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Human Rights Council Working Group on Enforced or Involuntary Disappearances

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

117th session (11–15 February 2019)

I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances conducted its 117th session in Sarajevo from 11 to 15 February 2019.
2. The Working Group thanks the Government of Bosnia and Herzegovina for the invitation to hold one of its sessions in Sarajevo. It is also grateful to the Office of the Resident Coordinator in Bosnia and Herzegovina for the support provided.

II. Communications

3. Between its 116th and 117th sessions, the Working Group transmitted 51 cases under its urgent action procedure, to: Bangladesh (1), Burundi (1), Egypt (34), Pakistan (6), Rwanda (1), Saudi Arabia (4), Sudan (1), United Arab Emirates (2) and Viet Nam (1).
4. At its 117th session, the Working Group decided to transmit 261 newly reported cases of enforced disappearance to 19 States: Algeria (13), Bangladesh (1), Burundi (12), China (1), Democratic People's Republic of Korea (16), Egypt (10), El Salvador (2), Iran (Islamic Republic of) (6), Kenya (11), Lebanon (1), Libya (1), Morocco (24), Pakistan (64), Russian Federation (40), Saudi Arabia (1), Sri Lanka (6), Syrian Arab Republic (48), Ukraine (2) and United Arab Emirates (2).
5. The Working Group also clarified 217 cases, in: Argentina (3), Egypt (97), Libya (1), Morocco (14), Nigeria (1), Pakistan (93), Saudi Arabia (6), Syrian Arab Republic (1) and Turkey (1). Twenty-seven cases were clarified on the basis of information provided by the Governments and 190 on the basis of information provided by sources.
6. Between its 116th and 117th sessions, the Working Group also transmitted 18 communications, either individually or jointly with other special procedure mechanisms: six urgent appeals, to China (1), Iran (Islamic Republic of) (1), Israel (1), Saudi Arabia (1) and United Arab Emirates (2); two prompt intervention letters, to Iraq (1) and Turkmenistan (1); four allegation letters, to Eritrea (1), Ghana (1), Gambia (1) and Venezuela (Bolivarian Republic of) (1); and six "other letters", to China (1), Mexico (2),

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the European Union (1), the United Nations Department of Political Affairs (1) and the Economic Community of West African States (1).

7. On 9 October 2018, a press release was issued together with other special procedure mechanisms welcoming the decision by the Supreme Court in Peru to overturn the pardon of former president Alberto Fujimori.¹

8. On 9 October 2018, a press release calling for a prompt independent and international investigation into the case of Saudi journalist and government critic Jamal Khashoggi was issued together with other special procedure mechanisms.²

9. On 18 October 2018, in the context of its reporting to the General Assembly, the Working Group issued a press release expressing concern about the new and very worrying practice of extraterritorial abductions by States.³

10. On 22 October 2018, a press release welcoming a court ruling in Guatemala concerning violations against Ixil Mayans was issued together with other special procedure mechanisms.⁴

11. On 31 October 2018, a press release on the International Day to End Impunity for Crimes against Journalists was issued together with other special procedure mechanisms.⁵

12. On 26 November 2018, the Working Group issued a press release welcoming a new law against enforced disappearances in Lebanon.⁶

13. On 28 November 2018, a press release welcoming a ruling by the Supreme Court of Mexico regarding a problematic internal security law was issued together with other special procedure mechanisms.⁷

14. At its 117th session, the Working Group also reviewed and adopted four general allegations concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in India, Pakistan, Syrian Arab Republic and Venezuela (Bolivarian Republic of).

III. Other activities

15. During the session, the Working Group met with relatives of victims of enforced disappearances and with non-governmental organizations working on the issue. The Working Group also had the opportunity to pay tribute to the victims of human rights violations in Bosnia and Herzegovina at the Srebrenica-Potočari and the Spomen Kosturnica memorials.

16. During the session, the Working Group held meetings with representatives of the Governments of Bosnia and Herzegovina, Croatia, Egypt and the Philippines.

¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23700&LangID=E.

² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23701&LangID=E.

³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23736&LangID=E.

⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23746&LangID=E.

⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23803&LangID=E.

⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23931&LangID=E.

⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23942&LangID=E.

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

Algeria

Standard procedure

17. The Working Group transmitted 13 cases to the Government, concerning:
- (a) Fethi Hab, last seen in March 1994 at Tazoult Prison, *wilaya* of Batna;
 - (b) Khattab Hamadi, allegedly abducted in front of his house in Oran on 28 July 1995 by military security personnel;
 - (c) Ahmed Hadbi, allegedly abducted on 10 March 1995 from his house, located at Hay 24 Février, Medea, by personnel of the Algerian People's National Army;
 - (d) Ali Tamene, allegedly abducted on 8 November 1998 at 10 p.m. in front of his house, located in Bordj Menaïel, by military security personnel;
 - (e) Rachid Chemini, allegedly abducted on 28 February 1995 on a ship moored at Oran harbour, by military security personnel;
 - (f) Brahim Guettaf, allegedly abducted from his house, located in Rebaïa, Berrouaghia District, Medea, at 6 a.m. on 2 October 1994 by military security personnel;
 - (g) Ali Ghazali, allegedly abducted on 5 October 1995 by representatives of the Hdadba town gendarmerie in Oued El Cherfa, Tipaza;
 - (h) Said Feid, allegedly abducted from his house in Hay El Mander El Jamile, Bordj Menaïel, Boumerdès, in December 1998 by members of the military security;
 - (i) Lounes Feid, allegedly abducted in front of the bakery of his neighbourhood, located in Hay El Mander El Jamile, Bordj Menaïel, Boumerdès, in December 1998 by members of military security;
 - (j) Mohamed Brahmi, last seen at the Fanteau gendarmerie in Bouzareah one week after his arrest on 27 November 1997;
 - (k) Omar Bentebiche, allegedly abducted in the neighbourhood of Bab El Oued on 15 June 1998, by police officers;
 - (l) Maamar Boudjellal, allegedly abducted together with his father, Makhoul Boudjellal, in Ain Azal, Setif, on 20 March 1994 at approximately 11 p.m. by members of the police and the gendarmerie of Ain Azal;
 - (m) Mohamed Saleh Chaib, allegedly abducted at the Saad Tebani Middle School in Ouled Tebane, Setif, on 17 January 1994 by gendarmerie officials.

Duplicates

18. The Working Group decided to consider one case as a duplicate. The duplicate case was consequently deleted from the records of the Working Group.

Observation

19. In relation to the above-mentioned cases (see para. 17), the Working Group received information from sources alleging discriminatory practices by the Government in the identification of victims who are entitled to receive compensation. The Working Group wishes to recall article 19 of the Declaration, which states that 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 dependants shall also be entitled to compensation.

Argentina

20. On the basis of information previously provided by the Government, the Working Group decided to clarify three cases placed under the six-month rule at the 115th session concerning Roque Ignacio Gioia, Martín Ogando Montesano and one infant girl (see A/HRC/WGEID/115/1, para. 12). Reportedly, the remains of Roque Ignacio Gioia and Martín Ogando Montesano were identified through DNA testing, and the surviving relatives were notified. The infant girl was found alive and was identified in December 2017.

Bangladesh

Urgent action

21. On 2 October 2018, the Working Group, under its urgent action procedure, transmitted to the Government the case of Mohammad Altaf Howlader, allegedly abducted on 14 August 2018 by members of the Rapid Action Battalion in Jessore District.

Standard procedure

22. The Working Group transmitted one case to the Government, concerning Raju Islam, allegedly arrested by individuals from the Detective Branch of the police in Dhaka.

Observation

23. The Working Group is concerned about the fact that it continues to receive new reported cases of alleged enforced disappearances in Bangladesh and about the lack of replies from the Government to its cases and communications. The Working Group stresses that, as provided for in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances and that, according to article 10 (2), accurate information on the detention of such persons and their place or places of detention, including transfers, should be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information.

Belarus

Information from the Government

24. On 31 August 2018, the Government transmitted information concerning three outstanding cases, which was considered insufficient to clarify them.

Bhutan

Information from the Government

25. On 24 October 2018, the Government transmitted information concerning one case, which was considered insufficient to clarify it.

26. In accordance with its methods of work, the Working Group also transmitted a copy of the case file to the Governments of India and Nepal.

Burundi

Urgent action

27. On 21 September 2018 the Working Group, under its urgent action procedure, transmitted to the Government the case of Martin Ngenzemake, allegedly abducted from his home on 2 August 2018 by government agents and members of the Imbonekarure militia.

Standard procedure

28. The Working Group transmitted 12 cases to the Government, concerning:

(a) Aimé-Aloys Manirakiza, pseudonym Aimé Arakaza, nickname Musaga, allegedly abducted at the municipal border of Kanyosha on 25 May 2017 by fellow members of Imbonerakure and the special unit in charge of protecting the national police institutions;

(b) Firmin Wakana, also known as “Freedom”, allegedly abducted from his home, located at 113, 7th Avenue, Cibitoke urban area, Ntahangwa Commune, Bujumbura, on 13 January 2016 by agents of the Cibitoke police, the Burundi Armed Forces, riot brigades and members of the Imbonerakure militia;

(c) Augustin Hatungimana, pseudonym Tarpon Complaisant, allegedly abducted at No. 101, 15th Avenue, Cibitoke urban area, Bujumbura, on 9 December 2015 by agents of the National Intelligence Service and the National Police of Burundi;

(d) Jean-Paul Gahungu, nickname Matwi, allegedly abducted while leaving his home, located at Ndamukiza Avenue, Kinindo urban area, Bujumbura, on 8 December 2016 at around 10 a.m. by agents of the National Intelligence Service and possibly the National Police;

(e) Evariste Nyandwi, last seen in a cabaret in central Rutana Province on 30 December 2016 at 10 p.m., allegedly abducted by members of the National Intelligence Service;

(f) Vianney Minani, allegedly abducted at the police station of Mutimbuzi Commune, Bujumbura Rural, on 17 February 2017 by police officers, representatives of the National Intelligence Service and members of the Imbonerakure;

(g) Eric Ntirandekura, allegedly abducted in Rubira Sector, Mpanda Town, Bubanza Province, on 23 May 2017 at 6 p.m. by members of the Imbonerakure in collaboration with agents of the National Intelligence Service;

(h) Gaston Ntakarutimana, allegedly abducted in Maramvya, Buterere urban area, Mutimbuzi Town, Bujumbura, on 13 October 2017 at 5 a.m. by unidentified individuals in collaboration with representatives of Mutimbuzi municipality;

(i) Amatus Nshimirimana, allegedly abducted along route RN 9 near Carama neighbourhood, Kinama urban area, Bujumbura Mairie, on 21 March 2017 at 1 p.m. by representatives of the National Intelligence Service and members of the Imbonerakure;

(j) André Surwavuba, allegedly abducted at 7th Avenue on Gicuba Hill, Mpanda District, Bubanza Province on 8 June 2016 by representatives of the police and members of the Imbonerakure, close to the Movement for Solidarity and Democracy political party office;

(k) Oscar Honorable Ntasano, allegedly abducted from the Kajaga neighbourhood, Mutimbuzi Commune, Bujumbura Rural on 20 April 2017 by persons who allegedly took him out of his car (Toyota Hilux Double Cab, licence plate No. D 1565 A) and blindfolded him before heading towards Ngozi Province;

(l) Munezero, allegedly abducted from his residence, located at Ntindo Subhill, Kigaga Hill, Ntega Commune, Kirundo Province, on 21 February 2017 at 7 p.m. by communal authorities as well as members of Imbonerakure.

Observation

29. In relation to the above-mentioned cases (see para. 28), the Working Group received information from sources alleging that authorities in Burundi have often refused to register complaints, failed to initiate investigations or sometimes threatened relatives when they attempted to file a complaint. The Working Group wishes to recall article 13 (1), (3) and (5) of the Declaration, according to which 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. Also, steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. Finally, steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

China

Joint urgent appeal and reply

30. On 23 November 2018, the Working Group issued an urgent appeal together with other special procedure mechanisms on the alleged transfer of the detention location of Lee Ming-che without notification and the alleged denial of requests made by his wife, Lee Ching-yu, to visit her husband. The Government replied on 27 December 2018, naming the prison in which he is serving his sentence and stating that Lee Chaing-yu had visited him several times and that visits would continue to be arranged in accordance with the laws and regulations.

Standard procedure

31. The Working Group transmitted one case to the Government, concerning Talati Gulinaer, allegedly abducted in December 2017 by government personnel and taken to a re-education centre.

Information from the Government of Sweden

32. On 29 January 2019, the Government of Sweden transmitted information concerning one outstanding case under the records of China.

Joint “other letter”

33. On 12 November 2018, the Working Group transmitted, with other special procedure mechanisms, a joint “other letter” concerning the revision of the Xianjian Uyghur Autonomous Region Regulation on “De-extremification”.

Information provided by sources

34. Based on the information provided, the Working Group decided to reopen the case of Gao Zhisheng.

Colombia

Application of the six-month rule

35. On 25 September 2018, the Government provided information on 23 outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to these cases.

Information from the Government

36. On 25 September 2018, the Government transmitted information concerning five outstanding cases, which was considered insufficient to clarify them.

Duplicates

37. The Working Group decided to consider two cases as duplicates. The duplicate cases were consequently deleted from the records of the Working Group.

Democratic People's Republic of Korea

Standard procedure

38. The Working Group transmitted 16 cases to the Government concerning:

(a) Taebong Kim, allegedly arrested from Gangwon-do on 5 August 1950 by members of the Korean People's Army;

(b) Youngchuk Park, allegedly abducted from Yongsan-gu, Seoul, on 2 June 1950 by members of the Korean People's Army;

(c) Inwon Yoon, allegedly abducted from Jongno-gu, Seoul, in July 1950 by members of the Korean People's Army;

(d) Jong-mu Do, allegedly abducted from navy vessel I-2 in the Yellow Sea on 5 June 1970, by individuals from the Democratic People's Republic of Korea;

(e) Hyo-geun Yang, allegedly abducted from the fishing boat *Gilyong-ho* in open water of the Yellow Sea on 22 January 1966 by individuals from the Democratic People's Republic of Korea;

(f) Hyo-geun Yang, allegedly abducted from the fishing boat *Gilyong-ho* in open water of the Yellow Sea on 22 January 1966 by individuals from the Democratic People's Republic of Korea;

(g) Jong-sik Lee, allegedly abducted from Chunseong-gun, Gangwon-do, on 20 September 1950 by police officers from the Internal Affairs Bureau of the Democratic People's Republic of Korea;

(h) Soon-geon Kim, allegedly abducted from Seongbuk-gu District, Seoul, on 7 August 1950 by Internal Security agents of the Democratic People's Republic of Korea;

(i) Seong-bok Choi, allegedly abducted from the vessel *Manbok*, in Goseong-gun District, Gangwon, on 10 July 1968 by officers of the Democratic People's Republic of Korea;

(j) Eung-kwon Kim, allegedly abducted from a boat near the Fishery Boundary Line on 2 July 1968 by crew members of a small armed ship of the Democratic People's Republic of Korea;

(k) Hong-gyun Kim, allegedly abducted from the vessel *Daeseong-ho* off the coast of Sokcho on 23 May 1968 by officers of the Democratic People's Republic of Korea;

(l) Jong-yun Lee, allegedly abducted from the vessel *Boseung 2* near Baekryeong Island, Republic of Korea, on 20 March 1964 by soldiers of the Democratic People's Republic of Korea;

(m) Yang-su Park, allegedly abducted from the vessel *Odaeyang 61-ho* in the Yellow Sea near the Northern Limit Line by individuals from the Democratic People's Republic of Korea;

(n) Sang-jun Kim, allegedly abducted from the vessel *Haeyang-ho*, near the Fishery Boundary Line, on 3 November 1967 by officers of the Democratic People's Republic of Korea;

(o) Tae-gil Park, allegedly abducted from the vessel *Boseung 2* near Baekryeong Island, Republic of Korea, on 20 March 1964 by soldiers of the Democratic People's Republic of Korea;

(p) Yeong-jun Choi, allegedly abducted from the vessel *Myeongdeok-ho*, near the Fishery Boundary Line, on 20 November 1965 by officers of the Democratic People's Republic of Korea.

39. In accordance with its methods of work, the Working Group also transmitted a copy of six of the case files to the Government of the Republic of Korea and a copy of one of the case files to the Government of China.

Information from the Government

40. On 18 October 2018, the Government transmitted information concerning 12 outstanding cases, which was considered insufficient to clarify them.

Observation

41. The Working Group continues to be disappointed regarding the standard replies provided by the Government. The Working Group wishes to draw the Government's attention to Human Rights Council resolution 21/4, in which the Council urged States to cooperate with the Working Group to help it to carry out its mandate effectively.

Ecuador

Information from the Government

42. On 21 December 2018, the Government transmitted information concerning one outstanding case. The information provided was considered insufficient to clarify it.

Information from the Government of Colombia

43. On 21 December 2018, the Government of Colombia transmitted information concerning one outstanding case under the records of Ecuador. The information provided was considered insufficient to clarify it.

Information from sources

44. Sources provided information on one outstanding case, which was considered insufficient to clarify it.

Egypt

Urgent action

45. The Working Group, under its urgent action procedure, transmitted 34 cases to the Government (see annex II).

Standard procedure

46. The Working Group transmitted 10 cases to the Government under its standard procedure, concerning:

(a) Abdurrahman Karim Fattouh Hamed, allegedly abducted from Al-Salam City, Cairo Governorate, on 12 March 2018 by police officers and individuals in plainclothes;

(b) Asmaa Saied Ahmed Mahmoud Ahmed, allegedly abducted from Cairo Airport on 15 April 2018 by members of the National Security forces in plainclothes;

(c) Youssef Taha Ahmed Mohamed Taha, allegedly abducted at the Al-Masry Club on 10 February 2016 by members of the National Security forces in plainclothes;

(d) Ahmed Magdi Abdelazim Ryiad Ismail, allegedly abducted from Salem Hussein Street, Beni Suef Governorate, on 21 December 2017 by officials of the National Security Forces in plainclothes;

(e) Mohamed Ali Gharib Mosallam, allegedly abducted from Cairo Airport on 5 October 2017 by members of the National Security Forces;

(f) Assem Mohammed Mohammed Mohammed Mashheet, allegedly arrested in Nasr City on 25 June 2018 by police forces in civilian clothes and in uniform;

(g) Mosaab Kamal Tawfik, allegedly last seen in Tora Prison in November 2018;

(h) Abdel Rahman Saad Saad Eid Noser, allegedly arrested from Kafr El Dawar, Beheira Governorate, on 23 September 2018 by State Security agents in uniform and plainclothes;

(i) Ahmed Shaker Abd El-Latif Abd al-Fattah Atta, allegedly arrested at a temporary police checkpoint in Zahraa Nasr City, Cairo, on 21 March 2018 by police officers in uniform;

(j) Nasr Rabie Abdelraouf Nasr Rabia, allegedly abducted on his way to Cairo from the seventh district, Nasr City, on 13 February 2018 by members of the National Security Forces in plainclothes.

47. In accordance with its methods of work, the Working Group transmitted a copy of the case of Asmaa Saied Ahmed Mahmoud Ahmed to the Government of Malaysia.

Clarification based on information from sources

48. On the basis of information provided by sources, the Working Group decided to clarify 15 cases, concerning Ali Mohamed Abdulhamid, Ibrahim Abdelwanis Ali Ismail Gad Allah, Aya Musaad Mohammed Mohammed al-Dahshan, Aya Musaad Mohammed Mohammed al-Dahshan, Abu Hassiba Mohammed Faraj, Afaf Hussein Salem Mahmoud, Omaima Hussein Salem, Amr Abou Hassiba Mohamed, Ayman Hussein Salem, Hussein Ayman Hussein Salem, Mohamed Yassin Abdel Wahab, Mohammed Jamal Ali Ibrahim, Abdurrahman Mohamed Adel Abdulsalam Eliwa, Ali Jamal Ali Salim and Osama Mabrouk Mousa Mohamed. Reportedly, 4 of these individuals are in detention and 11 have been released from detention.

Information from sources

49. Sources provided information on nine outstanding cases, which was considered insufficient to clarify them.

Application of the six-month rule

50. On 27 August, 26 September, 23 October, 12 December and 13 December 2018 and 2 January, 15 January and 22 January 2019, the Government provided information on 48 outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to these cases.

Information from the Government

51. On 27 August, 15 October, 23 October, 12 December and 13 December 2018 and 2 January 2019, the Government provided information on 13 cases, which was considered insufficient to clarify them.

Clarification

52. On the basis of information previously provided by the Government, the Working Group decided to clarify 82 cases that were previously placed under the six-month rule concerning Mohamed Abdullah Mohamed Abdullah, Abdul Rahman Sherif Sayed Mohamed Abdul Wahab, Ahmed Saad Ahmed Ibrahim, Mohamed Shehata Mohammed Abdel-Hadi, Ibrahim Mohamed Sadiq, Hassan Farouk Sharaf, Mohamed Abdul Raheem Metwally Sayed Ahmed, Mohamed Rashad Ibrahim al-Tonoby, Mohammed Gamal Mohammed Mohammed Shehata, Ibrahim Motamid Amine Inani al-Jundi, Mahmoud Tawfik Abdalaal, Hani Said Kahla, Mosab Abdallah Abdelhamid Morsy Hamed, Abdullah Mohamed Saad Ahmed al-Samenoody, Ossama Mohammed Ezz al-Arab Mogahed, Fathi al-Sayed Afifi al-Sindyoony, Ahmed Mohammed Hassan Aweys, Ahmed Mohamed Mansy Hamad, Hussein Salih, Hamdi Taha Abdelrahim Elabasi, Omar Ali Elsayed Ahmed Bateekh, Khalaf Thabet Hardiy, Hussein Mohamed Hassan Farrag, Omar Tarek El Sayed Tarek El Sayed El Nomrosy, Ahmed Nasr El Din Abd al-Salam Radwan, Abdurrahman Mohamed Ibrahim al-Bih, Ahmed Sameh Mohamed Ahmed Mansour, Mohamad Jomaa Youssef Abdullah Zahra, Ahmed Fawzy Ahmed Hafez Marzouq, Zaïd Mohamed Ahmed Ahmed al-Bana, Ahmed Seif al-Islam Mostafa Mostafa Kamoun, Yousri Kamal Mohamed

Abdallah, Yehia Mansour Ahmed El Sharkawy, Fakhr El Din Youssef Zaki Abou El Azm, Taher Ahmed Gamal El Dein Mohamed, Haitham Fathey Ahmed al-Shandeny, Wasel Omar Mohamed Mohamed Wasel, Atieto Ali Saied Atieto, Atieto Mohamed Amubarek Abu Ahmed, Khedr Walaa Shaban Gomaa Ebrahim, Abdalrahman Fathy Abdalrahman Khalifa, Mostafa Morsi Khafagi, Ibrahim Rajab Ibrahim Arafat, Mohamed Fawzy Abo al-Gheet al-Tahan, Nasser Mohamed Zaki Mohamed, Mahmoud Ahmed Abdul Mawla Shaoot, Al-Said Mohamed Mohamed Ibrahim Dosoki, Magdy Abdel Halim Mohamed Zayed, Omar Mohamed Abd-Alwahed, Belal Mohamed Morsy Mehanna, Mohamed Mohamed al-Morsy al-Sayad, Ahmed Abdelazeem Mohamed Ahmed, Adel Ahmed Asaid Asobky, Asadat Abderahim Abdessalam Karim Edine, Ragab Mohamed Aly Mohamed El Gidaway, Sahl Abdul Basir Mohammed Tarab, Muhammed Kamal Muhammed Mandour, Naem Shalaby Yusuf Mahfouz, Yusuf Yusuf Yusuf Yusuf al-Atawey, Ahmed Abdul Moneim Mohamed Abdul Ghani Zahran, Ammar Yasser Mostafa Ahmed Helal, Mohamed Abdel Maksoud Mohamed El Khayat, Refa'at Refa'at Muhammad Abu Ghazala, Ahmad Lotfi Ahmad Zaghlool, Moaz Bellah Khaled Fayyad Mohamed Abdelmoneim, Raid Mohammed Aouis Murtada, Saad Saad Ali Abdallah Khaled, Ahmed Abd-Allatif Ahmed Ali Al, Hassan Hassan Khalid Azzayyat, Muhammad Hammad Abdul-Ghani Saleem, Belal Atef Khalid Azzayyat, Abd-alrhman Yasser Nagib Dawod, Abdelrahmaan Ali Ali Mohamed Farag, Khaled Yousf Ab Allah Ahmed, Abo-Zaid Mohammad Mohammad al-Tonobi, Mahmoud Abdel Badea Mohamed Ahmed, Ahmed Mohamed Salem Ahmed, Ibrahim Abul Azm Mohamed Dawoud, Ibrahim Tarek Emad Nasr El Din, Loqman Mohamed Abdelfattah Mohamed, Ahmed Mowafi Khalafallah Ahmed and Magdi Khaled Mohamed Mohamed following the expiry of the period prescribed by the six-month rule or upon which the sources have since made observations (A/HRC/WGEID/115/1, para. 40 and A/HRC/WGEID/116/1, para. 59). Reportedly, 71 individuals were in detention and 11 had been released from detention.

Joint urgent appeal

53. On 12 February 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the arrest and alleged enforced disappearance of a journalist and human rights defender.

Reply to a joint urgent appeal

54. On 26 October 2018, the Government of Egypt transmitted a reply to the joint urgent appeal sent on 9 May 2018 on the alleged enforced disappearance of poet Galal el Behairy. The Working Group regrets that the response did not address the allegations that Mr. El Behairy was forcibly disappeared for several days, nor the question seeking information on any investigations carried out into his alleged enforced disappearance.

Duplicates

55. The Working Group decided to consider one case as a duplicate. The duplicate case was consequently deleted from the records of the Working Group.

Observation

56. The Working Group remains concerned that the measures against Ibrahim Abdelmonem Metwally Hegazy constitute acts of reprisals against him for cooperating with the Working Group and notes that it is still awaiting a response about a number of issues in relation to the case, including whether the letter confirming the meeting with the Working Group to facilitate his application for a visa was attached to the criminal file as a piece of evidence against Mr. Metwally (A/HRC/39/46, para. 96).

57. While the Working Group is grateful for the large number of replies received from the Government, it reminds the Government that the clarification of many of the cases does not exonerate it from its obligations under the Declaration, including the obligation to take all measures necessary to prevent similar cases in the future. The Working Group is concerned that, notwithstanding repeated calls to address what appears to be a systemic problem relating to enforced disappearances, particularly those of short duration, the situation does not seem to have improved, and reiterates its calls for urgent action in this

regard on the part of the Government (A/HRC/39/46, para. 95). The Working Group also reiterates that an official visit by the Working Group to Egypt would be beneficial for the Government in addressing this issue.

El Salvador

Standard procedure

58. The Working Group transmitted two cases to the Government under its standard procedure, concerning:

(a) Josué Vladimir Henríquez Melgar, allegedly abducted near the Cantón Lourdes National Institute on 27 September 2018 by members of the National Civil Police;

(b) Kevin Alexander Rivera, abducted from a service station in the municipality of Santiago Nonualco on 30 July 2017 by members of the National Civil Police.

Reply to a general allegation

59. On 15 November 2018, the Government transmitted a reply to two general allegations sent on 31 March and 25 June 2015. The full text of the reply is included in annex IV.

Eritrea

Joint allegation letter

60. On 16 October 2018, the Working Group sent, together with other special procedure mechanisms, a joint communication concerning the alleged enforced disappearance of Berhane Abrehe and the incommunicado detention of his wife, Almaz Habtenariam.

Guatemala

Information from sources

61. Sources provided information on one outstanding case, which was considered insufficient to clarify it.

Press release

62. On 22 October 2018, a press release welcoming a court ruling in Guatemala concerning violations against Ixil Mayans was issued together with other special procedure mechanisms (see para. 10).

Observation

63. During the session, the Working Group reviewed information received concerning a bill being discussed in Congress which would amend the country's national reconciliation law and provide for a general amnesty for serious human rights violations committed during the armed internal conflict. The Working Group remains concerned that the approval of these reforms would seriously affect victims' rights to justice, truth, reparation and guarantees of non-repetition. It could also lead to reprisals and attacks against victims, judges, prosecutors, lawyers, plaintiffs, witnesses, experts and others involved in human rights trials, putting their own safety and that of their families at risk.

64. The Working Group wishes to recall article 18 (1) of the Declaration, which states that persons who have or are alleged to have committed 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.

India

65. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration in India. A general allegation was transmitted to the Government on 28 March 2019 (see annex I), focusing primarily on the alleged difficulties faced by family members of disappeared individuals in the Indian State of Jammu and Kashmir, including legislative barriers to obtaining information and prosecution of perpetrators, lack of redress and lack of adequate compensation, including rehabilitation.

Iran (Islamic Republic of)

Standard procedure

66. The Working Group transmitted six cases to the Government under its standard procedure, concerning:

(a) Mohammad-Reza Behkish, allegedly abducted from northern Tehran on 15 March 1982 by members of the Revolutionary Guard and the Security Services of the Islamic Republic of Iran;

(b) Mahmoud Behkish, allegedly last seen in Gohardasht (Rajae Shahr) Prison on 27 August 1988;

(c) Mohammad-Ali Behkish, allegedly last seen in Gohardasht (Rajae Shahr) Prison on 27 August 1988;

(d) Zahra Behkish, allegedly arrested in Tehran on 24 August 1983 by members of the Revolutionary Guard;

(e) Mehrdad Panahi Shabestari, allegedly last seen in Evin Prison on 31 August 1988;

(f) Mohsen Behkish, last seen at the Tohid Detention Centre (Evin Prison) in late March 1985.

Information from the Government

67. On 19 November 2018, the Government transmitted information concerning one outstanding case. The information provided was considered insufficient to clarify it.

68. In accordance with its methods of work, the Working Group transmitted a copy of the information provided to the Government of the United States of America.

Observation

69. In relation to the above-mentioned cases (see para. 66), according to the information received, persons associated with them received unconfirmed reports of their deaths. The Working Group wishes to recall that an unconfirmed death should not preclude investigations into an alleged enforced disappearance from being carried out. In this regard, it refers to article 13 (6) of the Declaration, which states that an investigation should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified, and article 17 (1), which states that acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified.

70. The Working Group reiterates its regret that no information has been received from the Government in connection with the general allegation transmitted on 28 February 2017 concerning the alleged lack of action to investigate unmarked graves and impunity for the disappearance and extrajudicial execution of 5,000 political prisoners in the Islamic Republic of Iran in the 1980s (A/HRC/WGEID/111/1, para. 68 and annex II).

71. The Working Group once again recalls 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 visit has not yet taken place, in spite of multiple reminders and calls for the Government to set the dates for the visit as soon as possible.

Iraq

Prompt intervention letter

72. On 2 October 2018 the Working Group sent, together with other special procedure mechanisms, a joint communication concerning the alleged arbitrary arrest, enforced disappearance and torture of human rights defender Imad al-Tamimi, as well as alleged acts of intimidation and threats against human rights defender Israa al-Djulaili.⁸

Israel

Joint urgent appeal

73. On 25 January 2019, the Working Group sent, together with other special procedure mechanisms, a joint communication concerning the alleged arbitrary arrest, enforced disappearance and death of a Palestinian man, as well as alleged reprisals against his family.

Kenya

Standard procedure

74. The Working Group transmitted 11 cases to the Government under its standard procedure, concerning:

- (a) Abdiweli Sheikh Ibrahim, allegedly arrested from his home near the Mandera Military Camp in Lamu Town on 21 April 2015 by police officials from the Anti-Terrorism Police Unit;
- (b) Abdirizak Haji Mohamed, allegedly arrested from his home in Mandera on 24 October 2015 by officers from the Kenya Defence Forces;
- (c) Ali Warsame, allegedly abducted from the Urale market in Wajir Town on 9 April 2015 by representatives of the Kenya Police Reservists;
- (d) Ali Duale, allegedly abducted from a cyber cafe in the Wagbare area, Wajir Town, on 14 April 2015 by representatives of the Administration Police Unit and the Rapid Deployment Unit;
- (e) Abdilatif Abdimalik, allegedly abducted from his home in the Bula Taqwa neighbourhood, on the outskirts of Garissa Town, on 25 April 2013 by members of the police;
- (f) Asha Abdisalan, allegedly abducted from her home in Eastleigh, Nairobi, on 17 July 2015 by members of the administration police and military intelligence officers from the Kenya Defence Forces;
- (g) Farah Ibrahim Korio, allegedly abducted at the Wajir police station in Wajir Town on 30 June 2015 by members of the Kenya Defence Forces and the Anti-Terrorism Police Unit;
- (h) Hassan Derow, allegedly last seen at the Wajir Military Camp on 21 March 2015 before he was transferred to an unknown place;
- (i) Hussein Ali Abdullahi, allegedly last seen at the Wajir Military Camp on 13 May 2015;

⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24111>.

(j) Mahat Isaak Ibrahim, allegedly abducted outside his home in Elbey Village, Wajir County, on 20 April 2015 by members of Kenya Defence Forces;

(k) Omar Mohamed Yusuf, allegedly abducted from the Baquli restaurant in Mandera town on 26 April 2015 by representatives of the Anti-Terrorism Police Unit and the Criminal Investigation Department.

Observation

75. The Working Group reiterates its regret at the lack of replies from the Government to its communications, including three general allegations transmitted on 30 September 2014 in relation to enforced disappearances and other human rights violations reportedly carried out by the Anti-Terrorism Police Unit (A/HRC/WGEID/104/1, paras. 71–78; and A/HRC/30/38, para. 76) on 4 March 2016, including enforced disappearances of terrorism suspects, in the context of high-handed security measures such as the “Usalama watch” security operation carried out in April 2014 (A/HRC/WGEID/108/1, para. 6); and on 1 June 2017 in relation to reports of enforced disappearances of young Muslims in the coastal region of the country (A/HRC/WGEID/112/1, para. 59 and annex III).

Kuwait

Information from the Government

76. On 11 October 2018, the Government provided information on one outstanding case, which was considered insufficient to clarify it.

77. On 20 October 2018, the Government of Qatar provided information on one outstanding case, which was considered insufficient to clarify it.

Application of the six-month rule

78. On 21 January 2019, the Government of Saudi Arabia provided information on one outstanding case (see paras. 76–77). On the basis of the information provided, the Working Group decided to apply the six-month rule to this case.

Lebanon

Standard procedure

79. The Working Group transmitted one case to the Government, concerning Diaa Ayouche, a Syrian asylum seeker who was allegedly abducted from the village of Brisa, Hermel Region, in February 2014 by a group of armed persons from Hezbollah.

Press release

80. On 26 November 2018, the Working Group issued a press release welcoming a new law against enforced disappearances in Lebanon (see para. 12).

Observation

81. The Working Group hopes that the Government will respond positively to the interest it expressed in visiting the country in the course of 2019.

Libya

Clarification based on information from sources

82. On the basis of the information provided by sources, the Working Group decided to clarify the case of Alzaeidi Fathi Salam Hamad. The individual is currently in detention.

Maldives

Information from sources

83. Sources provided information on one outstanding case, which was considered insufficient to clarify it.

Information from the Government

84. On 21 December 2018, the Government provided information on one outstanding case, which was considered insufficient to clarify it.

Mexico

Information from sources

85. Sources provided information on five outstanding cases, which was considered insufficient to clarify them.

Press release

86. On 28 November 2018, a press release welcoming a ruling by the Supreme Court regarding a problematic internal security law was issued together with other special procedure mechanisms (see para. 13).

Joint “other letter”

87. On 12 November 2018, the Working Group transmitted, with other special procedure mechanisms, a joint “other letter” to the Supreme Court regarding discussions on the National Security Law in Mexico.⁹

88. On 4 February 2019, the Working Group transmitted, with other special procedure mechanisms, a joint “other letter” to the Mexican Congress expressing concern about a proposal to create a military national guard.¹⁰

Morocco

Standard procedure

89. The Working Group transmitted 24 cases to the Government of Morocco, concerning:

(a) Mustapha Hassib, allegedly abducted from his home, located at Bloc 53, Mansour 2, No. 11 Sidi El Bernoussi, Casablanca, on 20 June 1981 by members of the Mobile Intervention Companies and the police;

(b) Mohamed Dadi, allegedly abducted with his brother, Abdelhak Dadi, from their home, located at Bloc 1, Mansour 1, No. 23 Sidi El Barnoussi, Casablanca, on 20 June 1981 by members of the Mobile Intervention Companies and the police;

(c) Abdelhak Dadi, allegedly abducted with his brother, Mohamed Dadi, from their home, located at Bloc 1, Mansour 1, No. 23 Sidi El Barnoussi, Casablanca, on 20 June 1981 by members of the Mobile Intervention Companies and uniformed police;

(d) Saleh Saoudi, allegedly abducted from his home, located at Bloc 46, No. 6 Sidi El Bernoussi, Casablanca, on 20 June 1981 by members of the Mobile Intervention Companies and the police;

⁹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24199>.

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24318>.

- (e) Bouchaïb Bakri, allegedly abducted from his home, located at Bloc 45, No. 15 Sidi El Bernoussi, Casablanca, on 20 June 1981 by members of the Mobile Intervention Companies and the police;
- (f) Mouh Assim, allegedly abducted while he was on his way to go fishing at Ain Sbaa on 20 June 1981 by members of the armed forces in Oukacha, Casablanca;
- (g) Abdellatif Zeroual, allegedly abducted near a bus stop 20 metres from the intersection of Ziraoui and Zerktoni Boulevards, Casablanca, on 5 November 1974 at 7 p.m. by members of the National Criminal Police Brigade;
- (h) Ahmed Berhiche Ben Moussa, allegedly last seen at Kenitra Central Prison in October 1977;
- (i) Belaid Bab Allah, allegedly abducted in Casablanca in February 1963 by members of the secret police in civilian clothes;
- (j) Akka Harrouche, abducted on 20 July 1975 by members of the gendarmerie in Ain Aouda, Rabat region, a week after having escaped from the secret detention centre known as Fixed Point 3, on Zaer Road;
- (k) Abdessalem Ben Alami Laaroussi, allegedly abducted in Diwana in August 1956 by members of the Moroccan Liberation Army and militias;
- (l) Abu Zakaria Mohamed Benghazi, also known as Mohamed El Abdi, allegedly arrested from his workplace at the Chehrazade cinema, Casablanca, on 10 February 1973 at around midnight, by members of the secret police;
- (m) Mohamed ben Ahmed Habbous, allegedly abducted from his home, located at 6 rue de Tours la Touraine (today 6 Hay Saada Zenkat Chouaib Doukali), Meknes, on 11 March 1973 by members of the police and auxiliary forces;
- (n) Nayem Breica Ahaimad, allegedly last seen in Kenitra Prison in 1993;
- (o) Driss Gaga, allegedly arrested at the Casablanca railway station on 20 June 1981 by agents of the national security service;
- (p) Mohamed Faza, allegedly abducted from his home, located at Hay Tarek, Street 36, No. 39, Sidi Bernoussi, Casablanca, by members of the Royal Moroccan Armed Forces;
- (q) Haddou Sharif, also known as Haddou Ben Lahcen, allegedly last seen in Bab Laalou Prison, Rabat, on 1 March 1963;
- (r) Brahim Sidi Hanin, allegedly abducted in El Farsia at the beginning of 1976 by members of the Moroccan Royal Armed Forces;
- (s) Hassanna Omar Skenna Ballaou, allegedly arrested while on a work assignment in Casablanca, in the morning of 12 June 1987 by members of the military;
- (t) Lehibib Mahmoud Dorachar, allegedly abducted in Guelmim Province on 9 July 1989 by other army personnel;
- (u) Mustapha Belkacem Aanai, allegedly abducted in Dhlouaa, Guelta Region, on 22 December 1976 by members of the armed forces;
- (v) Sidemmo Salma Mohamed Sid Ahmed, allegedly abducted in the region of Amgala in February 1976 by members of the armed forces;
- (w) Hassan Moulabi, allegedly abducted from a cafe on Hassan II Boulevard, Bouznika, on 4 January 1973 by members of the police;
- (x) Mohamed Salek Najem, allegedly abducted in El Bir Behlou in February 1976 by members of the Royal Armed Forces.

Clarification

90. On the basis of information previously provided by the Government, the Working Group decided to clarify 14 cases following the expiry of the period prescribed by the six-month rule (A/HRC/WGEID/115/1, para. 66).

Information from sources

91. Sources provided information on 15 outstanding cases, which was considered insufficient to clarify them.

Information from the Government

92. On 27 September 2018, the Government transmitted information concerning 13 outstanding cases, which was considered insufficient to clarify them.

Duplicates

93. The Working Group decided to consider three duplicate cases. The duplicate cases were consequently deleted from the records of the Working Group.

Myanmar**Information from the Government**

94. On 3 January 2019, the Government provided information on one outstanding case, which was considered insufficient to clarify it.

Nigeria**Clarification based on information from sources**

95. On the basis of the information provided by sources, the Working Group decided to clarify the case of Nwannekaenyi Kenny Namdi Okwu Kanu. The individual is currently at liberty.

Oman**Information from sources**

96. Sources provided information on one outstanding case, which was considered insufficient to clarify it.

Pakistan**Urgent action**

97. During the period under review, the Working Group transmitted six cases under its urgent action procedure to the Government concerning:

(a) Azizullah, allegedly abducted from Jeewa, Surab, Balochistan, on 15 November 2018, by members of the Inter-Services Intelligence agency;

(b) Abdul Shakoor, allegedly abducted from the Zahid Khan Sumalani marble factory located at Zero Point, Bazari in Khuzdar, Balochistan, on 10 May 2017 by members of the Inter-Services Intelligence agency;

(c) Momin Khan Momin, allegedly abducted from his home in Gulistan e Jauhar, Karachi, on 31 January 2019 by paramilitary rangers and police officers dressed in civilian clothing;

(d) Mohisn Khan, allegedly abducted from his home in Gulistan e Jauhar, Karachi, on 31 January 2019 by paramilitary rangers and police officers dressed in civilian clothing;

(e) Shahid Nizam Nizam Uddin, allegedly abducted from his home in Nazimabad, Karachi, on 31 January 2019 by paramilitary rangers and police officers dressed in civilian clothing;

(f) Amir Nizam Nizam Uddin, allegedly abducted from his home in Nazimabad, Karachi, on 31 January 2019 by paramilitary rangers and police officers dressed in civilian clothing.

Standard procedure

98. The Working Group transmitted 64 cases under its standard procedure to the Government (see annex III).

Clarification based on information from sources

99. On the basis of the information provided by sources, the Working Group decided to clarify two cases concerning Mr. Hassam and Mr. Muhammad Afzal. These individuals have reportedly been released.

Information provided by sources

100. Sources provided updated information on three outstanding cases, which was considered insufficient to clarify them.

Information from the Government

101. On 19 January 2019, the Government transmitted information concerning one outstanding case, which was considered insufficient to clarify it.

Application of the six-month rule

102. On 16 and 19 January 2019, the Government provided information on nine outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to these cases.

Clarification

103. On the basis of information previously provided by the Government, the Working Group decided to clarify 91 cases following the expiry of the period prescribed by the six-month rule (A/HRC/WGEID/115/1, para. 80).

Reply to joint allegation letter

104. On 3 October 2018, the Government transmitted a reply to the joint communication (AL PAK 4.2018), sent on 16 July 2018, regarding the alleged intimidation of journalists and media outlets ahead of elections in Pakistan, including British-Pakistani journalist Gul Bukhari.¹¹ In its reply,¹² the Government provides details on the measures taken to address the allegations and to protect the right to freedom of expression in the country.

General allegation

105. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration in Pakistan. A general allegation was transmitted to the Government on 19 March 2019 (see annex I), focusing primarily on the enforced disappearances perpetrated by security forces in Pashtun areas of Pakistan, as well as in Balochistan.

¹¹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23957>.

¹² See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34350>.

Peru

Press release

106. On 9 October 2018, a press release was issued together with other special procedure mechanisms welcoming the decision by the Supreme Court in Peru to overturn the pardon of former president Alberto Fujimori (see para. 7).

Russian Federation

Standard cases

107. The Working Group transmitted 40 cases to the Government (see annex II).

Rwanda

Urgent action

108. The Working Group transmitted one case under its urgent action procedure to the Government concerning Boniface Twagirimana, allegedly abducted from the compound of Mpanga Prison in Nyanza on the night of 7 to 8 October 2018 by unidentified persons in cooperation with several prison officials.

Saudi Arabia

Urgent action

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

(a) On 26 September 2018, concerning Marwan Alaa Naji al-Muraisy, allegedly arrested at his home, located in Al-Badi'a, Madinah al-Munawwarah Road, Sheikh bin Baz intersection, Riyadh, on 1 June 2018 by National Security Forces dressed in plain clothes;

(b) On 11 October 2018, concerning Jamal Khashoggi, last seen walking into the consulate of Saudi Arabia in Istanbul on 2 October 2018;

(c) On 21 November 2018, concerning Abdulaziz Saeed Abdulla, allegedly last seen at the Saudi State Security Prosecution Office in Mecca in September 2018;

(d) On 20 November 2018, concerning Abdulrahman al-Sadhan, allegedly last seen at Dhahban Prison in Jeddah on 28 October 2018.

110. In accordance with its methods of work, the Working Group sent a copy of the case of Marwan Alaa Naji al-Muraisy to the Government of Yemen, a copy of the case of Jamal Khashoggi to the Government of Turkey and a copy of the case of Abdulaziz Saeed Abdulla to the Government of Qatar.

Standard procedure

111. The Working Group transmitted one case to the Government under its standard procedure concerning Mohsen al-Korbi, allegedly arrested at the Shahn border crossing point between Yemen and Oman on 29 January 2018 by the Saudi-led coalition forces.

112. In accordance with its methods of work, the Working Group sent a copy of this case to the Governments of Qatar, Oman and Yemen.

Application of the six-month rule

113. On 21 January 2019, the Government provided information on one case (see para. 109 (c)). On the basis of the information provided, the Working Group decided to apply the six-month rule to this case.

114. On 9 September, 18 September, 29 October and 2 November 2018 and 21 January 2019, the Government provided information on four outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to these cases.

Clarification based on information from sources

115. On the basis of the information provided by sources, the Working Group decided to clarify the cases concerning Samar Badawi, Amal al-Harbi, Nassima al-Sadah, Abdulmajeed al-Zahrani and Ahmed al-Zahrani. These individuals are reportedly in detention.

Joint urgent appeal

116. On 8 October 2018, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged enforced disappearance of journalist Jamal Khashoggi and his alleged murder at the Saudi consulate in Istanbul.¹³

Reply to joint urgent appeal

117. On 23 October 2018, the Government transmitted a reply to the joint communication (SAU 9/2018) sent on 26 July 2018, regarding the alleged incommunicado detention of human rights defender Khalid al-Omair.¹⁴ In its reply,¹⁵ the Government contests the allegations made by special procedure mechanisms and provides its own account of the events.

Press release

118. On 9 October 2018, a press release calling for a prompt, independent and international investigation into the case of Saudi journalist and government critic Jamal Khashoggi was issued together with other special procedure mechanisms (see para. 8).

Observation

119. The Working Group regrets that no information has been received from the Government in connection with the enforced disappearance of journalist Jamal Khashoggi and his murder at the Saudi Arabian consulate in Istanbul. The Working Group reiterates its call for an independent, impartial and international investigation into these events, and to ensure those responsible are identified and brought to justice.

Sri Lanka

Standard procedure

120. The Working Group transmitted the following six cases to the Government:

- (a) Rajkumar Kathirvel, allegedly disappeared on 6 September 2008 after being asked by a member of the military to take him to Chettikulam Army Camp;
- (b) Maanikkarasa Kandasamy, allegedly arrested in Vavuniya on 24 April 2010 by the Mannar police;
- (c) Pushpadevi Yoganathan, allegedly arrested in Alvaai North, Jaffna District, on 31 December 2010 by members of the military;
- (d) Suboshan Amirthanathan, allegedly arrested from Thellippalai, Jaffna District, on 21 June 2010 by naval personnel stationed in Kankesanthurai;

¹³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24134>.

¹⁴ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23967>.

¹⁵ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34374>.

(e) Antony Arulthas Joseph Peter, allegedly arrested from Thellippalai, Jaffna district, Sri Lanka on 21 June 2010 by naval personnel stationed in Kanesanthurai;

(f) Wickneshwaran Shanmuganathan, allegedly arrested in Savakachcheri, Jaffna District, on 30 December 2010 by army personnel.

Information provided by sources

121. Sources provided updated information on four outstanding cases, which was considered insufficient to clarify them.

Sudan

Urgent action

122. The Working Group transmitted one case under its urgent action procedure to the Government concerning Yasir Elsir Ali Sid Ahmed, allegedly arrested at his family's home in Omdurman on 5 January 2019 by plainclothes officers from the National Intelligence and Security Services.

Information from the Government

123. On 24 January 2019, the Government transmitted information concerning one outstanding case (see para. 122).

Clarification based on information from sources

124. On the basis of the information provided by sources, the Working Group decided to clarify the case concerning Yasir Elsir Ali Sid Ahmed (see para. 122). The individual has reportedly been released.

Syrian Arab Republic

Standard procedure

125. The Working Group transmitted 28 cases to the Government (see annex III).

126. In accordance with its methods of work, the Working Group sent copies of two of the cases to the Government of Iraq.

Clarification based on information from sources

127. On the basis of the information provided by sources, the Working Group decided to clarify the case concerning Qamar Jaafar. The individual is reportedly in detention.

Information provided by sources

128. Sources provided updated information on one outstanding cases, which was considered insufficient to clarify it.

129. Based on the information provided, the Working Group decided to reopen the case of Ali al-Shihabi.

General allegation

130. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration in the Syrian Arab Republic. A general allegation was transmitted to the Government on 27 March 2019 (see annex I), focusing primarily on the available evidence of torture, extrajudicial killings and enforced disappearances committed against tens of thousands of Syrians, primarily by government forces.

Observation

131. The Working Group wishes to recall article 10 (1) and (2) of the Declaration, according to which any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

Thailand

Application of the six-month rule

132. On 15 January 2019, the Government provided information on four outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to the cases.

Information from the Government

133. On 15 January 2019, the Government transmitted information concerning two outstanding cases. On the basis of the information provided, the Working Group decided to suspend consideration of the cases until its next session.

Observation

134. The Working Group appreciates the efforts made by the Government to engage with it and hopes that the Government will consider agreeing to its request to conduct a visit to the country in the course of 2019.

Turkey

Application of the six-month rule

135. On 21 December 2018, the Government provided information on two outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to the cases.

Information from the Government

136. On 21 December 2018, the Government transmitted information on 30 outstanding cases, which was considered insufficient to clarify them.

Clarification based on information from sources

137. On the basis of the information provided by sources, the Working Group decided to clarify the case concerning Mustafa Özben. The individual is reportedly at liberty.

Information provided by sources

138. Sources provided updated information on three outstanding cases, which was considered insufficient to clarify them.

Observation

139. The Working Group wishes to recall the observations made in its report on its mission to Turkey (A/HRC/33/51/Add.1, paras. 19–20) regarding cases in which a decision of non-prosecution was issued on the grounds that the statute of limitations had expired. It is stated in the Declaration that, when the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the statute of limitations relating to acts of enforced disappearance shall be suspended until these remedies are re-established (art. 17 (2)). Where they exist, statutes of limitations shall be

substantial and commensurate with the extreme seriousness of the offence (art. 17 (3)), and shall take effect only from the moment at which light is shed on the fate or whereabouts of the person. In any case, the termination of the criminal investigation regarding an alleged enforced disappearance does not release the State from its obligation to search for and locate the disappeared person, or his/her remains.

Turkmenistan

Information provided by sources

140. Sources provided updated information on one outstanding case, which was considered insufficient to clarify it.

Joint prompt intervention letter

141. On 27 November 2018, the Working Group issued a prompt intervention letter together with another special procedure mechanism on the alleged reprisals taken against one individual for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights, specifically with the Working Group on Enforced or Involuntary Disappearances.¹⁶

Observation

142. The Working Group regrets that no information has been received from the Government in connection with the general allegation transmitted on 5 October 2018 concerning the alleged high number of enforced disappearances in the prison system of Turkmenistan (A/HRC/WGEID/116/1, para. 172 and annex I).

143. The Working Group also refers to the country visit request transmitted to the Government on 18 November 2016 and regrets that a positive reply has not yet been received, despite public statements by government officials indicating increased cooperation with the Working Group. The Working Group hopes that the Government will soon reply positively to its request.

Ukraine

Standard procedure

144. The Working Group transmitted two cases to the Government under its standard procedure, concerning:

(a) Aleksandr Zagnitko, allegedly abducted from a private house in Luhansk on 18 August 2014 by representatives from the local office of the Ministry of the Interior in Oktyabrskiy;

(b) Dmitry Balagurov, allegedly abducted at Donetsk Airport on 30 November 2014 by members of the “Right Sector” 5th battalion, supported by members of the armed forces.

Discontinuation

145. The Working Group decided, exceptionally and in accordance with paragraph 28 of its methods of work, to discontinue its consideration of three outstanding cases concerning Sergey Vladimir V. Bezliudko, Aleksei Vladimirovic Bezliudko and Vadim Ivanovijch Vilchick. The cases may, however, be reopened at any time.

¹⁶ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24207>.

United Arab Emirates

Urgent Action

146. The Working Group transmitted the following two cases under its urgent action procedure to the Government:

(a) On 5 October 2018, concerning Abdujilili Supi, allegedly arrested in front of the Abdullah bin Rawahah mosque on 21 September 2018 at around 5 p.m. by members of the National Security Forces;

(b) On 3 January 2019, concerning Rashid Hussain Brohi, allegedly arrested at his residence, located in Al-Manama Town, Ajman, on 27 December 2018 by officers in plain clothes.

147. In accordance with its methods of work, the Working Group transmitted a copy of the case of Mr. Supi to the Government of Turkey and a copy of the case of Mr. Brohi to the Government of Pakistan.

Standard procedure

148. The Working Group transmitted two cases to the Government concerning:

(a) Eliana Massiel Domingues Cid, allegedly arrested in Dubai in April 2017 and taken to a detention centre at an unknown location;

(b) A female infant allegedly born to Eliana Massiel Domingues Cid on 29 April 2017 while in detention at an unknown location.

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

Information from the Government

150. On 7 February 2018, the Government transmitted information concerning one outstanding case (see para. 146 (a)), which was considered insufficient to clarify the case.

Application of the six-month rule

151. On 11 October 2018, the Government provided information on one outstanding case. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

Joint allegation letter

152. On 6 December 2018, the Working Group transmitted, jointly with another special procedure mechanism, an allegation letter concerning the continuing enforced disappearance of Sheikha Latifa al-Maktoum.¹⁷

Joint allegation letter

153. On 17 January 2019, the Working Group transmitted, jointly with another special procedure mechanism, an allegation letter concerning the enforced disappearance of Rashid Hussain Brohi, a Pakistani national at risk of being deported from the United Arab Emirates to Pakistan, where his life would be at risk.¹⁸

Observation

154. The Working Group wishes to recall article 10 (1) and (2) of the Declaration, according to which any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention. Accurate information on the detention of such persons

¹⁷ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24233>.

¹⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24297>.

and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

Venezuela (Bolivarian Republic of)

Application of the six-month rule

155. On 6 September 2018, the Government provided information on one outstanding case. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

General allegation

156. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration in the Bolivarian Republic of Venezuela. A general allegation was transmitted to the Government on 27 March 2019 (see annex I), focusing primarily on the pattern of short-term enforced disappearances of political opponents and peaceful protesters.

Viet Nam

Urgent action

157. The Working Group transmitted a case under its urgent action procedure to the Government concerning Ngo Van Dung, allegedly detained by the police on 4 September 2018.

Zimbabwe

Information from the Government

158. On 28 November 2018, the Government transmitted information concerning five outstanding cases, which was considered insufficient to clarify them.

Annex I

General allegations

India

1. The Working Group received information from the source concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, the Declaration) in the Indian State of Jammu and Kashmir.

2. According to the sources, in Jammu and Kashmir the phenomenon of disappearances was one of the principal methods adopted by the State to suppress dissent, and therefore, students, political activists, human rights defenders, lawyers, members of armed groups and civilian populations were disappeared in significant numbers – frequently from custody of the State special agencies which operate in Jammu and Kashmir. It is reported that a conservative estimate, based on information collected from parents, relatives, friends and other sources, that the number of individuals who disappeared in custody since 1989 is as high as 8,000.

3. Sources allege that this phenomenon has been acknowledged by the State. Despite this acknowledgement, the Government has yet to show efforts towards the ratification of the Convention for the Protection of all Persons from Enforced Disappearance (hereafter, the Convention). On the contrary, certain actions of the Government of India contradict Convention intentions, although India signed the Convention in 2007 and thus accepted an obligation under international treaty law to not act contrary to its object and purpose. One recent example of such conflicting act, sources report, is the decision to revise the Public Safety Act, 1978 (hereafter, PSA). Reportedly, the Government has relied heavily on the PSA to enforce administrative detentions without trials and to detain individuals outside the State of Jammu and Kashmir, causing anguish for families who spend years searching for loved ones. Sources assert that revisions made to the PSA in 2018 strengthen the framework for these arrests and detentions. They are also contrary to the Declaration.

4. According to the sources, a related problem is that in contravention of both the Convention and the Declaration, Indian law does not contain an autonomous crime of enforced disappearance. Sources submit that this results in non-compliance with the international obligation to investigate, prosecute, and adequately punish any perpetrator of an enforced disappearance. Reportedly, when families lodge “missing persons” complaints against officers of Special Forces – military, paramilitary and State security, Indian law requires permission of the Government before they can be prosecuted. One example of such a law is the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA), which classifies the State of Jammu and Kashmir as a “disturbed” area, and grants broad powers and immunity to security forces including the requirement to get prior permission or sanction from the federal government before a member of the armed forces can be prosecuted in a civilian court. While Jammu and Kashmir is administered under a different set of laws due to its special constitutional status, the Armed Forces (Special Powers) Act 1958, with identical terms, is applied to other areas of the country.

5. Secondly, sources assert that the absence of a crime of an enforced disappearance in Indian legislation obstructs the right to truth – a right which the criminal justice system plays an important role in safeguarding. The existing “right to information” frameworks in India (Right to Information Act, 2005) and in Jammu and Kashmir (Jammu and Kashmir Right to Information Act, 2009) provide for the right to obtain government information, including information about past disappearances. However, these frameworks are fraught with limitations which, sources assert, make it easy to deny families information about progress or results of investigations involving officers of special State services. Additionally, reports relay that where families have approached the High Court of Jammu and Kashmir with writs of habeas corpus to determine the whereabouts of disappeared

persons, most of these petitions have been dismissed. In cases where the judge rules in favour of an applicant, the Executive fails to comply with the order, according to the sources.

6. Sources report that other challenges faced by disappeared victims and their families include the lack redress and adequate compensation, including rehabilitation. Reportedly, the law in Jammu and Kashmir does not provide for compensation specifically for victims of enforced disappearances. Rather, an ex-gratia payment is available for families who can present evidence that a disappeared individual has been presumed dead for seven years and can prove that neither (s)he nor a family member was ever associated with militant activities. The local District Screening Committee then screens cases of “missing persons” for ex-gratia relief, decides which persons can be presumed dead, and issues a death certificate. According to the sources, the process burdens families with a need to produce several documents for consideration. The screening process is also prone to political influence as families must provide influential recommendation letters. Finally, sources assert, members of the Committee may also be the perpetrators of an enforced disappearance. In the end, the relief amount of 1 lakh rupees is quite small, though it remains the same since 1990.

7. Similarly, the scheme of compassionate employment in Jammu and Kashmir is only available on the presumption of death, and the screening process may be influenced by potentially complicit authorities, according to the sources. Since applications for compassionate appointment are not considered after one year of a presumed death of the disappeared individual, this rule contradicts the understanding of the concept of enforced disappearance being of a continuous nature.

8. Other issues which highlight the need for a law on enforced disappearances in India include, according to the sources, social status of wives and children of forcibly disappeared, economic burden on families of the disappeared, mental health of victims and their families, as well as legal regulations related to marriages and inheritance.

Pakistan

9. The Working Group received information from sources concerning reported obstacles encountered in the implementation of Declaration on the Protection of All Persons from Enforced Disappearance in Pakistan.

10. The Working Group received a report that thousands of persons, including children and women, have been forcibly disappeared by security forces in Pashtun areas of Pakistan. They also report that most of the women, who have tried to register the cases of their loved ones with a human rights council commission established by the government of Pakistan, have experience some form of harassment when doing so. The sources further report that the courts, police, media, and other human right organizations are not operating in Pashtun areas.

11. The Working Group also received a report that approximately 2,000 enforced or involuntary disappearances were documented in Balochistan in 2017. According to sources, people from various backgrounds were abducted in military raids and operations. The sources report that Frontier Corps, that report to the Ministry of Interior, or military and secret service agents of intelligence agencies are responsible for the enforced disappearances of activists and civilians in Balochistan. They report that, in some cases, death squads kidnap people for ransom.

12. The Working Group was also informed that newly discovered mass graves are not properly investigated in Balochistan. According to a source, a new mass grave was discovered in the Panjgur district of Balochistan on July 17, 2018. The source reports that the government has neither acknowledged its existence nor examined the bodies to ascertain their identity. In 2014, three mass graves were found by a shepherd in Tutak area of Khuzdar, containing more than 150 bodies, including a that of a resident who had been picked up by Frontier Corps. Another mass grave was found in the Panjgur area of Balochistan in 2011, which contained three bodies previously abducted by the Frontier

Corps. According to sources, all the four bodies from the recently discovered gravesite were decomposed beyond recognition. The sources request that the government should conduct a DNA test of the bodies to establish their identity, and that an impartial investigation should be conducted to bring the perpetrators to justice.

Syrian Arab Republic

13. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in the Syrian Arab Republic.

14. It was reported that there is available evidence on torture, extrajudicial killings and enforced disappearances. According to the sources, it is estimated that tens of thousands of Syrians have been disappeared by pro-Government forces, primarily Syrian Government forces. Indeed, such sources reportedly documented a systematic pattern in which men above the age of 15 years had been arbitrarily arrested and detained by Government security, armed forces, or militia acting on their behalf during mass arrests, at checkpoints, or during house searches. Since then, their whereabouts remain unknown, which would show a pattern of enforced disappearances in the Syrian Arab Republic.

15. It was reported that, after being taken to places of detention run by Syrian intelligence or military agencies, detainees were often severely beaten, and many of whom perished due to torture, inhuman living conditions, lack of adequate medical assistance, or wilful neglect.

16. Moreover, the sources indicated that victim's relatives seeking for the truth are facing obstacles. Families were allegedly compelled to pay bribes to learn the whereabouts of their detained relatives, or on other occasions, they were never informed of their whereabouts and never saw them again.

17. Many of these families learned the fate of their relatives for the first time in May 2018, when State entities provided Government civil registry offices, which registered their deaths and subsequently updated family records. According to the sources, many individuals whose statuses were updated to reflect their deaths are believed to have been detained by State authorities between 2011 and 2014.

18. The sources also reported that these notifications have been issued by military hospitals, such as Tishreen military hospital and Mujtahid hospital, and appeared to be signed by one or more officials. They recorded, in nearly every instance, natural causes of death such as "heart attack". In other cases, the deceased were reportedly executed as a result of a decision by either the First or Second Field Court (including reportedly at Sednaya Prison). According to the sources, the fact that some individuals from the same geographic area share common death dates possibly indicates group executions.

19. The sources pointed out that, by updating the records of those disappeared, State officials including high-ranking members of the Military Police corps of the Syrian Arab Army admit to having information about the fates of those deceased. According to the sources, to that end, the State is further tacitly admitting to knowing where the individuals were at the time of their deaths, as well as to having played a role in deaths in the cases of executions by court order or extrajudicial executions.

20. According to the sources, the State, however, has not released any information on the whereabouts of bodies, nor provided any restitution of personal belongings. Thus, the enforced disappearance, as a violation of international law, continues as long as families do not know the victim's whereabouts.

Venezuela (Bolivarian Republic of)

21. El Grupo de Trabajo recibió información de fuentes fidedignas sobre obstáculos encontrados en la aplicación de la Declaración sobre la Protección de Todas las Personas contra las Desapariciones Forzadas en la República Bolivariana de Venezuela.

22. La presente alegación general se enfoca principalmente en la alegada repetición de desapariciones forzadas de corta duración de las que serían víctimas opositores políticos.

23. De acuerdo con información recibida, desde el año 2014 se ha identificado una evolución en los patrones de desaparición, principalmente en el contexto de detenciones arbitrarias de personas que participan en manifestaciones públicas o que emiten opiniones críticas al gobierno.

24. Entre el mes de febrero y los primeros días del mes de marzo del año 2014, en los casos documentados se identificó a personas que tras su detención eran incomunicadas durante horas o hasta ser presentadas en los tribunales penales. Hasta este momento, se les catalogaba como “no localizados” y solo después de las 48 horas o más, si no eran presentados a tribunales, pasaban a la categoría de “desaparecido”, toda vez que al dirigirse a los centros de detención, en muchos casos no oficiales, los abogados y familiares no podían verificar el paradero de las personas detenidas debido a la negativa de los funcionarios de seguridad a cooperar y ofrecer información.

25. Adicionalmente se comenzó a observar que los organismos de seguridad, al detener a las personas, pasaban a “ruletearlas” durante horas y por varios centros de detención, sin que los abogados pudieran tener certeza del paradero de las mismas. En varios casos, transcurrían muchas horas hasta que los familiares de las personas detenidas conocieran su ubicación, por lo general a través de vías informales.

26. Las fuentes alertaron en 2014 sobre algunas denuncias de desapariciones que cesaban después de varias horas, situaciones que facilitaron otras violaciones como la práctica de tortura y malos tratos, y que esta conducta se ha vuelto recurrente desde mediados de 2016, siendo más reiterada a partir de 2017. La Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH), precisó que durante la serie de manifestaciones ocurridas entre abril y agosto de 2017 algunas detenciones en régimen de incomunicación se convirtieron en desapariciones forzadas de corta duración, ya que las autoridades se negaban a informar a los familiares y abogados sobre el paradero de sus familiares detenidos. Asimismo, la OACNUDH documentó más de media docena de casos de personas arrestadas por miembros de las fuerzas de seguridad o de los servicios de inteligencia que fueron llevadas a centros de detención no oficiales donde fueron retenidos por hasta una semana antes de que fueran liberadas sin ser presentadas ante un juez.

27. Asimismo, una de las fuentes ha denunciado el aumento de número de casos de desapariciones forzadas en Venezuela desde el año 2013. En 2015 se contabilizaron 3 casos y en el año 2016, 19 casos. La fuente denuncia que desde 2000 hasta 2016 se documentaron 188 desapariciones forzadas en el país, las cuales casi en su totalidad se encuentran impunes.

28. En el caso de la ejecución de los operativos policiales denominados “Operación de Liberación del Pueblo” (OLP), también fueron documentados casos de ejecuciones sin que aparecieran los cuerpos, o casos de personas que fueron detenidas en dichas operaciones y cuyo paradero se desconoce. De igual forma, la Comisión Interamericana de Derechos Humanos en el informe de país presentado en febrero de 2017 dedica una sección a las OLP y denuncia la desaparición de personas que presuntamente habían sido detenidas y torturadas en el marco de estos operativos.

29. Las fuentes se refieren a la aparición de un patrón de desapariciones forzadas por motivos políticos realizadas con varios días de incomunicación absoluta, y expresan su preocupación y temor de que esta violación de derechos humanos se incorpore “naturalmente” al repertorio de formas ilegales de actuación de los cuerpos de seguridad.

30. Entre los casos documentados por las fuentes se aprecian los siguientes patrones:

A. Desapariciones forzadas de corta duración

Se trata de casos en los que las personas fueron arbitrariamente detenidas y su paradero fue negado por los organismos de seguridad que practicaron la detención, incluso a pesar de la presencia de abogados y familiares en los sitios de reclusión, quienes se encontraban presentes para constatar la ubicación de los detenidos. Las personas encarceladas eran

posteriormente reconocidas como detenidas y/o dejadas en libertad sin cargos, tras varias horas o días sin información ni certeza de su ubicación.

B. Desapariciones forzadas ocurridas durante traslados posteriores a la detención inicial

Se documentaron casos en los que, además de haberse producido una negación inicial de la detención, los afectados fueron objeto de traslados en circunstancias en las que nuevamente las autoridades no brindaron información sobre el paradero de los mismos. Se trata de situaciones particularmente delicadas, tomando en cuenta que, desde la dictadura de Pérez Jiménez y hasta los años 90, en condiciones similares se aplicó la llamada “ley de fuga”, una práctica que consiste en la ejecución extrajudicial de un detenido tras simular una evasión, generalmente en el marco de un traslado.

C. Desapariciones forzadas de larga duración

Se trata de hechos que tuvieron lugar hace varios años y sobre los cuales no se ha obtenido una respuesta en cuanto a la suerte o paradero de las víctimas, pese a existir testigos sobre la actuación de funcionarios públicos en el proceso de detención.

31. La información presentada por las fuentes permite identificar patrones en la actuación de los organismos de seguridad del Estado al momento de practicar detenciones, en las cuales se niega el paradero de la persona durante horas, días o incluso semanas; y se impide la comunicación con abogados y familiares lo que hace imposible constatar la ubicación, el estado y las condiciones de las personas detenidas, lo que situaría a las personas fuera de la protección de la ley.

32. De acuerdo con la fuente, las desapariciones forzadas suelen ser utilizadas como política de Estado para infundir terror en la ciudadanía, además de generar inseguridad para la sociedad en general.

Annex II

Urgent actions

Egypt

1. The Working Group, following its urgent action procedure, transmitted 34 cases to the Government concerning:

(a) Ezzat Eid Taha Fadel Khudair Ghoneim, allegedly last seen in Al-Haram Police Station on 13 September 2018;

(b) Mr. Magdy Sayed Hassan Ibrahim Ez Eldin, allegedly arrested from El Khanka, Qalyubia Governorate, Egypt, on 7 August 2018 by National Security Agents and other Security Forces;

(c) Mr. Hassan El-Badry Mahmoud Ali, allegedly last seen in the first week of October 2018 at the National Security Agency in Asyut, Egypt;

(d) Mr. Mahmoud Abdel Raouf Mohamed Mohamed, allegedly arrested from New Beni Suef City, Egypt, on 18 September 2018 by National Security Agents;

(e) Mr. Mohamed Awad Baasiuony Al Assaly, allegedly arrested from a checkpoint in Haram city, Cairo Governorate, Egypt, on 10 September 2018 by the Police Force;

(f) Mr. Aly Mahmoud Aly Mahmoud Kedwany, allegedly arrested from El Raml Station district on 28 October 2018, by members of the Police Force;

(g) Mr. Tarek Mahmoud Hussein Mahmoud, allegedly arrested from Alexandria electricity distribution, Alexandria, on 23 October 2018, by members of the Police Forces;

(h) Waleed Ali Selim Mohammed Hamada, allegedly last seen on 30 October 2018, in Alexandria Security Administration, Egypt;

(i) Ms. Nada Adel Mohammed Mohammed Morsy, allegedly arrested from El Qoreen Center, El Sharkeya Governorate, Egypt, on 12 October 2018, by members of the Police Force;

(j) Mrs. Abeer Naged Abdallah Mostafa, allegedly arrested from Abo Yousef District, Alexandria Governorate, Egypt, on 25 September 2018 by members of the Police and National Security Forces;

(k) Ms. Aya-Allah Ashraf Mohamed El-Sayed, allegedly arrested from Qalyubiyah Governorate, Egypt, on 4 October 2018, by members of the Police and National Security Forces;

(l) Mrs. Hoda Abdelmonem Abdel Aziz Hassan, allegedly arrested from Nasser City, Cairo, Egypt, on 1 November 2018 by members of the Police and National Security Forces;

(m) Mr. Mohamed Abu Horira Mohamed Abdul Rahman, allegedly arrested from Al Yasmeen District, New Cairo, Egypt, on 31 October 2018 by members of the State Security Forces;

(n) Aisha Mohamed Khairat Saad Al Shater, allegedly arrested from Al Yasmeen District, New Cairo, Egypt, on 31 October 2018 by members of the State Security Forces;

(o) Sahar Salah Eldeen Ahmed Talaat Hathout, allegedly arrested from Old Egypt District, Cairo, Egypt, on 1 November 2018 by members of the State Security Forces;

- (p) Somaia Mohamed Nassef Roshdy, allegedly disappeared on 31 October 2018, shortly before her places of residence were stormed by members of the Security Forces;
- (q) Ibrahim El Sayed Mohamed Abdo Ata, last heard from on 31 October 2018 shortly before his place of residence was stormed by Riot Police;
- (r) Mr. Osama Mabrouk Mousa Mohamed arrested from El Qolengil village, ElMansoura City, Dakahlia governorate, Egypt on 1 November 2018 by State Security Agents and members of the Armed Forces;
- (s) Marwa Ahmed Madboly Ahmed arrested from Shoubra Masr district, Cairo governorate, Egypt on 31 October 2018 by State Security Agents;
- (t) Ahmed Sayed Ahmed, allegedly abducted from Cairo International Airport on 23 December 2018, by members of Airport Security;
- (u) Raia Aly, allegedly abducted from Cairo International Airport on 23 December 2018, by members of Airport Security;
- (v) Yosr Mahmud, allegedly abducted from Cairo International Airport on 23 December 2018, by members of Airport Security;
- (w) Jamal Abdelwahab Awad Allam allegedly arrested from Jawad High School on 19 December 2018, by members of the Security Forces;
- (x) Ahmed Adel Abdo El Zraa, allegedly disappeared from Rasheed Police Station on 14 October 2018;
- (y) Moatasem ballah Adel Abdo El Zraa allegedly disappeared from Rasheed Police Station on 14 October 2018;
- (z) Mahmoud Ahmed Mohamed Abdel Monem last seen in custody of the National Security Agency on 10 October 2018;
- (aa) Mohamed Abo Bakr Saad Sherif, last seen in State Security Agency premises in Abes, Egypt on 29 November 2018;
- (bb) Mohamed Ezzeddin Youssef Malek disappeared from Cairo Airport on 23 December 2018, having previously been threatened by Security Service;
- (cc) Mohamed Ahmed Abdelhamid Antar disappeared from 10th of Ramadan City Police Station on 2 December 2018;
- (dd) El Sayed Qasem Saleh Ali El Gezawy disappeared from 10th of Ramadan City Police Station on 2 December 2018;
- (ee) Eslam Atya Ali Atya Sarhan disappeared from 10th of Ramadan City Police Station on 2 December 2018;
- (ff) Ahmed Kamal Ragab Soliman Frag disappeared from 10th of Ramadan City Police Station on 2 December 2018;
- (gg) Salah Hussin Mohamed Ali Ghoneim disappeared from 10th of Ramadan City Police Station on 2 December 2018;
- (hh) Moaaz Ahmed Mohamed El Farmawy disappeared from 10th of Ramadan City Police Station on 2 December 2018.

Annex III

Standard procedure cases

Russian Federation

1. The Working Group transmitted 40 cases to the Government, concerning:
 - (a) Ismail Idrisovich Taisumov, allegedly abducted in his house in the village of Novye Atagi, Chechen Republic, on 5 November 2001, by representatives of the armed forces of the Russian Federation;
 - (b) Alvi Lechievich Khaiderkhanov, allegedly abducted in the city of Argun, Chechen Republic, on 9 June 2001, by representatives of the armed forces of the Russian Federation;
 - (c) Ziyavdi Khamzatovich Khabilyaev, allegedly abducted from his house in Grozny, Chechen Republic, on 3 October 2000, by representatives of the armed forces of the Russian Federation;
 - (d) Mairbek Umarkhadzhievich Umarkhadzhiev, allegedly abducted on 13 November 2001, by representatives of the armed forces of the Russian Federation from his house in Grozny, Chechen Republic;
 - (e) Aslambek Mikailovich Umaev, allegedly abducted on 2 November 1999, by representatives of the armed forces of the Russian Federation at a checkpoint exiting Komsomolskoye village, Chechen Republic;
 - (f) Lechi Omarovich Temirkhanov, allegedly abducted on 21 May 2002, by representatives of the armed forces of the Russian Federation in his house located in Mesker-Yurt village, Chechen Republic;
 - (g) Isa Lechievich Tegaev, allegedly abducted on 29 January 1995, by representatives of the armed forces of the Russian Federation around the city hospital number 9 located in Grozny, Chechen Republic;
 - (h) Rizvan Shamsudinovich Tatariev, allegedly abducted on 22 December 2001, by representatives of the armed forces of the Russian Federation in his house located in Gekhi village, Urus-Martan rayon, Chechen Republic;
 - (i) Adam Idrisovich Taisumov, allegedly abducted on 27 September 2004, by representatives of the armed forces of the Russian Federation in his house located in Novye Atagi village, Shalinskiy rayon, Chechen Republic;
 - (j) Akhulddin Saidal-Alievich Sultanov, allegedly abducted on 23 January 2003, by representatives of the armed forces of the Russian Federation, military commandment and Vedenskiy district's Ministry of Interior (MoI) office in Kharachoy village, Shalinskiy rayon, Chechen Republic;
 - (k) Seifudi Saipulaevich Seifulaev, allegedly abducted on 16 December 1999, by representatives of the armed forces of the Russian Federation in his house located in Pervomaiskaya station, Groznenskiy rayon, Chechen Republic;
 - (l) Said-Abdul Magomedovich Sangariev, allegedly abducted in the first days of December 1999, by representatives of the armed forces of the Russian Federation in Grozny, Chechen Republic;
 - (m) Aslanbek Abdul-Khalimovich Saltuev, allegedly abducted on 14 October 2002, by representatives of the armed forces of the Russian Federation in his house located in Urus-Martan, Chechen Republic;

- (n) Lema Gaitukaev, on 17 October 1999, allegedly abducted by representatives of the armed forces of the Russian Federation at the Chervlennaya bridge over Terek river, on the highway between Tolstoy-Yurt and Chervlennaya villages, Chechen Republic;
- (o) Oleg Karpov, allegedly abducted on 30 August 2014, by representatives of the armed forces of the Russian Federation in the area of Starobesheve settlement, Ilovaisk region, Donetsk oblast;
- (p) Viskha Abu-Khamidovich Pikaev, allegedly abducted on 26 March 2003, by representatives of the armed forces of the Russian Federation in the centre of the village of Chiri-Yurt, Shali district, Chechen Republic, in the Russian Federation;
- (q) Anzor Abubakarovich Islamov, allegedly abducted on 5 June 2002, by representatives of the armed forces of the Russian Federation in his house in the city of Shali, Shali district, Chechen Republic;
- (r) Saikhan Said-Mukhamedovich Isaev, allegedly abducted on 18 January 2005, by representatives of the armed forces of the Russian Federation in his house in the village of Chechen-Aoul, Grozny district, Chechen Republic;
- (s) Akhamdi Ismailovich Isaev, allegedly abducted on 9 December 2001, by representatives of the armed forces of the Russian Federation in a house of the village of Valerik, Achkhoy-Martan district, Chechen Republic, in the Russian Federation;
- (t) Nurdi Khozh-Akhmedovich Isaev, allegedly abducted on 3 February 2000, by representatives of the armed forces of the Russian Federation in his house in the village of Valerik, Achkhoy-Martan district, Chechen Republic, in the Russian Federation;
- (u) Magomed-Ali Shakhidovich Ilyasov, allegedly abducted on 12 November 2002, by representatives of the armed forces of the Russian Federation in his house of the village of Katar-Yurt, Achkhoy-Martan district, Chechen Republic, in the Russian Federation;
- (v) Magomed-Salekh Shakhidovich Ilyasov, allegedly abducted on 12 November 2002, by representatives of the armed forces of the Russian Federation in his house of the village of Katar-Yurt, Achkhoy-Martan district, Chechen Republic, in the Russian Federation;
- (w) Vakhita Musaevich Ishaev, allegedly abducted on 31 July 2002, by representatives of the armed forces of the Russian Federation close to the sugar factory of Argun, Chechen Republic, on his way back to home, accompanied by persons associated with him;
- (x) Khampasha Supyanovich Ireziev, allegedly abducted on 20 November 2002, by representatives of the armed forces of the Russian Federation in the house of persons associated with him in the city of Grozny, Chechen Republic;
- (y) Arbi Saikhanovich Chukaev, allegedly abducted on 7 March 2001, by representatives of the armed forces of the Russian Federation in his house in the village of Geldegan, Kurchaloevskiy district, Chechen Republic;
- (z) Ms. Tamara Dzhabrailovna Khunarikova, allegedly abducted on 7 March 2001, by representatives of the armed forces of the Russian Federation in the village of Vedeno, Vedenskiy Rayon, Chechen Republic;
- (aa) Ramzan Imranovich Khataev, allegedly abducted on 30 August 2002, by representatives of the armed forces of the Russian Federation in the city of Grozny, Chechen Republic;
- (bb) Masud Rukmanovich Khakimov, allegedly abducted on 24 April 2001, by representatives of the armed forces of the Russian Federation in the boarding school 'Red Cross', village of Novye Atagi, Shalinskiy Rayon, Chechen Republic;
- (cc) Muslim Usmanovich Khadisov, allegedly abducted on 3 December 2001, by representatives of the armed forces of the Russian Federation in his house in Achkhoy-Martan, Chechen Republic;

(dd) Islam Aslambekovich Utsaev allegedly abducted on 2 June 2002, by representatives of the armed forces of the Russian Federation in his house in Novye Atagi village, Chechen Republic;

(ee) Ruslan Sultanovich Ustarkhanov, allegedly abducted on 13 October 2002, by representatives of the armed forces of the Russian Federation in his house in Achkhoy-Martan, Chechen Republic;

(ff) Balaudi Shamilevich Ustarkhanov, allegedly abducted on 6 January 2003, by representatives of the armed forces of the Russian Federation in his house in Achkhoy-Martan, Chechen Republic;

(gg) Sulambek Tupaevich Usamov, allegedly abducted on 3 May 2003, by representatives of the armed forces of the Russian Federation in his house in station Kalinovskaya, Naurskiy rayon, Chechen Republic;

(hh) Aslambek Mikailovich Umaev, allegedly abducted on 2 November 1999, by representatives of the armed forces of the Russian Federation at a checkpoint exiting Komsomolskoye village, Chechen Republic, Russian Federation;

(ii) Tamerlan Abdulaevich Tovsultanov, allegedly abducted on 20 September 2002, by representatives of the armed forces of the Russian Federation in the centre of Achkhoy-Martan village, Chechen Republic;

(jj) Aslan Abdulaevich Tovsultanov, allegedly abducted on 20 September 2002, by representatives of the armed forces of the Russian Federation in the centre of Achkhoy-Martan village, Chechen Republic;

(kk) Aslan Sultanovich Timaev, allegedly abducted on 17 January 2004, by representatives of the armed forces of the Russian Federation in Chiri-Yurt village, Chechen Republic;

(ll) Ruslan Movlaevich Taismukhanov, allegedly abducted on 30 December 2002, by representatives of the armed forces of the Russian Federation at a checkpoint located in Starye-Atagi village, Shalinskiy rayon, Chechen Republic;

(mm) Kiuri Gaitukaev, allegedly abducted on 17 October 1999, by representatives of the armed forces of the Russian Federation at the Chervlennaya Bridge over Terek River, on the highway between Tolstoy-Yurt and Chervlennaya villages, Chechen Republic;

(nn) Salambek Magomedovich Tataev, allegedly abducted on 15 March 2001, by representatives of the armed forces of the Russian Federation in Duba-Yurt village, Shalinskiy rayon, Chechen Republic.

Pakistan

2. The Working Group transmitted 64 cases to the Government, concerning:

(a) Muhammad Arif Khuda Nizar, allegedly abducted during a raid in his house in the village of Harro, Kharan, Balochistan, on 4 August 2014, by members of Frontier Corps and the Inter-Service Intelligence;

(b) Muhammad Munir allegedly arrested from his home in Tehsil and District Bahawlpur, on 15 September 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(c) Saqib Ali Khan allegedly arrested from the gate of Mosque Quba, in Tehsil and District Abbottabad, on 20 May 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(d) Muhammad Ali allegedly arrested from his home in Tehsil & District Kohat, on 12 January 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(e) Abdulk Majid allegedly abducted near a police station in Chiniot, in arrested from Tehsil & District Bhakkar, on 22 August 2013, by members of a secret agency,

possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(f) Umar Javed allegedly abducted from G-8/1, Islamabad, on 28 March 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(g) Abdul Tawab believed to have been abducted on his way to work in Islamabad, on 2 September 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(h) Ehsaan Ullah allegedly abducted while travelling by bus from Peshawar to Kohat, at a checkpoint in Kohat Tunnel, on 21 September 2011, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(i) Nadeem Ahmad allegedly abducted from Street No. 30, Sector F-8/1, Islamabad, on 6 September 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(j) Asad Ullah Vito allegedly abducted from Model Town, Q Block Flat, in Okara, on 4 September 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(k) Muhammad Adnan allegedly abducted from Ayub Park, Okara, on 15 October 2013, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(l) Waseem Behri allegedly abducted from Raheem Abad, Swat, on 30 July 2009, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(m) Akbar Khan, allegedly arrested from his home in Musa Khel, District Mohmand Agency, on 7 April 2011, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(n) Bahadur Zaid allegedly arrested from his home in Bagh Medani, District Lower Dir, on 4 March 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-services Intelligence or the Central Intelligence Agency;

(o) Muhammad Bilal, allegedly abducted from the market in the Faqeer Colony in Karachi, on 20 September 2011, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(p) Aziz Khan, allegedly abducted from the Mohri Sharif Kharian village, 10 June 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(q) Gul Muhammad, allegedly abducted from his home in District Swat, on 10 June 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(r) Bakht Zaree, allegedly abducted from his home in District Swat, on 14 January 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(s) Muhammad Ayyaz, allegedly abducted from his home in District Swat, 1 July 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(t) Muhammad Ali, allegedly abducted from his home in Sector G-10/3, Islamabad, on 6 July 2007, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(u) Arsalan Masood Khan, allegedly abducted from his home in Surjani Town, Karachi, on 11 December 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(v) Arshaf Iqbal, allegedly abducted from his home in Tehsil & District Swat, on 5 September 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(w) Shakeel Arshad, allegedly abducted from his home in Green Town, Lahore, on 8 February 2011, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(x) Muhammad Zakria, allegedly abducted from his home in Tehsil Matta, District Swat, on 8 September 2012, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(y) Muhammad Shafiq, allegedly abducted from his home in Bara District, Khyber Agency, on 25 February 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(z) Abdul Aziz, allegedly abducted from Nawab Market, Hayatabad, Peshawar, on 25 January 2013, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(aa) Muhammad Wali Khan, allegedly abducted from Charsadda Road, near the Faqirabad Police Station, Peshawar, on 24 December 2011, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(bb) Sher Ali, Shamoza Chongi, allegedly abducted from his home in Tehsil & District Swat, on 28 January 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(cc) Gul Zaman, allegedly abducted during an army raid, from Thana Hashtnagri, Dilzaak Road, Peshawar, on 10 April 2010, by officials of the Pakistan Army and members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(dd) Khuda Yaar, allegedly abducted from Jamia Tauheed Masjid, located in Johar Town, Lahore, on 29 July 2012, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ee) Hazrat Usman, allegedly abducted on his way home from work in Air Town, Mango Pir Road, Karachi, on 20 June 2010, by officials of the Pakistan Army and members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ff) Hafiz Muhammad Sajjad, allegedly abducted from a house in Gulgasht Colony, Gulshan Wadi, Lahore, on 7 February 2013, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(gg) Gul Zaman, allegedly abducted from Dargai Kalay, on 26 June 2011, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(hh) Muhammad Khizar Jamal, was allegedly abducted from his home in Nazimabad, Karachi, on 11 December 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ii) Muhammad Ishaq, allegedly abducted from the District Courts (District Kachehri), in Peshawar, on 24 November 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(jj) Sultan Akbar, born on 15 April 1981, allegedly abducted from his home in Tehsil & District Mardan, on 17 April 2012, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(kk) Muhammad Iqbal, allegedly abducted from his home in Tehsil & District Swat, on 13 August 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ll) Haider Ali, allegedly abducted from his home in Tehsil & District Swat, on 5 September 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(mm) Zakir Shah, allegedly abducted from his home in Tehsil Tangi, District Charsadda, on 4 May 2010, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(nn) Khawar Mehmood, allegedly abducted from Nawab Colony, District Bahawalnagar, on 29 November 2012, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(oo) Aslam Khan, allegedly abducted from his home in Bara Bandai Tehsil, District Swat, on 8 June 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(pp) Khaista Bacha, allegedly abducted from his home in Bara Bandai Tehsil, District Swat, on 10 June 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(qq) Sardar Ahmad, allegedly abducted from his home in Swat, Kabal, on 25 August 2009, by members of the Pakistan army;

(rr) Zia ur Rehman, allegedly abducted from his home in Tehsil Kabal, District Swat, on 8 June 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ss) Noor Zada Zada, allegedly abducted from his home in Dera Ismail Khan, on 9 April 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(tt) Shah Zada Zada, allegedly abducted from his home in Dera Ismail Khan, on 9 April 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(uu) Khan Zada, allegedly abducted from his home in District Swat, on 3 September 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(vv) Abdul Rasheed, allegedly abducted from his home in Tehsil Kabal, District Swat, on 3 September 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(ww) Muhammad Shoab, allegedly abducted after leaving his home to drive his rickshaw, in Karachi, on 15 November 2012, by members of a secret agency, possibly from

the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(xx) Syed Qasim Ali Shah, allegedly abducted from the Railway crossing on Bannu Road, Kohat Cantt, on 13 September 2009, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(yy) Raheem Ullah, allegedly last known to be in the custody of the Sindh Police, in the winter of 2009;

(zz) Zafar Hussain, allegedly abducted from a bus while traveling to the Dalbardeen Unit of the Frontier Corps Battle School in Quetta, on 1 May 2013, by members of a secret agency, possibly from the Military Intelligence (MI), the Inter-services Intelligence (ISI) or the Central Intelligence Agency (CIA);

(aaa) Raheem Ullah, allegedly abducted from Rehmaniya Masjid Mozah Banday, Tehsil Kabal, on 15 October 2009, by members of the Pakistan Army during the search operation in Swat;

(bbb) Hazrat Ali, allegedly abducted from Kanju Chowk Checkpost, in Swat, on 26 August 2008, by members of the Pakistan Army;

(ccc) Ehsan Ullah, allegedly abducted during a raid on the Shinwari Hotel, Katlang Mardan Road, on 22 December 2012, by four members of the Military Intelligence (MI);

(ddd) Inayat Ullah, allegedly abducted while travelling in a passenger van from Ispanji, District Mustang to Quetta, Balochistan, on 25 May 2014, by members of the Frontier Corps and plain clothed personnel belonging to the military, police and intelligence agencies;

(eee) Mehar Gul Marri, allegedly abducted from his home in Mill Colony, Quetta, Balochistan, on 14 September 2015, by members of the Frontier Corps, police and army personnel;

(fff) Nasir Ahmed, allegedly abducted from his home in Sufara Ghoat, Karachi, on 15 October 2017, by members of the Frontier Corps and the Army;

(ggg) Rafiq, allegedly abducted from a home in Sufara Ghoat, Karachi, on 15 October 2017, by members of the Frontier Corps and army personnel;

(hhh) Saqib Ali, allegedly abducted while at a picnic at Khuzdar, Balochistan, on 2 October 2017, by members of the Frontier Corps and army personnel;

(iii) Irfan Ali, allegedly abducted from his home in Quetta, Balochistan, on 25 July 2015, by members of the Frontier Corps, state intelligence agencies, and the police;

(jjj) Mudasir Baloch, allegedly abducted from his home in Killi Jamaldani, Noshki on 24 November 2014, by members of the Frontier Corps, State intelligence agency personnel, and the police;

(kkk) Qadir Bakhsh, allegedly abducted from a clothing shop at Saryab Road, Quetta, Balochistan, on 24 February 2018, by members of the Frontier Corps and the police;

(lll) Mushtaq Ahmed, allegedly abducted from a football ground in Killi Mussa Khan, Kardgap Tehsil, Mustang District, Balochistan, on 4 December 2016, by members of the Security Forces and the Inter-services Intelligence agency.

Syrian Arab Republic

3. The Working Group transmitted 48 cases to the Government concerning:

(a) Abdel Kafi Arnaout allegedly arrested from Al Hajj Atef Square, Homs, Syria on 4 February 2013 by members of the Military Intelligence;

- (b) Abdel Moein Al Arnaout allegedly arrested from Al Hajj Atef Square, Homs, Syria on 4 March 2013, by members of the Military Intelligence;
- (c) Ali Al-Sankari allegedly arrested from near the School of Agriculture, Hama, Syria, on 26 June 2013 by Air Force Intelligence;
- (d) Tarek Al-Sankari allegedly arrested from Salamiyah, Governorate of Hama, Syria on 26 June 2013, by Air Force Intelligence;
- (e) Monthir Al Najm, allegedly arrested from a checkpoint in Al Saboniyeh neighbourhood on 9 March 2013 by the Military Security Forces of the Government;
- (f) Mohamed Bakkor Al Jabran allegedly arrested from a checkpoint of Al Mazzah highway road in Damascus on 24 August 2013 by Military Security Forces;
- (g) Zakaria Jabara allegedly arrested from Al Hamam Street on 2 February 2013 by members of the Military Security;
- (h) Wael Mansour allegedly arrested from at a checkpoint in the industrial area of Damascus on 2 April 2013 by members of the Military Security;
- (i) Abd al-Aziz al-Hisni, allegedly arrested from Joorat as-Shayah neighbourhood, Homs, Syria on 25 May 2012, by the Army of the Syrian Government;
- (j) Basel Tabbakh, allegedly arrested from Karamila Circle, Jaramana on 12 March 2013, by pro-Government militia currently known as the National Defence Forces;
- (k) Mohammad Arab allegedly arrested from Al Sheikh Khuder neighborhood, Aleppo, Syria on 1 November 2011, by Air Force Intelligence Branch of Aleppo, Syria;
- (l) Zaher Tabbakh allegedly arrested from Karamila Circle, Jaramana on 12 March 2013, by pro-Government militia currently known as the National Defence Forces;
- (m) Mohammad Al-Qaiyem, allegedly arrested from Al-Mazra'a checkpoint on Al-Wa'ar road in Homs, Syria in August 2013, by Government Forces;
- (n) Mohammad Raja'ie Khalou, allegedly arrested from in front of As-Salam Hospital, in Al-Qameshli on 25 June 2008, by an Air Force Intelligence patrol;
- (o) Hussien Alharish, allegedly arrested from a checkpoint on 3 February 2012, by members of the Military Intelligence in Raqqa, Raqqa District, Raqqa Governorate, Syria;
- (p) Hussien Alewi allegedly arrested from Mhardeh Hama, Hama Governorate on 3 February 2012, by members of the Military Intelligence;
- (q) Hasan Almasri allegedly arrested from Dabusia, Homs, Syria on 5 August 2014, by members of the Military Intelligence;
- (r) Hosni Jom'a allegedly arrested from checkpoint on Damascus International Airport road, Damascus city, Damascus Governorate, Syria on 8 March 2013 members of the Air Security Forces;
- (s) Adnan Al Imam, allegedly arrested from 1 Moujtahed neighbourhood in Damascus City, Damascus Governorate, Syria on August 2013 by members of the State Security Forces;
- (t) Mohammad Deir Ba'labawi allegedly arrested from a checkpoint located at the entrance of Al Baath University, west of Homs city, Homs Governorate, Syria, on 2 June 2014, by members of the Military Security Forces;
- (u) Ebrahim Al-Jeadni allegedly arrested from Addra City on 3 January 2014, by members of the Syrian Army;
- (v) Ahmad Naser Al-Rejlea allegedly arrested from a checkpoint on Aqraba on 18 October 2013 by the Syrian Army;
- (w) Abdul Hameed Othman, allegedly arrested from a checkpoint near Aleppo, on 3 August 2013, by the Syrian Army;

- (x) Saad Balowaat allegedly arrested from Hama on 22 June 2011, by members of the Air-Intelligence Branch;
- (y) Ali Mahmoud allegedly arrested from a checkpoint in Al Saiyda Zainab, Damascus on 13 December 2013 by the Abu Al Fadel Al Abba Iraqi militias related to Government forces;
- (z) Faisal Al Eyadeh allegedly arrested from Al Hasakah District, Al Hasakah governorate, Syria on 4 September 2013 by the National Defence Militia related to Government forces;
- (aa) Ramiz Kordo, allegedly arrested from a checkpoint at Mount Simeon (Jabal Semaan) District, Aleppo Governorate, Syria on 22 November 2013 by armed members related to political security forces of Government Forces;
- (bb) Idreis Akram allegedly arrested from a checkpoint on the Al Amin street, Al Nabak City, Damascus suburbs, Syria on 24 November 2013 by armed members related to Army Forces of the Government;
- (cc) Asaad Al Mir allegedly arrested from downtown Damascus, Syria on 7 October 2013 by Governmental Security Forces;
- (dd) Hosam Knnab allegedly arrested from Arbaeen Mountain, Hama Governorate, Syria on 5 September 2013 by the Syrian Army;
- (ee) Abdul Aleem Ahmad Deib, allegedly arrested from Al Hal Market in Harasta, Rif Damashq Governorate, Syria on 23 February 2014 by the Syrian Army;
- (ff) Anas Yaseen allegedly abducted from the Criminal Security Branch in Sweida, as-Suwayda Governorate, Syria, on 21 April 2014, by members of the Security Services;
- (gg) Al Jaidani Ibrahim allegedly arrested from Adra, Syria on 3 January 2014, by members of the Syrian Army Forces;
- (hh) Anwar Akram Abdulsattar Al Khdairi allegedly last heard from on 18 November 2012 and reportedly being held in the Syrian Army Intelligence Prison in Maz Al Jabal;
- (ii) Layth Battal Khadim Al Janabi allegedly arrested from the Department of Immigration and Passport in Rukn Al Din neighbourhood in Damascus, Syria on 20 June 2012, by Security Services;
- (jj) Saleh Al-Khader, allegedly arrested from Tala'e checkpoint, located in al-Joura neighbourhood, Deir ez-Zor, Syria on 18 July 2014, by Syrian Military Security Forces;
- (kk) Hussien Almandil, allegedly arrested from a checkpoint near Alrahman Mosque in Aleppo on 30 May 2013 by soldiers;
- (ll) Anas Halawa, allegedly last seen in Branch 248 of the Military Security Branch in Damascus in October 2014;
- (mm) Mohamed Albaty, allegedly arrested from Tayyibat Al Imam, Hama, Syria on 28 April 2017 by Military Security Forces;
- (nn) Tamer Hammoush allegedly arrested from the eastern part of Al Furqan neighbourhood, Aleppo, Syria on 13 January 2014, by Air Security Forces;
- (oo) Badr Al Din Habib, allegedly arrested from checkpoint located in the Ramouse neighbourhood, Aleppo on 10 October 2014, by Military Security;
- (pp) Sohaib Haj Ali, allegedly arrested from al-Sabahi checkpoint, at the northern entrance of Aleppo Road on 18 April 2017, by members of the Political Security Branch;
- (qq) Mona Al Ahmad, allegedly arrested from the checkpoint of the Airforce Intelligence at Hama main road, Homs on 8 November 2014;

(rr) Mahmoud Mohammad, allegedly arrested from Al Gharbi neighbourhood on 15 January 2015 by Syrian military forces;

(ss) Ahmad Alnmr allegedly arrested from Khaldiyah Village, Hama Governorate on 29 February 2014 by members of the military security;

(tt) Mahmmod Al Batee, allegedly abducted from Maardas checkpoint on 3 October 2016 by State Security;

(uu) Fares Kharboutli, allegedly arrested from Qamishli, al-Hasakah governorate, Syria on 29 September 2013 by members of the Military Intelligence;

(vv) Ali Al Qasim, allegedly arrested from Deir Ba'alba neighbourhood, Homs city, Syria on 3 January 2013, by political security forces of the Government.

Annex IV

Respuesta del Estado de El Salvador a dos alegaciones generales formuladas por el Grupo de Trabajo sobre Desapariciones Forzadas o Involuntarias de las Naciones Unidas

El Estado de El Salvador, presenta su informe al Grupo de Trabajo sobre Desapariciones Forzadas o Involuntarias de las Naciones Unidas, en atención a alegaciones generales contra El Salvador realizadas en el año 2015, y reiteradas en mayo del presente año, relativas a denuncias sobre falta de diligencias en las investigaciones y obstáculos que las familias de las personas desaparecidas durante el conflicto armado interno han enfrentado para dar con el paradero de sus seres queridos.

A. Resumen de las alegaciones

En la primera Alegación General, de fecha 31 de marzo de 2015, se expresa que la Fiscalía General de la República necesitaba mostrar más dinamismo en las investigaciones de los casos de desaparición forzada; que la Corte Suprema de Justicia (CSJ) no había concretado la coordinación ofrecida para lograr un acuerdo entre la Junta Directiva del Instituto de Medicina Legal (IML) y el Equipo Argentino de Antropología Forense (EAAF), con el fin de realizar en forma conjunta el trabajo relacionado con la ejecución de las exhumaciones ordenadas por la Corte Interamericana de Derechos Humanos (Corte IDH) en el caso “Masacre de El Mozote y lugares aledaños”, y como resultado, las exhumaciones ordenadas por la Corte IDH no se habían realizado a esa fecha; y que la Comisión Nacional de Búsqueda de Niñas y Niños Desaparecidos Durante el Conflicto Armado a septiembre de 2014, únicamente había resuelto 39 casos de un total de 236.

Además, que la Ley de Amnistía General para la Consolidación de la Paz seguía vigente, pese a que la Sala Constitucional de la Corte Suprema de Justicia (CSJ) aprobó una petición presentada en marzo 2013 reclamando la inconstitucionalidad de la Ley de Amnistía. No obstante la decisión continuaba pendiente.

En la segunda Alegación General, de fecha 25 de junio de 2015, el Grupo de Trabajo manifestó haber recibido información relacionada con la presunta pasividad y omisión en la exhaustiva y debida diligencia en la investigación de casos de desapariciones forzadas. Señalando en particular las denuncias interpuestas en 2006 por familiares de personas desaparecidas durante el conflicto armado ante la Fiscalía General de la República (FGR) y luego mediante un recurso de habeas corpus ante la Corte Suprema de Justicia (CSJ). Además, que en 2014, la FGR habría constatado que no tenía la documentación referente a las denuncias de 2006, por lo cual los familiares de las víctimas habrían tenido que proporcionar la documentación pertinente a las autoridades; y que las únicas diligencias realizadas en estos casos por la FGR, fue asignar las investigaciones a la Unidad Anti Homicidios y nombrar a los investigadores policiales.

Asimismo, mencionó los obstáculos enfrentados por migrantes desaparecidos y sus familiares, así como el escaso apoyo del Estado frente a esta situación, haciendo referencia a 350 casos de desapariciones de migrantes en su ruta desde El Salvador hacia los Estados Unidos, durante la cual habrían sido víctimas de desapariciones o de asesinatos y/o ejecuciones en el territorio de México. En algunos de estos casos la FGR habría respondido que no podía recibir las denuncias de las desapariciones dado que los hechos habían ocurrido en territorio Mexicano; por lo que sugerían impulsar un mecanismo transnacional para facilitar el acceso a la justicia de los migrantes víctimas de desaparición y de sus familiares.

Agregaron, que en la actualidad existían nuevas formas de desaparición forzada en El Salvador, las que ocurrían en un contexto de violencia y de impunidad que tendría su origen en el crimen organizado; que tenían conocimiento de un incremento de desapariciones en el país y de cementerios clandestinos, y que según las cifras disponibles el número de personas desaparecidas en 2011 y 2012 habrían superado los casos de desaparición forzada

de niños/as durante el conflicto armado, registrados por organizaciones de la sociedad civil. Varios de los casos habrían sido presuntamente cometidos por miembros de las Fuerzas Armadas en el marco de tareas que pretenden llevar seguridad a las comunidades.

Finalmente, manifestaron su preocupación por la inexistencia de una política estatal de búsqueda de personas desaparecidas, que implique el trabajo coordinado de las instituciones pertinentes. La falta de coordinación se evidenciaría por las disparidades entre los datos estadísticos que podían consultarse sobre el número de personas desaparecidas. Además, la Unidad de Búsqueda de Personas Desaparecidas de la Policía Nacional Civil (PNC), aplicaría una búsqueda exhaustiva solo si los casos corresponden a la categoría de “casos prioritarios”; que según el Instructivo de Investigaciones de Personas Desaparecidas y Extraviadas aprobado por la PNC en junio 2012, los casos que se consideraban importantes y que debían ser investigados con prioridad eran: la desaparición de autoridades públicas, de funcionarios públicos, de extranjeros con misión diplomática, de policías y militares, y casos que causen alarma y conmoción nacional.

En ambas alegaciones, el Grupo de Trabajo adjuntó 2 listados de personas desaparecidas cuyas investigaciones no habrían sido agilizadas por parte de la FGR; uno de los listados conteniendo casos de personas desaparecidas en el contexto del conflicto armado interno y el otro, casos actuales de desaparición forzada. Asimismo, solicitó dar respuesta al siguiente cuestionario:

1. Si los hechos relatados en la denuncia son exactos. Si no es así, por favor aclarar;
2. ¿Qué investigaciones específicas se están realizando con el fin de enjuiciar a los presuntos autores de las desapariciones forzadas o involuntarias?
3. ¿Cuáles son las medidas concretas adoptadas por el Gobierno de Su Excelencia para prevenir y poner fin a los casos de desaparición forzada?
4. ¿Cuáles son los pasos específicos que el Gobierno de Su Excelencia está llevando a cabo para ayudar a las familias para determinar la suerte o el paradero de sus seres queridos?
5. ¿Cuáles son los pasos específicos que el Gobierno de Su Excelencia está llevando a cabo para proporcionar reparaciones a las familias de las personas desaparecidas?
6. Sírvase proporcionar información sobre instancias de cooperación regional en relación a la desaparición de migrantes;
7. Respecto a las desapariciones actuales, desearíamos contar con mayor información respecto al Instructivo de Investigaciones de Personas Desaparecidas y Extraviadas aprobado por la PNC en junio 2012 y la definición de “casos prioritarios” incluida en el mismo.

B. Respuesta del Estado

Sobre la pregunta 1: “Si los hechos relatados en la denuncia son exactos. Si no es así, por favor aclarar”:

El Estado de El Salvador considera que los hechos relatados en ambas alegaciones generales de 2015 y reiteradas en mayo de 2018, no son exactos a la realidad actual del país y por lo tanto se hacen las siguientes puntualizaciones:

(a) Respecto de la no suscripción del “Convenio de Cooperación Científica entre la Corte Suprema de Justicia y el Equipo Argentino de Antropología Forense (EAAF)”, es preciso aclarar que el citado convenio sí fue suscrito en el año 2016, con el objeto de promover y desarrollar instancias de cooperación científica, especialmente en materia forense, tales como: arqueología forense, antropología científica, odontología forense, medicina legal, evidencias sociales, genética forense, entre otras; asimismo, de crear programas y/o actividades de estudio, capacitaciones presenciales y/o a distancia, visitas de estudio, intercambio de material bibliográfico y de protocolos para el desarrollo de buenas prácticas y el mejor abordaje del trabajo pericial, pasantías tanto en El Salvador como en la

sede del EAAF, y cualquier actividad que permita a ambas instituciones, la promoción y contribución al desarrollo y mejoramiento de todas las especialidades forenses como herramienta de la investigación científica – criminal en el país; y también de formación y actualización de técnicas modernas de las áreas forenses y en aquellas otras relacionadas a la investigación de delitos, como el Programa de Formación de Especialidad en Medicina Legal para docentes y promover instancias de cooperación en la búsqueda de las personas desaparecidas y en casos de fallecimiento, exhumaciones, identificación y la restitución de restos humanos.

A raíz de la firma de este Convenio, se realizaron las exhumaciones ordenadas por la Corte IDH en el caso “Masacre de El Mozote y lugares aledaños”, entre el 10 de noviembre y el 10 de diciembre de 2016, a requerimiento de la FGR y bajo la autorización jurisdiccional del Juez de Paz de Meanguera, Departamento de Morazán. En el primer trimestre de 2017 se llevó a cabo el trabajo de identificación científica de los restos exhumados, a través de la etapa antropológica y de laboratorio. Para la ejecución de esta diligencia judicial, se contó con el trabajo conjunto del personal del Departamento de Antropología Forense del Instituto de Medicina Legal “Dr. Roberto Masferrer” (IML), de agentes de la División Central de Investigaciones (DCI) de la Policía Nacional Civil, de peritos de la División de Policía Técnica y Científica (DPTC), así como con la valiosa colaboración de expertos del Equipo Argentino de Antropología Forense (EAAF).

Durante este procedimiento se logró recolectar una buena cantidad de evidencia física y la extracción de osamentas humanas, a las que se les realizó el respectivo análisis científico, para posteriormente ser entregados a sus familiares y representantes de las víctimas del caso. Actualmente, pero bajo el control jurisdiccional del Juzgado de Primera Instancia de San Francisco Gotera, Departamento de Morazán, la FGR continúa recabando información testimonial en el caso de la referida masacre, sobre nuevos sitios en los que podrían encontrarse restos humanos a exhumar.

En relación a este mismo punto, debe señalarse que a pesar de reconocer el aporte fundamental que el EAAF ha brindado al país para la investigación de casos como El Mozote, la prioridad estatal está centrada en la generación de capacidades institucionales, por lo que actualmente se está trabajando en la creación del Equipo Salvadoreño de Antropología Forense (ESAF), para lo cual ya existe un acuerdo emitido por el Consejo Directivo del Instituto de Medicina Legal “Dr. Roberto Masferrer”. Además, el Estado ha suscrito el Estatuto de la Comisión Internacional sobre Personas Desaparecidas y se encuentra en consideración de la Asamblea Legislativa para su posible ratificación, lo que facilitaría la gestión de cooperación técnica.

(b) En relación a los casos de desaparición forzada investigados por la Comisión Nacional de Búsqueda de Niños y Niñas Desaparecidas durante el Conflicto Armado (CNB) a septiembre de 2014, es necesario precisar que según los datos oficiales, desde el inicio de sus labores en septiembre de 2011 hasta marzo de 2015, la CNB registró un total de 253 casos, de los cuales había investigado 184 y resuelto 55; de estos, 30 jóvenes fueron localizados y reencontrados o en proceso de reencuentro con sus familias biológicas, 15 fueron localizados fallecidos y 10 casos fueron cerrados por diferentes razones.

A mayo de 2018, la CNB registra un total de 315 casos, de los cuales ha investigado 244 y resuelto 91; de estos, 46 jóvenes han sido localizados y reencontrados o se encuentran en proceso de reencuentro con sus familias biológicas, 31 fueron localizados fallecidos y 14 casos fueron cerrados por distintas causas. Lo que en suma refleja que de los casos investigados por la CNB, el 37 % cuenta con una conclusión investigativa.

(c) En torno la vigencia de Ley General de Amnistía para la Consolidación de la Paz, se comunica que en fecha 13 de julio de 2016, la Sala de lo constitucional de la Corte Suprema de Justicia, mediante sentencia 44-2013/145-2013, declaró la inconstitucionalidad de dicha Ley y ordenó su respectiva expulsión del ordenamiento jurídico nacional. Como producto de la referida sentencia, se abrió la posibilidad de iniciar o reabrir casos sobre delitos cometidos en el contexto del conflicto armado interno, entre ellos los de desaparición forzada. Consecuentemente, la FGR creó el Grupo de Fiscales para la Investigación de Delitos Cometidos en el Conflicto Armado, encargado de dirigir y coordinar las respectivas investigaciones a nivel nacional, contando con el apoyo de las 19

Oficinas Fiscales que tramitan las investigaciones en sus circunscripciones territoriales. Dicho Grupo Especializado está conformado actualmente por 4 fiscales auxiliares y dos asistentes administrativos.

(d) Respecto de la pasividad de la FGR en la investigación de casos de desaparición forzada. En relación al listado de personas desaparecidas en el contexto del conflicto armado interno, de acuerdo a información provista por la FGR, a la fecha no ha sido posible procesarlo en el sentido de recabar la información correcta sobre la situación actual de cada uno de los casos planteados por el Grupo de Trabajo, debido principalmente al volumen de la información a consultar (2,381 casos remitidos) y a la ausencia de registros automatizados en la década de 1980, lo que ha obligado a realizar una búsqueda manual de la información, sin el uso de las herramientas informáticas actuales; razón por la cual, con posterioridad, el Estado se pronunciará sobre este listado específico.

Sobre el listado de casos más recientes, se adjuntan al presente informe dos cuadros que contienen la información recabada en el Sistema de Información y Gestión Automatizada del Proceso Fiscal (SIGAP), referidos a datos estadísticos sobre los delitos de Desaparición Forzada de Personas (Art. 364 C. Pn.), Desaparición Forzada Cometida por Particular, (art. 365 C. Pn.) y Desaparición de Persona Cometida Culposamente (art. 366 C. Pn.), fechados en los años 2015, 2016, 2017 y 2018, desagregándolos en los rubros siguientes: casos iniciados, casos archivados, casos en investigación activa y casos finalizados (Anexo 1).

(e) En relación a los obstáculos enfrentados por los familiares de migrantes desaparecidos, es necesario informar que El Salvador sí tiene un mecanismo interinstitucional para la localización de personas migrantes desaparecidas, creado el 25 de agosto de 2010; además, cuenta con el Banco de Datos Forenses de Migrantes No Localizados. Ambos mecanismos son producto de la suscripción del “Acuerdo de cooperación interinstitucional para la creación de mecanismos de intercambio de información sobre migrantes no localizados y cuerpos no identificados”, por parte del Viceministerio para Salvadoreños en el Exterior, la Procuraduría para la Defensa de los Derechos Humanos (PDDH), la Asociación Comité de Familiares de Migrantes Fallecidos y Desaparecidos de El Salvador (COFAMIDES) y el Equipo Argentino de Antropología Forense (EAAF). El mecanismo tiene como finalidad la búsqueda internacional y localización de migrantes salvadoreños desaparecidos y fallecidos en territorios extranjeros que conforman la ruta del migrante, del cual se auxilia la Unidad Fiscal Especializada de Delitos de Tráfico Ilegal y Trata de Personas.

Una vez conocido un caso, se activa el citado mecanismo iniciando el contacto con COFAMIDES o con la PDDH, quienes explican a los familiares de la persona migrante desaparecida el protocolo a seguir para la donación de una muestra de ADN por parte del familiar más cercano. Asimismo, se les explica la naturaleza y funcionamiento del banco de datos forenses de migrantes no localizados, que permite la comparación de las muestras de ADN con restos humanos que no han sido identificados en territorio extranjero. Durante 2016 y 2017 la aludida Unidad Fiscal, sostuvo coordinaciones interinstitucionales con funcionarios de la PDDH para garantizar eficacia en la derivación y atención de familiares de víctimas desaparecidas y fallecidas en la ruta del migrante hacia los Estados Unidos de América.

Asimismo, el Ministerio de Relaciones Exteriores, como parte de la protección consular y con el objetivo de brindar tutela efectiva y sistemática a la población migrante en tránsito, ha establecido agencias consulares en los puntos y en zonas determinadas como rutas migratorias, que brindan asistencia, acompañamiento y ayuda humanitaria ágil, flexible y en cualquier momento a estas personas, especialmente a niñas, niños y adolescentes. En ese sentido, la red consular ha sido fortalecida, instalando el Consulado en Mc Allen, Estados Unidos y recientemente en San Luis Potosí, México.

(f) En relación a los casos en los que según la denuncia hecha al Grupo de Trabajo, la Fiscalía General de la República habría expresado a las víctimas o familiares, que no era posible recibir la denuncia sobre una persona migrante desaparecida, debido a que los hechos harían ocurrido en territorio mexicano, se informa que la Unidad Especializada de Delitos de Tráfico Ilegal y Trata de Personas de la FGR posee claridad de la competencia legal determinada por el artículo 9 numeral 3 y el artículo 10 del Código

Penal de El Salvador, referentes respectivamente al “Principio Personal o de Nacionalidad” y al “Principio de Universalidad”, y que los delitos de Tráfico Ilegal y Trata de Personas son tipos penales pluriofensivos, que afectan bienes jurídicos protegidos universalmente, constituyendo delitos contra la humanidad, por lo que en tal sentido, con frecuencia se reciben denuncias en que parte o la totalidad de los hechos habrían ocurrido en territorios extranjeros, como es el caso del delito de Tráfico Ilegal de Personas; en estos casos, incluso, para garantizar la recolección oportuna de elementos de prueba, también se tramitan asistencias internacionales a diversos países a través de la Unidad de Asistencia Legal Internacional de la Fiscalía.

(g) Respecto de la alegación que detalla que la Unidad de Búsqueda de Personas Desaparecidas de la Policía Nacional Civil (PNC) aplicaría una búsqueda exhaustiva solo si los casos corresponden a la categoría de “prioritarios, según lo contemplado en el Instructivo de Investigación de Personas Desaparecidas del año 2012”, es necesario aclarar que en tal instructivo policial no existe la categoría “prioritarios” y que la atención de cada caso reviste igual importancia en cualquier unidad policial donde el hecho sea reportado.

(h) En relación a la ausencia de políticas públicas en el tema de desaparición forzada de personas, es preciso mencionar que el Plan Quinquenal de Desarrollo 2014–2019 del Gobierno de El Salvador, que es el instrumento de política pública de más alto nivel en el país, contempla en sus apartados A.1 y E.11.6, el enfoque de cumplimiento y promoción de los derechos humanos, el cual dicta las directrices necesarias para la creación de políticas específicas en el tema de reparación a víctimas de graves violaciones a los derechos humanos, entre las que se encuentran las de desaparición forzada de personas.

En cumplimiento de esta política pública, es que se concreta la instalación del Consejo Directivo del Registro de Víctimas de Graves Violaciones a Derechos Humanos Ocurridas en el Contexto de; Conflicto Armado Interno (CODREVIDH), en julio de 2014; se lanza oficialmente el programa de “Transferencia Monetaria para Víctimas de Graves Violaciones a Derechos Humanos durante el Conflicto Armado”, en agosto de 2016; y se crea la Comisión Nacional de Búsqueda de Personas Adultas Desaparecidas en el Contexto del Conflicto Armado de El Salvador (CONABÚSQUEDA), en septiembre de 2017. Mecanismos que se detallarán más adelante.

Sobre la pregunta 2: ¿Qué investigaciones específicas se están realizando con el fin de enjuiciar a los presuntos autores de las desapariciones forzadas o involuntarias?:

En cuanto a investigaciones específicas sobre casos de desaparición forzada de personas ocurridas en el contexto del conflicto armado interno, se pueden citar algunos que actualmente están siendo diligenciados: caso Guzmán, caso Flores, caso Escobar, caso Reyes, caso Morán, caso La Gruta y caso Sánchez. Hechos ocurridos en el contexto del conflicto armado interno en diferentes lugares del país y atribuidos tanto a la Fuerza Armada como a grupos revolucionarios. Asimismo, se investigan casos relacionados a homicidios, masacres, atentados con artefactos explosivos a instalaciones sindicales, reclutamientos forzosos, entre otros, también ocurridos en el contexto del pasado conflicto armado.

Todos estos casos están siendo investigados por la Policía Nacional Civil en cumplimiento a direccionamiento funcional de la FGR. Para atender los requerimientos fiscales, la institución policial ha dispuesto equipos de investigación a nivel nacional, distribuidos en cada Departamento de Investigación Policial y en la División Central de Investigaciones de la PNC.

Los equipos de investigadores cuentan con el apoyo de analistas operativos de casos y de peritos de la División de Policía Técnica y Científica; así también, con el apoyo logístico necesario para el desarrollo de sus actividades. Adicionalmente, se mantienen una estrecha relación con el fiscal asignado al caso, para planificar actividades a realizar y analizar el resultado de las mismas.

En relación a la pregunta 3: ¿Cuáles son las medidas concretas adoptadas por el Gobierno de Su Excelencia para prevenir y poner fin a los casos de desaparición forzada?:

(a) El Código Penal salvadoreño contempla como Delitos Contra la Humanidad, tres Tipos Penales referidos a desaparición forzada: Desaparición Forzada de Personas, Art. 364; Desaparición Forzada Cometida por Particular, Art. 365; y Desaparición de Personas Permitida Culposamente Art. 366. Por lo tanto, una vez que la FGR tiene conocimiento de un hecho delictivo que agravia uno o más bienes jurídicos protegidos en los señalados tipos penales, se inicia la investigación criminal correspondiente, garantizando la legalidad y la búsqueda de la verdad real.

(b) 13 de julio de 2016, la Sala de lo Constitucional de la Corte Suprema de Justicia, mediante sentencia 44-2013/145-2013, declaró la inconstitucionalidad la Ley de Amnistía General para la Consolidación de la Paz y ordenó su respectiva expulsión del ordenamiento jurídico nacional; lo que abre la posibilidad e investigar y enjuiciar a los responsables por crímenes de lesa humanidad, como la desaparición forzada de personas ocurridas en el contexto del pasado conflicto armado salvadoreño.

(c) En cuanto al tema de difusión y sensibilización en torno a la problemática de niñez desaparecida, la CNB realiza una publicación semestral de la revista “Re-Cordis”, además de cuñas radiales, comunicados y conferencias de prensa para informar a la población sobre el tema. Adicionalmente, se utilizan como herramientas de difusión, el sitio web institucional, las redes sociales, y el canal de videos por internet de YouTube. Específicamente sobre el tópico de sensibilización de la población en general, la CNB destaca que en diciembre de 2012 inició la campaña radial “Unámonos para el Reencuentro”, la cual fue desarrollada a lo largo del año 2013 y generó que se recibieran nuevas solicitudes de investigación de casos. De igual manera, con la finalidad de hacer visible y presente el tema de niñez desaparecida, en ese mismo año realizó la exposición fotográfica “Ecos de la Memoria”, con fotografías de niñas y niños desaparecidos en el contexto del conflicto armado salvadoreño; la cual fue presentada en la ciudad capital y lugares del interior del país.

(d) La PNC participa de la Mesa Técnica de Fortalecimiento Interinstitucional en casos de personas desaparecidas relacionadas en el crimen organizado, para reducir la impunidad en El Salvador, donde se exponen las diferentes inquietudes y problemáticas de la PNC, FGR e IML, logrando establecer procedimientos conjuntos para el trabajo que involucra a las tres instituciones.

(e) A la fecha, la PNC está a la espera de la aprobación de un instructivo con el que se actualizará el procedimiento de actuación para las dependencias policiales en materia de investigación efectiva y registro de información fiable sobre casos de personas desaparecidas.

Sobre la pregunta 4: ¿Cuáles son los pasos específicos que el Gobierno de su Excelencia está llevando a cabo para ayudar a las familias a determinar la suerte o e/paradero de sus seres queridos?:

(a) Mediante el Decreto Ejecutivo No. 5, publicado en el Diario Oficial el día 18 de enero del 2010 y reformado mediante el Decreto N. 45, del 26 de abril del mismo año, se creó la Comisión Nacional de Búsqueda de Niñas y Niños Desaparecidos durante el Conflicto Armado Interno (CNB), en cumplimiento de la Sentencia emitida por la Corte Interamericana de Derechos Humanos el 1° de marzo de 2005, en el caso de las hermanas Ernestina y Erlinda Serrano Cruz, quienes desaparecieron de manera forzada en 1982. La CNB inició sus labores operativas en agosto de 2011.

(b) En 2016, como producto de la declaratoria de inconstitucionalidad de la Ley General de Amnistía para la Consolidación de la Paz, la FGR creó el Grupo de Fiscales para la Investigación de Delitos Cometidos en el Conflicto Armado, encargado de dirigir y coordinar las respectivas investigaciones a nivel nacional, entre los cuales se encuentran desapariciones forzadas de personas. Este grupo especializado cuenta con el apoyo de las 19 Oficinas Fiscales que tramitan las investigaciones en sus circunscripciones territoriales. Dicho Grupo Especializado está conformado actualmente por 4 fiscales auxiliares y dos asistentes administrativos.

(c) En septiembre de 2017, mediante Decreto Ejecutivo No. 33, el Gobierno de El Salvador creó la Comisión Nacional de Búsqueda de Personas Adultas Desaparecidas en el Contexto del Conflicto Armado de El Salvador (CONABÚSQUEDA), la cual está dirigida por tres comisionados nombrados por el Órgano Ejecutivo, pero 2 de ellos propuestos por las víctimas. Esta Comisión, al igual que la CNB, ha sido dotada de recurso humano y financiero para su funcionamiento.

(d) Con relación a avances en el tema de reconocimientos, identificación de restos, excavaciones y exhumaciones, el Instituto de Medicina Legal “Dr. Roberto Masferrer” (ILM), con el apoyo del EAAF y técnicos auxiliares, a la fecha han identificado 26 sitios de excavación de los cuales se han exhumado 70 personas desaparecidas que ya han sido identificadas y entregados sus restos a las familias, con lo cual algunos casos ya fueron concluidos. Asimismo, se han analizado 41 muestras de sangre de posibles familiares para la identificación de osamentas exhumadas, contando con los registros de familiares en la Base de Datos Ante Mortem / Post Mortem del IML; en total han sido analizadas 68 muestras, todas ellas procesadas mediante la extracción, cuantificación y amplificación por medio de la Reacción en Cadena de la Polimerasa y secuenciación capilar en analizadores genéticos Thermofisher 3130 y 3500 XL, utilizando el Software Genemapper V.1.4.; los Kits marcadores genéticos ocupados para el análisis fueron Globalfiler, Globalfiler Express Identifier y Minifiler.

Recientemente, personal del ILM recibió formación especializada sobre la extracción de DNA en muestras óseas de larga data; dicha capacitación fue impartida por el Centro de Identificación Humana de la Universidad del Norte de Texas y por ex miembros del Laboratorio de Genética del FBI, lo que ha permitido implementar nueva metodología y optimizar recursos dentro del ILM y volver más eficientes sus procesos. Además, en este momento el IML cuenta con el Software M-FISys v.11.07 para el análisis de bases de datos en casos de personas desaparecidas, el cual se encuentra listo para operar una vez que la CSJ en Pleno autorice la creación de una nueva base de datos sistematizada.

En la actualidad, el IML se encuentra colaborando activamente con la Comisión Nacional de Búsqueda de Niños y Niñas Desaparecidos durante el Conflicto Armado Interno (CNB) y con la Comisión Nacional de Búsqueda de Personas Adultas Desaparecidas en el Contexto del Conflicto Armado de El Salvador (CONABÚSQUEDA), ambas creadas por el Órgano Ejecutivo.

(e) En el tema de niñez desaparecida, el Ministerio de Relaciones Exteriores y el Instituto de Medicina Legal de la Corte Suprema de Justicia, tienen proyectada la creación de un Banco Nacional de Perfiles Genéticos, para cuyo propósito se han establecido las coordinaciones necesarias, así como los estudios y las valoraciones pertinentes que posibiliten su instalación en el mediano plazo.

(f) Actualmente, la Sala de lo Constitucional de la Corte Suprema de Justicia ha gestado avances y modificaciones en los criterios jurisprudenciales referente a la desaparición forzada ocurrida en el contexto de la guerra civil salvadoreña desarrollada desde 1980 hasta 1992, época en la que no se aceptaba el hábeas corpus como mecanismo idóneo para conocer estos casos. Dichos criterios han sido superados por la Sala, concluyendo que este proceso constitucional es un mecanismo idóneo para conocer casos de desaparición forzada ocurridas en el contexto del conflicto armado interno.

Respecto de la pregunta 5: ¿Cuáles son los pasos específicos que el Gobierno de su Excelencia está llevando a cabo para proporcionar reparaciones a las familias de las personas desaparecidas?:

(a) Mediante Decreto Ejecutivo N° 57, de fecha 05 de mayo de 2010, se creó la “Comisión Nacional de Reparación a las Víctimas de Violaciones a los Derechos Humanos, ocurridas durante el Contexto del Conflicto Armado Interno”, procurando ajustarse a los estándares del derecho internacional de los derechos humanos en cuanto al deber de reparación de naturaleza colectiva. Esta Comisión propuso un Programa de Reparaciones a las Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el contexto del Conflicto Armado Interno, conteniendo medidas en el ámbito de la salud, la educación, alimentación y de participación en la vida económica.

Durante los años 2011 y 2012, el Estado realizó un registro de víctimas de graves violaciones a derechos humanos durante el conflicto armado interno, que ha sido la base para la implementación del referido Programa de Reparación.

(b) A través del Decreto Ejecutivo 204, de fecha 23 de octubre del año 2013, se creó de manera oficial el “Programa de Reparaciones a las Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el Contexto del Conflicto Armado Interno” y además, el Consejo Directivo del Registro de Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el Contexto del Conflicto Armado Interno (CODREVIDH).

El objeto del Programa de Reparaciones es dotar a las víctimas de graves violaciones a derechos humanos y a sus familiares, de diferentes mecanismos de reparación por los daños sufridos durante el conflicto armado; contemplando las siguientes modalidades de reparación: Medidas de Rehabilitación, Indemnización, Medidas de Dignificación, y Medidas de Garantía de No Repetición de los hechos. Este Decreto establece obligaciones específicas a las instituciones del Órgano Ejecutivo, en materia de cumplimiento de las medidas de reparación, según la competencia correspondiente.

El referido Consejo Directivo tiene como funciones generales, organizar, administrar, dirigir y garantizar el correcto funcionamiento y resguardo de la información del Registro de Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el Contexto del Conflicto Armado Interno, con la finalidad de garantizar la correcta identificación de las víctimas y su incorporación en las diferentes medidas de reparación contempladas en el Decreto Ejecutivo 204.

En observancia del Programa de Reparaciones contemplado en el Decreto Ejecutivo 204, el 31 de agosto de 2016 la Presidencia de la República lanzó de manera oficial el programa de “Transferencia Monetaria para Víctimas de Graves Violaciones a Derechos Humanos durante el Conflicto Armado”, que consiste en un apoyo económico de entrega bimensual con finalidad compensatoria y de carácter continuo, el cual es entregado a las víctimas identificadas en el respectivo Registro.

(c) Como se mencionó previamente, El Salvador ha logrado avances en el tema de reconocimientos, identificación de restos, excavaciones y exhumaciones de personas desaparecidas. A la fecha, el Instituto de Medicina Legal “Dr. Roberto Masferrer” (ILM), con el apoyo del EAAF y técnicos auxiliares, han identificado 26 sitios de inhumación de los cuales se han exhumado 70 personas desaparecidas que ya han sido identificadas y entregados sus restos a las familias, con lo cual algunos casos ya fueron concluidos, lo que ha contribuido en el tema de reparación a las víctimas.

(d) En el caso de niñez desaparecida, la CNB ofrece apoyo y acompañamiento psicosocial a la familia de las niñas y niños desaparecidos, y de manera especial en aquellos casos donde las personas desaparecidas han sido localizados como fallecidas y se conoce el lugar del entierro, dando acompañando al proceso de exhumación de los restos; asimismo, realiza visitas familiares que permiten contextualizar las historias y las etapas vividas por las familias y realiza talleres psicosociales con diferentes grupos familiares a fin de propiciar el reconocimiento de la afectación del trauma psicosocial producto de la desaparición forzada.

En relación a la pregunta 6: Sírvase proporcionar información sobre instancias de cooperación regional en relación a la desaparición de migrantes.

En los casos de investigación, la PNC se apoya de OCN-INTERPOL y de la red consular del Ministerio de Relaciones Exteriores.

A partir de septiembre de 2017, la PNC ha desarrollado diferentes talleres con equipos de trabajo técnicos, apoyados por la Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC) y el Gobierno de Canadá, con el propósito de lograr el fortalecimiento institucional en casos de desapariciones relacionadas con el crimen organizado, entre los cuales también figuran algunas desapariciones de migrantes.

Sobre la pregunta 7: Respecto de las desapariciones actuales, desearíamos contar con mayor información respecto al instructivo de investigaciones de personas desaparecidas y extraviadas aprobado por la PNC en junio de 2012, y la definición de “casos prioritarios” incluida en el mismo:

En el año 2011, se creó el Grupo de Investigación de Personas Desaparecidas dentro de la División Central de Investigaciones de la PNC, con el objeto de ser un referente investigativo policial en materia de investigación de casos de desaparición forzada de personas, manteniendo a la vez una estructura investigativa de atención de casos a nivel departamental, lo cual permite una atención de tipo centralizada y descentralizada.

El instructivo al cual se hace referencia establece el funcionamiento y los mecanismos de coordinación entre la unidad centralizada y las unidades descentralizadas, para poder dar una mejor atención a las víctimas y sus familiares, tener mejores registros estadísticos y dar un adecuado seguimiento a los casos.

Como se mencionó en el punto 1, el documento no hace referencia a casos “prioritarios”, por tanto no es posible dar una definición sobre ese término.

El instructivo define la forma de distribuir y asignar los casos de acuerdo a criterios de participación en las Unidades Policiales intervinientes, basados en la complejidad que reviste la investigación, ya sea por las características del grupo criminal involucrado, la transversalidad del hecho, o la cercanía de la unidad policial respecto del lugar en que sucedieron los hechos, entre otros.

Aclaración del Estado de El Salvador sobre presentación de informes solicitados por el Grupo de Trabajo

En reiteradas oportunidades, el Grupo de Trabajo sobre Desapariciones Forzadas de Personas ha comunicado al Estado de El Salvador que no ha dado respuesta a los informes solicitados en el año 2014 y 2015; ante lo cual se hace necesario informar a ese honorable Grupo de Trabajo, que el Estado salvadoreño ha brindado respuesta a todas las solicitudes de información efectuadas en los referidos años; agregando como prueba copia de los informes rendidos (Anexos 2 y 3).

Antiguo Cuscatlán, 6 de noviembre de 2018
