered to be insufficient to clarify the cases.

### **Joint allegation letters**

72. On 11 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning four Thai political activists allegedly disappeared in the Lao People's Democratic Republic and concerning the alleged enforced disappearance in Thailand of a Lao human rights defender. In the letter, the Working Group emphasized the lack of progress made in the search and investigation of those cases. Similar letters, including allegations of States coordinating, assisting or acquiescing to extraterritorial detentions in the region, were sent to Cambodia, Thailand and Viet Nam.

73. On 5 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter relating to new information received concerning a human rights defender and reported victim of enforced disappearance since 2012.

### **Observation**

74. The Working Group is gravely concerned about information received indicating that persons associated with victims of enforced disappearances in the Lao People's Democratic Republic are not able to report those cases of enforced disappearance to the local authorities because of the persistent persecution they face and the alleged risk of reprisal. The Working Group underlines that families should be protected from ill-treatment, intimidation or reprisal (Declaration on the Protection of All Persons from Enforced Disappearance, art. 13).

75. The Working Group hopes that the Government will soon reply positively to its request to conduct a country visit transmitted on 8 April 2020.

## **Lebanon**

### **Information from the Government**

76. On 4 December 2020, the Government transmitted information concerning 12 cases, but the information was considered insufficient to clarify the cases.

## **Libya**

### **Standard procedure**

77. The Working Group announced in September 2019 that it would start documenting violations that may be tantamount to enforced disappearances perpetrated by non-State actors.<sup>5</sup> Accordingly, during its session, the Working Group considered one such case allegedly perpetrated in the part of the territory of Libya that is controlled by the Libyan National Army.<sup>6</sup> Under its standard procedure, the Working Group transmitted to the Government and to the Libyan National Army a communication concerning Sulayman Yaseen Sulayman Elmiqdad, a Libyan citizen allegedly abducted on 4 August 2019 from his home by a militia affiliated with the Libyan National Army of General Khalifa Haftar.

### **Clarification based on information from sources**

78. On the basis of the information provided by sources, the Working Group decided to clarify one case.

### **Information from sources**

79. Sources provided information on eight cases, but the information was considered to be insufficient to clarify the cases. On the basis of new information received from one source,

<sup>5</sup> A/HRC/42/40, para. 94.

<sup>6</sup> The Working Group stresses that the cases addressed to the Libyan National Army do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

the Working Group decided to suspend the six-month rule it had applied at its 122nd session to the case concerning Majdi Faraj Hamad Salah al-Hawat.

## **Madagascar**

### **Joint allegation letter**

80. On 14 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning Insaa Mohamed, alias Bobocha, who was reportedly abducted extraterritorially by the State and forcibly returned to the Comoros from Madagascar (see para. 37 above).

## **Maldives**

### **Information from the Government**

81. On 18 January 2020, the Government transmitted information concerning one case, but the information was considered insufficient to clarify the case.

### **Information from sources**

82. Sources provided information on one case, but the information was considered to be insufficient to clarify the cases.

## **Mexico**

### **Information from the Government**

83. On 9 December 2020, the Government transmitted information concerning 357 cases, 44 of which have been treated, but the information was considered insufficient to clarify the cases.

### **Joint allegation letter**

84. On 1 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the detention and initiation of criminal investigations, following participation in demonstrations in Guanajuato, in respect of relatives of disappeared persons, human rights defenders and members of the organization A Tu Encuentro. The letter also concerned an activist of the civil society organization Guanajuato Despertó.

### **Joint “other letters” and replies**

85. On 9 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” concerning the agreement providing for the establishment of a permanent armed force to carry out public security tasks in an extraordinary, regulated, controlled, subordinate and complementary manner, which was published on 11 May 2020 and is to remain effective between 12 May 2020 and 27 March 2024.

86. On 23 October 2020, the Government provided a reply to the “other letter”.

87. On 21 January 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” concerning a draft decree enacting the Law of the Office of the Attorney General of the Republic (*Ley de la Fiscalía General de la República*) and repealing the Organic Law of the Office of the Attorney General of the Republic in force; the draft decree was published in the Senate’s gazette on 7 October 2020. Concerns were raised that the draft decree could, if adopted, impinge on the right to an effective remedy for victims, especially human rights defenders and migrants, of violations of the right to truth, justice and reparation, on the principle of independence of the Office of the Attorney General and on the search for disappeared persons.

### General allegation

88. The Working Group received information from credible sources alleging difficulties encountered in Mexico in implementing the Declaration on the Protection of All Persons from Enforced Disappearance. The general allegation, contained in annex II, focuses on irregularities in the handling of unidentified corpses by the Office of the Attorney General in the State of Morelos.

### Observation

89. The Working Group remains concerned about previous allegations that the new Law of the Office of the Attorney General of the Republic, adopted on 17 March 2021 by the Senate, and the related amendments to various laws concerning enforced disappearances constitute a significant setback to the rights of victims of human rights violations, including enforced disappearances, hinder related efforts to end impunity and weaken the interinstitutional coordination necessary to address these challenges.

90. In this regard, the Working Group recalls articles 13 and 19 of the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group also recalls that public accountability mechanisms and related procedures should be established with the active participation of victims and their families, as well as national human rights institutions and civil society organizations.<sup>7</sup>

## Myanmar

### Standard procedure

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

- (a) A member of the Rohingya ethnic group allegedly abducted in Maung Gli Taung village in early January 2017 by soldiers belonging to the military of Myanmar (Tatmadaw);
- (b) A member of the Rohingya ethnic group allegedly abducted on 20 October 2016 in Kya Gaung Taung village by Tatmadaw soldiers;
- (c) A member of the Rohingya ethnic group allegedly abducted on 6 September 2017 in Thay Kan Gwa Son village by Tatmadaw soldiers;
- (d) A girl, member of the Rohingya ethnic group, allegedly abducted on 30 August 2017 in Wed Kyein village by Tatmadaw soldiers;
- (e) A boy, member of the Rohingya ethnic group, allegedly abducted on 20 October 2016 in Yai Twin Kyun village by Tatmadaw soldiers belonging to the Government's security forces;
- (f) A member of the Rohingya ethnic group allegedly arrested on 13 October 2016 in Kyet Yoe Pyin village by Tatmadaw soldiers;
- (g) A member of the Rohingya ethnic group allegedly abducted on 27 August 2017 in Chut Pyin village by Tatmadaw soldiers;
- (h) A girl, member of the Rohingya ethnic group, allegedly abducted on 25 August 2017 in Pan Kaing village by a group of Tatmadaw soldiers;
- (i) A member of the Rohingya ethnic group allegedly abducted on 2 September 2017 in Ah Htet Nan Yar-Pyaing Taung village by Tatmadaw soldiers;
- (j) A member of the Rohingya ethnic group allegedly abducted on 26 August 2017 in Kyun Phauk Phyu Su village by Tatmadaw soldiers;

<sup>7</sup> A/HRC/45/13/Add.3, para. 73.

(k) A member of the Rohingya ethnic group allegedly abducted on 26 August 2017 in Kyun Phauk Phyu Su village by Tatmadaw soldiers;

(l) A member of the Rohingya ethnic group allegedly abducted on 27 August 2017 in Pan Kaing village by Tatmadaw soldiers;

(m) A boy, member of the Rohingya ethnic group, allegedly abducted on 27 August 2017 in Pan Kaing village by Tatmadaw soldiers;

(n) A member of the Rohingya ethnic group allegedly arrested in December 2016 in Yai Khut Chaung Khwa village by Tatmadaw soldiers.

#### **Joint allegation letter**

92. On 18 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning alleged violations of the right to peaceful assembly, Internet shutdowns, indiscriminate attacks and arbitrary detention and enforced disappearances of journalists, protesters and political figures in the aftermath of the military coup on 1 February 2021.

#### **Joint urgent appeal**

93. On 18 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning allegations of enforced disappearance, arbitrary detention and ill-treatment of a 17-year-old boy and his father, Serajul Mustafa, and the subsequent death in custody of Mr. Mustafa. It is alleged that these detentions were related to operations launched by the security forces in Rakhine State in September and October 2020.

#### **Observation**

94. The Working Group is seriously alarmed by the military takeover and the removal of the civilian government in Myanmar, including allegations of enforced disappearances of journalists, protesters and political figures since the coup on 1 February 2021. The Working Group recalls article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance. It urges the military to restore democratic institutions and ensure that all those detained for exercising their human rights are immediately released and not subjected to any harm while in custody.

### **Nepal**

#### **Standard procedure**

95. Under its standard procedure, the Working Group transmitted one case to the Government concerning Nandalal Chauhan, who was allegedly arrested in Joganiya Chowk in February 2006 by members of the Nepali Army.

### **Panama**

#### **Joint urgent appeal and reply**

96. On 10 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning allegations of deprivation of liberty and potential extradition to Turkey of Muaz Türkyılmaz, where he would be at risk of enforced disappearance and arbitrary detention. A copy of the urgent appeal was transmitted to the Government of Turkey.

97. On 8 January 2021, the Government of Panama provided a reply to the urgent appeal indicating the legal grounds for the deprivation of liberty of Mr. Türkyılmaz and confirmed that an extradition request had been made by Turkey.

## Pakistan

### Urgent procedure

98. Under its urgent procedure, the Working Group transmitted 11 cases to the Government concerning:

(a) Muhib Ali Leghari, alias Muhib Azad Leghari, a national of Pakistan allegedly abducted by agents of the Pakistani police on 4 September 2020 near the village of Sahib Khan Chandio, Hyderabad;

(b) Ahmad Ullah, a national of Pakistan allegedly arrested by agents of the Pakistani military on 1 January 2021 at his residence in Spalga, Turi Khel, North Waziristan, Khyber Pakhtunkhwa;

(c) Badshah Islam, a national of Pakistan, a human rights defender and an activist of the Pashtun Tahafuz Movement allegedly arrested by agents of the Pakistani military on 13 January 2021 at his residence in Datta Khel, Post Office Speen Wam, Tehsil Speen Wam, North Waziristan, Khyber Pakhtunkhwa;

(d) Taj Aman Ullah, a national of Pakistan and a student allegedly abducted by agents of the Pakistani military on 20 September 2020 from Spalga, Turi Khel, Post Office Miranshah, Tehsil Miranshah, North Waziristan, Khyber Pakhtunkhwa;

(e) Fayaz Hussain Shaikh, a national of Pakistan and an activist allegedly arrested by police officers on 8 November 2020 at approximately 1.30 a.m. in Jamshoro outside Liaquat Medical University in Latifabad, Hyderabad;

(f) Amal Noor, a national of Pakistan allegedly abducted by agents of the Pakistani military and secret services on 11 December 2020 from Tehsil Tank, South Waziristan, Khyber Pakhtunkhwa;

(g) Anwar Ullah, a national of Pakistan allegedly arrested by agents of the Pakistani army on 10 December 2020 at his shop in Aba Khel, Post Office, Tehsil Speen Wam, South Waziristan, Khyber Pakhtunkhwa;

(h) Shah Hikmat, a national of Pakistan allegedly abducted by agents of the Pakistani military and secret services on 7 October 2020 from his residence in Zai Saidgal, Post Office Data Khel, Tehsil Data Khel, North Waziristan, Khyber Pakhtunkhwa;

(i) Waheed Ullah, a national of Pakistan allegedly abducted by agents of the Pakistani military and secret services on 20 August 2020 at approximately 4 a.m. from his residence in Pathan Kot Tank, South Waziristan, Khyber Pakhtunkhwa;

(j) Yaqoob Khan, a national of Pakistan allegedly arrested by agents of the Pakistani military on 8 December 2020 at a checkpoint in Saidagi Tehsil Miranshah, North Waziristan, Khyber Pakhtunkhwa;

(k) Naeem Gul Khan, a national of Pakistan allegedly arrested by the commander of the 195th wing of the Frontier Corps on 25 December 2020 at a checkpoint in South Waziristan, Khyber Pakhtunkhwa.

### Standard procedure

99. Under its standard procedure, the Working Group transmitted 77 cases to the Government (see annex I).

### Application of the six-month rule

100. On 6 January 2021, the Government provided information on 15 outstanding cases, to which the Working Group decided to apply the six-month rule.

### Information from the Government

101. On 6 January 2021, the Government transmitted information concerning 53 cases, but the information was considered insufficient to clarify the cases.

**Clarification based on information from sources**

102. On the basis of the information provided by sources, the Working Group decided to clarify 14 cases concerning 11 individuals who were reportedly released, 1 individual who was reportedly deceased and 2 individuals who were reportedly detained.

**Information from sources**

103. Sources provided information on two cases, but the information was considered to be insufficient to clarify the cases.

**Joint prompt intervention letter**

104. On 21 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning the continued intimidation, threats of reprisal and harassment faced by human rights defender Fazal ur Rehman Afridi and some of his relatives and associates.

**Joint allegation letters**

105. On 23 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of the journalist and human rights activist Mudassar Mahmood, alias Naaru, and concerning threats and acts of intimidation against persons associated with him, as well as the alleged short-term enforced disappearance of the journalist Matiullah Jan and ongoing acts of intimidation against him.

**Observation**

106. The Working Group expresses concern about the consistently high number of new allegations of enforced disappearance in Pakistan, which reveal an alarming pattern of enforced disappearances of individuals belonging to minorities, political activists, journalists and human rights defenders. The Working Group notes in particular that, despite the alarmingly high numbers of enforced disappearances allegedly carried out with the direct involvement of State agents, the Government has failed to take effective measures to prevent this practice. This failure and the general climate of impunity indicate that enforced disappearances are tolerated.

107. The Working Group recalls articles 2, 3, 7 and 10 of the Declaration on the Protection of All Persons from Enforced Disappearance.

**Paraguay****Joint allegation letter and replies**

108. On 6 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the deaths of two Argentine girls in the Department of Concepción as a result of an operation carried out by the Joint Task Force that may have involved arbitrary executions, short-term enforced disappearances and even torture, as well as irregularities related to procedures for the identification and examination of forensic evidence by the State.

109. On 19 November and 3 December 2020 and on 15 January 2021, the Government provided replies to the joint allegation letter indicating the forensic and legal measures taken to investigate the alleged enforced disappearances and deaths of the two girls.

**Peru****Joint allegation letters**

110. On 11 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the transfer of land destined for the



construction of La Hoyada sanctuary to the Ministry of Transport and Communications for the enlargement of Coronel FAP Alfredo Mendiivil Duarte Airport.

111. On 24 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning incidents of vandalism severely damaging the memorial to the victims of the violence suffered in the country between 1980 and 2000, which seeks to promote a culture of peace and reconciliation and respect for human rights and the dignity of the victims.

## **Philippines**

### **Clarification**

112. On the basis of information previously provided by the Government, the Working Group decided to clarify 12 cases. In relation to 11 of the cases, the following individuals have reportedly been released: Abdel Babao, Salvador Baddul, Martin Banggay, Rogelio Gammad, Leonor Guimmay, Francisco Gundan, Ronnie Manablug, Rodolfo Soriano, Juan Tappo, Rudy Laxing and Rodrigo Manali. Furthermore, Tido Zumbaga is reportedly deceased.

### **Information from sources**

113. On the basis of new information received from one source, the Working Group exceptionally decided to extend for an additional three months the six-month rule it had applied at the 121st session to three cases concerning Larry Aparato, Andres Awid and Pablo Awid.

## **Qatar**

### **Urgent procedure**

114. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Muneeb Ahmad Sofi, an Indian citizen allegedly last seen on 19 October 2020 at the police station at the Safari Mall.

## **Russian Federation**

### **Standard procedure**

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

- (a) Apti Ramzanovich Zaynalov, allegedly abducted on 28 June 2009 at a service station in Grozny by State agents;
- (b) Mikhail Borchashvili, allegedly abducted on 9 March 2006 from his apartment in Grozny by armed State agents.

### **Application of the six-month rule**

116. On 14 January 2021 and 8 December 2020, respectively, the Government of Ukraine and representatives of the self-proclaimed Donetsk People's Republic<sup>8</sup> provided information on one outstanding case, to which the Working Group decided to apply the six-month rule.

---

<sup>8</sup> The Working Group stresses that the cases addressed to the self-proclaimed Donetsk People's Republic do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

**Information from the Government**

117. On 24 December 2020 and 6 January 2021, the Government transmitted information concerning 47 cases, but the information was considered insufficient to clarify the cases.

**Information from sources**

118. Sources provided updated information on 30 outstanding cases, but the information was considered insufficient to clarify the cases.

**Joint allegation letter**

119. On 26 January 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the prosecution and imprisonment of Yuri Alexeevich Dmitriev, a historian and human rights defender who had researched the executions of Soviet citizens during the Great Purge and the location of their remains in Karelia.

**Joint urgent appeal**

120. On 17 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged arbitrary arrest and enforced disappearance of Ismail Isaev and Salekh Magamadov.

**Observation**

121. Concerning the outstanding cases from the North Caucasus, the Working Group reiterates that the termination or suspension of a criminal investigation regarding an alleged act of enforced disappearance does not release the Government from its obligations to search for, locate and identify disappeared persons or their remains and to return them to the relatives, with due respect for cultural customs.

122. With reference to the outstanding cases of the disappearances of Sakhalin Koreans, the Working Group requests that any bilateral agreement with the Republic of Korea protect the right to truth of the relatives of the disappeared, in particular with regard to granting them access to relevant archival information.

123. The Working Group hopes that the Government will soon reply positively to its request to conduct a country visit transmitted on 2 November 2006 and through subsequent reminders.

**Saudi Arabia****Urgent procedure**

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

(a) Abdulaziz Saeed Abdulla, a national of Qatar and a university student of Islamic studies allegedly last heard from on 24 August 2020 while in State custody in Abha prison;

(b) Salman bin Abdulaziz bin Salman Al-Saud, alias Salman Ghazalan, a diplomat and academic;

(c) Abdulaziz bin Salman bin Mohammed Al-Saud, the father of Salman bin Abdulaziz bin Salman Al-Saud, who was allegedly taken from a villa belonging to the authorities in Riyadh and brought to an unknown location by security guards identified as members of the National Guard, the Saudi Police and the Royal Guard, on 28 November 2020;

(d) Hussein Said Abdel-Fattah Abo al-Kheir, a national of Jordan and a driver in Al-Tafila, Jordan, allegedly last seen on 24 July 2020 while in custody in Tabouk Prison.

### **Standard procedure**

125. Under its standard procedure, the Working Group transmitted three cases to the Government concerning:

- (a) Mohammad Afzal, a national of Pakistan and a migrant worker who was allegedly last seen on 9 April 2017 in Briman Prison;
- (b) Mohammed Imran, a national of Pakistan and a migrant worker who was allegedly last seen on 12 September 2019 in Briman Prison;
- (c) Muammar al-Qaddafi Nagy al-Qanawy, a national of Egypt and a heavy machinery driver who was allegedly last seen on 14 January 2020 in Tabouk Prison.

### **Application of the six-month rule**

126. On 23 December 2020, the Government provided information on one outstanding case, to which the Working Group decided to apply the six-month rule.

### **Information from the Government**

127. On 7 October 2020 and 14 January 2021, the Government transmitted information concerning two cases, but the information was considered insufficient to clarify the cases.

### **Clarification based on information from sources**

128. On the basis of the information provided by sources, the Working Group decided to clarify the case concerning Abdulaziz Saeed Abdulla.

### **Joint “other letter”**

129. On 17 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” concerning the serious effects of the 2017 law on combating crimes of terrorism and its financing, which was amended on 19 June 2020, on the enjoyment of human rights and fundamental liberties in Saudi Arabia.

### **Reply to a general allegation**

130. On 10 August 2020, the Government replied to the general allegation transmitted by the Working Group on 12 June 2020.<sup>9</sup> In its reply, the Government stated that the allegations that investigative rules and practices encouraged the practice of enforced disappearance were unfounded. It referred to the relevant domestic legislation aimed at preventing enforced disappearances and torture and other forms of ill-treatment of persons deprived of their liberty and at ensuring due process.

## **Serbia**

### **Information from the Government**

131. On 26 January 2021, the Government transmitted information concerning one case, but the information was considered insufficient to clarify the case.

## **Spain**

### **Information from sources**

132. Sources provided updated information on one outstanding case, but the information was considered insufficient to clarify the case.

<sup>9</sup> A/HRC/WGEID/121/1, para. 112 and annex I.

## **Sri Lanka**

### **Standard procedure**

133. Under its standard procedure, the Working Group transmitted 36 cases to the Government (see annex I).

### **Joint allegation letter**

134. On 9 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged regression in the transitional justice measures that Sri Lanka had adopted or had committed itself to implementing to address the serious human rights violations committed during the 25-year-long conflict and concerning the obstacles to the memorialization efforts led by victims' groups and the intimidation of victims and civil society.

### **Joint prompt intervention letter**

135. On 6 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning alleged police harassment and excessive use of force against demonstrators during a peaceful assembly marking the International Day of the Victims of Enforced Disappearances held on 30 August 2020 in the districts of Jaffna and Batticaloa. The letter included information on alleged acts of violence and harassment against a group of women human rights defenders and members of the "Association of Relatives of the Enforced Disappeared North East".

### **Observation**

136. The Working Group refers to the communication it issued on 5 February 2021, jointly with other special procedure mechanisms, urging the Sri Lankan authorities to stop rolling back the progress made in recent years on rebuilding democratic institutions and pressing for accountability for past crimes, justice for victims and reconciliation among communities.

137. Despite the large number of enforced disappearances that have taken place in Sri Lanka, the authorities have failed to show sufficient progress in investigating these cases, identifying the whereabouts or fates of the victims and holding perpetrators accountable. Furthermore, statements made by the Government, including on steps to be taken to issue death certificates and make "appropriate adaptations" to the Office on Missing Persons, have heightened fears among families with regard to the process going forward to learn about the whereabouts and fates of their disappeared relatives.

## **Syrian Arab Republic**

### **Standard procedure**

138. Under its standard procedure, the Working Group transmitted 33 cases to the Government (see annex I).

### **Clarification based on information from sources**

139. On the basis of information previously provided by sources, the Working Group decided to clarify one case, concerning Rafat Abdel Rahman Khader Abu Nabhan, who was reportedly released from detention.

### **Joint allegation letters**

140. On 6 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the absence of negotiations in the political process between the Government and the opposition on the design and implementation of transitional justice measures to address the gross violations of international law committed against civilians since March 2011, as well as the absence of

meaningful victim participation in the process. A letter with similar allegations was jointly transmitted to the National Coalition of Syrian Revolutionary and Opposition Forces.

141. On 6 January 2021, the National Coalition of Syrian Revolutionary and Opposition Forces provided a reply to the allegation letter.

### **Observation**

142. The Working Group is extremely concerned about a reported incident during which two Syrian women and their eight children, all minors, were abducted by an armed group allegedly affiliated with the Syrian armed forces. Their whereabouts and fates remain unknown. The Working Group wishes to express concern about the specific vulnerability of children and women to enforced disappearance, as highlighted in two of its general comments.<sup>10</sup>

143. The Working Group recognizes that a comprehensive and rights-based vision guides the Charter on Truth and Justice that was presented by five Syrian family associations on 10 February 2021. The Charter calls for collective action to hold perpetrators accountable and protect the rights of victims and their relatives to truth, justice, reparation and memory.

## **Thailand**

### **Joint allegation letter**

144. On 11 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning six alleged cases of Thai political activists disappearing abroad and expressing concern that these cases may point to a pattern of extraterritorial abductions leading to enforced disappearances. The letter also referred to the alleged enforced disappearance in Thailand of Od Sayavong, a national of the Lao People's Democratic Republic and a human rights defender, and the alleged short-term enforced disappearance of Truong Duy Nhat, a national of Viet Nam and a human rights defender, who later reappeared in detention in Viet Nam. Similar letters containing allegations of States coordinating, assisting or acquiescing to extraterritorial detentions in the region were sent to Cambodia, the Lao People's Democratic Republic and Viet Nam.

## **Tunisia**

### **Joint allegation letter**

145. On 8 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the lack of substantial progress made in the transitional justice process outlined in Organic Laws No. 2013-53 and No. 2014-17, particularly in the areas of reparations and accountability, and concerning attempts to invalidate the work of the Truth and Dignity Commission and its legacy in support of the search for truth and justice for past human rights violations committed in Tunisia.

## **Turkey**

### **Urgent procedure**

146. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Huseyn Galip Kucukozigit, who was allegedly abducted on 29 December 2020 in Ankara by agents of the National Intelligence Organization of Turkey and taken to an unknown location.

<sup>10</sup> A/HRC/WGEID/98/1 and Corr.1 and A/HRC/WGEID/98/2.

**Information from sources**

147. Sources provided updated information on eight outstanding cases, but the information was considered insufficient to clarify the cases.

**Information from the Government**

148. On 19 January 2021, the Government transmitted information concerning five cases, but the information was considered insufficient to clarify the cases.

**Joint urgent appeal**

149. On 6 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the reported detention and enforced disappearance of Habib Chaab, a national of Sweden and the Islamic Republic of Iran in Turkey and his possible transfer to the Islamic Republic of Iran.

150. On 5 January 2021, the Government provided a reply to the urgent appeal.

**Observations**

151. The Working Group reiterates that the termination or suspension of a criminal investigation regarding an alleged act of enforced disappearance does not release the Government from its obligations to search for, locate and identify disappeared persons or their remains and to return them to the relatives, with due respect for cultural customs.

**Turkmenistan****Joint allegation letter**

152. On 17 February 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning apparent acts of retaliation, including allegedly meritless charges, judicial harassment and seemingly enforced disappearance against an independent journalist.

**Ukraine****Information from sources**

153. Sources provided updated information on one outstanding case, but the information was considered insufficient to clarify the case.

**Joint allegation letter**

154. On 11 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of Rahmaddin Saparov and Alisher Haydarov, two nationals of Uzbekistan who were in Ukraine before they were apparently forcibly return to Uzbekistan.

155. On 5 February 2021, the Government provided a reply to the allegation letter.

**United Arab Emirates****Standard procedure**

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

(a) Bashir Nasser Ali al-Marwalah, a national of Yemen who was allegedly last seen in 2017 at an unknown location in the United Arab Emirates;

(b) Adel Said al-Haj Ebeid, alias Abu al-Samah, a national of Yemen who was allegedly last seen in February 2018 in a public building at an unknown location in the United Arab Emirates.

### **Observation**

157. The Working Group remains concerned about the alleged incommunicado detention of Sheikha Latifa Mohammed al-Maktoum and about newly received information indicating that she may be at risk of further violations of her rights. In this connection, the Working Group urges the Government to confirm the fate of Ms. Al-Maktoum and to take immediate steps to provide adequate assurances in relation to her safety and well-being.

## **United Republic of Tanzania**

### **Urgent procedure**

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

(a) Said Rwaswa, a Burundian citizen with refugee status in the United Republic of Tanzania who was arrested on 22 July 2020 at the Mtendeli refugee camp by Tanzanian police forces in uniform and other unidentified armed personnel in uniform and taken to an undisclosed location;

(b) Anaclet Nkuzimana, a Burundian citizen with refugee status in the United Republic of Tanzania who was arrested on 22 July 2020 at the Mtendeli refugee camp by Tanzanian police forces in uniform and other unidentified armed personnel in uniform and taken to an undisclosed location.

### **Joint allegation letters**

159. On 18 January 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning persistent and severe restrictions to fundamental freedoms in the United Republic of Tanzania in the context of the October 2020 elections.

160. On 25 January 2021, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the enforced disappearance, arbitrary arrest and detention, ill-treatment or torture and possible killing of Burundian refugees in the United Republic of Tanzania.

## **Uzbekistan**

### **Urgent procedure**

161. Under its urgent procedure, the Working Group transmitted three cases to the Government concerning:

(a) Rahmiddin Saparov, allegedly abducted on 19 October 2020 by agents presumably affiliated with Uzbek security services near Poltava detention facility No. 64 in Ukraine. It is alleged that he was then forcibly transferred to Uzbekistan in coordination with Ukrainian law enforcement agencies;

(b) Alisher Haydarov, allegedly arrested on 4 October 2020 close to Privolnaya street in Mykolayiv, Ukraine, by unidentified agents presumably affiliated with the security service of Ukraine. It is alleged that he was then deported to Uzbekistan in coordination with Uzbek law enforcement agencies;

(c) Gurbuz Sevilay, a national of Turkey allegedly abducted on 28 January 2021 from his apartment in Tashkent by five men reportedly affiliated with Uzbek intelligence services.

162. In accordance with its methods of work, the Working Group decided to transmit a copy of the communications concerning Mr. Saparov and Mr. Haydarov to the Government of Ukraine and a copy of the communication concerning Mr. Sevilav to the Government of Turkey.

#### **Joint allegation letter**

163. On 11 November 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of Mr. Saparov and Mr. Haydarov.

#### **Observation**

164. The Working Group expresses concern about reports of extraterritorial abductions and forced returns of nationals of Uzbekistan perpetrated under the pretext of combating terrorism and tackling violent extremism. The Working Group underscores that failure to acknowledge deprivation of liberty by State agents and refusal to acknowledge detention constitute enforced disappearance, even if it is of a short duration. The Working Group also refers to article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance.

### **Venezuela (Bolivarian Republic of)**

#### **Urgent procedure**

165. Under its urgent procedure, the Working Group transmitted one case to the Government concerning Antonio José Sequea Torres, a national of the Bolivarian Republic of Venezuela and captain in the National Guard who allegedly disappeared on 27 December 2020 at the headquarters of the Bolivarian National Intelligence Service in Caracas after National Intelligence Service officials had arrested him in Chuao, Aragua State, on 4 May 2020.

#### **Information from the source**

166. Sources provided information on one outstanding case, but the information was considered insufficient to clarify the case.

#### **Joint allegation letter**

167. On 4 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the lack of effective investigations and bilateral cooperation to address cases of disappearances and extrajudicial executions involving, inter alia, migrants and cross-border workers, by non-State armed actors, including organized armed groups and criminal groups, in the area near the border with Colombia. A similar letter was sent to Colombia.

### **Viet Nam**

#### **Information from the Government**

168. On 16 November 2020, the Government transmitted information concerning one case, but the information was considered insufficient to clarify the case.

#### **Joint allegation letter**

169. On 11 December 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning the alleged enforced disappearance of Siam Theerawut, a national of Thailand believed to have been arrested by the authorities of Viet Nam in 2019 and concerning Truong Duy Nhat, a national of Viet Nam and a human rights defender, blogger and journalist who was allegedly apprehended by Thai police officers and returned to Viet Nam in 2019. The letter also referred to legislative provisions in Viet Nam that would allow for enforced disappearance and incommunicado detention.



Similar letters, including allegations of States coordinating, assisting or acquiescing to extraterritorial detentions in the region, were sent to Cambodia, the Lao People's Democratic Republic and Thailand.

## Yemen

### Standard procedure

170. Under its standard procedure, the Working Group transmitted one case to the Government concerning Tawfeeg al-Saba'i, who was allegedly abducted on 26 December 2019 by armed individuals reportedly affiliated with the Government at a checkpoint near Al-Amri.

171. The Working Group announced in September 2019 that it would start documenting violations that were tantamount to enforced disappearances perpetrated by non-State actors.<sup>11</sup> Accordingly, during its 123rd session, it considered four cases that were tantamount to enforced disappearance allegedly perpetrated in territory controlled by the de facto authorities in Sana'a.<sup>12</sup> Under its standard procedure, the Working Group transmitted to the de facto authorities in Sana'a 10 cases concerning:

- (a) Yaser al-Yunaid, allegedly abducted on 20 February 2017 in Al-Sada village by armed individuals affiliated with de facto authorities in Sana'a;
- (b) Fahmi al-Mariri, allegedly abducted on 13 March 2016 by agents affiliated with the de facto authorities in Sana'a while he was driving towards the city of Ibb;
- (c) A'ateb Mahyoob, allegedly abducted on 9 November 2019 in front of Al-Rifai Hospital in Huban Province by agents affiliated with the de facto authorities in Sana'a;
- (d) Abdo al-Buhairi, allegedly abducted on 25 January 2017 in Taiz (at Al-Makha fork) by plainclothes agents affiliated with the de facto authorities in Sana'a;
- (e) Najeeb al-Shuja, allegedly abducted on 15 March 2016 from his house in the Al-Jahmalia area during a raid by an agent presumed to be affiliated with the de facto authorities in Sana'a;
- (f) Khaled al-Sayaghi, allegedly abducted on 4 January 2016 in Taiz by five agents affiliated with the de facto authorities in Sana'a;
- (g) Khalil al-Ashmi, allegedly disappeared in September 2017 from a military prison administered by the de facto authorities in Sana'a;
- (h) Muhammed al-Sinwi, allegedly abducted on 19 August 2015 at a checkpoint near Bani Ali by armed individuals affiliated with the de facto authorities in Sana'a;
- (i) Majed al-Ghashami, allegedly abducted on 18 August 2015 from Ibb while travelling to Marib by agents affiliated with the de facto authorities in Sana'a;
- (j) Muntaser al-Yusifi, allegedly abducted on 8 January 2015 in Hajja while travelling to Saudi Arabia by armed individuals affiliated with de facto authorities in Sana'a.

172. On 6 October 2020, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter to the de facto authorities in Sana'a concerning allegations of arbitrary arrest and detention, torture and the imposition of the death penalty as a result of an unfair trial of 10 Yemeni journalists.

<sup>11</sup> A/HRC/42/40, para. 94.

<sup>12</sup> The Working Group stresses that the cases addressed to the de facto authorities in Sana'a do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

## 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, allegedly 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 Thuraisamy, 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 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 (...)” (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 e/ 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 /os peritos del Grupo de Criminalística de Nivel Central con miras a definir estrategias de búsqueda viables.

9. D. Solicitud che 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: 2J/f 1/2010

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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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 prisoners condemning the hanging of Javid Dehghan, an Iranian from the Baloch minority, on 30 January 2021.

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

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

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

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

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.<sup>5</sup>

---

<sup>5</sup> <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.
-