



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
8 November 2019
English
Original: Spanish

Committee on Enforced Disappearances

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

A. Introduction

1. Pursuant to rules 57 and 58 of the Committee's rules of procedure, all requests for urgent action submitted for its consideration under article 30 of the Convention should be brought to the attention of the Committee. The full text of any such request may be made available in the language of submission to any member of the Committee at the request of that member. This report summarizes the main issues that have been touched on in relation to the requests for urgent action received by the Committee under article 30 of the Convention and the decisions taken on those requests since the sixteenth session.

B. Requests for urgent action received since the Committee's sixteenth session

2. In the report on requests for urgent action adopted at its sixteenth session, the Committee set out the decisions taken on the 569 requests for urgent action that had been registered up to 4 April 2019. Between that date and 30 September 2019, the Committee received 220 new requests for urgent action, all of which have been registered. These 220 new requests concern incidents in Iraq, Mexico and Tunisia. The present report is accompanied by a list of registered urgent actions (see table).

3. From 2012 to 30 September 2019, the Committee registered a total of 782 requests for urgent action from various countries, as shown in the table below.

<i>Year</i>	<i>Argentina</i>	<i>Armenia</i>	<i>Brazil</i>	<i>Cambodia</i>	<i>Colombia</i>	<i>Cuba</i>	<i>Honduras</i>	<i>Iraq</i>	<i>Kazakhstan</i>	<i>Lithuania</i>	<i>Mauritania</i>	<i>Mexico</i>	<i>Morocco</i>	<i>Sri Lanka</i>	<i>Togo</i>	<i>Tunisia</i>	<i>Total</i>
2012	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	5
2013	-	-	-	-	1	-	-	-	-	-	-	6 ^a	-	-	-	-	7
2014	-	-	1	1	1	-	-	5	-	-	-	43	-	-	-	-	51
2015	-	-	-	-	3	-	-	42	-	-	-	165	-	-	-	-	210
2016	-	-	-	-	4	-	-	22	-	-	-	58	1	-	-	-	85
2017	2	1	-	-	3	-	-	43	2	-	1	31	2	1	-	-	86

* Adopted by the Committee at its seventeenth session (30 September–11 October 2019).



<i>Year</i>	<i>Argentina</i>	<i>Armenia</i>	<i>Brazil</i>	<i>Cambodia</i>	<i>Colombia</i>	<i>Cuba</i>	<i>Honduras</i>	<i>Iraq</i>	<i>Kazakhstan</i>	<i>Lithuania</i>	<i>Mauritania</i>	<i>Mexico</i>	<i>Morocco</i>	<i>Sri Lanka</i>	<i>Togo</i>	<i>Tunisia</i>	<i>Total</i>
2018	-	-	-	-	9	1	14	50	-	-	-	42	-	-	2	-	118
2019 ^b	-	-	-	1	1	-	-	209	-	1	-	7	-	-	-	1	220
Total	2	1	1	1	22	1	14	371	2	1	1	357	3	1	2	1	782

^a Urgent action No. 9/2013 refers to two persons. It is therefore counted as two urgent actions.

^b To 30 September 2019.

C. Process after registration of urgent action requests: developments since the sixteenth session (to 30 September 2019)

4. The Committee is in constant contact with States parties through their permanent missions and with the authors of requests for urgent action through notes, letters, meetings and telephone calls.

5. The information provided in the context of the urgent action procedure confirms a number of the trends identified in the reports adopted at the eleventh to sixteenth sessions (CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2 and CED/C/15/3). Again, most of the cases with regard to which urgent action requests have been registered relate to events in Mexico and Iraq. For the period covered by this report, the Committee wishes to highlight the following trends relating to the States parties concerned.

1. Developments relating to Mexico and Iraq

(a) Mexico

6. The State party has responded to all the recently registered requests for urgent action. With regard to follow-up notes, however, the response times are becoming longer: less and less information is provided as time goes on, and the replies often show that the search and investigation processes in relation to the disappeared persons have come to a standstill.

7. The information provided by the State party continues to reflect sporadic, isolated and largely formalistic actions that do not seem to be part of a previously defined search and investigation strategy. Steps taken by family members, close contacts or representatives of the disappeared persons are still crucial to ensuring that searches and investigations move forward.

8. In the vast majority of cases, the authors of requests for urgent action are exasperated by the failure to conduct searches and investigations with due diligence. They find it regrettable that there are no on-site investigations or comprehensive analyses of the available evidence or the information they provide to the authorities responsible for searches and investigations.

9. Authors continue to make frequent allegations that those authorities are directly or indirectly involved in the events surrounding the disappearances, and that search and investigation efforts have come to a halt. In such cases, the Committee has emphasized the importance of establishing mechanisms for holding State officials in charge of searches and investigations to account, and has requested the State party to investigate allegations that such officials have hindered proceedings.

10. The Committee wishes to emphasize its concern over reports that relatives of disappeared persons have been targeted by threats and intimidation when they have pressed for the investigation of the facts surrounding the enforced disappearance of their family members. These threats take various forms, including death threats, patrols around people's homes and procedural decisions that affect the protection afforded to the persons concerned (for example, lifting a measure to protect the identity of a key witness in the investigation by transferring the case file to the Guerrero State Prosecutor's Office). In such cases, the Committee again requests the State party to take interim measures consisting of (a) the

measures necessary to preserving the life and safety of the persons concerned; and (b) those necessary to ensuring that a person can carry out a search for a missing family member without being subjected to violence or harassment. The Committee also requests more specific measures whenever necessary (for example, to ensure that the identity of a person is kept confidential despite the transfer of the case file).

(b) Iraq

11. The Committee is deeply concerned by the failure of Iraq, despite several reminders, to reply to the majority of the registered requests for urgent action concerning incidents that took place in its territory. Four reminders, which have gone unanswered, were sent for 53 of the registered requests for urgent action. Where replies have been received, the State party has provided no information whatsoever on any action it has taken to search for the disappeared persons or to investigate their alleged enforced disappearance. Nor have the procedures available to victims been made clear, and the information provided by the family members and other relatives of disappeared persons continues to confirm that, in general, they must endure ill-treatment at the hands of State authorities when they ask for information or support in connection with searches for disappeared persons or investigations into their alleged enforced disappearance.

12. In several of its replies, the State party also simply stresses that the alleged victims were affiliated with terrorist groups. In the reporting period, for example, the Committee registered 192 new requests for urgent action for the alleged enforced disappearance of 192 persons at the Al-Razaza checkpoint in Anbar Governorate. The Committee was informed that, on 26 October 2014, against the backdrop of the fight against Islamic State in Iraq and the Levant, many families fled Jurf al-Sakhr in Babil Governorate for safer areas through the checkpoint in question, which was then controlled by Hizbullah brigades. According to reports received by the Committee, the 192 persons were arrested while attempting to go through the checkpoint and forcibly taken by Hizbullah to an unknown location. Despite repeated complaints by family members to the State party's authorities, their whereabouts remain unknown. The Committee asked the State party to take immediate action to search for and locate the disappeared persons, look into their alleged enforced disappearance, ensure that the disappeared persons were placed under the protection of the law and take the necessary measures to identify those responsible. The State party responded by stating that all the persons referred to in these urgent actions had ties to Islamic State in Iraq and the Levant and that seven of them had been killed. This information was shared with the authors of the requests for urgent action for their comments. More generally, the Committee has been informed of, and notes with concern, several cases in which family members and other relatives of disappeared persons have been subjected to reprisals after reporting incidents to the competent authorities, and the negative impact of this situation on the possibility for persons to request the intervention of the authorities in charge of the search for disappeared persons and the investigation of their disappearance.

2. Requests for urgent action related to other States parties

13. There were too few requests for urgent action relating to other States parties for the Committee to identify any trends. Nevertheless, the Committee wishes to highlight certain elements of some of the requests received.

(a) Brazil

14. Another follow-up note was sent to the State party regarding the case of Davi Santos Fiúza (urgent action No. 61/2014). The note acknowledged receipt of the information that the file on the four-year police search and investigation into Mr. Santos Fiúza's disappearance had been sent to the Office of the Attorney General of the State of Bahia, that the police authorities had referred to the possible involvement of 17 members of the Bahia State Police (military police) and that the Attorney General was currently reviewing the case file to determine the individual liability of each of the 17 police officers and bring the perpetrators to justice. In view of the information gathered in the context of the urgent action, however, the Committee deplored the delays with which the Attorney General's Office, despite having been apprised of the results of the police investigations, investigated the case, and the failure to take further steps to search for and locate Mr. Santos Fiúza.

(b) Colombia

15. As stated in the reports from previous sessions, the information provided by the State party on the 21 registered requests for urgent action shows that investigations and searches often come to a standstill a few months after they begin.

16. In connection with urgent actions Nos. 378/2017, 379/2017 and 380/2017, the Committee was informed that four persons had been arrested and had provided information on the location of the remains of the disappeared children. They were charged with enforced disappearance. The three children were found dead in the Cerro Norte neighbourhood of Usaquén in May 2019. This information was passed on to the authors of the relevant requests for urgent action for their comments.

(c) Togo

17. With regard to the cases of Atsou Adzi and Messan Koku Adzi (urgent actions Nos. 543/2018 and 544/2018), the State party replied on 17 July 2019 that, after investigations into the disappearances in question, its authorities had discovered that Atsou Adzi had died of health problems on 3 January 2014. That claim was reportedly confirmed by several people, including an uncle of Atsou Adzi, who organized the funeral, and the head of the community of Gapé. The Togolese authorities claim to have located Messan Koku Adzi on 29 June 2019 in Lomé, where he is apparently living. According to the authorities, he was in contact with his family in Gapé. The authorities investigated the case and concluded that two people had fabricated the story in question. The State party's observations were relayed to the authors of the requests for urgent action for their comments. The Committee will make a decision on this urgent action in the light of the response provided.

(d) Tunisia

18. The case of Mohamed Guefassa (urgent action No. 768/2019), an Algerian national who disappeared in Tunisian territorial waters on the night of 2 October 2016, when, travelling irregularly from Algeria to the Italian island of Sardinia, he was intercepted by Tunisian coastguards, was registered during the reporting period. According to the information provided to the Committee, Mr. Guefassa may be illegally detained in Tunisia on terrorism-related charges. The Committee requested the State party to immediately take all necessary measures to search for, locate and protect Mr. Guefassa. The State party had not replied to the Committee's note verbale by the date of this report. A reminder was sent.

3. Innovations

19. Since August 2019, following the adoption and publication of the guiding principles for the search for disappeared persons (CED/C/7), the Committee has included specific references to them in its follow-up notes in order to make its recommendations to States parties more precise. Whenever appropriate, the guiding principles were also annexed to the follow-up notes.

D. Urgent actions that have been discontinued, closed or kept open for the protection of persons for whom interim measures have been taken

20. In accordance with the criteria adopted in plenary by the Committee at its eighth session:

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

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

(c) An urgent action is kept open when the disappeared person has been located but the persons for whom interim measures have been granted in the context of the urgent

action are still under threat. In such cases, the intervention of the Committee is limited to following up on the interim measures.

21. At the time of writing, the Committee has closed a total of 52 urgent action cases: in 29 of these cases, the disappeared persons were found alive and released, and in 23, the disappeared persons were found dead.

22. In addition, the Committee has discontinued 13 urgent action cases because the disappeared persons have been located but remain in detention.

23. In two urgent action cases, the disappeared persons have been found dead, but the urgent action remains open because the persons for whom interim measures were taken are still under threat.

24. In one urgent action case, the author reported that some of her husband's remains had been found. She emphasized, however, that she was not satisfied, as the view of the authorities, in contrast to her own, was that it was unnecessary to continue searching for the rest of his remains. The State party is reminded that when only partial remains have been found and identified, any decision to continue the search to locate and identify the missing remains should take into account the actual chances of identifying more remains and the needs expressed by the family members in the context of their cultural norms concerning funerals. Any decision to discontinue the search should be taken in a transparent manner and requires the prior and informed consent of the family members, in accordance with principle 7 of the guiding principles for the search for disappeared persons. The Committee has therefore decided to keep the urgent action open.

E. Items for discussion by the Committee at its seventeenth session

25. The Committee reiterates that, in view of the increase in the number of requests for urgent action that are registered, there is an urgent need for an increase in the number of staff members in the secretariat of the Office of the United Nations High Commissioner for Human Rights who are devoted to processing those requests.

26. The plenary confirmed the composition of the Working Group on Urgent Action and recalled that the division of labour among members is based on the language of the request for urgent action. The secretariat recalled the Committee's working methods in relation to urgent action, which were confirmed by the plenary.

27. The Committee confirmed that, whenever necessary, reference will be made to the obligation of States parties, without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, to take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights. In many cases of enforced disappearance, economic and social support is essential to enable the family members and other relatives of the disappeared person to participate in the search and investigation processes.

28. The Committee decided to revise the format for the submission of requests for urgent action, based on the experience gained since the start of the procedure.
