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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Report of the Working Group on Enforced or Involuntary Disappearances\*

### *Summary*

The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate. The original mandate derives from Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980. The mandate was most recently extended by the Human Rights Council in its resolution 16/16 of 24 March 2011.

The total number of cases transmitted by the Working Group to Governments since its inception is 53,986. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,889 in a total of 84 States. The Working Group has been able to clarify 298 cases over the past five years.

The present report reflects the communications and cases examined by the Working Group during its three sessions in 2012, covering the period 12 November 2011 to 9 November 2012. It includes, in annex I, sections on 96 States and territories. The report also contains a thematic section on reparation for enforced disappearances and includes information on other activities carried out by the Working Group.

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

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## I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate. The original mandate derives from Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, which followed General Assembly resolution 33/173 of 20 December 1978, in which the Assembly expressed concern at reports from various parts of the world relating to enforced disappearances and requested the Commission to consider the question of missing or disappeared persons. The mandate was most recently extended by the Human Rights Council in its resolution 16/16 of 24 March 2011.

2. The primary task of the Working Group is to assist families in determining the fate or whereabouts of their family members who are reportedly disappeared. In this humanitarian capacity, the Working Group serves as a channel of communication between family members of victims of enforced disappearance and others connected to the disappeared person, and Governments.

3. Following the adoption by the General Assembly of its resolution 47/133 and of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group was entrusted to monitor the progress of States in fulfilling their obligations derived from the Declaration. The Human Rights Council, in its resolution 7/12, encouraged the Working Group to provide assistance in the implementation by States of the Declaration and of existing international rules. The year 2012 marked the twentieth anniversary of the Declaration. The Working Group held a commemorative event on 30 and 31 October 2012 with the support of the Organisation Internationale de la Francophonie and the Office of the United Nations High Commissioner for Human Rights (see also paragraph 14 below).

4. The present report reflects the communications and cases examined by the Working Group during its three sessions in 2012, covering the period from 12 November 2011 to 9 November 2012.

5. A summary of the activities held during the reporting period is presented in a table for each country, with a detailed text description of the areas of activity (see annex I). The Working Group regrets that this section, which contains relevant information on enforced disappearances around the world, will not be translated. In this respect, the Working Group is currently exploring different modalities to report on its activities, which would possibly allow their translation in the future. Where there has been no information from the Government or the sources, notwithstanding the annual reminder sent by the Working Group concerning outstanding cases, a table is provided and a reference is made to the previous report dealing with those cases.

6. Since its inception, the Working Group has transmitted a total of 53,986 cases to Governments. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,889 in a total of 84 States. The Working Group has been able to clarify 298 cases over the past five years.

7. The Working Group is concerned that many communications are not still translated in time, thus delaying their consideration by the Working Group and limiting its humanitarian mandate. The Working Group also regrets that, at the time of approval of the present report (November 2012), the previous report of the Working Group had been translated into Arabic only.

8. The website of the Working Group remains inadequate. The majority of the content is in English only. The Working Group once again calls on the United Nations to provide adequate resources to bring it up to date and more accessible.

9. The Working Group is grateful for the additional human resources given to it during the reporting period. It notes, however, that, despite the efforts made, a backlog of more than 900 cases remains. The Working Group considers that reducing the backlog of cases is one of its priorities. Therefore, it is essential that additional support be sustained in the future.

## **II. Activities of the Working Group on Enforced or Involuntary Disappearances: 12 November 2011 to 9 November 2012**

### **A. Sessions, intersessional activities of the members and other events**

10. During the period under review, the Working Group held three sessions: the ninety-sixth session, from 12 to 16 March 2012; the ninety-seventh session, from 9 to 13 July 2012; and the ninety-eighth session, from 31 October to 9 November 2012. All sessions were held in Geneva.

11. The post of Chairperson-Rapporteur of the Working Group was held by Jeremy Sarkin until 11 March 2012. As from 12 March 2012, the Chairperson-Rapporteur of the Working Group is Olivier de Frouville. The other members are Ariel Dulitzky, Jasmina Dzumhur, Osman El-Hajjé and Jeremy Sarkin.

12. On 5 March 2012, the Chairperson-Rapporteur presented the annual report of the Working Group for 2011 to the Human Rights Council at its nineteenth session, and participated in the interactive dialogue with Member States.

13. On 25 October 2012, the Chairperson-Rapporteur of the Working Group addressed the General Assembly at its sixty-seventh session and participated in the interactive dialogue with Member States.

14. On 30 and 31 October 2012, the Working Group held an event in Geneva to mark the twentieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance. On 30 October, a one-day thematic discussion was devoted to the theme “Exploring best practices and challenges to protect women from enforced disappearance and its impact”, followed by, on 31 October, a half-day open dialogue between the Working Group and representatives of States. The first day of the event focused on the impact of enforced disappearances on women as well as on the role of women as actors of change. Participants highlighted the socioeconomic and other consequences of enforced disappearances on women, as well as the gender-specific vulnerabilities of women during enforced disappearances. Women relatives of victims gave their testimonies and spoke of their role at the forefront of the struggle against enforced disappearances, while highlighting the difficulties encountered in their activities aimed at realizing the right to truth and justice. The second day of the event was devoted to an open dialogue between the Working Group and the States concerning the challenges and best practices in the implementation of the Declaration in the area of prevention, justice, truth and reparation for victims of enforced disappearance. The members of the Working Group introduced each topic of discussion, which was followed by an interactive dialogue with Member States. Various issues were highlighted, including the need to develop a comprehensive strategy to protect witnesses and relatives of the disappeared; the obligation of the States to include an autonomous crime of enforced disappearance in their criminal codes; the importance of developing gender-sensitive reparation measures; and the need to conceive the right to the truth as an absolute right.

15. During the reporting period, all the members of the Working Group carried out a number of activities connected to enforced disappearances, which included their participation in seminars, training events, workshops and lectures.

## **B. Meetings**

16. During the period under review, representatives of the Governments of Algeria, the Gambia, Guatemala, Iran (Islamic Republic of), Japan, Morocco, Namibia, Pakistan, the Republic of Korea, Serbia, Spain, Sri Lanka, Tajikistan and Togo attended the sessions of the Working Group. A number of other informal meetings were held with various States during the year. The Working Group also met with the Committee on Enforced Disappearances, representatives of international governmental organizations, human rights non-governmental organizations and associations of relatives of disappeared persons and families of victims of enforced disappearances or witnesses thereto.

## **C. Communications**

17. During the reporting period, the Working Group transmitted 208 new cases of enforced disappearance to 21 States.

18. The Working Group transmitted 59 of the above-mentioned cases under the urgent-action procedure to Algeria, Bangladesh, the Central African Republic, Mauritania, Mexico, Pakistan, Sri Lanka, the Syrian Arab Republic, Tajikistan, Thailand, Ukraine and Uzbekistan.

19. During the same period, the Working Group clarified 74 cases, in Algeria, Argentina, Chile, Colombia, Egypt, Iraq, Libya, Morocco, Myanmar, Pakistan, Spain, the Syrian Arab Republic, Tajikistan and Uruguay. Of the 74 cases, 61 were clarified on the basis of information provided by Governments, and 13 on the basis of information provided by sources.

20. During the reporting period, the Working Group transmitted 10 prompt-intervention communications addressing harassment of and threats to human rights defenders and relatives of disappeared persons in Algeria, India, Mexico, the Russian Federation, Sri Lanka and Turkey. All were sent as joint communications with other special procedures mandates.

21. The Working Group transmitted 16 urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had been forcibly disappeared or were at risk of disappearance in Colombia, the Democratic Republic of the Congo, India, Iran (Islamic Republic of), Jordan, Mali, Mexico, the Syrian Arab Republic, the United Arab Emirates and Zimbabwe. All communications were sent jointly with other special procedures mechanisms.

22. During the reporting period, the Working Group transmitted three general allegations, to the Governments of Eritrea, of Lithuania and of the Philippines,<sup>1</sup> and adopted a general allegation on Thailand. The Working Group also transmitted, jointly with other special procedures mechanisms, two general allegations to the Democratic People's Republic of Korea and Colombia (see also annex I).

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<sup>1</sup> As indicated in the previous annual report (see A/HRC/19/58/Rev.1, para. 22), summaries of the three general allegations, which were considered by the Working Group at its ninety-fifth session, are included in annex I.

## D. Country visits

23. At the invitation of the Governments, the Working Group visited Chile and Pakistan.
24. The Working Group, represented by Ariel Dulitzky and Jasmina Dzumhur, visited Chile from 13 to 21 August 2012. The purpose of the visit was to examine the main initiatives and policies undertaken by Chile relating to enforced or involuntary disappearances in the context of the human rights violations in the past. The experts also analysed the development of investigations and judicial proceedings relating to cases of enforced disappearance, as well as issues relating to truth, justice and reparation for the victims of enforced disappearance. The report on the visit to Chile is contained in an addendum to the present report (A/HRC/22/45/Add.1).
25. The Working Group, represented by Olivier de Frouville and Osman El-Hajjé, visited Pakistan from 10 to 20 September 2012. The purpose of the visit was to gather information on cases of enforced disappearances, as well as to study the measures taken by the State to prevent and eradicate enforced disappearances, including issues relating to truth, justice and reparation for the victims of enforced disappearance. The report on the visit to Pakistan is contained in an addendum to the present report (A/HRC/22/45/Add.2).
26. During the reporting period, the Working Group reiterated its request for visits to Algeria, Egypt, India, Indonesia, Iran (Islamic Republic of), the Russian Federation, Sri Lanka, Thailand and Uzbekistan.
27. During the reporting period, the Working Group also requested visits to Libya and Spain. The Government of Libya accepted the request of the Working Group to visit the country in the first half of 2013. The Government of Spain accepted the request of the Working Group to visit the country in the second half of 2013.
28. During the reporting period, the Government of Kyrgyzstan invited the Working Group to undertake a visit in 2013. The Working Group thanks the States that have extended invitations to visit their countries.
29. The Working Group has requested a visit to the following countries, without having yet received a positive response: Belarus, Burundi, Croatia, Egypt, India, Indonesia, Montenegro, Nepal, Nicaragua, the Philippines, the Russian Federation, South Sudan, Sri Lanka, the Sudan, the Syrian Arab Republic, Thailand, Uzbekistan and Zimbabwe. The Working Group invites all States that have received a request for a visit by the Working Group to respond favourably to it, in accordance with Human Rights Council resolution 21/4.
30. In this regard, the Working Group would like to recall the fact that the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, which was delayed at the request of the Government. The Working Group calls upon the Government to set the dates for the visit.

## E. Follow-up reports

31. During the reporting period, the Working Group prepared follow-up reports on the implementation of recommendations made following its visits to El Salvador and Morocco. The follow-up reports are contained in an addendum to the present report (A/HRC/22/45/Add.3).

## F. Press releases and statements

32. On 11 November 2011, the Working Group, jointly with the Committee on Enforced Disappearances, issued a press release on the occasion of the first meeting between the two bodies held on Wednesday 8 November 2011.<sup>2</sup>

33. On 30 August 2012, the Working Group and the Committee on Enforced Disappearances issued a joint statement to mark the second International Day of the Victims of Enforced Disappearances. The Working Group observed that, while 20 years had passed since the adoption of the Declaration, the practice of enforced disappearance was still used in certain countries to repress individuals and to intimidate people claiming their rights. The experts also observed that, in other countries, situations of the past had not been dealt with in an appropriate manner, and emphasized that all families of the disappeared, even though those disappearances occurred decades before, should enjoy the right to the truth, the right to justice and the right to reparation.<sup>3</sup>

34. On 25 October 2012, on the occasion of the address made by the Chairperson-Rapporteur of the Working Group to the General Assembly, a press release, jointly with the Chairperson of the Committee on Enforced Disappearances, was issued.<sup>4</sup>

35. On 8 November 2012, the Working Group issued a joint statement with the Committee on Enforced Disappearances on their meeting held on 1 November 2012. At that meeting, the members of the two United Nations bodies working on the issue of enforced disappearance exchanged information on their respective activities and discussed the coordination of common initiatives. The Working Group and the Committee reaffirmed their commitment to cooperate and coordinate in the discharge of their respective mandates. They agreed on the principle of sharing information on a permanent basis. They held discussions on the complementarity of their procedures, on the interpretation of international law in the field of enforced disappearances and on country visits. The two bodies recalled that coordination and coherence were essential to guarantee the effective protection of victims of enforced disappearances, and that the Working Group and the Committee acted in a complementary and mutually reinforcing way to prevent and combat the heinous crime of enforced disappearance<sup>5</sup>.

36. During the reporting period, the Working Group also issued press releases concerning China, Colombia, Mexico and Spain.

37. On 23 December 2011, the Working Group, jointly with three other special procedures mechanisms, issued a press release concerning the alleged continued secret detention of Gao Zhisheng, a prominent human rights lawyer who was reportedly arrested in 2006 in relation to his work advocating against human rights violations in China. Mr. Gao was allegedly charged with subversion of State power, although this was never proven in a court of law. At the time when the press release was issued, Mr. Gao's whereabouts had been unknown for 20 months<sup>6</sup>.

38. On 8 February 2012, the Working Group, together with another mandate holder, issued a press release concerning the trial of Judge Baltasar Garzón in Spain and its effects on the process to investigate and deal with more than 100,000 cases of enforced disappearances that reportedly occurred during the Spanish civil war and under the Franco

<sup>2</sup> Available from [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E).

<sup>3</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12472&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12472&LangID=E).

<sup>4</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12701&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12701&LangID=E).

<sup>5</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12754&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12754&LangID=E).

<sup>6</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E).

regime. The Working Group emphasized that an investigation should be conducted for as long as the fate of the victim of enforced disappearance remains unclarified, and that no amnesty law should bring an end to a State's obligation to investigate, prosecute and punish those responsible for disappearances<sup>7</sup>.

39. On 14 March 2012, the Working Group issued a press release on the occasion of the presentation of the report on its visit to Mexico (A/HRC/19/58/Add.2). The experts, while recognizing the challenges posed by the complex public security situation in the context of the fight against crime, emphasized that there a chronic pattern of impunity was demonstrated by the absence of effective investigations in cases of enforced disappearances<sup>8</sup>.

40. On 21 August 2012, the Working Group issued a press release at the end of its official visit to Chile.<sup>9</sup>

41. On 20 September 2012, the Working Group issued a press release at the end of its official visit to Pakistan.<sup>10</sup>

42. On 22 October 2012, the Working Group, together with 10 other special procedures mechanisms, issued a joint press release on the proposed reform of political Constitution of Colombia with regard to military criminal law, expressing concern that the proposal could have serious implications for the rule of law and the enjoyment of human rights in Colombia. Although the proposed reform would reportedly exclude the crimes of genocide, crimes against humanity and enforced disappearance from the jurisdiction of military and police tribunals, it could also expand the jurisdiction of these tribunals, giving them the power to investigate, process and decide on cases of other serious human rights violations, as well as crimes committed by private security forces, which should be under the authority of the ordinary criminal justice system and courts<sup>11</sup>.

43. Reference to the above-mentioned press releases may be also found in the relevant country sections of the present report (see annex I).

44. Media advisories and press releases were issued at the beginning and the end of each of the three sessions of the Working Group during the reporting period.

## G. General comments

45. In 2012, the Working Group finalized two general comments on children and enforced disappearance and women affected by enforced disappearances, which were adopted by the Working Group at its ninety-eighth session.

## III. Reparations and enforced disappearances

46. As of the current year, the Working Group has decided to include a thematic section in its annual reports. Taking into account the time elapsed since its general comment on article 19 of the Declaration (1997) and the new developments in international law, the Working Group has chosen to devote the thematic section of the present report to the issue of reparation for victims of enforced disappearance.

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<sup>7</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E).

<sup>8</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11963&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11963&LangID=E).

<sup>9</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12451&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12451&LangID=E).

<sup>10</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12552&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12552&LangID=E).

<sup>11</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E).

47. Article 19 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that “the victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation”.

## A. Definition of reparation

48. The Working Group considers that the term “redress” in article 19 of the Declaration is meant to include essentially the concept of “reparation”, even though it encompasses that of “effective remedy” as well.<sup>12</sup> The right to reparations is a well-established and basic human right, which is enshrined in universal and regional human rights treaties as well as in other international instruments.<sup>13</sup> The Working Group considers that the scope of the right to reparation in customary law has been evolving over recent decades.

49. For the first time in international law, the right to reparation for acts of enforced disappearance has been enshrined in an international legally binding instrument, namely, the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>14</sup> Paragraph 5 of article 24 of the Convention specifies that the right to obtain reparation covers both material and moral damages and, where appropriate, other forms of reparation such as restitution, rehabilitation, satisfaction (including restitution of dignity and reputation), and guarantees of non-repetition.<sup>15</sup>

### 1. Reparation as a consequence of the violation of the victim’s rights

50. The Working Group notes that, in practice, measures intended to help relatives to cope with the consequences of the absence of the disappeared person are assimilated to measures of reparation. Everyone has the right to social security and the State has the duty to provide the family with the widest possible protection. Measures that provide for social assistance do not, however, prejudice the obligation of the State to provide reparation to victims as a consequence of the violation of their rights.<sup>16</sup> In addition, social allowances and/or measures of reparation should not be made conditional on the requirement that the relatives of the disappeared person produce a death certificate.<sup>17</sup> In its general comments on article 19 of the Declaration, the Working Group made it clear that, “as a general principle,

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<sup>12</sup> See also general comment No. 3 of the Committee against Torture on article 14 of the Convention (CAT/C/GC/3).

<sup>13</sup> As recently reaffirmed by the International Criminal Court, Trial Chamber I, in *Situation in the Democratic Republic of Congo in the case of the Prosecutor v. Thomas Lubanga Dyilo, Decision establishing the principles and procedures to be applied to reparations*, 7 August 2012, para. 185.

<sup>14</sup> Art. 24, para. 4: “Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation.”

<sup>15</sup> The jurisprudence of regional human rights courts, and notably the Inter-American Court of Human Rights, has been instrumental in the interpretation and development of the right to reparation. The Court has by far the most developed and creative jurisprudence with regard to asserting victims’ right to reparation.

<sup>16</sup> The Working Group, in paragraph 9 of its general comment on the right to recognition as a person before the law in the context of enforced disappearances, stated that the acceptance of financial support for members of the families should not be considered a waiver of the right to integral reparation for the damage caused by the crime of enforced disappearance, in accordance with article 19 of the Declaration.

<sup>17</sup> A/HRC/16/48/Add.1, para. 46.

no victim of enforced disappearance shall be presumed dead over the objections of the family.”<sup>18</sup>

## **2. Definition of those with the right to obtain reparation**

51. The Working Group does not differentiate between direct and indirect victims, but rather considers that both the disappeared person and those who have suffered harm as a result of the disappearance are to be considered victims of the enforced disappearance and are therefore entitled to obtain reparation.<sup>19</sup> For the purposes of reparation, a broad definition of the victim, not linked to the establishment of the criminal liability and conviction of the accused, should be adopted.<sup>20</sup>

52. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>21</sup> define victims as persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

## **B. Forms of reparation in cases of enforced disappearance**

53. The Working Group noted that, in a number of countries, reparation was interpreted exclusively in the form of compensation, namely, as a sum of money intended to compensate all forms of damages caused to victims. The Working Group has already explained, in its general comments on article 19 of the Declaration, however, that the obligation to provide redress to victims of enforced disappearances is not limited to the right to monetary compensation, but includes, *inter alia*, medical and psychological care and rehabilitation for any form of physical or mental damage as well as legal and social rehabilitation, guarantees of non-repetition, restoration of personal liberty and similar forms of restitution, satisfaction and reparation that may remove the consequences of the enforced disappearance.<sup>22</sup>

54. The Working Group generally recommends the establishment of a national programme on reparations that includes compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition for all victims of human rights violations, including enforced disappearances.<sup>23</sup> The Working Group also emphasizes that, within the scope of the right to reparation in the case of enforced disappearance, the family of the disappeared person has an imprescriptible right to be informed of the fate and/or

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<sup>18</sup> E/CN.4/1998/43, para. 74.

<sup>19</sup> See A/HRC/19/58/Rev.1, para. 58. Article 24, paragraph 1 of the Convention stipulates that the term “victim” denotes “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance”.

<sup>20</sup> See A/HRC/19/58/Add.2, para. 109.

<sup>21</sup> General Assembly resolution 60/147, annex.

<sup>22</sup> E/CN.4/1998/43, para. 75.

<sup>23</sup> See A/HRC/19/58/Add.1, para. 79(b) and A/HRC/16/48/Add.1, para. 84(d). See also principle 18 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

whereabouts of the disappeared person and, in the event of decease, that person's body must be returned to the family as soon as it has been identified, regardless of whether the perpetrators have been identified or prosecuted.<sup>24</sup>

## **1. Restitution**

55. Restitution is the act of restoring the victim, to the extent possible, to the original situation before the violation was committed. In the case of enforced disappearance, these measures include recovery of identity,<sup>25</sup> restoration of liberty or return to one's place of residence. The Working Group underlines that, as full restitution is normally not possible in the case of enforced disappearance owing to the irreversible nature of the harm suffered, other forms of reparation, such as compensation and rehabilitation, should complement restitution. Furthermore, it is important to emphasize that, even when restitution is possible, reparation measures to return the victim to the status quo ante may need to remedy and address prior situations of discrimination and/or vulnerability.

## **2. Compensation**

56. The Working Group emphasizes that financial compensation is not sufficient in itself and should be normally associated with other forms of reparation.<sup>26</sup> The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law provide that compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law. Principle 20 also provides a list of what may be considered economically assessable damage: (a) physical or mental harm; (b) lost opportunities, including employment, education and social benefits; (c) material damages and loss of earnings, including loss of earning potential; (d) moral damage; or (e) costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

57. Compensation is an important element of the right to an effective remedy, particularly when restoring the victim to the situation *ex ante* is not possible, as is frequently the case in many international crimes, including enforced disappearance. The Working Group emphasizes that compensation should be full and "adequate", namely, proportionate to the gravity of the human rights violation (such as the period of disappearance or the conditions of detention) and to the suffering of the victim and the family.<sup>27</sup>

58. The Working Group also emphasizes that monetary compensation should be applied in a broad sense and must be given for any damage resulting from an enforced disappearance, such as physical or mental harm,<sup>28</sup> lost opportunities,<sup>29</sup> material damages

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<sup>24</sup> See E/CN.4/2005/102/Add.1, principle 34.

<sup>25</sup> See Inter-American Court of Human Rights, *Case of Contreras et al. v. El Salvador*, judgement of 31 August 2011 (available from [www.corteidh.or.cr/docs/casos/articulos/seriec\\_232\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf)), para. 193.

<sup>26</sup> See A/HRC/19/58/Add.3, para. 54. The Working Group previously examined the issue of compensation for victims of enforced disappearances in its annual report for 1997 (E/CN.4/1998/43). In preparing that report, the Working Group wrote to countries with more than 20 outstanding cases to seek information on each country's practice in this regard.

<sup>27</sup> A/HRC/16/48/Add.1, para. 45.

<sup>28</sup> The concept of non-pecuniary damages was developed by the Inter-American Court of Human Rights to include "both the suffering and distress caused to the direct victims and their next of kin, and the impairment of values that are highly significant to the individual, as well as other changes of a non-pecuniary nature in the living conditions of the victims or their next of kin". See *Contreras et al. v. El*

and loss of earnings, harm to reputation and costs required for legal or expert assistance.<sup>30</sup> The Working Group further emphasizes the fact that, as civil responsibility of the State is generated by the seriousness of the crime of enforced disappearance, the passing of time should not be an obstacle for the progress of civil demands through the application of statutes of limitation.<sup>31</sup>

### **3. Rehabilitation**

59. Rehabilitation is an essential component of reparation. Article 19 of the Declaration refers to a “as complete a rehabilitation as possible” for the victims of acts of enforced disappearance and their family. Rehabilitation measures and programmes should be established and be easily accessible for victims and their families.

60. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law provide that “rehabilitation should include medical and psychological care as well as legal and social services”.<sup>32</sup> The particular circumstances and needs of each victim must be taken into account when providing psychological or psychiatric treatment. The treatment may be individual, collective or a family one.<sup>33</sup>

61. The Working Group also emphasizes that measures should be taken to ensure that members of families of disappeared persons are entitled to social benefits and other measures of social support irrespective of where they live, including health care, special education programmes and psychological assistance.<sup>34</sup>

### **4. Satisfaction and guarantees of non-repetition**

62. Of the above-mentioned Basic Principles and Guidelines, principle 22, on measures of satisfaction, makes specific reference to a measure relating to enforced disappearance, namely, “the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities”. The Working Group emphasizes that the search for the truth, including the obligation to investigate the facts and to identify, prosecute and, where appropriate, punish those responsible, is also a form of satisfaction for the victims.<sup>35</sup> It also emphasizes that procedural rights to an investigation, to

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<sup>30</sup> *Salvador* (see footnote 25), para. 227. See also *Case of the “Street children”(Villagran Morales et al. v. Guatemala)*, reparation and costs, judgement of 26 May 2001, para. 84.

<sup>31</sup> See for example Inter-American Court of Human Rights *Case of Gelman v. Uruguay*, judgement of 24 February 2011, para. 293, where the Court recognized the loss of income of the victim, who was only 19 years old at the time of her disappearance and a university student.

<sup>32</sup> A/HRC/19/58/Add.1, para. 63.

<sup>33</sup> A/HRC/22/45/Add.1, para. 47.

<sup>34</sup> Principle 21. In the *Barrios Altos case (Chumbipuma Aguirre et al. v. Peru)*, 2001, para. 40, the Inter-American Court of Human Rights approved the agreement signed by the State and the victims wherein the State recognized its obligation to provide “diagnostic procedures, medicines, specialized aid, hospitalisation, surgeries, labouring, traumatic rehabilitation and mental health.”

<sup>35</sup> See *Contreras et Al. v. El Salvador* (see footnote 25), para. 200.

<sup>36</sup> A/HRC/16/48/Add.1, para. 84 (c).

<sup>37</sup> See for example A/HRC/16/48/Add.2, para. 8. Principle 4 of the Updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1) states that “Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims’ fate”.

truth and to justice are equally central to victims' perceptions of reparation. Indeed, in some instances, the truth and justice process may in itself constitute a form of reparation.

63. Other forms of satisfaction for victims of enforced disappearance and their families include a judicial decision<sup>36</sup> or an official declaration restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim; a public apology, including acknowledgement of the facts and acceptance of responsibility, for instance through a public ceremony or act; and commemorations and tributes to the victims. Specific measures relating to enforced disappearance may include the creation of specialized units to carry out the investigation of complaints of serious human rights violations, including enforced disappearances; the elaboration of a protocol for the collection and identification of the bodily remains; the creation of psychosocial assistance programme for individuals who are found and their relatives, and for the relatives of those who remain disappeared; and public access to State files and archives containing relevant information.<sup>37</sup>

64. The Working Group considers that the establishment of memorial sites and monuments contributes to the collective social recognition of violations that have occurred, as well as to the rejection and repudiation of these violations which could also serve as a preventive measure.<sup>38</sup> The Working Group emphasizes that States should adopt a comprehensive legal framework for reparation programmes, including the issue of memorials, with a view to avoiding re-victimization and further violations of the right to dignity. Legislation should set out the criteria and the process for the establishment of such memorials, taking into account the potential controversies that may arise out of conflicting memories from different groups in society.<sup>39</sup> The establishment and maintenance of memorial sites is a responsibility of the State, with the close participation of the relatives of the disappeared and other parties concerned.<sup>40</sup>

65. With regard to guarantees of non-repetition, there are measures that should be taken to prevent future recurrence of enforced disappearances. Principle 23 (e) of the above-mentioned Basic Principles and Guidelines refers to various possible guarantees of non-repetition, such as providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces; promoting mechanisms for preventing and monitoring social conflicts and their resolution; and reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.<sup>41</sup> The introduction of specific

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<sup>36</sup> In the case of judicial decisions, the publication and dissemination of the judgement is also considered a form of satisfaction.

<sup>37</sup> See *Contreras et al. v. El Salvador* (see footnote 25), paras. 211-214; and *Case of Gelman v. Uruguay* (footnote 29), paras. 272-282.

<sup>38</sup> See A/HRC/19/58/Add.3, para. 101 (c); E/CN.4/2006/56/Add.1, para. 115; and A/HRC/10/9/Add.1, para. 65.

<sup>39</sup> See also A/HRC/16/48/Add.1, paras. 48 and 84 (g).

<sup>40</sup> In Chile, for instance, while the State has supported the construction and maintenance of several memorials and the development of cultural acts of various kinds, the increasing construction and maintenance of memorials aimed at the preservation of historic memory has been essentially the product of civil society initiatives, mainly of organizations of relatives of victims, not of a policy initiated by the State. See A/HRC/22/45/Add.1, para.50.

<sup>41</sup> Other guarantees mentioned in principle 23 are: (a) Ensuring effective civilian control of military and security forces; (b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality; (c) Strengthening the independence of the judiciary; (d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders; (f) Promoting the observance of codes of conduct and

protocols and safeguards and the promotion of judicial or security sector reforms are other important measures of non-repetition. The Working Group further emphasizes that the full realization of the right to truth and justice are essential elements to ensure non-repetition.

### C. Individual and collective reparations

66. The Working Group welcomes the growing recognition in international human rights law that reparations may be awarded on both an individual and a collective basis.<sup>42</sup> Individual and collective reparations may be granted concurrently and they do not exclude each other, given that both their essence and purpose are different.<sup>43</sup> Collective reparations respond to collective harm or harm to society as a whole. Public apology or acceptance of responsibility as well as the construction of monuments or memorials for victims of enforced disappearances are possible forms of collective reparation.

### D. Gender perspective and culturally sensitive reparations

67. The Working Group emphasizes that both a gender-sensitive as well as culturally-sensitive approach should be taken in the determination of the forms and modalities of reparations.<sup>44</sup> The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation<sup>45</sup> in particular provides gender specific considerations with respect to the formulation and implementation of reparations, emphasizing additional aspects of importance of the process of obtaining reparations, including removing possible barriers for them to claim their rights and to access to justice. The Declaration highlights the fundamental importance of a consultative process, which empowers women themselves to determine what forms of reparation are best suited to their situation. Special measures should be taken to empower women and enable their participation in all stages of the reparation process affecting them. The Working Group also emphasizes that reparation measures need to take into account many factors, in particular the victims' perspective and the circumstances of the case, given that what might be an appropriate reparation measure in one case may be inappropriate or even counterproductive in another.

68. The Working Group further stresses that access to reparation must be ensured in a culturally sensitive manner. Information on reparation processes and measures should be facilitated in local languages, if necessary, and the design of reparation plans or mechanisms should be designed with the participation of the communities affected, taking into account their needs. The Working Group also emphasizes that the provision of social services for victims should not be confused with their right to obtain reparation.

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ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises.

<sup>42</sup> See rule 97 (1) of the Rules of Procedures and Evidence of the International Criminal Court. See also articles 25 (1) and 50 of the European Convention of Human Rights as well as articles 44 and 63 of the American Convention on Human Rights.

<sup>43</sup> See A/HRC/13/31/Add.1, paras. 56-66. This has been also recognized in the jurisprudence of the Inter-American Court of Human Rights. See for instance *Case of the Moiwana Community v. Suriname*, Preliminary objections, merits, reparations and costs, judgement of 15 June 2005, paras. 194 and 201.

<sup>44</sup> See A/HRC/19/58/Add.1, para. 64. See also A/HRC/16/48/Add.1, para. 44.

<sup>45</sup> Adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation, held in Nairobi from 19 to 21 March 2007.

See [www.fidh.org/IMG/pdf/NAIROBI\\_DECLARATIONeng.pdf](http://www.fidh.org/IMG/pdf/NAIROBI_DECLARATIONeng.pdf).

#### **IV. Information on enforced or involuntary disappearances in States and territories reviewed by the Working Group**

69. The information on enforced or involuntary disappearances in various States and territories reviewed by the Working Group is contained in annex I to the present report and is divided in 96 sections, one per country. Each of these sections summarizes the activities carried out by the Working Group during the reporting period with respect to each country. The information is presented in a table per country, with a detailed text description of the areas of activity. Where there has been no information from the Government or the sources, notwithstanding the annual reminder sent by the Working Group concerning outstanding cases, a table is provided and a reference is made to the previous report dealing with those cases.

70. In this respect, the sections contained in annex I relate to Afghanistan, Albania, Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burundi, Cameroon, the Central African Republic, Chad, Chile, China, Colombia, the Congo, the Czech Republic, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, France, the Gambia, Georgia, Greece, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lebanon, Libya, Lithuania, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Pakistan, Peru, the Philippines, the Republic of Korea, the Russian Federation, Rwanda, Saudi Arabia, Serbia, Seychelles, Somalia, South Sudan, Spain, Sri Lanka, the Sudan, Switzerland, the Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, the United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and the State of Palestine.

**V. Decisions on individual cases taken by the Working Group during the reporting period, and outstanding cases per country**

Countries	<i>Cases allegedly occurred during the reporting period</i>	<i>Cases transmitted to the Government during the reporting period</i>		<i>Clarification by:</i>	<i>Closed cases</i>	<i>Discontinued cases</i>	<i>Outstanding cases</i>
		<i>Urgent actions</i>	<i>Standard cases</i>		<i>Government</i>	<i>Non-governmental sources</i>	
Afghanistan	0	0	0	0	0	0	0
Albania	0	0	0	0	0	0	1
Algeria	1	1	45	0	1	0	0
Argentina	0	0	0	14	0	0	3 271
Bahrain	0	0	0	0	0	0	1
Bangladesh	4	2	3	0	0	0	11
Belarus	0	0	0	0	0	0	3
Bhutan	0	0	0	0	0	0	5
Bolivia (Plurinational State of)	0	0	0	0	0	0	28
Brazil	0	0	0	0	0	0	13
Burundi	0	0	0	0	0	0	52
Cameroon	0	0	0	0	0	0	14
Central African Republic	3	3	0	0	0	0	3
Chad	0	0	0	0	0	0	23
Chile	0	0	0	5	0	0	801
China	0	0	0	0	0	0	30
Colombia	0	0	1	2	0	0	969
Congo	0	0	0	0	0	0	88
Democratic People's Republic of Korea	0	0	4	0	0	0	20
Democratic Republic of the Congo	0	0	0	0	0	0	44
Dominican Republic	0	0	0	0	0	0	1
Ecuador	0	0	0	0	0	0	4
Egypt	0	0	3	1	2	0	41
El Salvador	0	0	0	0	0	0	2 271
Equatorial	0	0	0	0	0	0	8

Countries	Cases allegedly occurred during the reporting period	Cases transmitted to the Government during the reporting period		Clarification by:	Closed cases	Discontinued cases	Outstanding cases
		Urgent actions	Standard cases				
<b>Guinea</b>							
Eritrea	0	0	0	0	0	0	54
Ethiopia	0	0	0	0	0	0	112
France	0	0	0	0	0	0	1
Gambia	0	0	0	0	0	0	1
Georgia	0	0	0	0	0	0	1
Greece	0	0	0	0	0	0	1
Guatemala	0	0	0	0	0	0	2 899
Guinea	0	0	0	0	0	0	21
Haiti	0	0	0	0	0	0	38
Honduras	0	0	0	0	0	0	129
India	0	0	0	0	0	0	353
Indonesia	0	0	0	0	0	0	162
<b>Iran (Islamic Republic of Iran)</b>							
Iran (Islamic Republic of Iran)	0	0	1	0	0	0	518
Iraq	0	0	0	9	0	0	16 401
Israel	0	0	0	0	0	0	2
Jordan	0	0	0	0	0	0	2
Kenya	0	0	40	0	0	0	40
Kuwait	0	0	0	0	0	0	1
<b>Lao People's Democratic Republic</b>							
Lao People's Democratic Republic	0	0	0	0	0	0	1
Lebanon	0	0	0	0	0	0	313
Libya	0	0	1	0	1	0	9
Mauritania	0	2	0	0	0	0	3
Mexico	11	11	6	0	0	0	327
Morocco	0	0	1	9	0	0	53
Mozambique	0	0	0	0	0	0	2
Myanmar	0	0	0	1	0	0	1
Namibia	0	0	0	0	0	0	3
Nepal	0	0	0	0	0	0	458
Nicaragua	0	0	0	0	0	0	103
Pakistan	3	2	6	14	2	0	99
Peru	0	0	0	0	0	0	2 371
Philippines	0	0	0	0	0	0	621
Russian Federation	0	0	4	0	0	0	471

Countries	Cases allegedly occurred during the reporting period	Cases transmitted to the Government during the reporting period		Clarification by:	Closed cases	Discontinued cases	Outstanding cases
		Urgent actions	Standard cases				
Rwanda	0	0	0	0	0	0	21
Saudi Arabia	0	0	0	0	0	0	4
Seychelles	0	0	0	0	0	0	3
Somalia	0	0	0	0	0	0	1
South Sudan	0	0	0	0	0	0	1
Spain	0	0	0	1	0	0	3
Sri Lanka	4	4	9	0	0	0	5 676
Sudan	0	0	0	0	0	0	173
Switzerland	0	0	1	0	0	0	1
Syrian Arab Republic	17	30	9	1	7	0	72
Tajikistan	1	1	0	3	0	0	4
Thailand	1	1	15	0	0	0	71
Timor-Leste	0	0	0	0	0	0	428
Togo	0	0	0	0	0	0	10
Tunisia	0	0	0	0	0	0	2
Turkey	0	0	0	0	0	0	60
Turkmenistan	0	0	0	0	0	0	1
Uganda	0	0	0	0	0	0	15
Ukraine	1	1	0	0	0	0	4
United Arab Emirates	0	0	0	0	0	0	5
Uruguay	0	0	0	1	0	0	19
Uzbekistan	1	1	0	0	0	0	8
Venezuela (Bolivarian Republic of)	0	0	0	0	0	0	10
Viet Nam	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	2
Zimbabwe	0	0	0	0	0	0	4
State of Palestine	0	0	0	0	0	0	3

## VI. Conclusions and recommendations

### A. General

71. In 2012, the Working Group transmitted 208 newly reported cases of disappearance to 21 States. It used the urgent action procedure in 59 of these cases,

which allegedly occurred within the three months preceding the receipt of the report by the Working Group. During the reporting period, the Working Group was able to clarify 74 cases of enforced disappearance.

72. More than 40,000 cases still remain unclarified by the Working Group, many dating back decades. In spite of this large number, underreporting remains a major problem, and is due to various reasons, including fear of reprisals, weak administration of justice, ineffectual reporting channels, institutionalized systems of impunity, poverty, illiteracy, language barriers, a practice of silence and restrictions on the work of civil society. More assistance should be provided to family members and members of civil society to enable them to report cases to the Working Group.

73. The Working Group continues to note a pattern of threats, intimidation and reprisals against victims of enforced disappearance, including family members, witnesses and human rights defenders working on such cases. The Working Group calls upon States to take specific measures to prevent such acts, protect those working on cases of enforced disappearances and punish the perpetrators, in accordance with article 13, paragraphs 1 and 3 of the Declaration on the Protection of All Persons from Enforced Disappearance. Measures should be taken by the Human Rights Council to ensure a more systematic reaction to counter reprisals against persons who cooperate with the United Nations.

74. The Working Group is grateful for the cooperation received from a number of States; such cooperation is indispensable for discovering the fate or whereabouts of disappeared persons around the globe. Nevertheless, the Working Group remains concerned that, of the 84 States with outstanding cases, some have never replied to the Working Group, and some provide responses that do not contain relevant information. The Working Group urges all States to fulfil their obligations under the Declaration and the resolutions of the General Assembly and the Human Rights Council.

75. Country visits are an integral part of the mandate fulfilled by the Working Group. They allow the Working Group to highlight country practices in addressing enforced disappearances, to assist States in reducing obstacles to implement the Declaration, and to ensure direct contact with the family members of victims. There are, however, a number of States from which the Working Group has requested invitations to visit, which have not been forthcoming. There are others that have informally invited and/or confirmed invitations, but for which specific dates to visit have not been agreed. The Working Group therefore calls upon all States with pending requests for visits to respond favourably to them in the light of Human Rights Council resolution 21/4, and those that have agreed to visits to respond as soon as possible with specific dates.

76. The Working Group once again calls upon Governments that have not signed and/or ratified the International Convention on the Protection of All Persons from Enforced Disappearance to do so as soon as possible and to accept the competence of the Committee on Enforced Disappearances to receive individual cases, under article 31, and inter-State complaints under article 32 of the Convention.

77. The Working Group is grateful to the Governments of Argentina and of France for their financial and human resource contributions, which allowed the Working Group to have enhanced support. The Working Group reminds the United Nations of the limited regular budget made available to it and calls on all States for greater assistance to allow it to accomplish its mandate.

78. The Working Group is concerned that many communications are not still translated in time, thus delaying their consideration by the Working Group and limiting its humanitarian mandate. The Working Group also regrets that, at the time

of approval of the present report (November 2012), the report for 2011 of the Working Group (A/HRC/19/58/Rev.1) had been translated into Arabic only.

## B. Reparations and enforced disappearances

79. The Working Group emphasizes that victims of enforced disappearances have the right to reparation. The concept of reparation for enforced disappearance entails restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition. The Working Group recommends that Member States:

- (a) Ensure that victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation;
- (b) Make provisions in their legal systems for victims of enforced disappearance or their families to seek fair, prompt and adequate reparation;
- (c) Adopt, for the purpose of reparation, a broad definition of victim that includes all those who have suffered harm as a result of a disappearance;
- (d) Guarantee the right to truth and justice as an essential elements to ensure non-repetition;
- (e) Ensure that both individual and collective reparations may be granted, given that they have different purposes and not are not mutually exclusive;
- (f) Adopt a gender-sensitive approach to the formulation and implementation of reparation programmes, and ensure the participation and empowerment of women to determine themselves the forms of reparation best suited to their situation;
- (g) Provide for specific reparation measures in cases of enforced disappearances, including the adoption of a national plan for searching for disappeared persons; the creation of specialized units to investigate cases of enforced disappearance; the elaboration of a protocol for the collection and identification of bodily remains; the creation of a psychosocial assistance programme for individuals who are found and their relatives, and for the relatives of those who remain disappeared; public access to State files and archives containing relevant information; and the provision of human rights education and training to law enforcement officials as well as military and security forces;
- (h) Consider symbolic measures, such as memorial sites and commemorative acts, recognizing the suffering of victims and restoring their dignity and reputation;
- (i) Strengthen prevention measures as a form of reparation, including the adoption of effective legislative, administrative, judicial or other measures to prevent, punish and eradicate acts of enforced disappearance.

## C. Twentieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance

80. The Declaration on the Protection of All Persons from Enforced Disappearance was the first instrument to characterize all acts of enforced disappearance of persons as “very serious offences” and to set forth standards designed to punish and prevent their commission. The General Assembly stated 20 years ago, when adopting the Declaration, that it was “deeply concerned that, in many countries, often in a

persistent manner, enforced disappearances occur". The Working Group regrets the fact that, 20 years later, the practice of enforced disappearance persists in many countries, notably in situations of conflict or internal unrest or as a tool to fight terrorism or organized crime. The Working Group recalls in this respect article 7 of the Declaration, which provides that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

81. The Working Group recommends that States focus more on measures preventing enforced disappearances, including by keeping accessible and updated registries of detainees at all places of deprivation of liberty; guaranteeing access to appropriate information and to all such places for relatives, as well as lawyers; and bringing arrested persons promptly before a judicial authority.

82. On its twentieth anniversary, the Working Group calls on all States to renew their commitment to the principles of the Declaration on the Protection of All Persons from Enforced Disappearance and, in particular to reaffirm strongly that "any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights". The Working Group encourages all States and civil society to translate the Declaration into all languages and dialects, with no distinction, since all serve the purpose to assist in its global dissemination and the ultimate goal of preventing enforced disappearances.

83. Over the years, the families of disappeared persons have brought to the attention of the international community the extent of this odious crime. It was largely thanks to their efforts that the International Convention for the Protection of All Persons from Enforced Disappearance entered into force on 23 December 2010. Following the entry into force of the Convention, the Committee on Enforced Disappearances was established. Like for many other thematic human rights issues such as torture, racial discrimination, discrimination against women, the rights of the child and a series of civil, cultural, economic, political, social rights, the Committee and the Working Group coexist side by side, cooperating in the fight to prevent and eradicate enforced disappearances wherever they occur around the world. In the same vein, the Declaration and the Convention reinforce each other to create a more effective legal framework to confront the practice of enforced disappearance.

84. The Working Group thanks those States that regularly cooperate with it and recalls that it stands ready to provide appropriate assistance to all States in the implementation of the Declaration.

#### **D. Women affected by enforced disappearances**

85. At its ninety-eight session, the Working Group adopted a general comment on women affected by enforced disappearances.

86. The Working Group emphasizes that, when dealing with cases of enforced disappearance, States should ensure a gender perspective in all measures taken, whether they be legislative, administrative, judicial or otherwise. Gender equality in the area of enforced disappearances requires primarily that all individuals, regardless of their sex or gender, enjoy without discrimination the rights enshrined in the Declaration.

87. The Working Group recognizes that women play a fundamental role in securing and advancing the rights of disappeared persons. In particular, from its

experience, the Working Group recognizes that women are often at the forefront of the struggle against enforced disappearances. They often form organizations and associations seeking to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims themselves.

88. Women and girls are often affected by enforced disappearances as disappeared persons, but also as relatives or as persons suffering harm as a result of an enforced disappearance. The effects of enforced disappearances are endured in different ways by them all because of gender roles, which are deeply embedded in history, tradition, religion and culture. Gender equality and the empowerment of women are essential tools to addressing the situation women victims of enforced disappearance face. In order to prevent and eradicate effectively the enforced disappearances of women, the Working Group recognizes the importance of States developing a comprehensive national policy from a gender perspective on the basis of the principles of gender mainstreaming. The Working Group encourages States to use the general comment on women affected by enforced disappearances as a tool to provide gender equality and empowerment of women.

#### **E. Children and enforced disappearances**

89. In 2012, the Working Group adopted a general comment on children and enforced disappearances.

90. The enforced disappearance of a child constitutes an exacerbation of the violation of the multiplicity of rights protected by the Declaration on the Protection of All Persons from Enforced Disappearance and an extreme form of violence against children.<sup>46</sup>

91. Children's evolving stages of physical and mental maturity, as well as their reliance on adults, places them in a situation of particular vulnerability. As such, the specific nature of the violation of rights and the specific obligations of the State in cases of child victims of enforced disappearance must be properly understood and underscored.

92. The Working Group recognizes that children must be afforded special protection and acknowledges the salience of relevant instruments that specifically address violence against children.

93. Given that enforced disappearance is a continuous crime, its specific effects on a child could continue even after he or she has reached majority. Thus, the Working Group notes that the obligations of the State that arose when the child was under the age of 18 continue as long as those obligations are not fully complied with.

94. The Working Group considers that States should address, in dealing with situation of enforced disappearances, the different challenges and needs faced by girls and boys, adolescents and younger children, refugee and internally displaced children, children recruited into armed forces and groups, children from different religious and ethnic and racial backgrounds and children with disabilities. A gender-sensitive approach should include a focus on the protection of the rights of girls and on addressing their particular needs.

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<sup>46</sup> See A/61/299.

## Annexes

### Annex I

[English only]

### Information concerning enforced or involuntary disappearances in countries and territories reviewed by the Working Group on Enforced or Involuntary Disappearances

#### Afghanistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
3	No		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

#### Information from the Government

1. The Government transmitted one communication dated 6 June 2012, concerning all outstanding cases. The information was not considered sufficient to lead to the clarification of these cases. In this communication, the Government also requested for the Working Group to reflect in its report the communications it had transmitted in 2008 and 2009. Through separate correspondence, the Working Group drew to the attention of the Government that these communications had already been processed as reflected in A/HRC/13/31, paragraph 40.

#### Total cases transmitted, clarified and outstanding

2. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

## Albania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1		Yes		0	
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Information from the Government

3. The Government transmitted two communications dated 13 June and 7 September 2012 concerning the outstanding case.

4. In the first communication, the Government transmitted a copy of a judicial decision issued by the Basic Court of Skopje, transmitted officially to the Government of Albania from the Government of the former Yugoslav Republic of Macedonia, in its original language. The Working Group requested the Government to retransmit this communication in one of the six official UN languages. As a result, in the second communication, the Government transmitted an unofficial translation of the aforementioned judicial decision.

5. The information provided was not considered sufficient to lead to the clarification of the case.

### Total cases transmitted, clarified and outstanding

6. Since its establishment, the Working Group transmitted one case to the Government which remains outstanding.

## Algeria

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: <sup>46</sup>		Cases clarified during the period under review: <sup>1</sup>		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2,960	1	45	0	1	3,005
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
2,714		N/A		0	
<i>Urgent Appeals</i>			N/A	<i>Government response</i>	N/A
<i>General allegation</i>			N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>			Yes	<i>Government response</i>	Yes
<i>Working Group request for a visit</i>			Yes	<i>Invitation extended</i>	Yes <sup>a</sup>

### Urgent action

7. The Working Group transmitted one case under its urgent action procedure to the Government. The case concerned Mr. **Zoubir Kaf**, who was allegedly last seen in late July 2012 in detention in the barracks of the *Direction du Renseignement et de la Sécurité* (DRS – Information and Security Authority) of Ouargla, approximately 800 kilometres south of Algiers.

### Standard procedure

8. The Working Group transmitted 45 newly-reported cases to the Government concerning Messrs. **Boualem Bounaira, Ayache Bouroudi, Ferhat Boumaaza, Ali Bouneas, Ammar Zeraoulia, Rachid Bouroudi, Rabi Maouche, Abdenor Maouche, Salah Makhtoute, Salah Mehamdioua, Mohamed Loudini, Abdelouahed Lehileh, Kaddour Lehileh, Bachir Layeb, Ammar Laoui, Boualem Khellafi, Belkacem Micha, Mouloud Merighed, Karim Mekhalfa, Mahfoud Lahmar, Mebarek Lagoune, Abderrahmane Kelikha, Ferhat Nouri, Amor Mechidi, Salim Zeraoulia, Mohammed El Seghir Haouas, Khalifa Annab, Ali Djerouiti, Djamel Ayad, Mohamed Belhaid, Karim Belabid, Boulenouar Djoulem, Gherfi Ahcene, Ahmed Hezouete, Ferhat Habbache, Mouloud Grine, Larbi Chatal, Ahmed Gherda, Mohamed Fedsi, Yazid Chine, Rachid Basbas, Ferhat Bousdelnou, Ammar Bousloub, Ali Boussaboun, and Laid Himrouche**. The majority of these persons allegedly disappeared between 1994 and 1996, in Jijel. Most disappearances are attributed to the military and the National Gendarmerie.

### Prompt intervention letter

9. On 31 July 2012, the Working Group, jointly with four other special procedures mechanisms, transmitted a prompt intervention letter to the Government concerning allegations of excessive use of force during a peaceful rally held on 5 July 2012 by individuals including members of the Collectif des Familles de Disparus en Algérie

<sup>a</sup> See paragraph 18.

(Collective of Families of the Disappeared in Algeria), SOS Disparus (SOS Disappeared) to commemorate the 50th Anniversary of the independence of Algeria and denounce a number of alleged human rights violations.

10. On 1 October 2012, the Government replied to the prompt intervention letter during the reporting period. In this communication, the Government reported, inter alia, that the CFDA, SOS Disparus and the Comité national pour la défense des droits de chômeurs had no legal status in Algeria and did not respect the established procedure concerning public rallies and peaceful demonstrations. The Government commented on disruptions to traffic caused, and action taken against individuals involved in the rally. The Government also pointed out that any action by public order agents was carried out calmly and without any use of force.

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

11. During the reporting period the Government transmitted three communications dated 29 November 2011, 1 July 2012 and 1 October 2012.

12. The first communication concerned the visit request of the Working Group.

13. The second communication was handed to the Working Group during its ninety-seventh session and concerned outstanding cases. This information could only be partially processed for inclusion in the present report.

14. The third communication concerned the prompt intervention letter sent by the Working Group, jointly with four other special procedures mandates, on 31 July 2012.

#### **Information from sources**

15. Information was received from sources concerning one outstanding case. As a result, this case was clarified.

#### **Clarification**

16. Following the information provided by the source, the Working Group decided to clarify one case.

#### **Meetings**

17. Representatives of the Government of Algeria met with the Working Group at its ninety-seventh session.

#### **Request for a visit**

18. On 25 August 2000, the Working Group requested an invitation to undertake a visit to Algeria. A reminder was sent on 21 October 2010. On 12 November 2010, the Government proposed that the Working Group travel to Algiers to consult the documents which had been requested concerning outstanding cases and meet with the families of those allegedly disappeared but found alive. On 29 November 2011, the Government reiterated its proposal for the Working Group's visit to take place in the context of a review of the measures taken by the Government to deal with the outstanding cases. On 23 May 2011 and 23 January 2012, the Working Group replied to these communications indicating to the Government that it would prefer to carry out a visit to the country in conformity with its mandate and usual practice.

### **Total cases transmitted, clarified and outstanding**

19. Since its establishment, the Working Group has transmitted 3,033 cases to the Government; of those, 19 cases have been clarified on the basis of information provided by the source, nine cases have been clarified on the basis of information provided by the Government, and 3,005 remain outstanding.

### **Observations**

20. The Working Group wishes to express its appreciation for the reply received from the Government, dated 1 October 2012, concerning the prompt intervention letter transmitted on 31 July 2012. The Working Group notes with concern that the Government stated in its reply that the CFDA, *SOS Disparus* and the *Comité national pour la défense des droits de chômeurs* have no legal status in Algeria and did not respect the established procedure concerning public rallies and peaceful demonstrations.

21. In relation to this prompt intervention letter, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

### **Argentina\***

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 14</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3,285	0	0	14	0	3,271
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent appeals</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

\* In accordance with the practice of the Working Group, Ariel Dulitzky did not participate in the decisions relating to this section of the report.

### **Information from the Government**

22. In a communication dated 7 July 2011, the Government transmitted a report on action taken to promote and protect human rights, particularly with regard to the clarification of cases of enforced disappearance, as well as specific information concerning four cases. Based on information provided by the Government, the Working Group decided at its ninety-sixth session to apply the six-month rule to two cases. The information provided concerning the remaining cases was not considered sufficient to lead to their clarification.

23. The Government transmitted another communication, dated 15 May 2012, which could not be processed in time for inclusion in the present report.

### **Information from sources**

24. A source provided information on one outstanding case.

### **Clarification**

25. On the basis of the information provided by the Government, the Working Group decided to clarify 14 cases following the expiration of the period prescribed by the six-month rule.

### **Total cases transmitted, clarified and outstanding**

26. Since its establishment, the Working Group has transmitted 3,449 cases to the Government; of those, 52 cases have been clarified on the basis of information provided by the source, 124 cases have been clarified on the basis of information provided by the Government, two cases were found to be duplications and were therefore deleted, and 3,271 remain outstanding.

## **Bahrain**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	No		1		
<i>Urgent Appeals</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

### **Information from the Government**

27. On 15 February 2012, the Government transmitted a communication regarding one outstanding case. Based on this information, at its ninety-eighth session, the Working Group decided to apply the six-month rule to this case.

### Total cases transmitted, clarified and outstanding

28. Since its establishment, the Working Group has transmitted five cases to the Government; of those, four cases have been clarified on the basis of information provided by the source and one case remains outstanding.

## Bangladesh

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 5</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
6	2	3	0	0	11
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
4	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Urgent actions

29. The Working Group transmitted two cases under its urgent action procedure to the Government. The first case concerned Mr. **Tapu Tapan Das**, who was allegedly arrested by members of the Detective Branch of the Police from KB Road, Gendaria, Dhaka, on 3 August 2011. The Government acknowledged this urgent action through a communication dated 5 December 2011, and provided a response dated 7 May 2012. The second case concerned Mr. **Mohamed Nazrul Islam**, who was allegedly arrested by members of the Rapid Action Battalion (RAB) in Karmarkhand, Sirajganj district, on 13 June 2012. The Government acknowledged this urgent action through a communication dated 20 September 2012.

### Standard procedure

30. The Working Group transmitted three cases to the Government under its standard procedure. The first concerned Mr. **Habib Habibur Rahman Haoladar**, who was allegedly arrested on 6 July 2011 outside his house, near Katakhali canal, by police officers believed to be from the local police station, the Armed Police Battalion, and the Bagerhat District Detective Branch (DB). The other cases concerned Messrs. **Mohammad Waliullah** and **Al Mukaddas Hussain**, who were allegedly arrested on 5 February 2012 on a Hanif Enterprise bus in Nobinagar, Savar, Dhaka, by members of the Detective Branch (DB) of police in uniform and agents from Rapid Action Battalion (RAB) Unit 4, also in uniform.

### Information from the Government

31. The Working Group received four communications from the Government dated 5 December 2011, 7 May 2012, 23 August 2012, and 20 September 2012, regarding four

outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

#### **Total cases transmitted, clarified and outstanding**

32. Since its establishment, the Working Group has transmitted 12 cases to the Government; of those, one case has been clarified on the basis of information provided by the Government, and 11 remain outstanding.

#### **Observations**

33. The Working Group is concerned at the increase in the number of cases of enforced disappearance reported to have taken place in Bangladesh. The Working Group also regrets that, notwithstanding the reminder sent on 13 August 2012, no information has been received from the Government in connection with the general allegation, transmitted on 4 May 2011, concerning the alleged frequent use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces to detain and even extra-judicially execute individuals.

### **Belarus**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>					
3	<i>Yes</i>			0	
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	<i>Yes</i>		<i>Invitation extended</i>	<i>No</i>	

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

34. The Working Group received three communications from the Government dated 19 January 2012, 8 June 2012, and 3 October 2012 regarding three outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

#### **Request for a visit**

35. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. No response has been received from the Government.

#### **Total cases transmitted, clarified and outstanding**

36. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

## Bhutan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
5	0	0	0	0	5
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
5	No		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Information from the Government

37. The Government transmitted one communication dated 18 June 2012, concerning all outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

### Total cases transmitted, clarified and outstanding

38. Since its establishment, the Working Group transmitted five cases to the Government. All cases remain outstanding.

## Bolivia (Plurinational State of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
28	0	0	0	0	28
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

39. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

### Total cases transmitted, clarified and outstanding

40. Since its establishment, the Working Group has transmitted 48 cases to the Government; of those, one has been clarified on the basis of information provided by the source, 19 cases have been clarified on the basis of information provided by the Government, and 28 remain outstanding.

### Bosnia and Herzegovina\*

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
<i>N/A</i>	<i>N/A</i>		<i>N/A</i>		<i>N/A</i>
<i>Urgent Appeal</i>		<i>N/A</i>	<i>Government response</i>		<i>N/A</i>
<i>General allegation</i>		<i>Yes (2009/2011)</i>	<i>Government response</i>		<i>Yes</i>
<i>Prompt intervention letter</i>		<i>N/A</i>	<i>Government response</i>		<i>N/A</i>
<i>Working Group request for a visit</i>		<i>N/A</i>	<i>Invitation extended</i>		<i>N/A</i>

### Information from the Government

41. In a communication dated 7 November 2012, the Government transmitted information concerning the general allegations transmitted on 15 May 2009, in relation to the Government's alleged involvement in a practice of renditions and secret detention (A/HRC/13/31, paras. 103-106); and 4 May 2011, regarding the Government's alleged failure to clarify the fate and whereabouts of victims of the massacre of "Korićanskestijene", of 21 August 1992, and to exhume, locate, identify and return the remains of victims to their families (A/HRC/19/58/Rev.1, annex I, paras. 67-72). This communication could not be processed in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

42. The Working Group has transmitted no cases to the Government.

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\* In accordance with the practice of the Working Group, Jasminka Dzumhur, did not participate in the decisions relating to this section of the report.

## Brazil

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
13	0	0	0	0	13
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

43. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

## Total cases transmitted, clarified and outstanding

44. Since its establishment, the Working Group has transmitted 63 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 46 cases have been clarified on the basis of information provided by the Government, and 13 remain outstanding.

## Burundi

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
52	0	0	0	0	52
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

45. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

### **Request for a visit**

46. On 27 May 2009, the Working Group requested an invitation to visit the country. A reminder was sent on 18 August 2011. However, no reply has yet been received.

### **Total cases transmitted, clarified and outstanding**

47. Since its establishment, the Working Group has transmitted 53 cases to the Government; of those, one case has been clarified on the basis of information provided by the source and 52 remain outstanding.

### **Cameroon**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
14	0	0	0	0	14
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

48. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

### **Total cases transmitted, clarified and outstanding**

49. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, five cases have been clarified on the basis of information provided by the Government, and 14 remain outstanding.

## Central African Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 3</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	3	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Urgent actions

50. The Working Group transmitted three cases under its urgent action procedure to the Government.

51. The first case concerned Mr. **Brice-Quentin Gouhoutou** who was allegedly arrested by the Commander of the Commando d'Intervention Rapide de l'Armée Nationale à Bangui (Rapid Intervention Commando of the National Army in Bangui), on 15 March 2012, and taken to an unknown location by several armed men from the Presidential Guard on 23 May 2012.

52. The second case concerned Mr. **Magna Venant-Serge** who, on 14 August 2012 was allegedly arrested between the UNICEF office and the Presidential Palace, approximately 300 metres from the building where the Cabinet of the Minister of Budget and Finance is located, in Bangui, by a Gendarmerie Nationale (GIGN – National Police) lieutenant.

53. The third case concerned Mr. **Jean Bianga** who, on 11 July 2012, was allegedly arrested by members of the Presidential Guard, at approximately 100 metres from the Commercial Bank Centrafricaine (CBCA), Bangui.

### Information from sources

54. Information was received from sources concerning all outstanding cases. It was not possible to process this information in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

55. Since its establishment, the Working Group has transmitted three cases to the Government. All cases remain outstanding.

### Observations

56. The Working Group notes with concern that, during the reporting period, it transmitted three cases to the Government under the urgent action procedure and that no response has yet been received.

## Chad

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
23	0	0	0	0	23
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

57. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

### Total cases transmitted, clarified and outstanding

58. Since its establishment, the Working Group has transmitted 34 cases to the Government; of those, eight cases have been clarified on the basis of information provided by the source, three cases have been clarified on the basis of information provided by the Government, and 23 remain outstanding.

## Chile

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 5</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
806	0	0	5	0	801
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
140	No			0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

**Information from the Government**

59. The Government transmitted four communications dated 21 June 2011, 15 August 2011, 22 August 2012, and 24 September 2012.

60. The first and second communications concerned 140 outstanding cases and two previously-clarified cases. Based on the information provided by the Government, the Working Group decided, at its ninety-sixth session, to apply the six-month rule to five cases. Regarding the remaining cases, the information provided was not considered sufficient to lead to their clarification.

61. The information in the third communication could not be processed in time for inclusion in the present report.

62. In the fourth communication, the Government provided comments regarding the visit.

**Visit**

63. The Working Group visited Chile from 13 to 21 August 2012 (see A/HRC/22/45/Add.1).

**Clarification**

64. On the basis of the information provided by the Government, the Working Group decided, at its ninety-eighth session to clarify five cases following the expiration of the period prescribed by the six-month rule.

**Total cases transmitted, clarified and outstanding**

65. Since its establishment, the Working Group has transmitted 908 cases to the Government; of those, 23 cases have been clarified on the basis of information provided by the source, 83 cases have been clarified on the basis of information provided by the Government, one case was found to be a duplicate and was therefore deleted, and 801 remain outstanding.

*Observations*

66. The Working Group thanks the Government for the cooperation extended before and during its visit to the country.

## China

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
30	0	0	0	0	30
<i>Number of cases on which the Government has replied</i>			<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeals</i>		Yes (2)	<i>Government response</i>	Yes (2)	
<i>General allegation</i>		Yes (2010/2011)	<i>Government response</i>	Yes (1)	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Urgent Appeals

67. The Working Group transmitted two communications to the Government under its urgent appeal procedure.

68. The first communication was transmitted on 15 May 2012, jointly with four other special procedures mechanisms, and concerned alleged threats and harassment against Mr. **Chen Guangcheng** and his family and the alleged arbitrary detention or enforced disappearance of a number of his relatives and supporters. It was reported, inter alia, that on 28 April 2012, Mr. Chen Guangcun and his son Mr. Chen Hua, both cousins of Mr. Chen Guangchen, were arrested and that, at the time of the communication, their fate and whereabouts allegedly remained unclear.

69. The second communication was transmitted on 9 August 2012, jointly with seven other special procedures mechanisms, and concerned allegations of systematic undermining of the autonomous functions and the rights to freedom of religion, culture and expression of the Tibetan Buddhist community. It was reported, inter alia, that between March 2008 and the date of the communication the whereabouts of 37 intellectuals, including artists, remained unknown. Among these intellectuals were Nyendak and Yama Tsering, director and a teacher respectively at a school established 20 years previously to teach and promote Tibetan culture and language in Kadrok village, Rongpo Tsa Lema Township, Kardze County, Kardze Tibetan Autonomous Prefecture, Sichuan Province; and Mr. Lo Lo, a Tibetan singer who was reportedly placed in detention on 19 April 2012.

### Information from the Government

70. On 11 October 2011, the Government transmitted one communication which could not be translated in time for inclusion in the 2011 annual report (A/HRC/19/58/Rev.1). This communication concerned one outstanding case and an urgent appeal, the Government replied “Ershidin Israel is a Chinese citizen. In 2009 Mr. Ershidin was suspected of plotting violent terrorist activities in Xinjiang. He is wanted by the Chinese police as a major suspect, and is the subject of a Red Notice issued by the International Criminal Police Organization (INTERPOL). In September 2009, Mr. Ershidin, fearing punishment, fled across the national border to Kazakhstan.

71. In May 2011, Mr. Ershidin was extradited to China in strict observance by both parties of the extradition treaty between China and Kazakhstan. Mr. Ershidin has now fully confessed to having carried out violent illegal terrorist activities and his case is currently being further adjudicated.

72. The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in the relevant documents of the United Nations.” The information provided was not considered sufficient to lead to the clarification of the outstanding case.

73. During the reporting period, the Government transmitted three communications, dated 18 November 2011, 27 August 2012, and 28 September 2012. These communications concerned the general allegation transmitted to the Government on 21 September 2011, the joint urgent appeal sent on 15 May 2012, and the urgent appeal sent on 9 August 2012, respectively, but could not be translated in time for inclusion in the present report.

### **Information from sources**

Information was received from sources concerning one outstanding case.

### **Total cases transmitted, clarified and outstanding**

74. Since its establishment, the Working Group has transmitted 119 cases to the Government; of those, 12 cases have been clarified on the basis of information provided by the source, 77 cases have been clarified on the basis of information provided by the Government, and 30 remain outstanding.

### **Press release**

75. On 23 December 2011, the Working Group, jointly with three other special procedures mechanisms, issued a press release concerning the alleged continued secret detention of Mr. Gao Zhisheng, a prominent Chinese human rights lawyer who was reportedly arrested in 2006 in relation to his work advocating against human rights violations in China. Mr. Gao was allegedly charged with subversion of State power, although this was never proven in a court of law. At the time when the press release was issued, Mr. Gao’s whereabouts had been unknown for 20 months.

### **Observations**

76. The Working Group welcomes the responses received from the Government, including a response dated 18 November 2011 to a general allegation transmitted to the Government on 21 September 2011. The Working Group regrets that it has not been possible to translate this communication and others from the Government in time for inclusion in the present report.

77. The Working Group also regrets that, notwithstanding the reminder sent on 26 August 2011, no response has been received from the Government in relation to a general allegation transmitted on 6 August 2010 (A/HRC/16/48, paras. 118-21) concerning unrest in Urumqi, Xinjiang, in July 2009, which reportedly led to the detention of hundreds of young Uighur men and the disappearance of some of them.

78. The Working Group recalls article 2.1 of the Declaration: “No State shall practise, permit or tolerate enforced disappearances.”

## Colombia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 2</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
970	0	1	2	0	969
<i>Number of cases on which the Government has replied</i>					
17	No		1		
<i>Urgent appeal</i>		Yes	<i>Government response</i>	Yes	
<i>General allegation</i>		Yes	<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Standard procedure

79. The Working Group transmitted one newly-reported case to the Government under its standard procedure, concerning a person below the age of 18, who, on 8 May 2010, was reportedly forcibly recruited by an armed paramilitary group which allegedly acted with the acquiescence of the police and the military.

### Urgent appeal

80. On 10 May 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged enforced disappearance of Mr. **Hernán Henry Díaz**, on 18 April 2012, while he was travelling from Puerto de Asís to Puerto Vega, Putumayo.

### General allegations

81. On 2 October 2012, the Working Group, jointly with 10 other special procedures mechanisms, transmitted a general allegation to the Government concerning the possible adoption by Congress of draft legislation which would reform articles 116, 152 and 221 of the Political Constitution of Colombia, which could seriously affect the rule of law and the fight against impunity in Colombia. A press release on the same matter was issued on 22 October 2012 (see para. 92).

### Information from the Government

82. The Government transmitted a communication, dated 5 May 2011, which could not be translated in time for the 2011 annual report (A/HRC/19/58/Rev.1). It concerned 16 cases. The information provided was not considered sufficient to lead to the clarification of these cases.

83. During the reporting period, the Government transmitted five communications, dated 30 January 2012, 8 March 2012, 22 May 2012, 10 August 2012 and 2 November 2012.

84. The first communication concerned 20 outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

85. The second communication concerned outstanding cases but could not be processed in time for inclusion in the present report.

86. In the third communication, the Government responded to the urgent appeal transmitted on 10 May 2012 (see para. 80). In its response, the Government informed that the Urgent Search Mechanism (*Mecanismo de Búsqueda Urgente*) was launched, as well as the methodological registration process in the National Register of Missing Persons (RND); that Mr. Diaz's case was registered under reference number 865686000528201280327. In addition, the Government provided a list of the steps taken with respect to this case, and information on a technical match with the remains of those deceased in Colombian territory, whose bodies were with the Institute of Legal Medicine. The results were negative. The Government noted that any update on this case would be transmitted to the special procedures branch.

87. The fourth communication concerned one outstanding case. The information received was not considered sufficient to clarify the case.

88. The fifth communication concerned the general allegation transmitted on 2 October 2012. The information received could not be processed in time for inclusion in the present report.

#### **Information from sources**

89. Sources provided information on four outstanding cases.

#### **Clarification**

90. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify two cases.

#### **Total cases transmitted, clarified and outstanding**

91. Since its establishment, the Working Group has transmitted 1,255 cases to the Government; of those, 68 cases have been clarified on the basis of information provided by the source, 218 cases have been clarified on the basis of information provided by the Government, and 969 remain outstanding.

#### **Press release**

92. On 22 October 2012, the Working Group, jointly with 10 other special procedures mechanisms, issued a press release regarding the proposed reform of Colombia's Political Constitution with regard to military criminal law, and expressed concerns that the proposal could have serious implications for the rule of law and the enjoyment of human rights in Colombia. Although the proposed reform would reportedly exclude crimes of genocide, crimes against humanity and enforced disappearances from the jurisdiction of military and police tribunals, it could also expand the jurisdiction of these tribunals, giving them the power to investigate, process and decide on cases of other serious human rights violations, as well as crimes committed by private security forces, which should be under the authority of the ordinary criminal justice system and courts. Concern was also expressed that the preliminary investigation phase, which is essential for the clarification of facts and responsibilities, could become the responsibility of institutions of military or police criminal justice. Further concern was expressed that the establishment of a Penal Guarantees Court, as the control court to deal with any accusation against a member of the *Fuerza Pública*, would suggest that the accused was receiving preferential treatment, which could generate a climate of impunity; and that such a court, which would examine cases involving military or police personnel exclusively, would suggest the existence of a parallel

system of administration of justice and violate the principle of equality in relation to access to justice for all individuals and impair due process, thus undermining the rule of law.

### **Observations**

93. The Working Group welcomes the response from the Government, dated 22 May 2012, in relation to the joint urgent appeal transmitted on 10 May 2012, as well as the communications from the Government regarding outstanding cases and the general allegation transmitted on 2 October 2012. The Working Group regrets that it has not been possible to process certain communications in time for inclusion in the present report.

94. The Working Group also wishes to express its concern that, during the reporting period, one urgent appeal and one general allegation were transmitted to the Government, and that one press release was issued. In relation to the press release, dated 22 October 2012, the Working Group wishes to reiterate its concern regarding the potential implications of the proposed reform of Colombia's Political Constitution for the rule of law and the enjoyment of human rights in Colombia.

### **Congo**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
90	0	0	0	0	88 <sup>b</sup>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Government response</i>	N/A	

95. All outstanding cases were retransmitted and regrettably, no response was received during the period under review. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Information from sources**

96. Information was received from sources concerning five outstanding cases.

### **Total cases transmitted, clarified and outstanding**

97. Since its establishment, the Working Group has transmitted 114 cases to the Government; 26 were found to be duplicates and were therefore deleted, and 88 remain outstanding.

<sup>b</sup> The Working Group determined that two cases were duplicates and subsequently eliminated them from its records.

## Czech Republic

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent Appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		Yes (2009)	<i>Government response</i>		Yes
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

### Information from the Government

98. The Government transmitted two communications dated 6 February and 17 September 2012. In the first communication the Government replied to the general allegation transmitted on 15 May 2009, concerning the alleged involvement of the Government of the Czech Republic in a practice of renditions and secret detention (A/HRC/13/31, paras. 164-166). In the second communication, and following a reminder transmitted by the Working Group due to a technical mistake, the Government replied drawing the attention of the Working Group to the correspondence of 6 February 2012 and including a copy of the said communication.

### General allegations

#### *Reply from the Government*

99. On 6 February and 17 September 2012, the Government replied to a general allegation stating that, concerning the issue of rendition, the Czech Republic, after investigation conducted by the Council Europe, is in the position to reaffirm that there were no secret flights or detention facilities within its territory. The Czech Republic assured the Human Rights Council of its compliance with the CAT and the ICCPR and reaffirmed its commitment to respect the prohibition of torture and the promotion of the rule of law.

### Total cases transmitted, clarified and outstanding

100. The Working Group has never transmitted a case to the Government.

### Observations

101. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 15 May 2009.

## Democratic People's Republic of Korea

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 4		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
12	0	4	0	0	20 <sup>c</sup>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
12	Yes		0		
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Standard procedure

102. The Working Group transmitted four newly-reported cases to the Government.

103. The first two cases concerned Mr. **Won-mo Choi**, and Mr. **Kyeong-shik Moon** who were allegedly arrested on a fishing boat near Yeonpyeong Island, to the west of the Korean Peninsula, by members of the Coast Guard of the Democratic People's Republic of Korea on 5 June 1967. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received copies of these cases.

104. The third case concerned Mr. **Susumu Fujita**, a Japanese university student at Tokyo Gakugei University, who was allegedly detained in Nishiarai Hospital, 5-7-14 Nishiarai-honcho, Adachi-ku, 123-0845 Tokyo, Japan, on 7 February 1976, and subsequently taken to the Democratic People's Republic of Korea. In accordance with the Working Group's methods of work, the Government of Japan received a copy of this case.

105. The fourth case concerned Mr. **Jang-Geun Choi**, who was allegedly abducted on the South Sea near Samcheonpo, two to three miles from the south coast of the Republic of Korea by state agents from the Democratic People's Republic of Korea on 10 May 1977. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received a copy of this case.

### General allegations

106. On 3 October 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted a general allegation to the Government concerning the alleged use of labour camps, also known as *kwan-li-so*, for political prisoners. It was reported, inter alia, that prisoners detained at these labour camps, which have allegedly been in operation since the 1950s, are not given a trial, and are held incommunicado without notice of the charges against them, nor information on the length or place of detention. It was further reported that no information regarding prisoners' whereabouts is provided to friends,

<sup>c</sup> In accordance with paragraph 15 of its Methods of Work, the Working Group decided, at its 97<sup>th</sup> session to transfer four cases from the statistics of Japan to those of the Democratic People's Republic of Korea.

neighbours, co-workers or more distant family relatives not sent to the camps who inquire about them.

### **Information from the Government**

107. The Government transmitted three communications to the Working Group, dated 29 February 2012, 9 May 2012 and 20 September 2012.

108. The first communication concerned nine outstanding cases as well as general information regarding allegations of enforced disappearances in the country. The information provided was not considered sufficient to clarify these cases.

109. The second communication concerned 12 outstanding cases. The information provided was not considered sufficient to clarify these cases.

110. The third communication concerned 12 outstanding cases. The information provided was not considered sufficient to clarify these cases.

### **Information from sources**

111. Sources provided information on eight outstanding cases.

### **Total cases transmitted, clarified and outstanding**

112. Since its establishment, the Working Group has transmitted 20 cases to the Government; all remain outstanding.

### **Observations**

113. The Working Group expresses serious concern regarding the allegations concerning the alleged use of labour camps for political prisoners, transmitted in the general allegation on 3 October 2012. The Working Group hopes to receive information from the Government in relation to these allegations.

## **Democratic Republic of the Congo**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
44	0	0	0	0	44
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

114. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Urgent appeals**

115. On 20 September 2012, the Working Group, jointly with five other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged secret detention of Mr. **Diomi Ndongala**, in Kinshasa. Mr. Ndongala was reportedly arrested on 27 June 2012 and placed in secret detention by the information services in Kinshasa. No response has yet been received from the Government.

### **Total cases transmitted, clarified and outstanding**

116. Since its establishment, the Working Group has transmitted 53 cases to the Government; of those three cases have been clarified on the basis of information provided by the source, six cases have been clarified on the basis of information provided by the Government, and 44 remain outstanding.

### **Observations**

117. The Working Group also wishes to express its concern that, during the reporting period, an urgent appeal was transmitted to the Government and that no response has yet been received.

## **Denmark**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### **Total cases transmitted, clarified and outstanding**

118. Since its establishment, the Working Group has transmitted one case to the Government. This case was clarified on the basis of information provided by the source. No cases remain outstanding.

### **Observations**

119. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning the alleged involvement in a

practice of renditions and secret detention (A/HRC/13/31), notwithstanding a reminder sent on 13 August 2012.

## Dominican Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

120. The outstanding case was retransmitted and regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

## Total cases transmitted, clarified and outstanding

121. Since its establishment, the Working Group has transmitted four cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, one was discontinued and one remains outstanding.

## Ecuador

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeals</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

122. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

#### **Total cases transmitted, clarified and outstanding**

123. Since its establishment, the Working Group has transmitted 26 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 18 cases have been clarified on the basis of information provided by the Government, and four remain outstanding.

### **Egypt**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 3</i>		<i>Cases clarified during the period under review: 3</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
41	0	3	1	2	41
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A		<i>Government response</i>	N/A
<i>General allegation</i>		Yes (2011)		<i>Government response</i>	Yes
<i>Prompt intervention letter</i>		N/A		<i>Government response</i>	N/A
<i>Working Group request for a visit</i>		Yes		<i>Invitation extended</i>	No

#### **Standard procedure**

124. The Working Group transmitted three newly-reported cases to the Government. The first case concerned Mr. **Ahmed Ashour Hassan**, who was allegedly last seen at Abu Zaabal Prison, Cairo, on 28 January 2011. The second case concerned Mr. **Reda Fathy Mohamed Ibrahim**, who was allegedly arrested on Talaat Harb Street, close to Tahrir Square, by State police on 1 June 2011. The third case concerned Mr. **Samy Bakry Orani Morsi**, who was allegedly arrested near his home in Helwan, Cairo, by military forces on 8 February 2011.

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

125. The Government transmitted two communications to the Working Group, dated 1 December 2011 and 14 August 2012.

126. In its first communication, the Government responded to an urgent appeal dated 28 January 2011. The communication could not be translated in time for the present report.

127. In its second communication, the Government responded to a reminder from the Working Group concerning a general allegation dated 4 May 2011. The Government pointed out that it had in fact responded to the general allegation in a communication dated 16 August 2011, and attached said communication.

128. In its response, the Government reported, *inter alia*, that an investigation of allegations of enforced disappearances in relation to a Hizbollah cell and a robbery at a jewellery shop in Cairo demonstrated that arrest and detention procedures had been fully consistent with the law. The Government further informed that allegations such as those regarding the practice of enforced disappearances by the State Security Investigations Service (SSI) could be submitted to the Department of Public Prosecutions and that the investigating authorities afforded the necessary attention to such reports in order to bring to account anyone responsible for violations of the law. The Government gave details of the Egyptian Penal Code concerning arrest and detention. Finally, the Government explained that the SSI was abolished following a decision made in March 2011 and that the functions of the new national security division would be discharged in full conformity with the provisions of the Constitution, the law and the principles of human rights and freedoms.

#### **Information from sources**

129. Sources provided information on two outstanding cases. Both cases were clarified as a result.

#### **Clarification**

130. Following the expiration of the six-month rule, the Working Group decided to clarify one case.

#### **Request for a visit**

131. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. A reminder was sent on 8 November 2012. No reply has been received.

#### **Total cases transmitted, clarified and outstanding**

132. Since its establishment, the Working Group has transmitted 69 cases to the Government; of those, 20 cases have been clarified on the basis of information provided by the source, eight cases have been clarified on the basis of information provided by the Government, and 41 remain outstanding.

#### **Observations**

133. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 4 May 2011 and wishes to inform that it was not included in the 2011 annual report because of a clerical error.

## El Salvador

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,271	0	0	0	0	2,271
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeals</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

134. All outstanding cases were transmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### Total cases transmitted, clarified and outstanding

135. Since its establishment, the Working Group has transmitted 2,662 cases to the Government; of those, 73 were clarified on the basis of information provided by the sources, 318 were clarified on the basis of information provided by the Government, and 2,271 remain outstanding.

### Observations

136. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to El Salvador in 2007 (A/HRC/7/2/Add.2, paras. 88-95) can be found in addendum 3 (A/HRC/22/45/Add.3).

## Equatorial Guinea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
8	0	0	0	0	8
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

137. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr. 1.

## Total cases transmitted, clarified and outstanding

138. Since its establishment, the Working Group has transmitted eight cases to the Government; all remain outstanding.

## Eritrea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
54	0	0	0	0	54
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		Yes	<i>Government response</i>	No	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

139. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

## **General allegations**

### **Summary of the general allegation**

140. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Eritrea. This information was transmitted to the Government on 16 April 2012.<sup>d</sup>

141. Allegations were reported of arrests, incommunicado and secret detention, inhuman and degrading conditions of detention, deaths in custody, denial of trials, and enforced disappearances perpetrated by Government security officers in Eritrea. It was alleged that 11 high-level political and military critics of the Government and 10 journalists working for a small group of private newspapers in Eritrea became victims of such practices in September 2001. Of these individuals, 20 men and one woman have reportedly never been seen again. Ten of them are allegedly dead.

142. It was further alleged that many other Government officials, leaders of Government-controlled labour unions, businessmen, Government journalists, employees of foreign embassies and international non-governmental organisations, followers of “unrecognised religions”, and national service evaders or escapees have been jailed incommunicado, under inhumane conditions, in secret prisons since 2001.

143. Sources alleged that the arrests occurred without explanation or recourse, and result from various activities such as questioning Government policies or practicing certain religions. It was also alleged that prisoners were often held indefinitely, without access to family members, prison monitors, lawyers, or appeal procedures.

### **Total cases transmitted, clarified and outstanding**

144. Since its establishment, the Working Group has transmitted 54 cases to the Government; all remain outstanding.

### **Observations**

145. The Working Group regrets that no response has yet been received from the Government to the general allegation, transmitted on 16 April 2012, and is concerned about the allegations of reported arrests, incommunicado and secret detention, inhuman and degrading conditions of detention, deaths in custody, denial of trials, and enforced disappearances perpetrated by Government security officers in Eritrea.

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<sup>d</sup> A/HRC/19/58/Rev.1, para. 22.

## Ethiopia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
112	0	0	0	0	112
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent Appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

146. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### Total cases transmitted, clarified and outstanding

147. Since its establishment, the Working Group has transmitted 119 cases to the Government; of those, four cases have been clarified on the basis of information provided by the sources, three cases have been clarified on the basis of information provided by the Government, and 112 cases remain outstanding.

## France<sup>e</sup>

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

148. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in documents E/CN.4/2006/56 and Corr.1 and A/HRC/7/2.

## Total cases transmitted, clarified and outstanding

149. Since its establishment, the Working Group has transmitted one case to the Government. The case remains outstanding.

## Gambia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

<sup>e</sup> In accordance with the practice of the Working Group, Olivier de Frouville did not participate in the decisions relating to this section of the report.

150. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Meetings**

151. Representative of the Government of the Gambia met with the Working Group at its ninety-sixth session to discuss developments related to the outstanding case.

### **Total cases transmitted, clarified and outstanding**

152. Since its establishment, the Working Group has transmitted two cases to the Government; of those, one case has been clarified on the basis of information provided by the source and the other case remains outstanding.

## **Georgia**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	yes		0		0
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

### **Information from the Government**

153. The Government transmitted two communications, dated 11 June 2012 and 5 October 2012, concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case. In accordance with the Working Group's methods of work, the Government of the Russian Federation received a copy of the case.

### **Total cases transmitted, clarified and outstanding**

154. Since its establishment, the Working Group has transmitted one case to the Government, which remains outstanding.

## Greece

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review by: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

155. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/1997/34.

## Total cases transmitted, clarified and outstanding

156. Since its establishment, the Working Group has transmitted three cases to the Government; of those, two were discontinued, and one remains outstanding.

## Guatemala

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2,899	0	0	0	0	2,899
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		Yes	<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

157. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary appears in document A/HRC/13/31.

### **Information from the Government**

158. The Government transmitted two communications to the Working Group, on 21 November 2011 and 25 September 2012, in response to a general allegation, transmitted in September 2011, concerning reported obstacles in the advancement in criminal courts of cases of enforced disappearance and the lack of a national search commission resulting in the fate and whereabouts of victims remaining unknown in the great majority of the 45,000 cases of reported enforced disappearances in Guatemala (see A/HRC/19/58/Rev.1, paras. 194-200). Both responses from the Government contained a report on the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance in Guatemala.

159. The Government provided information on four trials concerning cases of enforced disappearances, in which a total of five members of the military forces and two members of the National Police (PN) were condemned. In these trials a wide range of resources were used, such as files from the “Archivo Histórico de la Policía Nacional (AHPN – Historic Archive of the National Police)” for the first time included as evidence in a trial in Guatemala; and a broader concept of enforced disappearance as a permanent and imprescriptible crime was applied.

160. A meeting between governmental human rights bodies, the Criminal Police and the Public Ministry reportedly took place on 7 July 2010, with the aim of adjusting the methodology that should be used to deal more efficiently with the cases presented by the Working Group in 2007. It was reported that to provide better conditions for moving investigations forward, the Public Ministry budget for 2011 was increased by approximately 15 per cent. Furthermore, the overuse of the *amparo* resource, an option of making a legal appeal to protect individuals from violations of human rights which is now reportedly often used in courts to delay or avoid sentences, was recognized by the Government as a barrier to justice. The *amparo* resource was subjected to preventive measures and a project that modifies the text of the law, which is being processed by the legislative body in order to avoid the misuse of this judicial procedure.

161. Regarding the trial concerning the enforced disappearance of Mr. Efraín Ciriaco Bámaca Velásquez, procedures were taken by the authorities to re-open the case but several times appeals were lodged by the lawyers of the accused precluding its progress. Following decisions of the Inter-American Court of Human Rights, the Government took action to comply with the investigations in the case of Mr. Bámaca Velásquez and to adapt the Guatemalan legal system to International Humanitarian Law standards.

162. It was reported that advances are being made in relation to the potential approval of a draft law to create the “Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y otras Formas de Desaparición” (National Commission to Search for Victims of Enforced Disappearances and other Forms of Disappearances). Approval is expected in 2012. The participation of civil society organisms in this process was emphasized.

163. The Government reported, concerning forensic investigations to identify victims of enforced disappearances, that since 2009, several Covenants were signed between Government entities related to this process in order to facilitate and support investigations. A pronounced advancement in relation to the methods employed and the results achieved was reported. Moreover, the work of the “Dirección de los Archivos de la Paz” (Management of Peace Archives), a Government agency which administers the historical archives related to the Guatemalan civil war, was reportedly very fruitful in terms of the clarification of the context of enforced disappearances committed in this period. It was therefore able to assist a large number of condemnations.

## Meetings

164. Representatives of the Government of Guatemala met with the Working Group at its ninety-eighth session.

### Total cases transmitted, clarified and outstanding

165. Since its establishment, the Working Group has transmitted 3,155 cases to the Government; of those, 79 cases have been clarified on the basis of information provided by the Government, 177 cases have been clarified on the basis of information provided by the source, and 2,899 remain outstanding.

### Observations

166. The Working Group thanks the Government of Guatemala for its response to the general allegation. The Working Group recalls article 9 of the Declaration, which concerns “The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances”; article 13.6, which states that “An investigation, in accordance the [relevant] procedures..., should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified”; article 18.1, which affirms that “Persons who have or are alleged to have committed [acts of enforced disappearances] shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.”; and the General Comment of the Working Group on article 18 of the Declaration (2005).

## Guinea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>-Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
21	0	0	0	0	21
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

167. All outstanding cases were retransmitted and no regrettably response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Total cases transmitted, clarified and outstanding**

168. Since its establishment, the Working Group has transmitted 28 cases to the Government; of those, seven cases have been clarified on the basis of information provided by the source, and 21 remain outstanding.

### **Haiti**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
38	0	0	0	0	38
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

169. All outstanding cases were retransmitted and regrettably no reply was received from the Government. A summary of the situation in the country appears in documents E/CN.4/2006/56 and Corr.1 and A/HRC/4/41.

### **Total cases transmitted, clarified and outstanding**

170. Since its establishment, the Working Group has transmitted 48 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the Government, one case has been clarified on the basis of information provided by the source, and 38 remain outstanding.

## Honduras

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
129	0	0	0	0	129
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1		No		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Information from the Government

171. The Government transmitted one communication to the Working Group, dated 25 November 2011, concerning one outstanding case. The information provided was not considered sufficient to clarify the case.

### Total cases transmitted, clarified and outstanding

172. Since its establishment, the Working Group has transmitted 209 cases to the Government; of those, 37 cases have been clarified on the basis of information provided by the Government, 43 cases have been clarified on the basis of information provided by the source, and 129 remain outstanding.

## India

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
353	0	0	0	0	353
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		Yes	<i>Government response</i>	No	
<i>General allegation</i>		Yes (2009/2011)	<i>Government response</i>	No	
<i>Prompt intervention letter</i>		Yes	<i>Government response</i>	No	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	No	

### **Urgent appeals**

173. The Working Group transmitted one communication on 28 September 2012, jointly with six other special procedures mechanisms, to the Government, under its urgent appeals procedure. The communication concerned alleged acts of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders. It was reported, inter alia, that three individuals associated with this movement, Mr. **Selson** from Idinthakarai, Mr. **Siluvai John** from Koothenkuli, and Mr. **Jesu** from Idinthakarai were hospitalized in Lourdu Matha Hospital and were subsequently transferred by the police to a different location. At the time of the communication, their whereabouts were reportedly unknown. No response to the urgent appeal has yet been received from the Government.

### **Prompt intervention**

174. The Working Group transmitted one communication on 17 January 2012, jointly with three other special procedures mechanisms, under its prompt intervention procedure. The communication concerned **Mr. Parvez Imroz**, who has allegedly been denied travel documents by the Government since 2004. It was reported that the denial of Mr. Imroz's travel documents may be a direct attempt to inhibit Mr. Imroz human rights work in relation to victims of enforced disappearance. No response to the prompt intervention letter has yet been received from the Government.

### **Information from the Government**

175. The Government transmitted one communication to the Working Group, dated 9 August 2012, concerning one outstanding case. The information provided was not considered sufficient for the clarification of the case.

### **Request for a visit**

176. On 16 August 2010, the Working Group requested an invitation to undertake a visit to the country. On 18 August 2010, the Government acknowledged receipt of the request. A reminder letter was transmitted on 18 August 2011. On 29 August 2011, the Government replied that the request was conveyed to the relevant authorities in India. A further reminder was transmitted on 8 November 2012.

### **Total cases transmitted, clarified and outstanding**

177. Since its establishment, the Working Group has transmitted 433 cases to the Government; of those, 12 cases have been clarified on the basis of information provided by the source, 68 cases have been clarified on the basis of information provided by the Government, and 353 remain outstanding.

### **Observations**

178. The Working Group notes with concern that during the reporting period it transmitted one urgent appeal and one prompt intervention letter to the Government, and that no response has been received to either communication. The Working Group regrets that no response was received from the Government of India to the general allegation sent on 16 January 2009 (A/HRC/13/31, paras. 260-266), concerning legal provisions that may hamper the right to a prompt and effective remedy, notwithstanding the reminder transmitted on 26 August 2011. The Working Group also regrets that no response was received from the Government of India to the general allegation transmitted on 11 February 2011, concerning reports that, between 1989 and 2009, actions of military and paramilitary

forces in Kashmir resulted in more than 8,000 enforced and involuntary disappearances (A/HRC/19/58/Rev.1, paras. 219-225).

179. In relation to the communication transmitted under the prompt intervention procedure, on 17 January 2012, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

## Indonesia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
162	0	0	0	0	162
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		Yes (2011)	<i>Government response</i>	No	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	No	

180. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document A/HRC/4/41.

### Request for a visit

181. On 12 December 2006, the Working Group requested an invitation to undertake a visit to Indonesia. The Government responded that it would not be possible to receive the Working Group during 2007 and that greater benefit would be derived from a visit at a later date. Reminder letters were sent on 16 August 2010, 18 August 2011 and 8 November 2012. No reply has been received during the reporting period.

### Total cases transmitted, clarified and outstanding

182. Since its establishment, the Working Group has transmitted 165 cases to the Government; of those, three cases have been clarified on the basis of information provided by the Government, and 162 remain outstanding.

## Observations

183. The Working Group regrets that no response has been received to the general allegation transmitted on 13 January 2011 (A/HRC/19/58/Rev.1, paras. 238-244), concerning the alleged enforced disappearance, between 1997 and 1998, of a number of students who opposed the former President Suharto's New Order regime, notwithstanding a reminder sent on 14 August 2012.

## Iran (Islamic Republic of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
517	0	1	0	0	518
<i>Number of cases on which the Government has replied</i>					
0	N/A			0	
<i>Urgent appeal</i>		Yes	<i>Government response</i>	No	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	<i>Yes - postponed</i>	

### Standard procedure

184. The Working Group transmitted one newly-reported case to the Government, concerning Mr. **Saeed Zeinaly**, who was allegedly arrested at home on 14 July 1999 by agents of security forces.

### Urgent appeal

185. The Working Group, jointly with three other special procedures mechanisms, transmitted to the Government an urgent appeal on 16 February 2012, concerning various individuals including Mr. **Shahram Manouchehri**, allegedly arrested at his home by security forces on 19 January 2012, before being transferred to an unknown location. At the time of the communication, the fate and whereabouts of Mr. Manouchehri reportedly remained unknown.

### Information from the Government

186. The Government transmitted four communications dated 2 March 2012, 4 May 2012, 15 May 2012, and 20 July 2012. All of these communications concerned an urgent appeal transmitted on 19 October 2011.

187. In its first communication, the Government reported that one of the individuals referred to in the urgent appeal was fined for using satellite TV equipment, sentenced to one year's imprisonment for propaganda against the State, and two year's imprisonment for insulting the late Imam and the eminent leader of the Revolution; that 16 months of his original sentence was converted into an additional fine because of his advanced age; that

the individual appealed his verdict; and that part of the verdict was quashed and his sentence was halted due to his advanced age.

188. In its second communication, the Government reported that Mr. **Kouhyar Goudarzi** was charged with disseminating misinformation about the system of the Islamic Republic of Iran by his membership in the Committee of Human Rights Reporters and was brought before branch 26 of Tehran Court of Revolution; that he was found guilty and sentenced to one year's imprisonment; and that the decision was appealed but the appeal was rejected.

189. In its third communication, the Government provided information on several of the individuals referred to in the urgent appeal.

190. In its fourth communication, the Government reported that one of the individuals referred to in the urgent appeal was charged with engaging in propaganda against the system of the Islamic Republic of Iran and in favour with the MEK terrorist group, as well as association and collusion to disturb national security; that he was found guilty on the first charge and given a one-year suspended prison sentence for two years; and that he was cleared of the second charge and freed.

#### **Request for a visit**

191. The Government of the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, which was delayed at the request of the Government. Reminder letters were sent on 20 July 2009, 16 August 2010, 18 August 2011 and 8 November 2012, asking the Government to set a date for the proposed visit. The Government has not yet set a new date for the visit despite the fact that more than eight years have elapsed.

#### **Meetings**

192. Representatives of the Government of the Islamic Republic of Iran met with the Working Group at its ninety-sixth session.

#### **Total cases transmitted, clarified and outstanding**

193. Since its establishment, the Working Group has transmitted 537 cases to the Government; of those, five cases have been clarified on the basis of information provided by the source, 14 cases have been clarified on the basis of information provided by the Government, and 518 remain outstanding.

#### *Observations*

194. The Working Group welcomes the replies received from the Government regarding the urgent appeal transmitted on 19 October 2011, but is concerned that no reply has yet been received regarding the urgent appeal transmitted on 16 February 2012.

195. The Working Group reiterates its hope that a final date will be agreed in the near future for the visit which was agreed to in 2004 and recalls Human Rights Council resolution 21/4 which "Urges States to cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, to give serious consideration to responding favourably to its requests for visits to their countries".

## Iraq

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 9</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
16,410	0	0	9	0	16,401
<i>Number of cases on which the Government has replied</i>					
0	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

### Clarification

196. On the basis of the information provided by the Government, the Working Group decided to clarify nine cases following the expiration of the period prescribed by the six-month rule.

### Total cases transmitted, clarified and outstanding

197. Since its establishment, the Working Group has transmitted 16,548 cases to the Government; of those, 30 cases have been clarified on the basis of information provided by the source, 117 cases have been clarified on the basis of information provided by the Government, and 16,401 remain outstanding.

## Ireland

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		Yes (2009)	<i>Government response</i>	No	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Total cases transmitted, clarified and outstanding

198. Since its establishment, the Working Group has not transmitted any cases to the Government.

### Observations

199. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning its alleged involvement in a practice of renditions and secret detention (A/HRC/13/31).

## Israel

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

200. The two outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Total cases transmitted, clarified and outstanding**

201. Since its establishment, the Working Group has transmitted three cases to the Government; of those, one case has been clarified on the basis of information provided by the source, and two cases remain outstanding.

## **Japan**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review:</i> 0		<i>Cases clarified during the period under review:</i> 0		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	0 <sup>f</sup>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### **Information from the Government**

202. The Government transmitted three communications to the Working Group, dated 19 March, 9 October and 12 October 2012. In these communications, the Government of Japan submitted information provided by one of the sources to eight of the cases registered under the Democratic People's Republic of Korea.

## **Meetings**

203. Representatives of the Government of Japan met with the Working Group at its ninety-seventh and ninety-eighth sessions

### **Total cases transmitted, clarified and outstanding**

204. Since its establishment, the Working Group has transmitted four cases to the Government. These cases have all been transferred to the statistics of the Democratic People's Republic of Korea.

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<sup>f</sup> In accordance with paragraph 15 of its Methods of Work, the Working Group decided, at its ninety-seventh session to transfer four cases from the statistics of Japan to those of the Democratic People's Republic of Korea.

## Jordan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

205. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006 and Corr.1.

### Urgent appeals

206. The Working Group transmitted on 17 October 2012, jointly with one other special procedures mechanism, a communication under its urgent appeal procedure, concerning **Mr. Ashraf Mohammed Yousef Abdulsalam**, arrested on 25 September 2012 at his home in Bahrain by agents of the Bahraini State Security Forces. He was reportedly later forcibly returned to Jordan without further information being provided on his fate and whereabouts in spite of requests thereof. At the time of the communication, his fate and whereabouts reportedly remained unknown.

### Total cases transmitted, clarified and outstanding

207. Since its establishment, the Working Group has transmitted two cases to the Government. Both cases remain outstanding.

### Observations

208. The Working Group expresses its hope that the Government will reply to the urgent appeal transmitted on 17 October 2012 as soon as possible.

## Kenya

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 40		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
0	0	40	0	0	40
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Urgent Appeal</i>		<i>N/A</i>	<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>		<i>Yes (2011)</i>	<i>Government response</i>	<i>No</i>	
<i>Prompt intervention letter</i>		<i>N/A</i>	<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

### Standard procedure

209. The Working Group transmitted 40 newly-reported cases to the Government. The cases concerned **Messrs. Sospeter Chepkwesi Cherop, Daniel Simotwo Cheptunwo, Stephen Wilson Chesori, Patrick Sewui Kipyeto, Amos Kwarat Langat, Leonard Chemorion Borter, Meshack Komon Chesoroy, Wycliffe Kiplala Machir, Boniface Kaye Naibei, Titus Kipkot Pkania, Jonah Kauka Cheshari, Patrick Ngeywo Motum, Nixon Siyo Ngeywo, Enos Kaan, Stephen Kaboto Fanuel, Jackson Komon Chesori, Simon Chenakan Miti, James Wasama Kirui, Moses Ndiwa Kisa, Enock Kaptunwo, Kenned Nyoka Chepkuruic, Bernard Kiboi Lawi, Benson Manyu Mugum, Timothy Chenje Sichei, Samuel Silali Chesebe, Immanuel Ndiwa Cheryembe, Amos Cherubeti Ngeywo, Patrick Monoo Sichei, Amos Miti Psisei, Joram Chepsengeny Pkania, Issac Kapcheria Kiboi, Simon Sikoa Kiboi, Abel Juma Naibei, Francis Lydon Sabai, Wycliffe Msee Monoo, Gideon Kwemboi Cherop, Geoffrey Chebus Champun, Vincent Sakong Maraka, Yusufu Kapchanga Ngaina, and a person below the age of 18.** The majority of these cases occurred in 2008 in the Mount Elgon district.

### Information from sources

210. Sources provided information on 15 outstanding cases.

### Total cases transmitted, clarified and outstanding

211. Since its establishment, the Working Group has transmitted 40 cases to the Government, all of which remain outstanding.

### Observations

212. The Working Group is concerned by the allegations that a significant number of enforced disappearances took place in the Mount Elgon district in 2008, as reflected by the 40 cases transmitted in 2012. The Working Group also regrets that no response has been received from the Government to the general allegation sent on 9 September 2011, concerning enforced disappearances in the Mount Elgon district (A/HRC/19/58/Rev.1, paras. 312-316), notwithstanding a reminder sent on 13 August 2012.

## Kuwait

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Information from the Government

213. The Government transmitted a communication dated 25 April 2012 concerning the outstanding case. The information provided was not considered sufficient to lead to its clarification.

### Total cases transmitted, clarified and outstanding

214. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

## Kyrgyzstan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A		N/A		N/A	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

### **Information from the Government**

215. On 4 November 2011, the Government responded to a request for an invitation for a visit from the Working Group, dated 16 September 2011. In its response, the Government requested additional information in relation to a potential visit.

216. On 23 March 2012, the Government transmitted a communication in response to a letter dated 25 January 2012 in which a request was made to postpone the potential visit to the country until 2013. In its response, the Government expressed no objections to the postponement of the Working Group's visit to Kyrgyzstan until 2013.

### **Total cases, transmitted, clarified and outstanding**

217. Since its establishment, the Working Group has transmitted no cases to the Government.

### **Observations**

218. The Working Group wishes to thank the Government for extending an invitation for a visit to the country.

## **Lao People's Democratic Republic**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### **Information from the Government**

219. The Government transmitted one communication to the Working Group, dated 5 June 2012, concerning one outstanding case. The information provided was not considered sufficient for the clarification of the case.

### **Total cases transmitted, clarified and outstanding**

220. Since its establishment, the Working Group has transmitted seven cases to the Government; of those, five have been clarified on the basis of information provided by the source, one has been discontinued and one remains outstanding.

## Lebanon<sup>g</sup>

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
313	0	0	0	0	313
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Information from the Government

221. On 29 June 2011 and 9 November 2011, the Government transmitted communications concerning one outstanding case. The information provided in the first communication was not considered sufficient to lead to the clarification of the case. The information provided in the second communication could not be translated in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

222. Since its establishment, the Working Group has transmitted 321 cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, six cases have been clarified on the basis of information provided by the source, and 313 remain outstanding.

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<sup>g</sup> In accordance with the practice of the Working Group, Osman El-Hajjé did not participate in the decisions relating to this section of the report.

## Libya

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
9	0	1	0	1	9
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

### Standard procedure

223. The Working Group transmitted to the Government, one case under its standard procedure. The case concerned the alleged abduction of Mr. **Amhemed Ahwisy**, also known as Amhemed Abdosalam Amhemed, in Wadi Mansour, on 28 October 2011, by individuals who reportedly identified themselves as members of the Katiba of 28 May.

### Information from sources

224. Sources provided information on one outstanding case, as a result, the case was clarified.

### Clarification

225. Following the information provided by the sources, the Working Group decided to clarify one case.

### Total cases transmitted, clarified and outstanding

226. Since its establishment, the Working Group has transmitted 17 cases to the Government; of those, eight cases have been clarified on the basis of information provided by the source and nine remain outstanding.

### Request for a visit

227. On 11 July 2012, the Government extended an invitation to the Working Group to undertake a visit to the country in 2013. On 3 September 2012, the Working Group replied proposing the visit for the first half of 2013.

### Observations

228. The Working Group would like to express its appreciation to the Government for the invitation extended to undertake a visit to the country and looks forward to the confirmation of dates for this visit.

## Lithuania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### General allegation

#### *Summary of the general allegation*

229. The Working Group on Enforced or Involuntary Disappearances received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Lithuania. This information was transmitted to the Government on 16 April 2012.<sup>h</sup>

230. According to sources, there have been credible reports of involvement of Lithuania with secret detentions between 2001 and 2006. It is alleged that a Lithuanian parliamentary committee in December 2009 concluded that State agents had collaborated with the United States of America Central Intelligence Agency (CIA) and that detention facilities operated by the United States of America intelligence agency had existed in Lithuania. It is also reported that these sites were later visited by various organisations. It is further reported that there has been an acknowledgement by Lithuania that it was involved in secret detentions and renditions.

231. It is alleged that an investigation into these practices was ordered by Lithuania in 2009. However, it is reported that it was announced on 14 January 2011, that the investigation was to be closed for a variety of reasons, including a State secrets privilege.

232. Sources affirm that Lithuania is under an international legal obligation to investigate all allegations of serious human rights violations and that it should re-open its criminal investigation into both its own involvement in these operations, and that of the United States of America and its agents on Lithuanian territory. It is further alleged that the investigation ought to be conducted through an independent, impartial, thorough and effective process. It is further alleged that Lithuania ought to hold those involved in these practices accountable and that victims should receive redress.

<sup>h</sup> A/HRC/19/58/Rev.1, para. 22.

### **Total cases transmitted, clarified and outstanding**

233. Since its establishment, the Working Group has transmitted no cases to the Government.

### **Observations**

234. The Working Group regrets that no response was received from the Government to the general allegation sent on 16 April 2012.

## **Mali**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A	N/A	Yes	Government response	No	N/A
<i>Urgent appeal</i>		Yes	Government response	No	
<i>General allegation</i>		N/A	Government response	N/A	
<i>Prompt intervention letter</i>		N/A	Government response	N/A	
<i>Working Group request for a visit</i>		N/A	Invitation extended	N/A	

### **Urgent appeals**

235. On 27 September 2012, the Working Group, jointly with four other special procedures mechanisms, transmitted an urgent appeal to the Government concerning allegations of extrajudicial executions, enforced disappearances, torture, arbitrary detentions and violence against women in the context of the armed conflict in the north of Mali. It was reported, inter alia, that, between 2 and 3 May 2012, during the night, at least 21 soldiers were allegedly transferred to the military camp of Kati and that, at the time of the communication, their fate and whereabouts were unknown.

### **Total cases transmitted, clarified and outstanding**

236. Since its establishment, the Working Group has not transmitted any cases to the Government.

### **Observations**

237. The Working Group regrets that no response was received from the Government concerning the urgent appeal transmitted on 27 September 2012.

## Mauritania

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 2</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	2	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Urgent actions

238. The Working Group transmitted two cases under its urgent action procedure to the Government. These cases concerned Mr. **Mohamed Mahmoud Ould Sebti** and Mr. **Mohamed Abdellah Ould Hmednah**, who were allegedly abducted on 23 May 2011 from the civil prison of Nouakchott with 12 other prisoners and taken to an unknown location by members of the armed forces.

### Total cases transmitted, clarified and outstanding

239. Since its establishment, the Working Group has transmitted three cases to the Government; all remain outstanding.

## Mexico

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 17</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
310	11	6	0	0	327
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1		No		0	
<i>Urgent appeal</i>		Yes	<i>Government response</i>	No	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		Yes (4)	<i>Government response</i>	Yes (2)	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### **Urgent actions**

240. The Working Group sent 11 cases under its urgent action procedure to the Government.

241. The first case concerned Mr. **Moisés Orozco Medina**, who was allegedly arrested by the Municipal Police in Apatzingan, Michoacán, on 22 May 2012, and taken to an undisclosed location.

242. The next five cases concerned Ms. **Sonia Hinojosa Barrera** and her children Mr. **Homero Segura Hinojosa**, Ms. **Larissa Hasel Segura Hinojosa**, Ms. **Daniela Sarahí Segura Hinojosa** and a person below the age of 18, who were reportedly last seen at a ranch under the custody of the Ministerial Police in Río Bravo, Tamaulipas, on 16 June 2012.

243. The last five cases concerned Ms. **Iris Rocio Orozco Hinojosa**, Mr. **Raúl Herrera Hinojosa**, and their three children, all of whom were below the age of 18, who were reportedly last seen at a ranch under the custody of the Ministerial Police in Río Bravo, Tamaulipas, on 16 June 2012.

### **Standard procedure**

244. The Working Group transmitted six newly-reported cases under its standard procedure.

245. The first case concerned Mr. **Jorge Antonio Salinas Cherety** who, on 2 October 2008, was allegedly detained by police officers on the corner of street Zaragoza y Pino Suárez, Cadareyta municipality.

246. The second case concerned Mr. **Leonel Orozco Medina** who, on 18 April 2009, was allegedly taken to an unknown destination by members of the Agencia Federal de Investigaciones (Federal Investigation Agency).

247. The third case concerned Mr. **Jehú Abrahám Sepúlveda Garza** who, on 12 November 2010, was allegedly arrested by two municipal police officers near a convenience shop on Avenida Vasconcelos, on the corner of Montes Rocallitos, in the municipality of San Pedro Garza García, Nuevo León.

248. The fourth and fifth cases concerned Ms. **Jocelyn Mabel Ibarra Buenrostro** and Mr. **José Ángel Mejía Martínez** who, on 15 November 2010, were allegedly seen for the last time at the home of Ms. Ibarra Buenrostro before leaving to look for two people who, two days previously, were allegedly abducted by a criminal group acting with the reported acquiescence of the Federal Police.

249. The sixth case concerned Mr. **David Joab Ibarra Buenrostro** who, on 19 November 2010, was allegedly last seen on the Navy premises, Deportivo San Nicolás, Avenida López Mateos, San Nicolás de los Garza.

### **Urgent appeals**

250. On 6 January 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged killing of Messrs. **Pedro Leyva Domínguez**, **Nepomuceno Moreno Núñez** and **Trinidad de la Cruz Crisóforo** and the alleged abduction of Mr. **Marcial Bautista Valle** and Ms. **Eva Alarcón Ortiz**, by members of the Municipal Police and the Army in the Sierra of Petlatán, Guerrero.

### **Prompt intervention**

251. The Working Group transmitted four communications under its prompt intervention procedure to the Government.

252. The first communication was transmitted on 6 January 2012, jointly with three other special procedures mechanisms, concerning the allegations of attempted murder against Ms. **Norma Esther Andrade**, on 2 December 2011, in Ciudad Juarez, and subsequent death threats against her, her family and other members of “Nuestras Hijas de Regreso a Casa” (NHRC), an organization for which Ms. Andrade works and which deals with cases of enforced disappearance and abduction of women in Ciudad Juárez have been victims. On 22 February 2012, the Government replied to the communication.

253. The second communication was transmitted on 31 January 2012, jointly with two other special procedures mechanisms, and concerned alleged acts of harassment and intimidation against the family members of Ms. **Elena Barajas Mejía** on 21 December 2012, 15 January 2012 and 18 January 2012, in Michoacán, after Ms. Barajas Mejía had given an interview to the newspaper *El Universal*, wherein she denounced the alleged disappearance of a member of her family. Ms. Barajas Mejía is a member of the Comité de Familiares de Detenidos Desaparecidos “Hasta encontrarlos” (Committee of Family Members of the Detained and the Disappeared “Until They Are Found”). On 2 July 2012 the Government replied to this communication.

254. The third communication, transmitted on 20 February 2012 jointly with three other special procedures mechanisms, concerned further allegations of attempted murder against Ms. **Norma Esther Andrade**.

255. The fourth communication was transmitted on 20 April 2012, jointly with three other special procedures mechanisms, and concerned members of the Comité de Familiares de Detenidos Desaparecidos “Hasta encontrarlos”, who were allegedly threatened and harassed by the Federal Police and an unidentified individual in Michoacán, after they initiated the campaign entitled the “Campaña Nacional Contra la Guerra de Felipe Calderón por la Justicia y Castigo a los Criminales de Estado” (National Campaign Against the War of Felipe Calderón for the Justice and Punishment to the State Criminals) in 8 March 2012.

### **Information from the Government**

256. The Government transmitted four communications to the Working Group, dated 28 November 2011, 22 February 2012, 24 April 2012, and 2 July 2012.

257. The first communication concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

258. In the second communication, the Government responded to a prompt intervention letter dated 6 January 2012. In this communication, the Government reported that an investigation was being conducted by the Public Ministry and that no arrest warrant had yet been issued. Concerning the health of Ms. Andrade, the Government reported that the Secretary of Government (Secretaría de Gobernación) requested for the competent authorities to look into the possibility of a federal institution providing her with appropriate medical care. In addition, it was reported that the psychological services of the “Procuraduría Social de Atención a las Víctimas de Delito” (Social Attorney for the Care of Victims of Crime) are at the disposal of Ms. Andrade and her children. Regarding protective measures, the Government reported that Ms. Andrade had been relocated, with appropriate support to guarantee her personal safety. Furthermore, it was reported that measures were taken to assure the protection of the other members of the NHRC.

259. The third communication concerned information regarding the entering into force of the “Ley del registro nacional de datos de personas extraviadas o desaparecidas” (Law of the national register of details of missing or disappeared persons).

260. In the fourth communication, the Government replied to a prompt intervention letter dated 31 January 2012. The Government reported that the Procuraduría General del Estado de Michoacán (Attorney General of the Michoacán State) had conducted an investigation regarding the case of Ms. Barajas Mejia and that this procedure has not yet been able to identify those involved in the harassment. In addition, the Government reported that the presence of public security elements in the neighbourhood was increased and the services of the Unidad de Psicología y Atención a las Víctimas del Delito (Psychology and Care to Victims of Crime Unit) of the Attorney General of the Michoacán State were made available to the victim and her family. Finally, the Government highlighted that an investigation was being conducted into the alleged disappearance of a member of Ms. Barajas Mejía’s family.

#### **Information from sources**

261. Sources provided information on twelve outstanding cases

#### **Press releases**

262. On 14 March 2012, the Working Group issued a press release on the occasion of the presentation of the report on its visit to Mexico. The experts, while recognizing the challenges posed by the complex situation in relation to public security in the context of the fight against crime, emphasized that “there is a chronic pattern of impunity demonstrated by the absence of effective investigations in cases of enforced disappearances”.

#### **Total cases transmitted, clarified and outstanding**

263. Since its establishment, the Working Group has transmitted 505 cases to the Government; of those, 28 cases have been clarified on the basis of information provided by the source, 134 cases have been clarified on the basis of information provided by the Government, 16 cases have been discontinued and 327 remain outstanding.

#### **Observations**

264. The Working Group is seriously concerned that during the reporting period 11 urgent actions, six newly-reported cases, one urgent appeal, four prompt intervention letters, and one press release were transmitted to the Government. The Working Group recalls article 2.1 of the Declaration which states that “No State shall practise, permit or tolerate enforced disappearances”, as well as article 3, which provides that “Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.”

265. The Working Group would also like to recall article 7 of the Declaration, which states that “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”.

266. The Working Group would also like to remind the Government of its obligations under the Declaration towards the families of the disappeared and in particular of article 13.3 according to which States must take steps to ensure that persons involved in investigations of cases of enforced disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate

protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

267. Finally, the Working Group calls on the Government to make efforts to implement the recommendations contained in the report published following the country visit in 2011 (A/HRC/19/58/Add.2).

## Morocco

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 9</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
61	0	1	9	0	53
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
30	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Standard procedure

268. The Working Group transmitted one newly-reported case to the Government, concerning Mr. **Abdellatif Salem** who, on 2 May 1988, was allegedly arrested at the home of individuals associated with him, Hay al Kamra Nord, Bloc J, numéro 28, Rabat, by two agents of the Direction de la Sécurité du Territoire (secret police).

### Information from the Government

269. The Government transmitted five communications on 1 December 2011, 5 December 2011, 12 February 2012, 6 July 2012 and 10 July 2012.

270. The first and second communications concerned 17 outstanding cases. Two of these cases had already been submitted to the six-month rule and were later clarified. The information provided was not considered sufficient for the clarification of the other cases.

271. The third communication concerned 28 outstanding cases. Seven of these cases had previously been submitted to the six-month rule and were later clarified. The information provided on 21 of these cases was not considered sufficient for their clarification. Of the 21 cases, information on 15 cases had previously been submitted by the Government in its first and second communications transmitted during the reporting period.

272. The fourth and fifth communications concerned outstanding cases as well as a number of cases which had already been clarified. The information provided could not be processed in time for inclusion in the present report.

### **Information from sources**

273. Sources provided information on seven outstanding cases, confirming information provided by the Government and leading to the clarification of the case.

### **Clarification**

274. On the basis of information provided by the Government, the Working Group decided to clarify nine cases: seven following confirmation by sources; and the remaining two following the expiration of the period prescribed by the six-month rule.

### **Meetings**

275. Representatives of the Government of Morocco met with the Working Group at its ninety-sixth session.

### **Total cases transmitted, clarified and outstanding**

276. Since its establishment, the Working Group has transmitted 286 cases to the Government; of those, 52 cases have been clarified on the basis of information provided by the source, 160 cases have been clarified on the basis of information provided by the Government, 21 cases have been discontinued and 53 remain outstanding.

### **Observations**

277. The Working Group wishes to thank the Government for the information provided and for its willingness to engage in dialogue during the reporting period. In relation to the outstanding cases, the Working Group also wishes to express its hope to receive detailed information concerning the fate and whereabouts of the alleged victims.

278. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to Morocco in 2009 (A/HRC/13/31/Add.1, paras. 86-108) can be found in an addendum (A/HRC/22/45/Add.3).

## **Mozambique**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review:</i> 0		<i>Cases clarified during the period under review:</i> 0		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

279. The two outstanding cases were transmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

#### **Total cases transmitted, clarified and outstanding**

280. Since its establishment, the Working Group has transmitted two cases to the Government; both remain outstanding.

### **Myanmar**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	1	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	<i>Yes</i>		<i>0</i>		
<i>Urgent Appeal</i>		<i>N/A</i>	<i>Government response</i>	<i>N/A</i>	
<i>General allegation</i>		<i>N/A</i>	<i>Government response</i>	<i>N/A</i>	
<i>Prompt intervention letter</i>		<i>N/A</i>	<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>		<i>N/A</i>	<i>Invitation extended</i>	<i>N/A</i>	

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

281. The Government transmitted two communications, dated 1 December 2011 and 16 August 2012, concerning one outstanding case. Based on the information provided by the Government in its first communication, the Working Group decided, at its ninety-sixth session, to apply the six-month rule to the case. Before the expiration of the period prescribed by the six-month rule, the information provided by the Government was confirmed by the source and the case was clarified.

#### **Information from sources**

282. Sources provided information on one outstanding case, confirming the information provided by the Government and leading to its clarification.

#### **Total cases transmitted, clarified and outstanding**

283. Since its establishment, the Working Group has transmitted eight cases to the Government; of those, seven cases have been clarified on the basis of information provided by the Government, and one remains outstanding.

## Namibia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

284. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

## Total cases transmitted, clarified and outstanding

285. Since its establishment, the Working Group has transmitted three cases to the Government, all of which remain outstanding.

## Nepal

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
458	0	0	0	0	458
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

286. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006 and Corr.1.

### **Request for a visit**

287. On 12 May 2006, the Working Group requested to undertake a follow-up visit to Nepal. A reminder letter was transmitted on 20 July 2009. On 2 October 2009, the Government informed the Working Group that due to the limited capacities of the country and other engagements it was unable to extend an invitation. A new reminder letter was transmitted on 30 June 2011. No reply has been received.

### **Total cases transmitted, clarified and outstanding**

288. Since its establishment, the Working Group has transmitted 672 cases to the Government; of those, 79 cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, and 458 remain outstanding.

## **Nicaragua**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
103	0	0	0	0	103
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A			0	
<i>Urgent Appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

289. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Request for a visit**

290. On 23 May 2006, the Working Group requested the Government of Nicaragua to undertake a visit, as part of a four-country initiative in Central America. Reminder letters were sent on 20 July 2009, 16 August 2010 and 18 August 2011. No response has yet been received.

### **Total cases transmitted, clarified and outstanding**

291. Since its establishment, the Working Group has transmitted 234 cases to the Government; of those, 19 cases have been clarified on the basis of information provided by the source, 112 cases have been clarified on the basis of information provided by the Government, and 103 remain outstanding.

## Pakistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 8</i>		<i>Cases clarified during the period under review: 16</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
107	2	6	14	2	99
<i>Number of cases on which the Government has replied</i>					
2	Yes		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Urgent actions

292. The Working Group sent two communications under its urgent action procedure to the Government.

293. The first communication was transmitted on 29 November 2011 and concerned Mr. **Bashir Arisar**, allegedly detained by agents of the Pakistani Intelligence Services with the support of the Hyderabad Crime Investigation Agency, in Jamshoro district, on 17 November 2011. The Government replied to this communication on 16 July 2012.

294. The second communication was transmitted on 7 June 2012 and concerned a **person below the age of 18**, who was allegedly arrested by members of the Punjab police, in Ferozwala, on 18 April 2012. The Government responded to this communication on 7 June and 12 July 2012.

### Standard procedure

295. The Working Group transmitted seven newly-reported cases to the Government.

296. The first case concerned Mr. **Faisal Marri** who, on 14 August 2007, was allegedly arrested by Pakistan intelligence agents in civilian clothes in the New Kahan Hazarganji Market, Quetta, Province of Balochistan.

297. The second case concerned Mr. **Muhammad Mustafa Haider** who, on 17 May 2009, was allegedly arrested by a group of State forces in Peer Bahawa, Buner District in Khyber Pakhtoon Khwah Province.

298. The third case concerned Dr. **Din Muhammad** who, on 29 June 2009, was allegedly arrested at the Rural Health Centre Ornach by members of the Inter-Services Intelligence (ISI).

299. The fourth case concerned a **person below the age of 18** who, on 8 March 2010, was allegedly arrested in Balecha, Makuran, by members of the Pakistani intelligence agencies in civilian clothes.

300. The fifth case concerned Mr. **Mudassar Iqbal** who, on 16 February 2011, was allegedly arrested by unidentified State forces in Lahore.

301. The seventh case concerned Mr. **Shah Faisal** who, on 12 December 2011, was arrested by four uniformed officers of the Anti-terrorist Squad at the toll plaza of the Peshawar-to-Kohat road, Khyber Pakhtoon Khawah province.

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

302. The Government transmitted three communications, dated 7 June 2012, 12 July 2012 and 16 July 2012.

303. In the first communication, the Government acknowledged receipt of the communication transmitted by the Working Group under its urgent action procedure on 7 June 2012.

304. In the second communication, concerning one outstanding case, the Government requested further information. The information provided was not considered sufficient for the clarification of the case.

305. The third communication concerned a case which had previously been clarified by the source.

#### **Information from sources**

306. Information was received from sources concerning six outstanding cases. Regarding one case, the source confirmed the information provided by the Government and, consequently, the case was clarified. On the basis of the information provided by sources, the Working Group decided, at its ninety-sixth session, to clarify one case and, at its ninety-seventh session, to clarify another case.

#### **Clarification**

307. Following the information provided by the Government, which was later confirmed by the source, the Working Group decided to clarify one case. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify 13 cases at its ninety-sixth session. Following the information received by the source, the Working Group decided to clarify two cases.

#### **Meetings**

308. Representatives of the Government of Pakistan met with the Working Group at its ninety-sixth session.

#### **Visit**

309. The Working Group visited Pakistan from 10 to 20 September 2012 (see A/HRC/22/45/Add.2).

#### **Total cases transmitted, clarified and outstanding**

310. Since its establishment, the Working Group has transmitted 151 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the source, 42 cases have been clarified on the basis of information provided by the Government, one has been deleted, and 99 remain outstanding.

#### **Observations**

311. The Working Group thanks the Government for the cooperation extended before and during its visit to the country.

## Peru

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,371	0	0	0	0	2,371
<i>Number of cases on which the Government has replied</i>					
0	N/A		0		
<i>Urgent appeals</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>		N/A

### Standard procedure

312. The Working Group transmitted one case to the Government under its standard procedure. However, this case was later found to be a duplicate of an existing case and was therefore deleted from the Working Group's statistics.

### Information from the Government

313. The Government transmitted one communication, dated 11 July 2011, which could not be processed in time for inclusion in the 2011 annual report (A/HRC/19/58/Rev.1) or the present report.

### Information from sources

314. Information from sources was received concerning two cases.

### Total cases transmitted, clarified and outstanding

315. Since its establishment, the Working Group has transmitted 3,009 cases to the Government; of those, 385 cases have been clarified on the basis of information provided by the source, 253 cases have been clarified on the basis of information provided by the Government, and 2,371 remain outstanding.

## Philippines

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
621	0	0	0	0	621
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0	N/A		0		
Urgent appeal	N/A		Government response	N/A	
General allegation	Yes(2009/2012)		Government response	No	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Invitation extended	No	

### General allegations

#### *Summary of the general allegation*

316. The Working Group on Enforced or Involuntary Disappearances received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the Philippines. This information was transmitted to the Government on 16 April 2012.<sup>i</sup>

317. Sources reported on serious violations of human rights in the Philippines, such as enforced disappearances. It is alleged that these abuses persist in part because of the Philippines police's failure to conduct thorough and impartial investigations, particularly when evidence points to the involvement of the military. The ability to bring the perpetrators to justice has also been hindered by the Justice Department's inadequate protection program for witnesses, who have been subject to harassment and intimidation.

318. Sources also reported that several victims were killed or abducted in front of witnesses. The perpetrators either wore civilian clothes with bonnets (balaclavas), or wore military uniforms and made no attempt to hide their faces. According to the sources, in several cases there is evidence that soldiers worked with members of paramilitary forces—primarily the Citizen Armed Force Geographical Unit (CAFGU)—or paid military “assets,” including “rebel returnees” (former New People’s Army –members). It is reported that the military appears to have targeted several of these victims as CPP-NPA (Communist Party of the Philippines - New People’s Army) members because of their involvement with leftist organizations, work on land reform, or opposition to military presence in their communities.

319. The sources alleged that police investigations into reports of enforced disappearances are woefully inadequate. Several core aspects of investigations are often disregarded by investigators, including effectively examining crime scenes and canvassing for witnesses. Witness protection is rarely provided and, where it is provided, the protection

<sup>i</sup> A/HRC/19/58/Rev.1, para. 22.

program is inflexible. Despite official orders requiring prosecutors and police to work together in order to ensure that a strong case is presented to court, such cooperation remains extremely unusual. Once a case is filed in court, hearings occur only at monthly intervals.

320. No response from the Government was received during the reporting period regarding this general allegation.

#### **Request for a visit**

321. On 24 May 2006, the Working Group requested an invitation to undertake a visit to the country. Reminder letters were sent on 16 August 2010 and 18 August 2011. No response has yet been received from the Government.

#### **Total cases transmitted, clarified and outstanding**

322. Since its establishment, the Working Group has transmitted 782 cases to the Government; of those, 35 cases have been clarified on the basis of information provided by the source, 126 cases have been clarified on the basis of information provided by the Government, and 621 remain outstanding.

#### **Observations**

323. The Working Group regrets that no response has been received from the Government to its general allegation sent in 2009 concerning the dismissal, by the Court of Appeals, of *amparo* petitions for the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat (A/HRC/13/31, paras. 416-419), notwithstanding the reminders sent on 26 August 2011 and 14 August 2012. The Working Group also regrets that no response has been received from the Government to its general allegation sent on 16 April 2012 (see summary above) notwithstanding the reminder sent on 14 August 2012. The Working Group recalls the Declaration, in particular article 2.1 which states that “No State shall practise, permit or tolerate enforced disappearances”, and article 13.1, which states that “Each State shall ensure that any person having 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 State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.”

## Republic of Korea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A		N/A		N/A	
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Government response</i>		N/A

### Information from the Government

324. The Government transmitted one communication to the Working Group, dated 21 June 2012. In this communication, the Government of the Republic of Korea submitted information in relation to a case registered under the statistics of Uzbekistan.

### Meetings

325. Representatives of the Government of the Republic of Korea met with the Working Group at its ninety-seventh and ninety-eighth sessions.

### Total cases transmitted, clarified and outstanding

326. Since its establishment, the Working Group has transmitted no cases to the Government.

## Russian Federation

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 4</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
467	0	4	0	0	471
<i>Number of cases on which the Government has replied</i>					
		Multiple replies on some cases			<i>Number of cases of possible clarification by Government (6-month rule)</i>
0		0		N/A	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		Yes	<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	No	

### Standard procedure

327. The Working Group transmitted four newly-reported cases to the Government.

328. These cases concerned Messrs. **Magomed Adzhiyev**, **Ali Dzhaniyev**, **Yunus Dobriyev**, and **Yusup Dobriyev**, who were allegedly arrested by Russian law enforcement agents in Vasilievsky Ostrov (Vasiliev Island), Line 9 Street, between Bolshoi Prospect and Naberegnaya Street, Saint Petersburg on 25 December 2009.

### Prompt intervention

329. On 1 March 2012, the Working Group, together with four other Special procedures mechanisms, sent a prompt intervention letter to the Government regarding alleged acts of police harassment against Mr. **Anton Ryzhov**, a lawyer with the Interregional Committee Against Torture and the Joint Mobile Group (JMG), a solidarity group of which travels to Chechnya on a rotating basis to investigate allegations of enforced disappearances and torture in the region; and Mr. **Igor Kalyapin**, Chairman of the Interregional Committee against Torture and founder and President of the JMG.

### Information from the Government

330. The Government transmitted one communication, dated 27 August 2010, which could not be translated in time for inclusion in the 2010 annual report (A/HRC/16/48). This communication concerned the request for a visit of the Working Group.

331. During the reporting period, the Government transmitted three communications, dated 14 May, 22 May and 22 August 2012. The first two communications concerned the prompt intervention letter and could not be processed in time for inclusion in the present report. The third communication concerned four outstanding cases. The information provided was not considered sufficient for the clarification of the cases. The communication also concerned one case registered under the statistics of Georgia.

### Information from sources

332. Sources provided information concerning four outstanding cases.

### **Request for a visit**

333. On 2 November 2006, the Working Group requested an invitation to visit the country. The Working Group reiterated its interest to undertake the visit to the Russian Federation on 4 June 2008, 20 July 2009, 16 August 2010, 18 August 2011 and 8 November 2012. On 4 August 2009, the Government informed the Working Group that, due to limited capacities of the country and other engagements, it was unable to extend an invitation to visit the country. On 27 August 2010, the Government informed that the request for a visit of the Working Group would be considered in order of priority for visits to the Russian Federation by special procedures of the Human Rights Council. On 30 August 2011, the Government replied that it did not have any substantial objections but, due to the heavy schedule of visits by international and regional human rights mechanisms already planned, it suggested to revisit the question in mid-2012. At the end of the reporting period, no confirmation of an invitation to visit the country had been received.

### **Total cases transmitted, clarified and outstanding**

334. Since its establishment, the Working Group has transmitted 483 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by the source, two cases have been clarified on the basis of information provided by the Government, and 471 remain outstanding.

## **Rwanda**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
21	0	0	0	0	21
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

335. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Total cases transmitted, clarified and outstanding**

336. Since its establishment the Working Group has transmitted 24 cases to the Government; of these, two have been clarified on the basis of information provided by the sources, one has been discontinued, and 21 remain outstanding.

## Saudi Arabia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>					
		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Information from the Government

337. The Government transmitted one communication dated 13 June 2012, concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case.

### Total cases transmitted, clarified and outstanding

338. Since its establishment, the Working Group transmitted 10 cases to the Government: two were clarified on the basis of information provided by the Government, two were clarified on the basis of information provided by sources, two were discontinued and four remain outstanding.

## Serbia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>					
		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A		N/A		N/A	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	Yes	

### **Request for a visit**

339. On 29 August 2011, the Working Group requested the Government to extend an invitation to undertake a visit to the country. On 14 September 2010, the Government invited the Working Group to undertake a visit to the country. On 25 October 2011, the Government renewed its invitation to visit the country.

### **Meeting**

340. Representatives of the Government of Serbia met with the Working Group at its ninety-sixth session.

### **Total cases transmitted, clarified and outstanding**

341. Since its establishment, the Working Group has transmitted one case to the Government. This case was clarified on the basis of information provided by the Government.

### **Observations**

342. The Working Group thanks the Government for having extended an invitation to visit the country.

## **Seychelles**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>			<i>Number of cases of possible clarification by Government (6-month rule)</i>
0	N/A			0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

343. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Total cases transmitted, clarified and outstanding**

344. Since its establishment, the Working Group has transmitted three cases to the Government; all of these cases remain outstanding.

## Somalia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

345. The outstanding case was retransmitted and regrettably no response was received from the Government. Reference to the case appears in document E/CN.4/2006/56 and Corr.1.

### Total cases transmitted, clarified and outstanding

346. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

## South Sudan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	<i>I<sup>j</sup></i>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A			N/A		N/A
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>		No

### Request for a visit

347. On 29 August 2011, the Working Group requested the Government of South Sudan to extend an invitation to undertake a visit to the country. The Government has not yet responded.

### Total cases transmitted, clarified and outstanding

348. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

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<sup>j</sup> Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under the Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

## Spain

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 1		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
4	0	0	1	0	3
<i>Number of cases on which the Government has replied</i>					
1	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes		<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

### Prompt intervention

349. On 3 February 2012, the Working Group, together with one other Special Procedures mechanism, sent a prompt intervention letter to the Government regarding allegations that Judge Baltasar Garzón was suspended from his functions in May 2010 and submitted to a criminal trial for breach of legal duty. The Government replied to the prompt intervention letter on 13 March 2012.

### Information from the Government

350. The Government transmitted four communications dated 12 December 2011, 13 March 2012, 4 July 2012 and 31 October 2012.

351. In the first communication, the Government submitted information on one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case.

352. In the second communication, dated 13 March 2012, the Government replied to the prompt intervention letter of 3 February 2012, stating that the information received by the Working Group was incomplete and not accurate. For instance, it was mentioned that judge Garzón himself declared that the jurisdiction to investigate the alleged cases of enforced disappearances had to be assigned to the different territorially competent courts. With respect to the status of the trial against judge Garzón, the Government informed that the Supreme Court acquitted him on 27 February 2012.

353. The third communication concerned three outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

354. The fourth communication concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

### Information from sources

355. Sources provided information concerning one outstanding case.

### **Clarification**

356. Following the expiration of the period prescribed by the six-month rule, the Working Group decided, at its ninety-sixth session, to clarify one case.

### **Request for a visit**

357. On 3 September 2012, the Working Group requested an invitation to undertake a visit to the country. During the ninety-eighth session, the Government confirmed its agreement to extend an invitation to the Working Group to undertake a visit to the country in 2013.

### **Meetings**

358. Representatives of the Government of Spain met with the Working Group at its ninety-eighth session.

### **Press releases**

359. On 8 February 2012, the Working Group together with another mandate holder issued a press release concerning the trial of Judge Baltasar Garzón in Spain and its effects on the process to investigate and deal with more than a hundred thousand cases of enforced disappearances which reportedly occurred during the Spanish civil war and the Franco regime. The Working Group emphasized that an investigation should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified and that an amnesty law should not allow an end to a State's obligation to investigate, prosecute and punish those responsible for disappearances.

### **Total cases transmitted, clarified and outstanding**

360. Since its establishment, the Working Group has transmitted five cases to the Government; of those, two have been clarified on the basis of information provided by the Government and three remain outstanding.

### **Observations**

361. The Working Group would like to express its appreciation to the Government for the invitation extended to undertake a visit to the country and looks forward to the confirmation of dates for this visit.

## Sri Lanka

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: <sup>13</sup>		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5,671	4	9	0	0	5,676 <sup>k</sup>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
160	N/A		1		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2011)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	Yes (2 – 29 December 2011, 1 March 2012)		<i>Government response</i>	No	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

### Urgent actions

362. The Working Group transmitted four cases to the Government under its urgent action procedure.

363. The first two cases concerned Mr. **Lalith Weeraraja**, Jaffna coordinator of the *Jana Aragalaya* (People's Struggle) movement, and an executive committee member of We Are Sri Lankans, a student-based organisation which works to defend the rights of Tamil people in Sri Lanka; and Mr. **Kugan Muruganandan**, who were allegedly arrested by members of the Sri Lankan Army on 9 December 2011.

364. The third case concerned Mr. **Ramasamy Prabaharan**, a Tamil businessman of Indian origin, allegedly abducted by seven armed men in civilian clothing, believed to be security forces agents, on 11 February 2012. In a communication dated 5 April 2012, the Government acknowledged receipt of this urgent action.

365. The fourth case concerned Ms. **Vasanthamala Pathmanathan**, allegedly arrested at a bank near Vavuniya by agents of the Criminal Investigation Department (CID) of the Police on 21 August 2012.

### Standard procedure

366. The Working Group transmitted nine newly-reported cases to the Government.

367. The first case concerned Mr. **Punyamoorthy Velusamy**, a three-wheeler taxi driver who allegedly disappeared between his house and Horombuwa Junction, Suduwatuara Road on 1 March 2008. The police had reportedly previously been to Mr. Velusamy's house on several occasions and questioned him regarding whether he had received money from the Liberation Tigers of Tamil Ealam (LTTE).

<sup>k</sup> During its ninety-sixth and ninety-eighth sessions, the Working Group discovered that six and two cases, respectively, were in fact duplicates of existing cases. These eight cases were subsequently eliminated from the Working Group's records.

368. The second case concerned Mr. **Mathurakulasingam Velautham**, who was allegedly arrested at 55 Alwis Place, Kottehena, Colombo, by paramilitary forces reportedly working with the Sri Lankan military, on 11 June 2008.

369. The third case concerned Mr. **Abiyouth Anthony**, also known as Hilman, an employee of the District Secretariat of Mannar, Government Agent's Office, who allegedly disappeared after leaving a family member's house in Kallikaddaikadu, Uyilankulam, Mannar district, on 5 January 2009. Mr. Anthony was reportedly seen approximately one month after his alleged disappearance in front of Thalladi Military Camp, walking with army officers.

370. The fourth case concerned a **person below the age of 18** who, on 17 April 2009, was allegedly last seen in Puthumathalan. According to the information received, during the night of 17 April 2009, the person below the age of 18 was reportedly forcibly taken away by members of the Liberation Tigers of Tamil Eelam (LTTE). On 20 April 2009, the Sri Lankan army allegedly took control of the area. It was reported that all those in the area where the person below the age of 18 had been were taken away by members of the army.

371. The fifth case concerned Mr. **Varathalingam Ratnathurai**, also known as Puthuvai Rathinathurai, who was allegedly arrested by the Sri Lankan Army in Vadduvakal, Mullaitivu on 18 May 2009.

372. The sixth case concerned Mr. **Ilmi Rifai Ahmed Adbulla** who, on 5 May 2010, was allegedly abducted by seven individuals, one of whom was in police uniform, and driven away in a white van with registration number 7030 when he was returning home from work on his motorcycle.

373. The seventh and eighth cases concerned Mr. **Mohamed Kaya Mohideen Musammil**, an employment agency worker, and Mr. **Mohamed Oseer** who were allegedly arrested by police officers on Mawella Lane, Baseline Road, Dematagoda, Colombo 09, on 7 May 2010.

374. The ninth case concerned Mr. **Mohamed Akram** who, on 9 June 2010, was allegedly abducted by a group of men, three of whom were in police uniforms, driving white vans with registration numbers 58-0093 and LF 7655 at the hotel in front of a race course in Nuwara Eliya.

### **Prompt intervention**

375. On 29 December 2011, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding the alleged arrest and detention of 42 human rights and political activists, including members of the non-governmental organisation, the Committee to Investigate Disappearances.

376. On 1 March 2012, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding alleged repeated instances of excessive use of force against peaceful protestors, and undue restrictions on the rights to freedom of peaceful assembly and expression, including against members of the Organization Collective against Abductions and Disappearance (OCAD), a platform of civil society organizations working on cases of disappearances and abduction.

### **Information from the Government**

377. The Government transmitted seven communications, dated 24 January 2012, 5 April 2012, 26 April 2012, 27 April 2012, 7 May 2012, 15 June 2012, and 29 October 2012.

378. In the first communication, the Government acknowledged receipt of a communication from the Working Group dated 19 December 2011 concerning its ninety-fifth session.

379. In the second communication, the Government acknowledged receipt of the urgent action concerning Mr. Ramasamy Prabaharan.

380. In the third communication, the Government provided information on the report of the Working Group presented to the Human Rights Council at its nineteenth session (A/HRC/19/58/Rev.1).

381. In the fourth communication, the Government responded to a communication transmitted by the Working Group on 6 May 2011.

382. In the fifth communication, the Government submitted information concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the remaining case.

383. In the sixth communication, the Government submitted information concerning 59 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-seventh session, to apply the six-month rule to one of the cases. The information provided was not considered sufficient to lead to the clarification of the remaining cases.

384. In the seventh communication, the Government submitted information concerning 100 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-eighth session, that two cases were duplicates. The Working Group also decided to transmit information concerning one case to the source in order to verify whether the case was a duplicate. The information provided concerning the other 97 cases was not considered sufficient to lead to their clarification.

### **Information from sources**

385. Sources provided information concerning two outstanding cases.

### **Meetings**

386. Representatives of the Government of Sri Lanka met with the Working Group at its ninety-sixth and ninety-eighth sessions.

### **Request for a visit**

387. On 16 October 2006, the Working Group requested the Government of Sri Lanka to extend an invitation to undertake a visit to the country. The Government replied that it would not be possible to schedule a visit during the proposed dates, and that the interest of the Working Group would be given due consideration. Reminder letters were sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012.

### **Total cases transmitted, clarified and outstanding**

388. Since its establishment, the Working Group has transmitted 12,473 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,535 cases have been clarified on the basis of information provided by the Government, 222 cases were found to be duplications and were therefore deleted, and 5,676 remain outstanding.

### **Observations**

389. The Working Group regrets that no response was received from the Government to its general allegation on 4 May 2011, concerning serious obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in Sri Lanka during the last phase of the war against the Liberation Tigers of Tamil Eelam from 2006 to 2009 (A/HRC/19/58/Rev.1, paras. 495-501), notwithstanding a reminder sent on 13 August 2012.

390. The Working Group is seriously concerned that, during the reporting period, it transmitted four urgent actions, nine standard cases, and two prompt intervention letters. In this respect, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

391. Following its request dated 16 October 2006, and reminder letters sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012, the Working Group wishes to reiterate its hope that the Government will extend an invitation for a visit to the country.

### **Sudan**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
174	0	0	0	0	173 <sup>l</sup>
<i>Number of cases on which the Government has replied</i>					
1	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	No	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

<sup>l</sup> Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance with the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

## **Information from the Government**

392. On 28 December 2011, the Government transmitted a communication concerning one outstanding case. The information provided was considered insufficient to lead to the clarification of the case. However, the case has since been transferred to the records of South Sudan.

393. On 6 June 2012, the Government transmitted a communication concerning complaints of human rights violations committed by the Government of South Sudan relating to enforced or involuntary disappearances.

### **Request for a visit**

394. A request for a visit was sent to the Government of the Sudan on 20 December 2005. On 3 April 2008, 20 July 2009, 16 August 2010 and 18 August 2011, the Working Group reiterated its interest to undertake the visit. However, no reply has yet been received.

### **Total cases transmitted, clarified and outstanding**

395. Since its establishment, the Working Group has transmitted 383 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 205 cases have been clarified on the basis of information provided by the Government, one case has been transferred to the statistics of South Sudan, and 173 remain outstanding.

### **Observations**

396. Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. So far the Working Group has transferred one case from the records of the Sudan to the records of South Sudan.

## **Switzerland**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	1	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1		No		1	
<i>Urgent Appeal</i>		<i>N/A</i>		<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>		<i>N/A</i>		<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>		<i>N/A</i>		<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>		<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>

### Standard procedure

397. The Working Group, in accordance with its methods of work, retransmitted one case to the Government, concerning Mr. **Mohamed El Ghanam**, who was allegedly arrested in Geneva on 12 March 2007 by agents of the Swiss Government.

### Information from the Government

398. The Government transmitted one communication dated 15 June 2012, concerning the outstanding case. On the basis of this information the Working Group decided at its ninety-seventh session to apply the six-month rule to this case.

### Information from sources

399. Information was received from sources concerning the outstanding case.

### Total cases transmitted, clarified and outstanding

400. Since its establishment, the Working Group has transmitted one case to the Government. This case remains outstanding.

## Syrian Arab Republic

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 39		Cases clarified during the period under review: 8		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
41	30	9	1	7	72
Number of cases on which the Government has replied		Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)	
9	No			0	
Urgent Appeal		Yes (5)	Government response	No	
General allegation		Yes (2)	Government response	Yes	(On 27 December 2011)
		Sent 9 September 2011			
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Invitation extended	No	

### Urgent actions

401. The Working Group transmitted 30 cases under its urgent action procedure to the Government. The cases concerned **Messrs. Maad Tayeh, Mustafa Abo Zaid, Mahmoud Dred, Mohamed Al Shurbaji, Muhammad Tayseer Khulani, Amr Ahmad Khulani, Muhammad Nouh, Essam Kadour, Kousai Kadour, Louai Kadour, Wissam Kadour, Hisham Kadour, Ammar Kadour, Islam Al Dabbas, Maamon Al Darsani, Ahmad Andora, Kamel Hamda, Fahed Almusla, Omar Raad, Mohammad Aswad, Muhammad Arab, Amjad Kassem, Nabil Al Shurbaji, Fady Khalous, Mohammad Tawfiq Anjileh, Maher Safouh Hamra, Muhamannad Safouh Hamra, Khalil Matouk, and Ms. Fatima Khalid Saad and Ms. Rama Al Assas**.

### **Standard procedure**

402. The Working Group transmitted nine newly-reported cases to the Government.

403. The first case concerned Mr. **Tahsein Mamo** who, on 29 January 2007, was allegedly arrested at the house of an individual associated with him located in the Sheikh Maqsood area of Aleppo, following a raid by Syrian security officers and was allegedly last seen on 18 December 2008 in Sednaya Military Prison.

404. The second case concerned Mr. **Abdulakram Al Sakka**, who was allegedly arrested on 15 July 2011 in his home in Daraya, Rif Damascus Governorate, by armed agents of the Air Force Intelligence.

405. The third case concerned Mr. **Solaiman Al Orib Al Salim**, who was allegedly arrested on 18 August 2011 at a checkpoint in Mazareb on the edge of Hama by security forces.

406. The fourth case concerned Mr. **Omar Shafik Kashroom**, who was allegedly arrested on 4 February 2012 by agents of the Air Force Intelligence during a demonstration in Daraya.

407. The fifth case concerned Mr. **Mohammed Issam Zaghloul**, who was allegedly arrested on 23 August 2011, at his home in Daraya district, Damascus, by a group of armed men wearing black civilian clothes. In November 2011, Mr. Issam Zaghloul was reportedly seen in the Air Force Military Intelligence Prison, Bab Touma, Tahir, Damascus.

408. The sixth case concerned Mr. **Ali Al Mahamid**, who was allegedly arrested on 25 August 2011, by Air Force Intelligence agents wearing civilian clothes at the Nasib Border Crossing on the border with Jordan, close to the city of Deryaa.

409. The seventh case concerned Mr. **Ibrahim Taha**, who was allegedly arrested by Air Force Intelligence agents on 5 December 2011 at Al Razi Hospital, Al Mazza, when he went to look for his brother, who had reportedly been brought there.

410. The eighth case concerned the brother of Mr. Ibrahim Taha, Mr. **Taha Taha**, who was allegedly arrested at his place of work by Air Force Intelligence agents in civilian clothes on 5 December 2011. Mr. Taha Taha was reportedly later seen at the Air Force Intelligence detention centre at Al Mazza military airport.

411. The ninth case concerned Mr. **Bassel Khartabil**, on whom an urgent appeal had previously been transmitted by the Working Group.

### **Urgent appeals**

412. The Working Group transmitted five urgent appeals to the Government.

413. The first urgent appeal, transmitted on 3 February 2012, jointly with three other special procedures mechanisms, concerned the alleged shooting and subsequent arbitrary arrest and incommunicado detention of Mr. **Mohamed Anwar Dabbas** on 1 January 2012. Mr. Anwar Dabbas is an activist who has reportedly been campaigning for democratic reform since the beginning of the unrest in the Syrian Arab Republic.

414. The second urgent appeal, transmitted on 27 March 2012 jointly with six other special procedures mechanisms, concerned the arrest, incommunicado detention, and possible enforced disappearance of Mr. **Rudy Uthman**, a journalist and human rights activist, and Mr. **Saleh Shameya**, a well-known lawyer, and member of the board and head of the legal department of the National Human Rights Organisation-Syria (NOHR-S).

415. The third urgent appeal, transmitted on 15 August 2012, jointly with two other special procedures mechanisms, concerned allegations of mass arrests of individuals, some

of whom reportedly died, in Damascus, as well as the situation of Mr. **Hayel Hamid**, whose whereabouts were allegedly unknown at the time of the communication. Mr. Hayel Hamed is a surgeon and university professor of Palestinian and British nationality.

416. The fourth urgent appeal, transmitted on 21 September 2012, jointly with two other special procedures mechanisms, concerned the alleged arrest, incommunicado detention, and enforced disappearance of Mr. **Bassel Khartabil** on 15 March 2012. Mr. Bassel Khartabil is a 31-year-old Palestinian who was born and raised in the Syrian Arab Republic.

417. The fifth communication transmitted on 8 November 2012 concerned Messrs. **Abdelaziz Al-Khayer**, **Iyas Ayash** and **Maher Tahan**, all members of the National Coordination Body for Democratic Change, who were reportedly stopped at an Air Force Intelligence checkpoint and brought to one of the branches of Air Force Intelligence. At the time of the present communication, the fate and whereabouts of Messrs. Al-Khayer, Ayash and Tahan remained unknown.

### **Information from the Government**

418. On 14 December 2011, the Government transmitted a response to an urgent appeal dated 22 August 2011, confirming the release of Mr. Abdel Karim Rihaoui on 22 August 2011, and that he travelled to Egypt on 8 September 2011.

419. On 27 December 2011, the Government transmitted a communication concerning two general allegations which were sent on 9 September 2011 (A/HRC/19/58/Rev.1, paras. 552-555). One of the general allegations concerned the reported discovery of a mass grave containing the remains of at least 13 bodies including women and children (possibly including members of the Abazied and al-Mahmaed families), on 16 May 2011, near Daraa in an area called Talit Mohammed Assarie. The other general allegation concerned reported systematic human rights violations committed by the Syrian authorities against its population, including enforced disappearances.

420. Also on 27 December 2011, the Government responded to an urgent appeal dated 3 August 2011. The response could not be translated in time for inclusion in the present report.

421. On 26 January 2012, the Government transmitted a communication with updated information on major events and developments in the Syrian Arab Republic, with reference to Legislative Decree No. 10 of 15 January 2012, statistics on the release of prisoners, communiqués of the Ministry of the Interior, impact of armed terrorist operations on the electricity sector, economic matters, abduction and murder of Ministry officials.

422. On 23 February 2012, the Government transmitted a communication concerning six outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

423. On 2 April 2012, the Government transmitted a communication with statistics on the loss of human life and material damage in the Syrian Arab Republic's governorates from the outbreak of the events until 15 March 2012 due to the acts of armed terrorist groups.

424. On 12 April 2012, the Government transmitted two communications concerning three outstanding cases. One of the cases had previously been clarified by the source. The information provided on the other two cases was not considered sufficient to lead to their clarification.

425. On 11 June 2012, the Government transmitted a communication regarding recent events in the Syrian Arab Republic, including media reports.

426. On 17 August 2012, the Government transmitted a communication regarding alleged losses incurred by the Ministry of Trade in the Syrian Arab Republic as a result of acts

committed by armed terrorist groups against staff, buildings and vehicles belonging to the Ministry of Trade.

### **Information from sources**

427. Information was received from sources concerning 14 outstanding cases. As a result, seven of these cases were clarified.

### **General allegations**

#### *Reply from the Government*

428. On 27 December 2011, the Government transmitted a communication concerning two general allegations which were sent on 9 September 2011. The Government reported that there were inaccuracies in relation to allegations concerning a mass grave containing 13 bodies in the Tallit Mohammed Assarie area, near Daraa. The Government reported that the Syrian Arab Army did not launch an attack on Daraa but did search for weapons and armed outlaws; that the army cordoned off Daraa on 25 April because an increasing number of armed men were using the town as a base from which to launch attacks against army and security personnel; and that the Army Command had given the armed men until 30 April to surrender their weapons before beginning to search. The Government further reported that the families of the persons concerned, with the assistance of the local authorities, discovered five bodies, rather than 13, in the mass grave. The names of the individuals whose bodies were discovered were listed, details of their disappearance were given, and information concerning the legal history of two of the individuals was also included. The Government explained that the place where their bodies were found was not under the control of the army and security forces, nor was it closed off; that the persons concerned were thought to be cooperating with the authorities, were targeted by armed terrorist groups and may have been killed and buried by such groups; that the authorities worked with the family of the concerned persons to conduct relevant investigations; and that the authorities did not attend either the home of the persons concerned or the place where their bodies were found, either before or after action against the members of armed terrorist groups began.

429. The Government reported that allegations that security personnel prevented residents of Daraa from leaving their homes to recover dead bodies from the streets, and that those bodies subsequently disappeared from the streets, were untrue. The Government suggested that the sources of the information were believed to have links with armed terrorist groups.

430. In relation to allegations of thousands of cases of enforced disappearances, the Government reported, *inter alia*, that there were no such cases in Syria and that all arrests of persons suspected of involvement in offences punishable by Syrian law were made in accordance with the Syrian Code of Criminal Procedure and were under the monitoring, supervision and authority of the competent prosecutor's office.

### **Clarification**

431. Based on the information provided by sources, the Working Group decided to clarify seven cases. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify one case.

### **Total cases transmitted, clarified and outstanding**

432. Since its establishment, the Working Group has transmitted 121 cases to the Government; of those, 34 cases have been clarified on the basis of information provided by

the source, 15 cases have been clarified on the basis of information provided by the Government, and 72 remain outstanding.

### **Request for a visit**

433. On 19 September 2011, the Working Group requested an invitation to undertake a visit to the Syrian Arab Republic. The Government has not yet responded.

### **Observations**

434. The Working Group would like to thank the Government for its reply to the two general allegations transmitted on 9 September 2011. However, the Working Group is gravely concerned about the number of allegations of enforced disappearances received during the reporting period, as reflected by 30 urgent actions, two urgent appeals and nine standard cases.

435. The Working Group is also deeply concerned by the recent report of the independent international commission of inquiry of the Syrian Arab Republic (A/HRC/19/69) concerning the increasing number of grave human rights violations in Syria, including enforced disappearances. In this context, the Working Group recalls recent General Assembly resolution 66/176, adopted on 23 February 2012, and Human Rights Council resolution 21/26, adopted on 17 October 2012, which condemn the continued grave and systematic human rights violations, including enforced disappearances, by the Syrian authorities.

436. The Working Group would like to recall article 2 of the Declaration, which states that “No State shall practise, permit or tolerate enforced”; article 3, which states that “Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction”; and article 7, which states that “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances”.

437. In the light of the above, the Working Group would like to stress its interest in undertaking a visit to the country.

## **Tajikistan**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 3</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
6	1	0	3	0	4
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
3		No		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes	

### **Urgent actions**

438. The Working Group sent one case under its urgent action procedure to the Government. It concerned Mr. **Naimjon Atokhonovich Naimkhonov**, who was allegedly last seen near the bus station of Karabolo district, Dushanbe, on 8 August 2012.

### **Information from the Government**

439. On 14 February 2012, the Government transmitted a communication concerning three outstanding cases. The information provided was not considered sufficient to clarify the cases.

### **Clarification**

440. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify three cases.

### **Meetings**

441. Representatives of the Government of Tajikistan met with the Working Group at its ninety-sixth session.

### **Request for a visit**

442. On 30 June 2011, the Working Group requested the Government of Tajikistan to extend an invitation to undertake a visit to the country. On 22 August 2011, the Government invited the Working Group to undertake a visit to the country at mutually convenient and agreed dates.

### **Total cases transmitted, clarified and outstanding**

443. Since its establishment, the Working Group has transmitted nine cases to the Government; of those, three cases have been clarified on the basis of information provided by the Government, two cases have been clarified on the basis of information provided by the source and four cases remain outstanding.

### **Observations**

444. The Working Group thanks the Government for having extended an invitation to visit the country.

## Thailand

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 16		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
55	1	15	0	0	71
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
2		No		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		Yes	<i>Government response</i>	No	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	No	

### Urgent actions

445. The Working Group sent one case under its urgent action procedure to the Government. It concerned Mr. **Pee Naselan**, who was allegedly taken away from a local tea shop in his village, at Ban Moo 5 Juab Sub district, in the south of Thailand by three men in Navy uniforms, on 28 February 2012.

### Standard procedure

446. The Working Group transmitted 15 newly-reported cases to the Government.

447. The first case concerned Mr. **Songkran Namprom** who, on 20 September 1999, was allegedly last seen entering Sofitel Hotel, Khon Kaen city, Khon Kaen province, to meet an individual who had identified himself as a police officer.

448. The second case concerned Mr. **Ja-Ur Pawlu** who, on 25 October 2002, was allegedly arrested with two other individuals near Ang Kang Mountain, Fang district, Chiang Mai province, by officers carrying firearms travelling in a vehicle identified as belonging to the Thai Narcotics Control Board.

449. The third case concerned Mr. **Burahum Ma-ela** who, on 10 March 2003, was allegedly arrested at a military checkpoint outside Su-Ngai Kolok district, near the highway intersection, Narathiwat Province.

450. The fourth and fifth case concerned Mr. **Montri Jagea** and a **person below the age of 18** who, in late May 2003, were allegedly arrested in the morning by police along the road between Huay Mayom village and Huay Bon village, near Huay Bon water reservoir dam, Viang sub-district.

451. The sixth case concerned Mr. **Japa Janu** who, in October 2003, was allegedly arrested with four other individuals at his home, 321 village number 3, Tadhmok village, Mae Ai district, Chiang Mai province, by officers from various State authorities, including the police and the army.

452. The seventh and eighth cases concerned Messrs. **Musta-sidin Ma-ming** and **Wae-eso Maseng** who, on 11 February 2004, were allegedly arrested by a group of presumed armed police officers at the mobile telephone shop at Tanyongmas Market.

453. The ninth, tenth, eleventh, and twelfth cases concerned Messrs. **Wandi Gazi**, **Abdullah Eitae**, **Manasay Lohlanay** and **Eruwan Masay**, all from the Malayu indigenous group, who, on 23 May 2007, were allegedly taken by six soldiers from a temporary military checkpoint near a market, on the main road between Yaha district and Yala district, Yala province, to an unknown location.

454. The thirteenth case concerned Mr. **Saman Meethum** who, on 2 June 2007, was allegedly last seen near Loop village, Loop sub-district. According to the information received, a police major from Yang Talat Police Station is reportedly believed to be responsible for the alleged disappearance.

455. The fourteenth case concerned Mr. **Kamol Lausophaphan** who, on 7 February 2008, was last seen at Ban Phai Police Station, Khon Kaen province.

456. The fifteenth case concerned Mr. **Roosaming Samamae** who, on 10 March 2009 was allegedly arrested at local Beu-Reah Mosque by three men wearing army ranger uniforms and wool facemasks.

### **General allegations**

#### *Summary of the general allegations*

457. Information was submitted by sources concerning obstacles encountered in the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance. This information was transmitted to the Government after the Working Group's ninety-eighth session.

458. The source alleged that enforced disappearances have been carried out in Thailand for many years as a method to stamp out dissent or to eliminate suspected criminals outside of the rule of law.

459. The source also alleged that two official policies directly contributed to the creation of an environment in which enforced disappearances along with other gross violation of human rights have taken place: 1) the highly militarized counter-insurgency approach adopted in southern Thailand by various regional governments beginning in 2001 under the Thaksin Administration; and 2) the so-called War on Narcotic Drugs Policy implemented by Prime Minister Thaksin in 2003.

460. The source argued that the counter-insurgency policies in the south led to the implementation of three emergency legislative frameworks, namely, 1) Martial law, which allows for detention of up to seven days for interrogation without a warrant or judicial review and without the right to challenge the detention; 2) the Decree on Government Administration in Emergency Situations issued in 2005, which allows for detention with a court warrant without criminal charges for up to seven days and renewable for up to 30 days; and 3) the Internal Security Act, which reportedly allows for detention of anyone suspected to be involved in insurgency or terrorism in a military training camp for up to six months by the order of court without any requirement of pending criminal charges or conviction. Such laws as well as the 'good faith' clauses, which provide immunity for officials from civil, criminal and disciplinary penalties for acts performed in good faith, facilitate impunity for enforced disappearances as demonstrated in a number of documented cases.

461. The source also argued that the counter-insurgency approach led to the militarisation of the southern part of Thailand where currently 74, 000 security officers are deployed and further 4000 troops are authorised to be deployed in the region. According to the source, such militarisation of the region contributed to the increase in enforced disappearances.

462. The source further reported that three patterns of enforced disappearances are observed in southern Thailand: i.e. individuals are taken from the street; they are arrested from home, work or mosque; or disappear as a consequence of their voluntary reporting to security forces.

463. The source further reported that the violent implementation of the so-called 2003 War on Narcotic Drugs Policy, which sets a quota for arrests and seizure of narcotic drugs to each province and financial rewards for drugs seized, also contributed to the increased cases of enforced disappearances. The source pointed out that although the laws in Thailand do not condone its security forces to arbitrarily detain or forcefully disappear suspected drug traffickers or users, such drug policy allegedly contribute to the creation of an environment where enforced disappearances happen. The source alleged that under the policy, a number of 'Ranger camps' were established where locally recruited security personnel, who assist and report to the military, detained suspected drug traffickers or users without warrants. It is reported that especially ethnic minorities are most heavily affected by the policy due to the stereotyped beliefs that members of ethnic minorities are often involved in illegal activities.

464. The source reported that the large majority of the victims of enforced disappearances belonged to minority groups, such as Malayu or Hill tribes. The source also alleged that the human rights, anti-corruption and environmental activists as well as witness of human rights violations were also vulnerable to enforced disappearances.

465. It was further reported that there is no definition of enforced disappearance in the domestic legislation. The source also informed on the lack of independence and the weakness of the Thai judiciary. As a result, according to the source, no case of enforced disappearance has led to the prosecution or conviction of the perpetrator.

466. In addition, the source reported that with the exception of a recommendation on 12 February 2012 made by the Committee for Compensation of People Affected by Unrest in the Southern Border Provinces established by the Prime Minister in 2010, to pay reparations to victims of a number of cases of enforced disappearances that occurred from January 2004 to 30 September 2011, reparations for enforced disappearances have been extremely limited in Thailand. For instance, it is reported that in a small number of cases in southern Thailand, 100,000 Baht were paid to the relatives by the Government following a recommendation of the National Reconciliation Commission established by the Government in 2005.

### **Information from the Government**

467. The Government transmitted two communications to the Working Group.

468. In the first communication, dated 13 January 2012, the Government acknowledged receipt of a letter transmitted by the Working Group on 19 December 2011. The Government also reported that Thailand signed the International Convention on the Protection of All persons from Enforced Disappearance on 9 January 2012.

469. In the second communication, dated 4 April 2012, the Government provided information on two outstanding cases. The information provided was not considered sufficient to lead to the clarification of these cases.

### **Information from sources**

470. Sources provided information on five outstanding cases.

### **Request for a visit**

471. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. On 17 October 2011, the Government of Thailand replied that given the high number of requests received, a further communication would be conveyed to the Working Group when an agreeable time can be arranged. A reminder was sent by the working group on 8 November 2012.

### **Total cases transmitted, clarified and outstanding**

472. Since its establishment, the Working Group has transmitted 78 cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, two cases have been discontinued, three cases were found to be duplications and were therefore deleted, and 71 remain outstanding.

### **Observations**

473. The Working Group is concerned that during the reporting period one urgent action and 15 newly-reported cases were transmitted to the Government and one general allegation was adopted.

## **The former Yugoslav Republic of Macedonia**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### **Observations**

474. The Working Group regrets that no response was received from the Government to its general allegation sent on 15 May 2009, concerning the alleged involvement of the Government of the former Yugoslav Republic of Macedonia in a practice of renditions and secret detention (A/HRC/13/31), notwithstanding the reminders sent on 26 August 2011 and 17 August 2012.

### **Total cases transmitted, clarified and outstanding**

475. Since its establishment, the Working Group has transmitted no cases to the Government.

## Timor-Leste

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
428	0	0	0	0	428
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

476. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

## Total cases transmitted, clarified and outstanding

477. Since its establishment, the Working Group has transmitted 504 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by the source, 58 cases have been clarified on the basis of information provided by the Government, and 428 remain outstanding.

## Togo

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
10	0	0	0	0	10
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

478. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Meetings**

479. Representatives of the Government of Togo met with the Working Group at its ninety-eighth session.

### **Total cases transmitted, clarified and outstanding**

480. Since its establishment, the Working Group has transmitted 11 cases to the Government; of those, one case has been clarified on the basis of information provided by the source and 10 remain outstanding.

## **Tunisia**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
2	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### **Information from the Government**

481. The Government transmitted one communication, dated 17 February 2012 concerning the two outstanding cases. The information provided was not considered sufficient to lead to their clarification.

### **Information from sources**

482. Information from the source was received on one outstanding case.

### **Total cases transmitted, clarified and outstanding**

483. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, five cases have been clarified on the basis of information provided by the source, 12 cases have been clarified on the basis of information provided by the Government, and two remain outstanding.

## Turkey

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
60	0	0	0	0	60
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
25	Yes		4		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes (2011, 2012)		<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Prompt intervention

484. On 9 August 2012, the Working Group, jointly with five other special procedures mechanisms, transmitted a prompt intervention letter to the Government concerning the alleged detention and trial of Mr. **Cemal Bektas**, president of Yakay-der, an organization which works to clarify the circumstances of enforced disappearances and extrajudicial executions in Turkey and a member association of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED).

### Information from the Government

485. The Government transmitted four communications to the Working Group.

486. In the first communication, dated 13 December 2011, the Government replied to a prompt intervention letter transmitted by the Working Group jointly with two other special procedures mechanisms, on 28 October 2011, regarding the alleged arrests of representatives of member associations of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED), Messrs. **Kemal Aydin**, **Selahattin Tekin** and **Cemal Bektas** from Yakay-der, and Ms. **Nahide Ormani** from Mothers for Peace (A/HRC/19/58/Rev.1, par. 598). The Government reported that the aforementioned individuals were arrested for illegal activities falling within the scope of the investigation of a terrorist organisation known as the PKK/KCK. The Government further reported that, in 2007, the Diyarbakir Chief Public Prosecutor's Office initiated an investigation (number 20007/997) to transcribe the activities of the so-called Koma Civaken Kurdistan Parliament of Turkey (KCK/TM) that operates as the urban wing of the illegal PKK/KONGRA-GEL terrorist organization. In relation to Messrs. Aydin, Tekin and Bektas, the Government reported that they did have the opportunity to be assisted by lawyers and their relatives were informed about their situation; and that none of them lodged a complaint against any law enforcement officers involved in the investigation process. Regarding Ms. Ormani, the Government reported that she was taken into custody after her home was searched upon the instruction of Silopi Chief Public Prosecutor's Office; she was detained for 48 hours upon the written instruction of the Prosecutor's office; a member of her family was informed during the search of her home; she was assisted by her lawyer while in custody; she

benefited from her legal rights during the investigation stage; and she did not lodge a complaint against any law enforcement officer.

487. In the second communication, dated 5 March 2012, the Government provided information on 10 outstanding cases. The information provided was considered insufficient to lead to the clarification of the 10 cases, although the six-month rule had previously been applied to three of the cases.

488. In the third communication, dated 6 July 2012, the Government provided information on 18 outstanding cases. The information provided was not considered sufficient to clarify the cases.

489. In the fourth communication, dated 22 October 2012, the Government responded to the prompt intervention letter of 9 August 2012. The Government reported, *inter alia*, that all defence lawyers were able to attend the hearing but some did not attend on their own initiatives; according safety precautions, audio and video recorders (including cell phones) could not be admitted to the hearing room and the accused could not defend themselves in their native languages; the hearings were held open to the public, although some hearings were held in closed sessions in order to maintain discipline and order. The Government reported that there was no factual information or tangible evidence supporting the allegation that Mr. Bektas' detention on remand was because of his work on disappearances, and that Mr. Bektas was being tried on the charge of being a member of an armed terrorist organization.

#### **Total cases transmitted, clarified and outstanding**

490. Since its establishment, the Working Group has transmitted 182 cases to the Government; of those, 49 cases have been clarified on the basis of information provided by the source, 72 cases have been clarified on the basis of information provided by the Government, one case was discontinued, and 60 remain outstanding.

#### **Observations**

491. In relation to the communication transmitted under the prompt intervention procedure on 9 August 2012, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

## Turkmenistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

492. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary appears in document A/HRC/13/31.

### Total cases transmitted, clarified and outstanding

493. Since its establishment, the Working Group has transmitted three cases to the Government; of those, two have been clarified on the basis of information provided by the Government, and one remains outstanding.

## Uganda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
15	0	0	0	0	15
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0			N/A		0
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

494. All outstanding cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### Total cases transmitted, clarified and outstanding

495. Since its establishment the Working Group has transmitted 22 cases to the Government; of those, five have been clarified on the basis of information provided by the source, two have been clarified on the basis of information provided by the Government, and 15 remain outstanding.

## Ukraine

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	1	0	0	0	4
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Urgent actions

496. The Working Group sent one case to the Government under its urgent action procedure, concerning Mr. **Valid Beriev**, who allegedly disappeared close to the Pizzeria Delikt restaurant, Nauchnaia Street, Lviv on 17 May 2012.

### Total cases transmitted, clarified and outstanding

497. Since its establishment, the Working Group has transmitted six cases to the Government; of those, two have been clarified on the basis of information provided by the Government and four remain outstanding.

## United Arab Emirates

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
5	0	0	0	0	5
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		<i>Yes</i>		<i>Government response</i>	<i>No</i>
<i>General allegation</i>		<i>N/A</i>		<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>		<i>N/A</i>		<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>		<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>

### Urgent appeals

498. On 15 May 2012, the Working Group transmitted an urgent appeal to the Government, jointly with three other special procedures mechanisms, concerning various individuals. It was reported, *inter alia*, that Dr. **Ahmed Yousef Al-Zaabie**, was allegedly arrested in Abu Dhabi on 26 March 2012. It was also reported that, Mr. **Saleh Al-Dhufairi**, an online activist, general manager of the Holy Koran Foundation and a member of the Islah Association, was allegedly arrested at a mosque in Ras al-Khaimah on 29 April 2012. At the time of the communication, their whereabouts remained unknown.

499. On 7 November 2012, the Working Group transmitted a second urgent appeal to the Government, jointly with five other special procedures mechanisms, concerning the alleged mass arrest of human rights defenders, judges and lawyers. It was reported, *inter alia*, that, at the time of the communication, the whereabouts of Mr. **Ahmad Gaith Al Suwaidi**, Mr. **Rashid Mohamed Abdullah Al Roken**, Mr. **Abdullah Al Hajiri**, Mr. **Juma Darwish El Felassi**, Mr. **Ali Saeed Al Kindi**, and Mr. **Khamis Saeed Al Sam Al Zyoudi**, remained unknown.

### Total cases transmitted, clarified and outstanding

500. Since its establishment, the Working Group has transmitted seven cases to the Government; of those, two cases have been clarified on the basis of information provided by the Government, and five cases remain outstanding.

### Observations

501. The Working Group regrets that no response was received from the Government concerning the urgent appeal transmitted on 15 May 2012.

## Uruguay

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
20	0	0	1	0	19
<i>Number of cases on which the Government has replied</i>					
		<i>Multiple replies on some cases</i>			<i>Number of cases of possible clarification by Government (6-month rule)</i>
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### Clarification

502. On the basis of information provided by the Government on 21 June 2011, the Working Group decided to clarify one case following the expiration of the period prescribed by the six-month rule.

### Total cases transmitted, clarified and outstanding

503. Since its establishment, the Working Group has transmitted 31 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and 19 remain outstanding.

## Uzbekistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
7	1	0	0	0	8
<i>Number of cases on which the Government has replied</i>					
		<i>Multiple replies on some cases</i>			<i>Number of cases of possible clarification by Government (6-month rule)</i>
8		Yes		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		Yes	<i>Invitation extended</i>	No	

### **Urgent actions**

504. The Working Group transmitted one case under its urgent action procedure to the Government, concerning Mr. **Usmon Rakhimov**, who was allegedly handed over to the Service of National Safety of the Republic of Uzbekistan on 22 March 2012, after having been deported from the Republic of Korea. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received a copy of this case.

### **Information from the Government**

505. The Government transmitted five communications to the Working Group.

506. In the first communication, dated 19 October 2011, the Government provided information on measures being taken in Uzbekistan to ensure that citizens are protected from involuntary disappearance and to fulfil the Declaration on the Protection of All Persons from Enforced Disappearance

507. The second communication, dated 10 January 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

508. The third communication, dated 21 June 2012, concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

509. The fourth communication, dated 2 July 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

510. The fifth communication, dated 16 July 2012, concerned one outstanding case. On the basis of this information, the Working Group decided, at its ninety-eighth session, to submit the case to the six-month rule.

### **Request for a visit**

511. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. A reminder was sent on 8 November 2012. No response has yet been received from the Government.

### **Total cases transmitted, clarified and outstanding**

512. Since its establishment, the Working Group has transmitted 20 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and eight remain outstanding.

## Venezuela (Bolivarian Republic of)

Number of outstanding cases at the beginning of the period under review	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
10	0	0	0	0	10
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0			No		0
<i>Urgent appeal</i>		N/A	<i>Government response</i>		No
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

513. The outstanding 10 cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

## Total cases transmitted, clarified and outstanding

514. Since its establishment, the Working Group has transmitted 14 cases to the Government; of those, four cases have been clarified on the basis of information provided by the Government, and 10 remain outstanding.

## Viet Nam

Number of outstanding cases at the beginning of the period under review	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	
<i>Urgent appeal</i>		N/A	<i>Government response</i>		N/A
<i>General allegation</i>		N/A	<i>Government response</i>		N/A
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>		N/A
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>		N/A

515. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document A/HRC/10/9.

### **Total cases transmitted, clarified and outstanding**

516. Since its establishment, the Working Group has transmitted two cases to the Government; of those, one has been clarified on the basis of information provided by the Government, and one remains outstanding.

## **Yemen**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	0	0	2
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
2	No		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>		N/A	<i>Invitation extended</i>	N/A	

### **Information from the Government**

517. The Government transmitted one communication dated 14 February 2012, concerning two cases. The information provided was considered insufficient to lead to the clarification of the two cases.

### **Information from sources**

518. Information was received from sources concerning two outstanding cases.

### **Total cases transmitted, clarified and outstanding**

519. Since its establishment, the Working Group has transmitted 160 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, 14 have been discontinued and two remain outstanding.

## Zimbabwe

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	Yes		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

### Urgent appeal

520. On 22 December 2011, the Working Group, jointly with four other special procedures mechanisms, transmitted to the Government a communication under its urgent appeal procedure concerning various individuals, including Ms. **Jestina Mukoko**, a human rights defender and the director of the Zimbabwe Peace Project, an organisation whose mission is to work for sustainable peace through monitoring, documentation, research and publications, and community peace building interventions. According to the information received, on 15 November 2011, Ms. Jestina Mukoko was allegedly followed around greater Harare. Concern was expressed that Ms. Mukoko, who had previously been a victim of enforced disappearance in December 2008, may have been at risk of enforced disappearance.

521. No response was received from the Government regarding this urgent appeal during the reporting period.

### Information from the Government

522. The Government transmitted two communications to the Working Group dated 8 March 2012 and 3 October 2012, concerning one outstanding case. The information was not considered sufficient to lead to the clarification of the case.

### Request for a visit

523. On 20 July 2009, the Working Group requested the Government for an invitation to undertake a visit to Zimbabwe. Reminder letters were sent on 16 August 2010 and 18 August 2011. The Permanent Mission acknowledged receipt on 18 August 2010, and 29 August 2011, informing that the request had been transmitted to the relevant authorities. No reply has been received during the reporting period.

### Total cases transmitted, clarified and outstanding

524. Since its establishment, the Working Group has transmitted six cases to the Government; of those, one case has been clarified on the basis of information provided by the source, one case has been clarified on the basis of information provided by the Government, and four cases remain outstanding.

### **Observations**

525. The Working Group regrets that no response was received from the Government to its general allegation, sent on 19 December 2008, concerning the escalating phenomenon of enforced or involuntary disappearances of political party members and human rights defenders in Zimbabwe (A/HRC/13/31, par. 632-638), notwithstanding reminders sent on 26 August 2011 and 14 August 2012.

526. The Working Group also regrets that no response was received from the Government concerning the urgent appeal transmitted on 22 December 2011.

### **State of Palestine**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A		0		
<i>Urgent appeal</i>		N/A	<i>Government response</i>	N/A	
<i>General allegation</i>		N/A	<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>		N/A	<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

527. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### **Total cases transmitted, clarified and outstanding**

528. Since its establishment, the Working Group has transmitted three cases to the Government, all of which remain outstanding.

## Annex II

[English only]

### Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2012

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued	
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	cases	Closed cases
	Cases	Female	Cases	Female							
Afghanistan	3	-	3	-	-	-	-	-	-	-	-
Albania	1	-	1	-	-	-	-	-	-	-	-
Algeria	3 033	19	3 005	18	9	19	10	10	8	-	-
Angola	10	1	-	-	7	-	-	-	7	3	-
Argentina	3 449	773	3 271	734	124	52	30	5	141	-	-
Bahrain	5	-	1	-	-	4	2	2	-	-	-
Bangladesh	12	2	11	1	1	-	1	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-	-
Bolivia (Plurinational State of)	48	3	28	3	19	1	19	-	1	-	-
Brazil	63	4	13	-	46	4	1	-	49	-	-
Bulgaria	3	-	-	-	3	-	-	-	3	-	-
Burkina Faso	3	-	-	-	3	-	-	-	3	-	-
Burundi	53	-	52	-	-	1	1	-	-	-	-
Cambodia	2	-	-	-	-	-	-	-	-	2	-
Cameroon	19	-	14	-	5	-	4	1	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases
	Cases	Female	Cases	Female						Closed cases
Central African Republic	3	-	3	-	-	-	-	-	-	-
Chad	34	-	23	-	3	8	9	1	1	-
Chile	908	65	801	64	83	23	2	-	104	-
China	119	14	30	4	77	12	52	35	2	-
Colombia	1 255	125	969	95	218	68	159	24	103	-
Congo <sup>59</sup>	114	3	88	3	-	-	-	-	-	-
Democratic People's Republic of Korea	20	8	20	8	-	-	-	-	-	-
Democratic Republic of the Congo	53	11	44	11	6	3	9	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-
Dominican Republic	4	-	1	-	2	-	2	-	-	1
Ecuador	26	2	4	-	18	4	12	4	6	-
Egypt	69	-	41	-	8	20	5	23	-	-
El Salvador	2 662	332	2,271	295	318	73	196	175	20	-
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-

<sup>59</sup> The Working Group determined that two cases were duplicated and were subsequently eliminated from its records.

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued	
	Cases	Female	Cases	Female						cases	Closed cases
Ethiopia	119	2	112	1	3	4	2	5	-	-	-
France	1	-	1	-	-	-	-	-	-	-	-
Gambia	2	-	1	-	-	1	-	-	-	-	-
Georgia	1	-	1	-	-	-	-	-	-	-	-
Greece	3	-	1	-	-	-	-	-	-	2	-
Guatemala	3,155	390	2,899	372	177	79	187	6	63	-	-
Guinea	28	-	21	-	-	7	-	-	7	-	-
Haiti	48	1	38	1	9	1	1	4	5	-	-
Honduras	209	34	129	21	37	43	54	8	18	-	-
India	433	12	353	10	68	12	51	7	22	-	-
Indonesia	165	2	162	2	3	-	3	-	-	-	-
Iran (Islamic Republic of)	537	103	518	102	14	5	8	2	9	-	-
Iraq	16 548	2 311	16 401	2 294	117	30	122	16	9	-	-
Israel	3	-	2	-	-	1	-	-	-	-	-
Japan	4	3	-	-	-	-	-	-	-	-	-
Jordan	2	-	2	-	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-	-
Kenya	40	-	40	-	-	-	-	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-	-
Lao People's Democratic Republic	7	1	1	1	-	5	-	4	1	1	-
Lebanon	321	19	313	19	2	6	7	1	-	-	-
Libya	17	1	9	1	-	8	6	2	-	-	-



States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued	
	Cases	Female	Cases	Female						cases	Closed cases
Spain	5	-	3	-	2	-	-	-	2	-	-
Sri Lanka <sup>60</sup>	12 473	156	5 676	88	6 535	40	103	27	6 445	-	-
Sudan	383	37	173	5	205	4	209	-	-	-	-
Switzerland	1	-	1	-	-	-	-	-	-	-	-
Syrian Arab Republic	121	5	72	3	15	34	26	17	6	-	-
Tajikistan	9	-	4	-	3	2	1	-	4	-	-
Thailand	78	5	71	5	2	-	1	1	-	2	-
Timor-Leste	504	36	428	28	58	18	51	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	19	1	2	-	12	5	1	16	-	-	-
Turkey	182	11	60	2	72	49	71	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	6	-	4	-	2	-	1	-	1	-	-
United Arab Emirates	7	-	5	-	2	-	2	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of	2	-	-	-	2	-	2	-	-	-	-

<sup>60</sup> The Working Group determined that eight cases were duplicated and were subsequently eliminated from its records.

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases
	Cases	Female	Cases	Female						Closed cases
<b>Tanzania</b>										
United States of America	1	-	-	-	1	-	-	-	-	-
Uruguay	31	7	19	2	11	1	5	4	3	-
Uzbekistan	20	-	8	-	11	1	2	10	-	-
Venezuela (Bolivarian Republic of)	14	2	10	1	4	-	1	-	3	-
Viet Nam	2	-	1	-	1	-	-	-	-	-
Yemen	160	-	2	-	135	9	66	5	73	14
Zambia	1	1	-	-	-	1	-	1	-	-
Zimbabwe	6	1	4	1	1	1	1	-	1	-
State of Palestine	3	-	3	-	-	-	-	-	-	-

## Annex III

[English only]

**Graphs showing the number of cases of enforced disappearances per year and per country according to the cases transmitted by the Working Group during the period 1980-2012 (only for countries with more than 100 cases transmitted)**





























