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

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

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\* Late submission.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–10	6
II. Activities of the Working Group on Enforced or Involuntary Disappearances: 14 November 2009 to 12 November 2010 .....	11–39	7
A. Activities.....	11–17	7
B. Meetings .....	18	8
C. Communications .....	19–24	8
D. Country visits.....	25–30	9
E. Reports.....	31–32	9
F. Statements.....	33–38	9
G. General comments .....	39	10
III. Information concerning enforced or involuntary disappearances in various countries and territories reviewed by the Working Group on Enforced or Involuntary Disappearances .....	40–557	17
Afghanistan.....	40–41	17
Albania.....	42–43	18
Algeria .....	44–57	18
Angola .....	58–60	21
Argentina .....	61–64	22
Azerbaijan.....	65–66	23
Bahrain.....	67–72	23
Bangladesh.....	73–77	25
Belarus .....	78–82	26
Bhutan.....	83–84	27
Bolivia .....	85–88	27
Bosnia and Herzegovina .....	89–92	28
Brazil .....	93–94	29
Burundi .....	95–97	30
Cameroon.....	98–102	31
Chad.....	103–107	32
Chile .....	108–113	33
China.....	114–124	34
Colombia .....	125–149	36
Congo, Republic of.....	150–153	39
Czech Republic.....	154–155	40

Democratic People's Republic of Korea.....	156–160	41
Democratic Republic of the Congo.....	161–162	42
Denmark .....	163–164	42
Dominican Republic .....	165–169	43
Ecuador.....	170–172	44
Egypt.....	173–179	45
El Salvador .....	180–182	47
Equatorial Guinea .....	183–184	48
Eritrea .....	185–186	48
Ethiopia.....	187–189	49
France .....	190–193	50
Gambia.....	194–195	51
Georgia .....	196–198	51
Greece.....	199–201	52
Guatemala.....	202–207	53
Guinea.....	208–209	54
Haiti .....	210–211	55
Honduras.....	212–214	56
India.....	215–240	56
Indonesia.....	241–254	59
Iran (Islamic Republic of).....	255–259	62
Iraq .....	260–270	63
Ireland.....	271–272	64
Israel .....	273–274	65
Italy .....	275–276	66
Japan.....	277–281	66
Jordan.....	282–283	68
Kuwait .....	284–286	68
Lao People's Democratic Republic .....	287–289	69
Lebanon .....	290–294	70
Libyan Arab Jamahiriya.....	295–300	71
Mauritania.....	301–302	72
Mexico .....	303–311	73
Montenegro.....	312–314	75
Morocco.....	315–338	76
Mozambique .....	339–341	78

Myanmar.....	342–344	79
Namibia .....	345–346	80
Nepal.....	347–365	80
Nicaragua.....	366–369	84
Pakistan.....	370–389	85
Peru .....	390–391	88
Philippines .....	392–396	89
Romania.....	397–404	90
Russian Federation.....	405–418	91
Rwanda .....	419–422	93
Saudi Arabia .....	423–427	94
Seychelles .....	428–429	95
Somalia .....	430–431	95
Spain.....	432–440	96
Sri Lanka.....	441–453	98
Sudan .....	454–459	100
Syrian Arab Republic .....	460–479	101
Tajikistan .....	480–482	103
Thailand .....	483–488	104
The former Yugoslav Republic of Macedonia.....	489–490	105
Timor-Leste .....	491–494	106
Togo.....	495–496	107
Tunisia .....	497–499	107
Turkey.....	500–507	108
Turkmenistan .....	508–510	110
Uganda.....	511–512	110
Ukraine .....	513–515	111
United Arab Emirates .....	516–523	112
United Kingdom of Great Britain and Northern Ireland.....	524–526	113
United States of America.....	527–528	114
Uruguay .....	529–532	115
Uzbekistan .....	533–538	116
Venezuela (Bolivarian Republic of) .....	539–541	117
Viet Nam.....	542–544	118
Yemen.....	545–550	119
Zimbabwe .....	551–555	120

Palestinian Authority .....	556–557	121
IV. Conclusions and recommendations.....	558–587	122
Annexes		
I. Methods of work of the Working Group on Enforced or Involuntary Disappearances as adopted on 14 November 2009 .....		126
II. Decisions on individual cases taken by the Working Group during the reporting period.....		133
III. Statistical summary: cases of enforced or involuntary disappearances reported to the Working Group between 1980 and 2010 .....		135
IV. Graphs showing the development of disappearances in countries with more than 100 transmitted cases during the period 1980-2010.....		140
V. Lists of names of newly reported cases, from countries where there were more than 10 newly transmitted cases during the reporting period.....		150

## I. Introduction

1. In 2010, the Working Group on Enforced or Involuntary Disappearances commemorated its 30th anniversary. During its thirty years of existence, the Working Group has fulfilled its humanitarian mandate to assist families to ascertain the fate and whereabouts of their disappeared family members. Nevertheless, it deplores the fact that enforced disappearances continue to occur all over the world and that tens of thousands of cases remain unclarified in the records of the Working Group, many going back decades.

2. The Working Group was the first United Nations human rights thematic mechanism to be established with a universal mandate. The original mandate derives from Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980. This resolution followed General Assembly resolution 33/173 of 20 December 1978, in which the Assembly expressed concern at reports from various parts of the world relating to enforced disappearances and requested the Commission on Human Rights to consider the question of missing or disappeared persons. The mandate was most recently extended by Human Rights Council resolution 7/12 of 27 March 2008.

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

4. Following the adoption of General Assembly resolution 47/133 on 18 December 1992 and of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group was entrusted to monitor the progress of States in fulfilling their obligations derived from the Declaration. Human Rights Council resolution 7/12 encouraged the Working Group to provide assistance in the implementation by States of the Declaration.

5. This report reflects communications and cases examined by the Working Group during its three sessions in 2010, covering the period 14 November 2009 to 12 November 2010.

6. A summary of activities during the reporting period is presented in a table for each country, with a detailed text description of the areas of activity. Where there has been no information from the Government or the sources, notwithstanding the annual reminder sent by the Working Group concerning outstanding cases, only the table is provided and a reference is made to the previous report dealing with those cases.

7. For States where the number of newly reported cases is less than 10, the names of the persons appear in that State's section. If the number of newly reported cases is greater than 10, the list of names appears in annex V. For urgent actions, the names of all persons, regardless of the number, appear in the relevant State's section.

8. The total number of cases transmitted by the Working Group to Governments since its inception is 53,337. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,633 in a total of 83 States. The Working Group has been able to clarify 1,814 cases over the past five years.

9. The Working Group regrets the lack of adequate support given to the mandate, which has led to a backlog of more than 400 cases. The Working Group also notes that many communications are not translated in time, thus delaying their consideration by the Working Group.

10. At the present time, the Working Group's website remains inadequate. The majority of the content is in English only. The Working Group calls on the United Nations to provide adequate resources to make it more accessible.

## **II. Activities of the Working Group on Enforced or Involuntary Disappearances: 14 November 2009 to 12 November 2010**

### **A. Activities**

11. During the period under review, the Working Group held three sessions: the ninetieth from 15 to 19 March 2010 in Geneva, the ninety-first from 22 to 25 June 2010, in Sarajevo, Bosnia and Herzegovina, and the ninety-second from 3 to 12 November 2010, in Geneva.

12. As from 1 August 2009, the Chair-Rapporteur of the Working Group is Mr. Jeremy Sarkin. The other members are Mr. Ariel Dulitzky, Ms. Jasminka Dzumhur, Mr. Osman El-Hajjé and Mr. Olivier de Frouville.

13. On 8 March 2010, the Chair-Rapporteur presented the Working Group's 2009 annual report to the tenth session of the Human Rights Council and participated in the interactive dialogue with Member States. During the reporting period, the Chair-Rapporteur presented 15 conference papers including a paper on Enhancing Cooperation between UN Special Procedures and Regional Human Rights Systems to the Office of the High Commissioner for Human Rights Workshop on Enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights - A consultation for Africa, in Addis Abba, Ethiopia in November 2009. He also gave presentations at Chuo University, Tokyo, Japan in January; at a seminar in Windhoek, Namibia, in February; and at various side events at the Human Rights Council in March. He presented a paper on "Information sharing between existing regional human rights mechanisms and the international human rights system" to the United Nations Human Rights Council Workshop "Enhancing cooperation between the International Human Rights System and Regional Human Rights Mechanisms", at the United Nations Office at Geneva in May. He gave a number of presentations in Jakarta, Indonesia, in May and was the keynote speaker at the Aim for Human Rights Conference on Disappearances in Africa, in Geneva, in June. He also presented a number of training sessions throughout the year.

14. On 10 March 2010, Mr. Olivier de Frouville delivered a presentation during a panel discussion on the right to truth organized by the Human Rights Council at its thirteenth session. On 3 August 2010, he addressed the Advisory Committee of the Human Rights Council on the issue of missing persons and enforced disappearances.

15. On 26 January 2010, Mr. Osman El-Hajjé addressed the Advisory Committee on the Human Rights Council on the issue of missing persons and enforced disappearances. From 16 to 18 April 2010, he organized and coordinated a seminar on Human Rights International Mechanisms at the Centre for Human Rights in the University of Jinane, Lebanon. In September 2010, he participated in a round table on the issue of enforced disappearances at the International Institute of Humanitarian Law in San Remo, Italy.

16. On 18 March 2010, the Working Group hosted a side event at the 13th session of the Human Rights Council on "Thirty years between hope and despair: the experience of the Working Group on Enforced or Involuntary Disappearances." Members of the Working Group as well as representatives of Member States, civil society and relatives of disappeared persons participated in this side event.

17. On 5 November 2010, all members of the Working Group participated in a commemorative event on the occasion of the 30th anniversary of the establishment of the Working Group mandated by Human Rights Council resolution 14/10. Twelve experts on enforced disappearances, together with representatives of Member States, national human rights institutions, civil society and relatives of disappeared persons participated in the event<sup>1</sup>.

## **B. Meetings**

18. During the period under review, representatives of the Governments of Angola, Chad, Iraq, Japan, Morocco, Nepal, Rwanda and Sri Lanka attended the sessions of the Working Group. A number of other bilateral meetings were held with various States during the year. The Working Group also met with the Committee against Torture, representatives of international governmental organizations, human rights non-governmental organizations and associations of relatives of disappeared persons and families of victims of enforced disappearances or witnesses thereto.

## **C. Communications**

19. During the reporting period, the Working Group transmitted 105 new cases of enforced disappearance to 22 Governments.

20. The Working Group transmitted 50 of these cases under the urgent action procedure to the Governments of Bahrain, Bangladesh, China, Egypt, India, Iraq, Libyan Arab Jamahiriya, Mexico, the Kingdom of Morocco, Pakistan, Russian Federation, Sri Lanka, Syrian Arab Republic, Thailand and Yemen. Of the newly reported cases, three allegedly occurred during the reporting period and relate to the United Arab Emirates.

21. During the same period, the Working Group clarified 70 cases in the following States: Cameroon, Chile, Colombia, Egypt, India, Iraq, Libyan Arab Jamahiriya, the Kingdom of Morocco, Myanmar, Pakistan, Russian Federation, Saudi Arabia, Syrian Arab Republic, Turkey, Uruguay and Yemen. Of those, 23 cases were clarified based on information provided by the Government and 47 cases were clarified based on information provided by sources.

22. During the reporting period, the Working Group transmitted seven prompt intervention communications addressing harassment of, and threats to, human rights defenders and relatives of disappeared persons in Algeria, Colombia, India, Mexico and Turkey. Six of these were sent as joint communications with other special procedures mechanisms.

23. The Working Group sent 13 urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had been forcibly disappeared or were at risk of being disappeared in Bahrain, China, Egypt, Ethiopia, Islamic Republic of Iran, Iraq, Pakistan, the Syrian Arab Republic, Uzbekistan and the Palestinian Authority. All these communications were sent jointly with other special procedures mechanisms.

24. Following its eighty-ninth session in 2009 and its first two sessions in 2010, the Working Group sent two general allegations to the Governments of China and Nepal

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<sup>1</sup> Further information available at <http://www2.ohchr.org/english/issues/disappear/commemoration30WGEID.htm>



inviting them to comment thereon. Summaries of three additional general allegations considered during the ninety-second session, including government responses, if any, will be included in the 2011 annual report.

## **D. Country visits**

25. At the invitation of the Government of Bosnia and Herzegovina, Mr. de Frouville and Mr. Sarkin visited the country from 14 to 21 June 2010, assisted by the Secretariat. The purpose of the mission was to learn about the country's efforts in addressing cases of past enforced disappearances, the fight against impunity and other issues including matters concerning truth, justice and reparations for victims. The report on the visit to Bosnia and Herzegovina is contained in A/HRC/16/48/Add.1.

26. During the reporting period, the Working Group requested visits to Chile, India, Mexico, the Republic of Congo and Pakistan.

27. The Governments of Bosnia and Herzegovina, Chile, Mexico and Timor-Leste invited the Working Group to visit their countries.

28. The Working Group recalls the fact that the Government of the Islamic Republic of Iran agreed to a visit by the Working Group in 2005, which was delayed at the request of the Government. The Working Group recalls the pending invitation and requests that the invitation be extended.

29. In 2010, the Working Groups sent reminders to the Governments of Algeria, Nicaragua, Indonesia, Islamic Republic of Iran, the Philippines, Russian Federation, Sudan and Zimbabwe.

30. The Working Group invites all the Governments that received a request by the Working Group to respond to the request by the Working Group for a visit.

## **E. Reports**

31. In accordance with Human Rights Council resolution 14/10, the Working Group prepared a report on the best practices on enforced disappearances in domestic criminal legislation. The report is contained in addendum 3 (A/HRC/16/48/Add.3) and contains factual examples, legal analysis and recommendations to assist States in enhancing existing, and developing new, legislation on enforced disappearance.

32. During the reporting period, the Working Group also prepared follow-up reports on the implementation of the recommendations it made following its country visits to Guatemala and Honduras. These follow-up reports are contained in addendum 2 (A/HRC/16/48/Add.2).

## **F. Statements**

33. On 26 February 2010, the Working Group issued a press release on the 30th anniversary of its establishment on 29 February 1980, stressing the fact that enforced disappearance remains a current practice affecting all continents of the world. It noted with concern the widespread impunity for this crime as well as ongoing harassment of the relatives of victims.

34. On 5 March 2010, the Working Group joined the Special Rapporteur on violence against women, its causes and consequences, and 26 other United Nations independent experts in a press release calling for a new vision of women's rights informed by the

lessons learned from the 15-year review of the implementation of the Beijing Platform for Action.

35. On 25 May 2010, the Working Group issued a press release noting with concern the suspension of Judge Baltasar Garzón of Spain by the General Council of the Judiciary for having admitted and investigated a series of complaints submitted in 2006 regarding more than 100,000 cases of enforced disappearances which occurred during the Spanish Civil War and the Franco regime.

36. On 12 July 2010, the Working Group issued a press release on the passing of Patricio Rice, Coordinator of ICAED (International Coalition against Enforced Disappearances), and co-founder and former Executive Secretary of FEDEFAM (Latin American Federation of Associations of Families of Disappeared Detainees), himself a survivor of enforced disappearance.

37. On 22 July 2010, the Working Group issued a press release on the adoption of the general comment on the right to the truth in relation to enforced disappearances. It did so to focus the attention of States on the relevant obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance that flow from the right to the truth.

38. To commemorate the International Day of the Disappeared, the Working Group issued a press release on 30 August 2010, expressing its wish that the United Nations include it among the official observed days. The experts reiterated their solidarity with victims, their families and others who work on the issue and called upon States to define enforced disappearance as an autonomous criminal offence in their domestic legislation. The Working Group also called upon States to take measures to promote truth and reconciliation, which ought not to be used as a substitute for bringing perpetrators to justice. The Working Group called upon Governments to sign and ratify the International Convention for the Protection of all Persons from Enforced Disappearance and accept the competence of the Committee-to-be under articles 31 and 32 of the Convention. It noted that only one more ratification or accession by a State Party was required for its entry into force.

## **G. General comments**

39. In 2010, the Working Group adopted two general comments: on enforced disappearance as a continuous crime and on the Right to the Truth in relation to enforced disappearance.

### **General comment on enforced disappearance as a continuous crime**

#### *Preamble*

“With a view to focusing the attention of States more effectively on the relevant obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group on Enforced or Involuntary Disappearances decided to adopt general comments on those provisions of the Declaration that might need further explanation.

The following general comment complements its previous general comment on article 17 of the Declaration regarding the interpretation of the continuous nature of the crime of enforced disappearance.

Under international law, “*The breach of an international obligation by an act of a State having a continuing character extends over the entire period during which the act continues and remains not in conformity with the international obligation*”

(Articles on Responsibility of States for internationally wrongful acts, General Assembly resolution 56/83, Article 14 § 2)

Various international treaties, and international, regional and domestic tribunals have recognized that enforced disappearances are continuing acts and continuing crimes.

Article 17 § 1 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance provides:

*“Acts constituting enforced disappearance shall be considered a continuing offence as long as perpetrators continue to conceal the fate and whereabouts of persons who have disappeared.”*

This continuous nature of enforced disappearances has consequences with regards to the application of the principle of non retroactivity, both in treaty law and criminal law.

Article 28 of the Vienna Convention on the Law of Treaties of 1969 provides that:

*“Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.”*

It is also a practice of some States, when ratifying a convention, to issue a reservation providing that the treaty shall not apply to acts that occurred before the entry into force of the treaty for this State.

Equally, the Universal Declaration of Human Rights provides in its article 11 § 2:

*“No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.”*

Based on the foregoing, the Working Group has decided to issue this general comment in the following terms:

#### *General comment*

1. Enforced disappearances are prototypical continuous acts. The act begins at the time of the abduction and extends for the whole period of time that the crime is not complete, that is to say until the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual.

2. Even though the conduct violates several rights, including the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and also violates or constitutes a grave threat to the right to life, the Working Group considers that an enforced disappearance is a unique and consolidated act, and not a combination of acts. Even if some aspects of the violation may have been completed before the entry into force of the relevant national or international instrument, if other parts of the violation are still continuing, until such time as the victim's fate or whereabouts are established, the matter should be heard, and the act should not be fragmented.

3. Thus, when an enforced disappearance began before the entry into force of an instrument or before the specific State accepted the jurisdiction of the competent body, the fact that the disappearance continues after the entry into force or the acceptance of the jurisdiction gives the institution the competence and jurisdiction to consider the act of enforced disappearance as a whole, and not only acts or omissions imputable to the State that followed the entry into force of the relevant legal instrument or the acceptance of the jurisdiction.

4. The Working Group considers, for instance, that when a State is recognized as responsible for having committed an enforced disappearance that began before the entry into force of the relevant legal instrument and which continued after its entry into force, the State should be held responsible for all violations that result from the enforced disappearance, and not only for violations that occurred after the entry into force of the instrument.

5. Similarly, in criminal law, the Working Group is of the opinion that one consequence of the continuing character of enforced disappearance is that it is possible to convict someone for enforced disappearance on the basis of a legal instrument that was enacted after the enforced disappearance began, notwithstanding the fundamental principle of non retroactivity. The crime cannot be separated and the conviction should cover the enforced disappearance as a whole.

6. As far as possible, tribunals and other institutions ought to give effect to enforced disappearance as a continuing crime or human right violation for as long as all elements of the crime or the violation are not complete.

7. Where a statute or rule of procedure seems to negatively affect the continuous violation doctrine, the competent body ought to construe such a provision as narrowly as possible so that a remedy is provided or persons prosecuted for the perpetration of the disappearance.

8. In the same spirit, reservations that exclude the competence of such a body for acts or omissions that occurred before the entry into force of the relevant legal instrument or the acceptance of the institution's competence should be interpreted so not to create an obstacle to hold a State responsible for an enforced disappearance that continues after this."

### **General comment on the right to the truth in relation to enforced disappearance**

#### *Preamble*

"The right to the truth – sometimes called the right to know the truth – in relation to human rights violations is now widely recognized in international law. This is witnessed by the numerous acknowledgements of its existence as an autonomous right at the international level, and through State practice at the national level. The right to the truth is applicable not only to enforced disappearances. However, this general comment is concerned solely with enforced disappearances in the context of the Declaration on the Protection of All Persons from Enforced Disappearance.

At the international level, the right to the truth relating to enforced disappearances or missing persons is recognized in a number of instruments. Article 32 of Protocol I to the Geneva Conventions establishes "the right of families to know the fate of their [disappeared] relative". Article 24 of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance states:

“Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. Each State Party shall take appropriate measures in this regard.”

The existence of the right to the truth as an autonomous right was acknowledged by the Working Group on Enforced or Involuntary Disappearances (WGEID) in its very first report (E/CN.4/1435, 22 January 1981, § 187). It has also been recognized by various other international bodies at the universal and regional levels (for relevant case law, see in particular the “Study on the right to the truth”, report of the UN Office of the High Commissioner for Human Rights, E/CN.4/2006/91, 8 February 2006); by intergovernmental bodies, including the Human Rights Commission and now the Human Rights Council (see resolutions 2005/66 of 20 April 2005 of the Commission; decision 2/105, 27 November 2006; resolution 9/11, 18 September 2008; and 12/12, 1 October 2009 of the Council).

The existence of the right to the truth in international law is accepted by State practice consisting in both jurisprudential precedent and by the establishment of various truth seeking mechanisms in the period following serious human rights crises, dictatorships or armed conflicts (see the “Study on the right to the truth”, op. cit.). Those mechanisms include the launching of criminal investigations and the creation of “truth commissions” designed to shed light on past violations and, generally, to facilitate reconciliation between different groups.

The right to the truth is both a collective and an individual right. Each victim has the right to know the truth about violations that affected him or her, but the truth also has to be told at the level of society as a “vital safeguard against the recurrence of violations”, as stated in Principle 2 of the *Set of principles for the protection and promotion of human rights through action to combat impunity* (E/CN.4/2005/102/Add.1)

Principle 3 of this document specifies that the State has a correlative “duty to preserve memory”:

“A people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.”

Principle 4 establishes the “victim’s right to know” as an individual right:

“Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims’ fate.”

The Working Group has often recommended that States adopt measures to promote truth, reparations for victims and reconciliation in their societies, as a means of implementing the right to the truth and the right to integral reparation for victims of enforced disappearances. Based on its experience, the Working Group has acknowledged that such processes are often crucial to ensure non-repetition of enforced disappearances as well as to clarify cases, by uncovering the truth of the fate or the whereabouts of disappeared persons. However, the Working Group has

also underlined that reconciliation between the State and the victims of enforced disappearance cannot happen without the clarification of each individual case.

The 1992 Declaration on the Protection of All Persons from Enforced Disappearance enumerates a number of obligations that flow from the right to the truth.

Based on the foregoing, the Working Group has decided to adopt this general comment in the following terms:

*General comment*

1. The right to the truth in relation to enforced disappearances means the right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s).

2. The right to the truth in relation to enforced disappearances should be clearly distinguished from the right to information, and in particular the right of the relatives or other persons with a legitimate interest, their representatives or their legal counsel, to obtain information on a person who is deprived of his liberty. The right to information on the person detained, together with the non-derogable right of *habeas corpus*, should be considered central tools to prevent the occurrence of enforced disappearances.

3. Article 13 of the Declaration recognizes the obligation of the State to investigate cases of enforced disappearances. Paragraph 4 of Article 13 specifies that “the findings of such an investigation shall be made available upon request to all interested persons, unless doing so would jeopardize an ongoing criminal investigation.” In light of the developments that happened since 1992, the Working Group deems that the restriction in the last part of this paragraph should be interpreted narrowly. Indeed, the relatives of the victims should be closely associated with an investigation into a case of enforced disappearance. The refusal to provide information is a limitation on the right to the truth. Such a limitation must be strictly proportionate to the only legitimate aim: to avoid jeopardizing an ongoing criminal investigation. A refusal to provide any information, or to communicate with the relatives at all, in other words a blanket refusal, is a violation of the right to the truth. Providing general information on procedural matters, such as the fact that the matter has been given to a judge for examination, is insufficient and should be considered a violation of the right to the truth. The State has the obligation to let any interested person know the concrete steps taken to clarify the fate and the whereabouts of the person. Such information must include the steps taken on the basis of the evidence provided by the relatives or other witnesses. While the necessities of a criminal investigation may justify restricting the transmission of certain information, there must be recourse in the national legislation to review such a refusal to provide the information to all interested persons. This review should be available at the time of the initial refusal to provide information, and then on a regular basis to ensure that the reason for the necessity that was invoked by the public authority to refuse to communicate, remains present.

4. Paragraph 6 of Article 13 provides that: “An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.” The obligation to continue the investigation for as long as the fate and the whereabouts of the disappeared remains unclarified is a consequence of the continuing nature of enforced disappearances (see the Working Group’s general comment on article 17

and its general comment on enforced disappearance as a continuous human rights violation and continuous crime).

It also makes it clear that the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation. No legitimate aim, or exceptional circumstances, may be invoked by the State to restrict this right. This absolute character also results from the fact that the enforced disappearance causes “anguish and sorrow” (5th preambular paragraph of the Declaration) to the family, a suffering that reaches the threshold of torture, as it also results from article 1§2 of the same Declaration that provides: “Any act of enforced disappearance (...) constitutes a violation of the rules of international law guaranteeing, (...) the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.” In this regard, the State cannot restrict the right to know the truth about the fate and the whereabouts of the disappeared as such restriction only adds to, and prolongs, the continuous torture inflicted upon the relatives.

5. The State’s main obligations under the right to the truth are mainly procedural and include: the obligation to investigate until the fate and the whereabouts of the person have been clarified; the obligation to have the results of these investigations communicated to the interested parties under the conditions specified in paragraph 3 of this general comment; the obligation to provide full access to archives; and the obligation to provide full protection to witnesses, relatives, judges and other participants in any investigation. There is an absolute obligation to take all the necessary steps to find the person, but there is no absolute obligation of result. Indeed, in certain cases, clarification is difficult or impossible to attain, for instance when the body, for various reasons, cannot be found. A person may have been summarily executed, but the remains cannot be found because the person who buried the body is no longer alive, and nobody else has information on the person’s fate. The State still has an obligation to investigate until it can determine by presumption the fate or whereabouts of the person.

In its general comment on article 19 (the right to compensation), the Working Group made it clear that: “As a general principle, no victim of enforced disappearance shall be presumed dead over the objections of the family.”

6. The right to know the truth about the fate and the whereabouts includes, when the disappeared person is found to be dead, the right of the family to have the remains of their loved one returned to them, and to dispose of those remains according to their own tradition, religion or culture. The remains of the person should be clearly and indisputably identified, including through DNA analysis. The State, or any other authority, should not undertake the process of identification of the remains, and should not dispose of those remains, without the full participation of the family and without fully informing the general public of such measures. States ought to take the necessary steps to use forensic expertise and scientific methods of identification to the maximum of its available resources, including through international assistance and cooperation.

7. The right to know the truth about the fate and the whereabouts also applies to the cases of children who were born during their mothers’ enforced disappearances, and who were thereafter illegally adopted. Article 20 of the Declaration provides that such acts of abduction, as well as the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such”. The same provision also provides that States “shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin”. That is to say that the falsity of

the adoption should be uncovered. Both the families of the disappeared and the child have an absolute right to know the truth about the child's whereabouts. However, paragraph 2 of the same article tries to ensure a balance when it comes to the issue of whether the adoption should be revisited. This balance, taking into consideration the best interest of the child, does not prejudice the right to know the truth of the family of origin or the child's whereabouts.

8. The right to know the truth about the circumstances of the disappearance, in contrast, is not absolute. State practice indicates that, in some cases, hiding parts of the truth has been chosen to facilitate reconciliation. In particular, the issue whether the names of the perpetrators should be released as a consequence of the right to know the truth is still controversial. It has been argued that it is inappropriate to release the names of the perpetrators in processes such as "truth commissions", when perpetrators do not benefit from the legal guarantees normally granted to persons in criminal processes, in particular the right to be presumed innocent. Regardless, under article 14 of the Declaration, the State has an obligation to bring any person alleged to have perpetrated an enforced disappearance "before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force."

However, in its general comment on article 18 of the Declaration, the Working Group noted that the prohibition of amnesty provided for by article 18 allowed "limited and exceptional measures that directly lead to the prevention and termination of disappearances, as provided for in article 3 of the Declaration, even if, *prima facie*, these measures could appear to have the effect of an amnesty law or similar measure that might result in impunity."

The Working Group continued:

"Indeed, in States where systematic or massive violations of human rights have occurred as a result of internal armed conflict or political repression, legislative measures that could lead to finding the truth and reconciliation through pardon might be the only option to terminate or prevent disappearances."

In other words, restrictions on the right to the truth do not affect the right to justice of the victims, i.e. the decision not to release the names of the perpetrators in a truth process does not prevent a prosecution from occurring. In the meantime, the realization of the right to the truth may in exceptional circumstances result in limiting the right to justice, within the strict limits contained in paragraphs 6 and 8 of the Working Group's general comment on article 18 and taking account paragraph 3-b of the same general comment. The Working Group in particular recalls that: "Pardon should only be granted after a genuine peace process or bona fide negotiations with the victims have been carried out, resulting in apologies and expressions of regret from the State or the perpetrators, and guarantees to prevent disappearances in the future" (general comment on article 18, § 8-b). In addition, the Working Group is of the opinion that no such limitation may occur when the enforced disappearance amounts to a crime against humanity (on the definition of enforced disappearances as a crime against humanity, see the WGEID's general comment on this issue).

9. The right to the truth implies that the State has an obligation to give full access to information available, allowing the tracing of disappeared persons. Paragraph 2 of Article 13 of the Declaration states that the "competent authority [to investigate] shall have the necessary powers and resources to conduct the



investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits". This authority should also have the power to have full access to the archives of the State. After the investigations have been completed, the archives of the said authority should be preserved and made fully accessible to the public.

10. Finally, the right to the truth also ensures that the State has an obligation to provide the necessary protection and assistance to victims, witnesses and other interested persons. The search for truth often provokes perpetrators and others, who may attempt to prevent the truth from being discovered by threatening or even attacking persons participating in an investigation. Thus, the State has an obligation to provide for effective protection of interested parties. Paragraph 3 of Article 13 is very clear when it states that "[s]teps 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." In particular, the State may set up a witness protection programme through an independent institution."

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

#### Afghanistan

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

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

### Observations

41. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to accept the competence of the Committee under articles 31 and 32.

### Albania

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

42. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document A/HRC/13/31.

### Observations

43. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and recognizing the competence of the Committee under articles 31 and 32.

### Algeria

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 11</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>2,912</i>	<i>0</i>	<i>11</i>	<i>0</i>	<i>0</i>	<i>2,923</i>

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent Appeals</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	Yes	<i>Government response</i>	Yes
<i>Working Group request for a visit</i>	Yes	<i>Government response</i>	Yes <sup>2</sup>

### **Standard procedures<sup>3</sup>**

44. The Working Group transmitted 11 newly reported cases to the Government. The majority concerned persons who allegedly disappeared between 1994 and 1995, in El Aouna and Jijel. Most disappearances are attributed to the National Gendarmerie.

### **Information from the Government**

45. The Government transmitted five communications dated 14 and 25 May 2010, 8 and 10 June, and 12 November 2010. The first includes replies to prompt intervention letters sent on 29 September 2009 and 5 January 2010. The second includes a reply to a prompt intervention letter sent by the Working Group on 19 April 2010. The third concerned timelines for the submission of information. In the fourth communication, the Government informed the Working Group that the request for additional information and documentation by the Working Group on outstanding cases had been forwarded to the authorities in charge of the civil registry. In the fifth communication, the Government informed the Working Group that it would not be in a position to forward all supporting documents which were requested concerning outstanding cases; however, the Government proposed that the Working Group could travel to Algiers to consult the above-mentioned documents and meet with the families of those allegedly disappeared but found alive.

### **Prompt intervention**

46. On 5 January 2010, the Working Group sent a prompt intervention letter to the Government regarding the alleged harassment suffered by relatives of a disappeared person to accept a presumption of death certificate.

47. On 19 April 2010, the Working Group, together with two other Special Procedures mechanisms, sent a second prompt intervention letter to the Government concerning the alleged dispersion, by the use of force, of a group of relatives of disappeared people who were peacefully demonstrating in front of the Ministry of Justice on 11 April 2010. On 24 August 2010, the Working Group, together with three other Special Procedures mechanisms, sent a new communication to the Government concerning a prohibition imposed on mothers of disappeared persons to assemble peacefully on 4, 11 and 18 August 2010, and the repression suffered by the mothers and others demonstrating on 11 August 2010.

48. On 14 May 2010, the Government replied to a prompt intervention letter sent on 29 September 2009, regarding the alleged harassment of families of victims of enforced

<sup>2</sup> See para. 51.

<sup>3</sup> See annex V for the list of names of the newly reported cases of disappeared persons.

disappearances who were allegedly forced to request a presumption of death certificate, stating that it considered this communication an urgent appeal and a repetition of vague allegations and general accusations from a politically motivated source. Therefore, the Government did not deem it appropriate to reply.

49. In the same communication, the Government also replied to the prompt intervention letter sent on 5 January 2010. It stated that, following receipt of the communication, the competent authorities had gathered additional information from the subject of the communication, who made a statement to the national gendarmerie reiterating his position on refusing compensation and restating his request that an investigation be opened to determine the circumstances of the disappeared person or to find incontrovertible evidence of his death. In the absence of such evidence, he maintained his refusal to follow any judicial procedure to obtain a legal declaration of death. The Government stressed that the subject of the communication had at no point stated that he had been the victim of harassment or reprisals on the part of any authority. The Government also noted the general framework for handling the issue of disappeared persons in Algeria in accordance with the Charter for Peace and National Reconciliation adopted by referendum in 2005. It stated that the procedure has been accepted by a majority of the families concerned and that families are informed of their rights by the competent administrative and judicial authorities. In addition, it stated that in full conformity with this approach, the opinions, positions and choices expressed by those families who refuse the approach were fully respected.

50. On 25 May 2010, the Government replied to the prompt intervention letter sent on 19 April 2010 stating that, during the morning of 11 April 2010, officers in charge of public order dispersed a group of people in front of the Ministry of Justice who were demonstrating and thereby creating traffic problems. The majority of those demonstrating agreed to leave except for a small group. Contrary to what was alleged, the persons were never subjected to ill-treatment by public order agents who, at first, simply invited them to disperse and, when they refused, proceeded to disperse them. None has submitted a complaint to the authorities and for this reason no investigation has been opened.

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

51. On 25 August 2000, the Working Group requested an invitation to undertake a mission to Algeria. A reminder was sent on 21 October 2010. On 12 November 2010, the Government informed the Working Group that it would not be in a position to forward all supporting documents which were requested concerning outstanding cases; however, the Government proposed that the Working Group could travel to Algiers to consult the above-mentioned documents and meet with the families of those allegedly disappeared but found alive.

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

52. Since its establishment, the Working Group has transmitted 2,950 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by the source, 9 cases have been clarified on the basis of information provided by the Government, and 2,923 remain outstanding.

#### **Observations**

53. It is gratifying that after a long period of lack of engagement the Government of Algeria continues to be involved in a process of dialogue and cooperation with the Working Group.

54. The Working Group notes that about 200 cases of its present backlog concern Algeria. It will deal with them at its ninety-third session.

55. While welcoming the cooperation with the Government of Algeria, the Working Group remains concerned about allegations regarding the prohibition imposed on the mothers of disappeared persons to assemble peacefully and the repression they have suffered while demonstrating.

56. The Working Group notes the observations made in 2007, 2008 and 2009 regarding the Government's obligations under article 13 of the Declaration to take steps to ensure that all involved in the investigations are protected against ill-treatment, intimidation or reprisal.

57. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify the Convention and accept the competence of the Committee under articles 31 and 32.

## Angola

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

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

## Meetings

59. Representatives of the Government of Angola met with the Working Group at its ninetieth session to discuss developments connected to cases.

## Observations

60. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

**Argentina\***

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
3,290	0	0	0	0	3,288 <sup>4</sup>
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
7	No			1	
Urgent appeals	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

**Information from the Government**

61. The Government transmitted three communications dated 22 February, 14 April and 4 November 2010. In the first communication, the Government provided information on seven outstanding cases. Based on this information, the Working Group decided at its ninety-second session to apply the six-month rule to one case. For the other six cases, the information provided did not lead to clarification. The second and third communications could not be translated in time for inclusion in the present report.

**Information from sources**

62. Information was received from sources concerning two outstanding cases.

**Total cases transmitted, clarified and outstanding**

63. Since its establishment, the Working Group has transmitted 3,449 cases to the Government; of those, 52 cases have been clarified on the basis of information provided by the source, 107 cases have been clarified on the basis of information provided by the Government, 2 have been deleted and 3,288 remain outstanding.

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

<sup>4</sup> The Working Group determined that two outstanding cases were duplicates and were subsequently eliminated from its records.

## Observations

64. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and recognizing the competence of the Committee under articles 31 and 32.

## Azerbaijan

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

## Observations

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

66. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Bahrain

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	1	0	0	0	1

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
<i>1</i>	<i>No</i>	<i>0</i>	
<i>Urgent Appeals</i>	<i>Yes</i>	<i>Government response</i>	<i>Yes</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### **Urgent actions**

67. The Working Group sent one case under its urgent action procedure to the Government. The case concerned Mr. **Ali Ebrahim Al-Jufairy**, who was allegedly abducted by State agents in civilian clothes from the Marwazan area of Sanabis village on 28 March 2010.

### **Urgent appeals**

68. On 15 September 2010, the Working Group, jointly with four other special procedures mechanisms, transmitted an urgent appeal to the Government concerning Mr. **Abduljalil Al Singace**, Mr. **Abdul Ghani Al Kanja**, Mr. **Jaffar Al-Hessabi**, and Mr. **Mohammed Saeed**, who were reportedly arrested between 13 and 17 August 2010, and taken to an undisclosed place of detention.

69. On 12 October 2010, the Government replied to the urgent appeal. It stated that the four persons had been arrested in light of the existence of confirmed information, investigations and evidence that they were part of a structured terrorism network and that, given the nature of their suspected crimes, their arrests were carried out under Law No. 58/2006. The Government also noted that the four detainees preserve their right to be visited by, and correspond with, family and friends and that such visits are ongoing.

### **Information from the Government**

70. The Government transmitted two communications dated 12 October and 3 November 2010. In the first communication, the Government replied to the urgent joint appeal sent on 15 September 2010. The second communication, concerning the outstanding case, was not translated in time for inclusion in the present report.

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

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

### **Observations**

72. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.



## Bangladesh

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	1	0	0	0	4

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
1	No	0	

<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	N/A	<i>Government response</i>	N/A

### Urgent actions

73. The Working Group sent one case under its urgent action procedure to the Government. The case concerned Mr. **Mohammad Chowdhury Alam**, who was allegedly abducted in Dhaka by about seven law enforcement officers in civilian clothing on 25 June 2010. The Government acknowledged receipt of this case.

### Information from the Government

74. On 12 May 2009, the Government of Bangladesh transmitted a communication on one outstanding case, which owing to a technical error was not reflected in report A/HRC/13/31. The information included was insufficient to clarify the case.

75. During the period under review, no information was received from the Government concerning outstanding cases.

### Total cases transmitted, clarified and outstanding

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

### Observations

77. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Belarus

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

### Information from the Government

78. The Working Group received two communications from the Government dated 22 February and 2 June 2010, regarding one outstanding case and the three outstanding cases respectively. The information provided was considered insufficient to lead to clarification.

### Information from sources

79. Information was received from sources concerning one outstanding case.

### Total cases transmitted, clarified and outstanding

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

### Observations

81. The Working Group reminds the Government of its obligations under the Declaration to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified” (art. 13.6) and to ensure that statutes of limitations, where they exist, relating to acts of enforced disappearance are substantial and commensurate with the extreme seriousness of the offence (art. 17.3).

82. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Bhutan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5	0	0	0	0	5
Number of cases on which the Government has replied		Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)	
0		N/A		0	
Urgent Appeal		N/A	Government response		N/A
General allegation		N/A	Government response		N/A
Prompt intervention letter		N/A	Government response		N/A
Working Group request for a visit		N/A	Government response		N/A

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

## Observations

84. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Bolivia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
28	0	0	0	0	28
<hr/>					
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	

<i>Urgent Appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

#### Information from sources

86. A source provided additional information on seven outstanding cases.

#### Total cases transmitted, clarified and outstanding

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

#### Observations

88. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

#### Bosnia and Herzegovina\*

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Number of cases on which the Government has replied</i>			<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>
<i>N/A</i>			<i>N/A</i>		<i>N/A</i>

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

<i>Urgent Appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

## Visit

89. The Working Group visited Bosnia and Herzegovina from 14 to 21 June 2010 (see A/HRC/16/48/Add.1) The visit was followed by its ninety-first session, held in Sarajevo from 22 to 25 June 2010.

## Observations

90. The Working Group thanks the Government for the cooperation extended during its visit and for hosting its ninety-first session.

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

92. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Brazil

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

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

## Observations

94. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32

## Burundi

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
52	0	0	0	0	52
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent Appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Government response	None	

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

## Request for a visit

96. On 27 May 2009, the Working Group requested an invitation to visit the country. No response has been received to date.

## Observations

97. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Cameroon

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
15	0	0	1	0	14

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
15	Yes	0	

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

98. The Government transmitted two communications on 17 June 2009 and 16 June 2010 concerning all outstanding cases. The information provided led to the clarification of one case, but was insufficient to clarify the remaining 14.

### Information from sources

99. Information was received from the source confirming the information provided by the Government that led to the clarification of one outstanding case.

### Clarification

100. Following the information received from the Government, the Working Group decided to clarify one case.

### Total cases transmitted, clarified and outstanding

101. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by the Government and 14 remain outstanding.

### Observations

102. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Chad

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

### Information from the Government

103. The Government transmitted three communications dated 22 September 2009, and 8 February and 7 June 2010. The first communication concerned a case which had been previously clarified by the source. The second and third communications concerned respectively one outstanding case and all outstanding cases. The information provided was insufficient to clarify them.

### Meetings

104. Representatives of the Government of Chad met with the Working Group at its ninetieth and ninety-first sessions to discuss developments connected to cases.

### Total cases transmitted, clarified and outstanding

105. Since its establishment, the Working Group has transmitted 34 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the source, 3 cases have been clarified on the basis of information provided by the Government, and 30 remain outstanding.

### Observations

106. The Working Group appreciates the meetings held with representatives of the Government of Chad and looks forward to its continued cooperation.

107. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.



## Chile

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 1		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
807	0	0	1	0	806
Number of cases on which the Government has replied		Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)	
0		N/A		0	
Urgent appeal		N/A	Government response		N/A
General allegation		N/A	Government response		N/A
Prompt intervention letter		N/A	Government response		N/A
Working Group request for a visit		Yes	Government response		Yes

### Information from the Government

108. The Government transmitted two communications dated 10 March and 30 September 2010. In the first, the Government informed the Working Group of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. In the second communication, the Government replied positively to the Working Group's request for a visit.

### Clarification

109. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify one case.

### Request for a visit

110. On 18 August 2010, the Working Group requested an invitation to undertake a mission to the country. On 30 September 2010, the Government invited the Working Group to undertake the mission in 2012.

### Total cases transmitted, clarified and outstanding

111. Since its establishment, the Working Group has transmitted 907 cases to the Government; of those, 23 cases have been clarified on the basis of information provided by the source, 78 cases have been clarified on the basis of information provided by the Government, and 806 remain outstanding.

### Observations

112. The Working Group thanks the Government for having extended an invitation to visit the country in 2012.

113. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accepting the competence of the Committee under articles 31 and 32.

## China

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
28	1	0	0	0	29
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A		N/A		N/A	
<i>Urgent appeals</i>	<i>Yes</i>	<i>Government response</i>		<i>No</i>	
<i>General allegation</i>	<i>Yes</i>	<i>Government response</i>		<i>No</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>		<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>		<i>N/A</i>	

### Urgent actions

114. One case was sent to the Government under its urgent action procedure. It concerned Mr. **Feng Jiang**, a Falun Gong practitioner who was allegedly arrested by Chinese authorities at Shanghai Pudong Airport on 18 February 2010.

### Urgent Appeals

115. The Working Group transmitted two urgent appeals to the Government. The first communication was sent on 23 April 2010, jointly with two other special procedures mechanisms, and concerned Ms. **Mao Hengfeng**, who was being held at Yangpu Detention Center and then reportedly transferred to an unknown location. The second communication was sent on 30 April 2010, jointly with four other special procedures mechanisms, and concerned Mr. **Cao Du**, a grantee of the United Nations Voluntary Fund for Indigenous Populations, who was reportedly abducted by the police at Beijing Capital International Airport before boarding his flight to New York City to attend the ninth session of the United Nations Permanent Forum on Indigenous Issues and later taken to an unknown location.

### Information from the Government

116. The Government transmitted a communication on 4 September 2009, which could not be translated in time for inclusion in report A/HRC/13/31 and in this report. During the reporting period, the Government transmitted four communications dated 12 and 25

February, 22 April and 5 July 2010, which could not be translated in time for inclusion in the present report.

### **Information from sources**

117. Information was received from sources concerning two outstanding cases.

### **General allegations**

118. Information was submitted by sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. This information was transmitted to the Government on 6 August 2010, after the Working Group's ninety-first session.

119. The source informed the Working Group that, following the July 2009 unrest in Urumqi, Xinjiang, hundreds of Uighur young men were reportedly detained on suspicion of having participated in the unrest and some of them were also subjected to enforced disappearance.

120. According to the source, immediately after the July 2009 unrests, Chinese security forces allegedly conducted several detentions in two areas of Urumqi with a high Uighur population, namely Erdaoqiao and Saimachang, which continued, on a lesser scale, until at least mid-August 2009. Reportedly, most of the victims were young Uighur men. It was alleged that Uighur people were arrested at their homes, hospitals, places of work and streets, questioned about their participation in the July protests and, then taken away in trucks. It was further alleged that when some of the families requested information to determine the fate or whereabouts of the disappeared people, the relevant law enforcement authorities denied the arrests or just sent the families away.

121. As a result, according to the source, following the July 2009 unrests and until 18 August 2009, at least 43 cases of enforced disappearances of Uighur young men were documented in the Uighur areas of Urumqi. However, the source alleges that the real number of enforced disappearances in these areas might be much higher. It was further alleged that some Han Chinese people might also have been subjected to enforced disappearance.

122. No response was received from the Government regarding this general allegation.

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

123. Since its establishment, the Working Group has transmitted 117 cases to the Government; of those, 11 cases have been clarified on the basis of information provided by the source, 77 cases have been clarified on the basis of information provided by the Government, and 29 remain outstanding.

### **Observations**

124. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Colombia

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 1		Cases clarified during the period under review: 7		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
963	0	1	6	1	957
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
33	Yes		5		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	Yes		Government response	No	
Working Group request for a visit	N/A		Government response	N/A	

### Standard procedures

125. The Working Group transmitted one newly reported case to the Government. The case concerned Mr. **Rosember Suarez Varga**, who was allegedly abducted on 27 August 1991, in Zarzal, by the National Police.

### Information from the Government

126. The Government transmitted two communications dated 13 July and 24 September 2009 which were not translated in time for inclusion in report A/HRC/13/31. In these communications, the Government replied to two general allegations sent by the Working Group on 15 May and 22 July 2009 respectively, as reported below.

127. During the reporting period, the Government sent six communications to the Working Group.

128. In the first communication, dated 10 February 2010, the Government transmitted information on 23 cases. Based on this information, at its ninetieth session the Working Group decided to apply the six-month rule to six cases. For 7 cases, the Working Group sent the information to the sources for possible closure. Regarding the remaining cases, the information provided was considered insufficient to clarify them.

129. In the second communication, dated 19 February 2010, the Government transmitted information on 13 cases. Based on this information, at its ninety-first session the Working Group decided to apply the six-month rule to five cases. On another five cases, the Working Group sent the information to the sources for possible closure. Regarding the remaining cases, the information provided was considered insufficient to clarify them.

130. In the third communication, dated 16 April 2010, the Government informed the Working Group about a feasibility study on the exhumations in the area known as “La Escombrera”, Comuna 13, carried out by the Municipality of Medellín.

131. The fourth communication, dated 14 June 2010, was not translated in time for inclusion in the present report.

132. In the fifth communication, dated 21 July 2010, the Government transmitted information on two outstanding cases. For one case, the information was considered insufficient to clarify it. Regarding the second case, to which the six-month rule had been applied at the ninety-first session, the Government transmitted additional information.

133. In the sixth communication, dated 31 August 2010, the Government transmitted a copy of Law No. 1408 whereby homage to the victims of the crime of enforced disappearances is paid and measures for their location and identification are established.

#### **Information from sources**

134. Sources provided information on 15 outstanding cases.

#### **Clarification**

135. Further to the information provided by the source, the Working Group decided to clarify one case.

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

#### **Prompt intervention**

137. On 7 January 2010, the Working Group sent a prompt intervention letter, jointly with another special procedures mechanism, to the Government of Colombia regarding the harassment of a human rights defender working on cases of enforced disappearances.

#### **General allegations**

##### *Reply from the Government*

138. On 13 July 2009, the Government replied to a general allegation, sent by the Working Group on 15 May 2009, concerning the approval by the First Commission of the Colombian Chamber of Representatives of bill number 044/08, known as the “Victims Law”, which established measures for reparations and protection of victims of the Colombian armed conflict. In its reply, the Government stated that the bill had been shelved by the Congress in July 2008 because of the discrepancies between the texts approved by each of its chambers and the implications of the approved text for the conciliation that took place before the bill was shelved. One of the factors that led to the shelving of the bill was that the combined text produced by the two chambers, which was to be considered by the Chamber of Representatives, was not financially viable.

139. The Government stressed that the reparations included in the law would have been solely administrative and in no way would have conflicted with, or restricted a victim’s right to take the perpetrator of the acts to court to obtain redress.

140. The Government informed the Working Group that the administrative reparation system that would have been established through the bill would have complemented the existing reparation provided for by the State for human rights violations, committed either by individuals or by the State officials, in order to achieve a full reparation programme.

141. The Government also stressed that any legislation adopted in favour of the victims must contain provisions that can be implemented, recognizing that victims cannot be granted relief by a bill that cannot be put into effect and that it was not logical or respectful

towards the victims to give them false hopes of receiving financial compensation that the country cannot offer.

142. The Government referred to several measures currently undertaken to bring to justice those responsible for enforced disappearances, such as the nationwide urgent search mechanism; the establishment of technical legal committees; better investigative strategies; the provision of support for the families of victims; the request to prosecutors who refuse to reopen cases of disappearances to provide a statement justifying the grounds for the refusal; and the creation of Prosecution Services for Humanitarian Affairs.

143. On 22 September 2009, the Government replied to a General Allegation sent by the Working Group on 22 July 2009, concerning the alleged impossibility of verifying whether there are bodies buried on the farm “La Alemania”, in Sucre, known to contain the graves of peasant farmers allegedly murdered in 1997 by paramilitaries, and, if there are, to identify them. The Government informed the Working Group that the National Prosecution Service of the Office of the Attorney-General is currently running an investigation through the Office of Special Prosecutor No. 2 in Santiago. The punishable offences being investigated under this file include conspiracy, enforced displacement, interruption of possession and threats. The Government informed the Working Group that an individual has been arrested and is being prosecuted in connection to this case and that a final judgment is awaited.

144. The Government also stated that the National Justice and Peace Unit of the Office of the Attorney-General sent a judicial police team to the farm “La Alemania” on 18 September 2009 to investigate the alleged events, and that results of these investigations will be provided by the Government at a future date.

145. In reference to the disposal of the remains of the unidentified individuals, the Government informed the Working Group of its adopted procedure in this regard. Unidentified individual remains are received by an office of the National Institute of Legal Medicine and Forensic Sciences, where they are examined for evidence and information on identification, physical, morphological, genetic and biometric properties. This information becomes part of the autopsy documentation which is afterwards entered into the Missing Persons and Corpses Network Information System (SIRDEC). This database allows officials of the National Institute of Legal Medicine to cross-reference and correlate information on cases on a national level. The remains are thereafter buried in a tomb or grave provided by the local authorities in public cemeteries, together with metal identification tags. The cemetery administration is required to provide information on the exact location of the remains and is responsible for marking the grave and ensuring reasonable upkeep.

146. The Government made reference to its institutional protection facilities for persons exposed to human rights violations, including the cases of enforced disappearance. Victims and witnesses are subject to certain requirements regarding their status, which is investigated by the Office of the Attorney-General, upon the notification of the police chief of the area. Persons at risk involved in proceedings have the option of personal protection under the auspices of various protection programmes, which are conducted by the Ministry of Interior and Justice.

147. The Government also informed the Working Group of the progress made in relation to the prevention and the investigation of enforced disappearance, noting the launch of the National Register of Missing Persons and Unidentified Corpses, the National Plan for the Search for Missing Persons and the regulation and support of the Emergency Search Mechanism, by the Commission on the Search for Missing Persons (CBPD), in addition to the already established Single Virtual Identification Centre (CUVI). Moreover, it is noted that the National Register of Missing Persons (RND) is used for storing all data relating to

the identification of missing persons and to the burial and exhumation of unidentified bodies, and that it is used by various entities involved in search, investigation and identification procedures.

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

148. Since its establishment, the Working Group has transmitted 1,236 cases to the Government; of those, 68 cases have been clarified on the basis of information provided by the source, 211 cases have been clarified on the basis of information provided by the Government, and 957 remain outstanding.

### **Observations**

149. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## **Congo, Republic of**

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
114	0	0	0	0	114
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent Appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Government response	No	

### **Information from the Government**

150. The Government transmitted one communication on 9 March 2010 submitting information concerning the persons whose families received compensation in relation to the “Beach Disappearances” case as requested by the Working Group (A/HRC/13/31, para. 155).

### **Request for a visit**

151. On 14 June 2010, the Working Group requested an invitation to undertake a mission to the country. In addition, on 15 July 2010, the Working Group suggested the end of 2010 for the mission.

### Total cases transmitted, clarified and outstanding

152. Since its establishment, the Working Group has transmitted 114 cases to the Government; all remain outstanding.

### Observations

153. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Czech Republic

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

### Observations

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

155. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.



## Democratic People's Republic of Korea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
9	0	0	0	0	9

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
9	Yes	0	

<i>Urgent Appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

156. The Government transmitted three communications to the Working Group, dated 18 January, 7 May and 16 August 2010, in which it replied on all outstanding cases. The information was considered insufficient to clarify them.

### Information from sources

157. Information was received from sources concerning eight cases.

### Total cases transmitted, clarified and outstanding

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

### Observations

159. The Working Group regrets that no progress was reported on the dialogue between the Governments of the Democratic People's Republic of Korea and Japan regarding the abducted people.

160. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Democratic Republic of the Congo

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

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

### Observations

162. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Denmark

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		

<i>Urgent Appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Observations

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

164. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Dominican Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Discontinued cases</i>	<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>		
2	0	0	0	0	1	1

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
2	No	0

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Communications from the Government

165. The Government transmitted one communication to the Working Group, dated 10 May 2010, on both outstanding cases that was considered insufficient to clarify them. On one, the Government noted that it is being considered by the Inter-American Commission on Human Rights and therefore requested the Working Group to abstain from considering it.

### Discontinuation

166. The Working Group has made numerous attempts to contact the source of one outstanding case, but to no avail. Exceptionally, the Working Group has decided, in accordance with its methods of work, to discontinue the consideration of the case. The Working Group believes that it cannot play a role as the case cannot be followed up. This case can be reopened at any time.

### Total cases transmitted, clarified and outstanding

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

### Observations

168. The Working Group reminds the Government that due to its humanitarian mandate it can continue reviewing cases even if another mechanism is looking into the matter.

169. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Ecuador

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

### Information from the Government

170. The Government transmitted two communications dated 14 December 2009 and 22 June 2010, concerning three and one outstanding cases respectively. The information provided was not sufficient to clarify the cases.

### Total cases transmitted, clarified and outstanding

171. Since its establishment, the Working Group has transmitted 26 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the source, 18 cases have been clarified on the basis of information provided by the Government, and 4 remain outstanding.

### Observations

172. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

### Egypt

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 20		Cases clarified during the period under review: 17		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
33	3	17	0	17	36
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0	N/A		0		
Urgent appeal	Yes	Government response	No		
General allegation	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

### Urgent actions

173. The Working Group sent three cases under its urgent action procedure to the Government. The first case concerned Mr. **Mamdouh Al Arabi Azhari Diab**, who, according to the information received, was allegedly transferred on 5 January 2010 from Al Marg al Jadid prison to the Shabeen al Qanater police station to be released. However, it was reported that, while the authorities of the prison affirmed that he had been transferred to the police station, the authorities of the police station denied having received him. The second case concerned Mr. **Tarek Khidr**, who was allegedly abducted by General Investigation Service agents in civilian clothes at the gate of the School of Science of the University of Alexandria on 26 March 2010. The third case concerned Mr. **Nasr Al Sayed Hassan Nasr**, who allegedly disappeared at the Banha State Security office where he was arrested after being summoned on 28 April 2010. Reportedly, the authorities denied having him in custody.

**Standard procedures<sup>5</sup>**

174. The Working Group transmitted 17 newly reported cases to the Government concerning persons allegedly last seen at the General Directorate for State Security Investigation, Investigative Bureau Headquarters in Lazoghli, Cairo, between 1992 and 1997, and whose fate and whereabouts remain unknown.

**Urgent Appeals**

175. On 16 April 2010, the Working Group, jointly with the Special Rapporteur on Torture, sent an urgent appeal to the Government concerning **Karar Deyaa El Din Mawat**, a minor, and **Hayder Deyaa El Din Mawat**, aged 18, brothers and Iraqi refugees residing in Egypt. Karar was reportedly arrested on 4 April 2010, in the Maddi region, by the Egyptian police and taken to an unknown location. Hayder was allegedly abducted from his home by the police on 12 April 2010, and was also taken to an unknown location.

**Information from the Government**

176. The Government transmitted four communications dated 28 May, 4 and 17 June, and 12 August 2010. The first and second communications could not be translated in time for inclusion in this report. The third communication concerned one case, which had been previously clarified by the source. The fourth communication, which concerned one case already clarified by the source, could not be translated in time for inclusion in the present report.

**Information from the sources**

177. Information was received from sources concerning 18 cases. As a result, 17 cases were clarified.

**Total cases transmitted, clarified and outstanding**

178. Since its establishment, the Working Group has transmitted 61 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by the source, 7 cases have been clarified on the basis of information provided by the Government, and 36 remain outstanding.

**Observations**

179. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

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<sup>5</sup> See annex V for the list of names of the newly reported cases of disappeared persons.

## El Salvador

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 1		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2,270	0	1	0	0	2,271
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeals	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

### Standard procedures

180. The Working Group transmitted one newly reported case to the Government. The case concerned Mr. **Edward Francisco Contreras Bonifacio**, allegedly abducted on 7 February 2007 by police officers when he was travelling by bus from his school to his home, in La Libertad.

### Total cases transmitted, clarified and outstanding

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

### Observations

182. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Equatorial Guinea

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

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

### Observations

184. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Eritrea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
54	0	0	0	0	54
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		



<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

### Observations

186. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Ethiopia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
112	0	0	0	0	112

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
0	N/A	0

<i>Urgent Appeal</i>	<i>Yes</i>	<i>Government response</i>	<i>No</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

### Urgent Appeals

188. On 15 January 2010, the Working Group, jointly with two other special procedures mechanisms, sent an urgent appeal to the Government concerning Mr. Nagga GEZAW, Mr. **Dhaba GIRRE** and Mr. **Jatani WARIO**, university students, who were reportedly abducted from the University of Awassa Campus by members of the security and police forces between 5 and 6 January 2010. It was alleged that their disappearances might be related to their participation in the students' movement in Gujii/Borena Zone of Oromia

Regional State, protesting against the alleged poisoning and contamination of local rivers and stream waters by uncontrolled and/or unregulated waste products from the activities of the gold mining industry at Lega Dembi.

### Observations

189. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### France\*

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

### Information from the Government

190. The Government transmitted one communication on 20 November 2009 concerning the outstanding case. The information was considered insufficient to clarify it.

### Information from sources

191. The source corrected the given name of the person whose case remains outstanding.

### Total cases transmitted, clarified and outstanding

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

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

## Observations

193. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and recognizing the competence of the Committee under articles 31 and 32.

## Gambia

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

194. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document A/HRC/7/2 and Corr. 1 and Corr 2.

## Observations

195. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Georgia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
<i>1</i>	<i>Yes</i>	<i>0</i>	
<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

196. The Government transmitted three communications dated 21 May, 5 October and 8 November 2010, which included updates on the investigations carried out to determine the fate and whereabouts of the disappeared person. The information included was considered insufficient to clarify the case.

### Total cases transmitted, clarified and outstanding

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

### Observations

198. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Greece

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review by: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
1	0	0	0	0	1

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
1	Yes	0

Urgent appeal	N/A	Government response	N/A
General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

199. The Government transmitted two communications, dated 28 August 2009, which was not recorded in report A/HRC/13/31 due to a technical error, and 21 May 2010, regarding the outstanding case. The information provided was considered insufficient to clarify the outstanding case.

### Total cases transmitted, clarified and outstanding

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

### Observations

201. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Guatemala

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

### Information from the Government

202. The Government transmitted two communications dated 8 March and 8 June 2010. The first communication included information on the activities undertaken in follow-up to the recommendations made by the Working Group following its visit to the country in 2006.

203. In the second communication, the Government of Guatemala stated its difficulties in informing the Working Group on the 2,899 outstanding cases that occurred during the period of the 36-year internal armed conflict. It reaffirmed that establishing the whereabouts or fate of disappeared persons and redressing the wrongs done to the victims

and their families are two specific aims of the transitional justice system. A further aim is to use the administration of justice to punish those responsible for the disappearances. The State has launched numerous initiatives to this end, some of them supported by civil society human rights organizations. Investigating all the human rights violations that occurred during the internal armed conflict is a complex task that requires time, perseverance and unflagging political will. It should not be forgotten that a large number — hundreds if not thousands — of Government officials agents who initiated, supported or tolerated those human rights violations continue to work in the State's administrative bodies, including the security forces. It further informed the Working Group on the activities of the Guatemalan Forensic Anthropology Foundation and of the Guatemalan Commission for the Promotion of International Humanitarian Law. It also noted the progress in the declassification of the Military Archive.

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

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

### **Observations**

205. The Working Group thanks the Government for the additional information on the implementation of the recommendations made after its visit to the country in 2006.

206. The follow-up report on the implementation of the recommendations made by the Working Group following its visit to Guatemala in 2006 (A/HRC/4/41/Add.1, paras. 99-112), can be found in addendum 2 (A/HRC/16/48/Add.2).

207. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## **Guinea**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
21	0	0	0	0	21

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
0	N/A	0

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

### Observations

209. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Haiti

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
38	0	0	0	0	38

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
0	N/A	0

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

### Observations

211. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Honduras

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
127	0	0	0	0	127
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

### Observations

213. The follow-up report on the implementation of the recommendations made by the Working Group following its visit to Honduras in 2007 (A/HRC/7/2/Add.1, para. 66), can be found in addendum 2 (A/HRC/16/48/Add.2).

214. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

## India

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 2</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
369	1	0	1	1	368



<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
72	No	16	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	Yes	<i>Government response</i>	No
<i>Working Group request for a visit</i>	Yes	<i>Government response</i>	None

### **Urgent actions**

215. The Working Group sent one case to the Government under its urgent action procedure. The case concerned Mr. **Kokulo Singh Leimakhujam**, who was allegedly abducted on 3 August 2010, at a checkpoint in Patsoi Lai Umang, Manipur, by Indian Army officials of the Maratha Light Infantry.

### **Information from the Government**

216. The Government transmitted twelve communications to the Working Group.

217. On 28 December 2009, the Government replied to a general allegation sent on 22 July 2009, as reported below.

218. On 7 April 2010, the Government replied to 13 cases. It requested more information on 8 and provided information on the remaining cases. The information included was not considered sufficient to clarify them.

219. On 8 April 2010, the Government transmitted information on 64 outstanding cases. Based on this information, the Working Group decided at its ninety-first session to apply the six-month rule to 15 of them. For the remaining cases, the information was considered insufficient to clarify them. In the same communication, the Government requested more information on two cases.

220. On 28 April 2010, the Government transmitted information on one outstanding case. On the basis of this information, the Working Group decided at its ninety-first session to apply the six-month rule.

221. On 27 May 2010, the Government transmitted two communications with information on one case and five outstanding cases respectively. The information included in both communications was considered insufficient to clarify them.

222. On 3 June 2010, the Government transmitted information on one outstanding case that was considered insufficient to clarify it.

223. On 24 June 2010, the Government transmitted information on one outstanding case that was considered insufficient to clarify it.

224. On 9 August 2010, the Government commented on the general comment on enforced disappearance as a crime against humanity issued by the Working Group in 2009.

225. On 16 August 2010, the Government requested clarification on the decision adopted by the Working Group at its ninety-first session concerning nine cases and wanted to know whether copies of death certificates concerning those cases would be of assistance to the Working Group.

226. On 20 August 2010, the Government transmitted information on two cases that was considered insufficient to clarify them.

227. On 7 October 2010, the Government transmitted information on one case that was considered insufficient to clarify it.

#### **Information from sources**

228. Information was received from sources concerning one outstanding case.

#### **Clarification**

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

230. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify one case.

#### **Prompt intervention**

231. On 29 July 2010, the Working Group, jointly with three other special procedures mechanisms, sent a prompt intervention letter to the Government regarding the arrests and detentions of Mr. **Ghulam Nabi Shaheen** and Mr. **Mian Abdul Qayoom** reportedly based on, inter alia, their work on alleged human rights violations including enforced disappearances in Kashmir.

#### **General allegations**

##### *Reply from the Government*

232. On 28 December 2009, the Government replied to a general allegation sent on 22 July 2009 (A/HRC/13/31, paras. 267-268) concerning the alleged failure by the Government of India to address instances of enforced disappearances in the region of Kashmir, stating that it has examined the communication and found the allegation contained therein to be inaccurate.

233. The Government further indicated that despite continuing cross-border terrorism in which hundreds of innocent people in Jammu and Kashmir have been killed and maimed, and despite continuing provocations, the security forces continue to exercise their utmost restraint because of the Government's emphasis on human rights protection and the adverse impact that human rights violations by security forces can have on the work being done by them in countering terrorism in the State. The Government noted that, at the administrative level, there are institutional mechanisms at the national and State levels to safeguard the fundamental rights enshrined in the Constitution as well as statutory bodies at various levels to address allegations of human rights violations. In addition, the Government stated that there are extensive sensitization programmes for the security forces deployed in the State and that it has a memorandum of understanding with the International Committee of the Red Cross to visit detainees arrested in connection with terrorism in Jammu and Kashmir. The Government further stated that, at the judicial level, the independent judiciary acts as a check on the Executive Power and has the power to order investigations. As an indicator of the Government's commitment to human rights and its measures to check cases of delinquency and dereliction of duty, 220 police, army and special forces personnel have been punished to date.

234. The Government also noted that a large number of disappearances have been perpetrated by terrorists who have, while masquerading as security personnel, abducted individuals to settle personal scores or force them to join their ranks. The latter are often

across the border for training and later either die in terrorist acts or are never heard of again. However, whenever there is prima facie information about individuals having disappeared involuntarily after being picked up by security forces, a case is duly registered and an inquiry is ordered. To date, 110 incidents of involuntary disappearances have been noted and 98 of these have been registered at different police stations. Investigations in many of these cases have been completed and charge sheets filed against erring police-special forces personnel.

235. The Government also expressed reservations at the manner in which the Working Group prejudged the allegation by deeming the sources as credible before sending the allegation to the Government.

### **Request for a visit**

236. On 16 August 2010, the Working Group requested an invitation to undertake a mission to the country. On 18 August 2010, the Government acknowledged receipt of the request but a reply has not been received.

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

237. Since its establishment, the Working Group has transmitted 431 cases to the Government; of those, 11 cases have been clarified on the basis of information provided by the source, 52 cases have been clarified on the basis of information provided by the Government, and 368 remain outstanding.

### **Observations**

238. The Working Group would like to thank the Government of India for the several communications transmitted and looks forward to also receiving a reply to the general allegation sent by the Working Group on 16 January 2009, concerning legal provisions in India that may hamper the right to a prompt and effective remedy.

239. The Working Group would like to stress that it does not prejudice the information it receives. According to its methods of work (para. 28), the Working Group transmits allegations received from credible sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances to Governments concerned so that they can comment on them within 60 days from the date when the letter was sent.

240. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## **Indonesia**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
162	0	0	0	0	162

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	Yes	<i>Government response</i>	No

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

### **Information from the Government**

242. ON 5 March 2010 the Government transmitted a communication dated 4 May 2009, which was not recorded in report A/HRC/13/31, replying to a general allegation sent in 2009 and regarding the investigations on Mr. Munir Said Thalib's murder.

### **General allegations**

243. On 5 March 2010, a communication dated 4 May 2009 was received from the Government providing further clarification on the general allegation concerning Mr. **Munir Said Thalib** (A/HRC/13/31, paras. 275-278).

244. The Government states that the President established groups mandated to investigate exclusively this case, report to him and issue a public report. The findings of these investigations have been presented to several Special Rapporteurs and to the Office of the High Commissioner for Human Rights. The Government believes that the circumstances surrounding the death were dealt with in a thorough and impartial manner by the authorities mandated to investigate and prosecute the perpetrators.

245. The Government reaffirmed that Munir Sahid Thalib was not travelling to Geneva to participate in the Intersessional Working Group on the International Convention for the Protection of All Persons from Enforced Disappearance but that he was en route to the Netherlands, via Singapore. His death does not fall under the mandate of enforced disappearances although it is recognized that he was an activist on this issue and the President of the Asian Federation Against Involuntary Disappearance.

246. The Government informed the Working Group that under civil remedies Mr. Munir Said Thalib's wife received an indemnity and that it is not aware of any incidents of intimidation or reprisal against the victim's family. If these acts were to be reported, they would be investigated and the perpetrators prosecuted accordingly as impunity is not tolerated in the country.

247. It further informed the Working Group that in August 2008, Mr. Muchdi Purwopranjono, the former deputy head of the National Intelligence Agency (BIN), was arrested for his involvement in the murder, and was tried and sentenced to 15 years' imprisonment. He was however acquitted by the South Jakarta District Court on 31 December 2008.

248. This decision was not considered in many quarters to be an encouraging development in the efforts to resolve the case. It must nevertheless be understood that the legal and decision-making procedures of the Judiciary are exempt from interference by the Executive branch of Government.

249. The Government informed the Working Group that, according to the legal process in Indonesia, individuals can contest a court decision and appeal by submitting a cassation to the Supreme Court that will decide on matters of law, including the issue of whether the lower courts have properly applied the law to the case being adjudicated. This is in line with the principle of “ne bis in idem” which states that no legal action can be instituted twice for the same cause of action which is also provided in Article 14 (7) of the ICCPR. In this case, as there was no such request made, there was no re-investigation into the case. In this regard, the Attorney-General, on behalf of the Government, was tasked to reassess this ruling by issuing a memorandum of cassation addressed to the Supreme Court which was done on 16 January 2009. The Supreme Court process takes a significant amount of time before a final and binding decision is issued.

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

250. On 12 December 2006, the Working Group requested an invitation to undertake a mission to Indonesia. The Government responded that it would not be possible to receive the Working Group during 2007 and that greater benefit would be derived from a visit at a later date. A reminder letter was sent on 16 August 2010; the Government has not yet responded.

#### **Observations**

251. The Working Group reminds the Government of its mandate to draw the attention of Governments and non-governmental organizations to different aspects of the Declaration and to recommend ways of overcoming obstacles to the realization of its provisions.

252. The Working Group considers that the right to obtain redress (art. 19) cannot be satisfied unless judicial decisions are properly implemented. In this sense it recalls that effective decisions constitute an instrument through which States comply with their obligation under the Declaration, “to contribute by all means to the prevention and eradication of enforced disappearance” (art. 2). The Working Group further recalls that enforced disappearances render their perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable under civil law, without prejudice to the international responsibility of the State concerned (art. 5).

253. The Working Group reminds the Government of its request for a visit; it would appreciate receiving proposed dates as soon as possible.

254. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Iran (Islamic Republic of)

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
514	0	0	0	0	514
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeal	Yes	Government response		No	
General allegation	N/A	Government response		N/A	
Prompt intervention letter	N/A	Government response		N/A	
Working Group request for a visit	Yes	Government response		Yes - postponed	

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

### Urgent Appeals

256. The Working Group sent two communications under its urgent appeal procedure to the Government. The first communication was sent on 24 November 2009, jointly with another special procedures mechanism, and concerned the disappearance of Mr. **Abbas Hakimzadeh**, allegedly arrested by agents from the Ministry of Intelligence on 19 November 2009. The second communication was sent on 27 January 2010, jointly with four other special procedures mechanisms, and concerned the disappearances of Mr. **Behrang Tonekaboni**, Mr. **Kaycan Farzin**, Mr. **Azad Lotpoury** and Ms. **Lily Farhadpour**, allegedly arrested between 5 and 14 January 2010. It was alleged that these arrests were related to the ongoing protests against the Government.

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

258. Since its establishment, the Working Group has transmitted 532 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by the source, 13 cases have been clarified on the basis of information provided by the Government, and 514 remain outstanding.

## Observations

259. The Working Group calls on the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Iraq

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 2</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
16,409	1	0	0	2	16,408

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
2	No	1	

<i>Urgent appeal</i>	<i>Yes</i>	<i>Government response</i>	<i>No</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

## Urgent actions

260. The Working Group sent one case under its urgent action procedure to the Government concerning Mr. **Salman Shihatha Jasim Al Mihiyawi**, who was allegedly abducted by Iraqi military personnel on 4 May 2010 from his workplace, located in al Mansoura district, Baghdad.

## Urgent Appeals

261. On 11 May 2010, the Working Group, jointly with three other special procedures mechanisms, sent an urgent appeal to the Government concerning the alleged arrest of a group of between 400 and 700 men by the Iraqi Army in the Mosul region and their further transfer and abusive treatment in a secret detention facility near Baghdad. According to the information received, while 431 of these persons were reportedly found at the Al Rusafa detention center, the fate and whereabouts of around 200 remain unknown.

## Information from the Government

262. The Government of Iraq transmitted two communications to the Working Group, dated 6 September and 7 October 2010. The first concerned one case for which the Working Group decided to apply the six-month rule at its ninety-second session. The second concerned a case which had already been clarified by the source.

### Information from sources

263. The Working Group received information from sources on four cases.

### Clarification

264. Further to the information provided by the source, the Working Group decided to clarify two cases.

### Meetings

265. Representatives of the Government met with the Working Group at its ninetieth and ninety-second sessions to discuss developments concerning outstanding cases.

### Total cases transmitted, clarified and outstanding

266. Since its establishment, the Working Group has transmitted 16,545 cases to the Government; of those, 30 cases have been clarified on the basis of information provided by the source, 107 cases have been clarified on the basis of information provided by the Government, and 16,408 remain outstanding.

### Observations

267. The Working Group reminds the Government of its obligations under the Declaration that “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” (art.10).

268. The Working Group recalls the urgent appeal concerning the arrest of a large number of persons who were allegedly held in a secret detention facility. The Working Group looks forward to receiving related information as soon as possible.

269. The Working Group appreciates the continuous dialogue with the representatives of the Government of Iraq and looks forward to receiving additional information on the outstanding cases following verification of the names in the possession of the authorities after the opening of the mass graves in the country.

270. The Working Group congratulates the Government for acceding to the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

## Ireland

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0



<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
N/A	N/A	N/A	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	N/A	<i>Government response</i>	N/A

### Observations

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

272. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Israel

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

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

## Observations

274. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Italy

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

## Observations

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

276. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Japan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	N/A	<i>Government response</i>	N/A

### **Information from the Government**

277. The Government transmitted two communications to the Working Group, dated 2 March and 12 November 2010. In these communications, the Government of Japan submitted information provided by one of the sources to eight of the cases registered under the Democratic People's Republic of Korea. The information provided by the source in the second communication also contained information on one of the cases registered under Japan.

### **Information from sources**

278. Sources provided information on one outstanding case through the Permanent Mission of Japan to the United Nations Office at Geneva.

### **Meetings**

279. Representatives of the Government of Japan met with the Working Group at its ninetieth, ninety-first and ninety-second sessions to discuss developments connected to cases.

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

280. Since its establishment, the Working Group has transmitted four cases to the Government and all remain outstanding.

### **Observations**

281. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accepting the competence of the Committee under article 32. It calls upon the Government also to accept the competence of the Committee under article 31.

## Jordan

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

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

## Observations

283. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Kuwait

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1
<hr/>					
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0		N/A		0	

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

284. The Government transmitted one communication on 12 September 2008 which was not translated in time to be included in report A/HRC/10/9 and A/HRC/13/31. It concerned information on the case which was not considered sufficient to clarify it.

### Total cases transmitted, clarified and outstanding

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

### Observations

286. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Lao People's Democratic Republic

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

### Standard procedures

287. The Working Group transmitted one newly reported case to the Government. The case concerned Ms. **Kingkeo Phongsely**, who was arrested on 2 November 2009 by secret police agents near Phonhong, when going by taxi from the city of Thalath to the city of Vientiane.

### Total cases transmitted, clarified and outstanding

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

### Observations

289. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Lebanon<sup>6</sup>

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
312	0	0	0	0	312
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

### Communications from the Working Group

290. In accordance with the Working Group's usual practice, the Government of Lebanon received a copy of the case concerning Mr. **Mohammad Daher**, who was reportedly arrested at the Jdeidet Yabous crossing, on the Syrian-Lebanese border, by Syrian General Security officers on 2 December 2009. This case is recorded under the Government of the Syrian Arab Republic.

### Information from the Government

291. One communication was received from the Government on 29 March 2010, concerning the above-mentioned case of Mr. Mohammad Daher. It could not be translated in time for inclusion in the present report.

<sup>6</sup> In accordance with the practice of the Working Group, Osman El-Hajjé did not participate in the decisions relating to this section of the report.

292. No information was received from the Government regarding its outstanding cases.

### Total cases transmitted, clarified and outstanding

293. Since its establishment, the Working Group has transmitted 320 cases to the Government; of those, 6 cases have been clarified on the basis of information provided by the source, 2 cases have been clarified on the basis of information provided by the Government and 312 remain outstanding.

### Observations

294. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Libyan Arab Jamahiriya

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 1		Cases clarified during the period under review: 2		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
9	1	0	0	2	8
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

### Urgent actions

296. The Working Group transmitted one urgent action concerning Mr. **Almanafi Ahmed Abdessalam Hassane**, aged 18, who was allegedly abducted from his home in Hal Al in Hai Al hada'iq, Benghazi, by Internal Security Force agents on 20 September 2010.

### Information from sources

297. Sources provided information on two cases.

### Clarification

298. Following the information provided by the sources, the Working Group decided to clarify two cases.

### Total cases transmitted, clarified and outstanding

299. Since its establishment, the Working Group has transmitted 15 cases to the Government; of those, 7 cases have been clarified on the basis of information provided by the source and 8 remain outstanding.

### Observations

300. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Mauritania

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

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

### Observations

302. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.



## Mexico

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 20</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
218	10	10	0	0	238

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
3	No	0	

<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	Yes	<i>Government response</i>	No
<i>Working Group request for a visit</i>	Yes	<i>Government response</i>	Yes

### Urgent actions

303. The Working Group sent ten cases under its urgent action procedure to the Government. The first three cases concerned Ms. **Nitza Paola Alvarado Espinoza**, Mr. **Angel Alvarado Herrera** and Ms. **Rocío Irene Alvarado Reyes**, who allegedly disappeared on 29 December 2009, after being arrested by army officers in uniform using official vehicles in Ciudad Juárez, Chihuahua. The fourth and fifth cases concerned Mr. **Raúl Evagelista Alonso** and Mr. **Roberto González Mosso**, who allegedly disappeared on 3 and 5 February 2010 respectively, after being arrested by military officers in Chilpancingo, Guerrero. The next four cases concerned Mr. **Saúl Valencia Policarpo**, Mr. **Marcelo Chávez Arano**, Mr. **Margarito Gaytán Martínez** and Mr. **Eric Moxano Gallegos**, who were allegedly abducted on 4 May 2010 by police officers of the Municipality of Carlos Carrillo. The tenth case concerned Mr. **Victor Ayala Tapia**, who was allegedly taken from his home, located in the Municipality of Tecpan de Galeana, Guerrero, on 14 September 2010, by a group of six men, while two State police patrols were parked 150 metres away from the scene of the incident.

### Standard procedures

304. The Working Group transmitted ten newly reported cases to the Government. The first cases concerned Mr. **Raul Alberto Hernandez Lozano**, who was allegedly abducted by military officers in Ciudad Juarez, Chihuahua, on 22 January 2009. The second and third cases concerned Mr. **José de Jesús Guzmán Jiménez** and Mr. **Solon Adenahuer Guzman Cruz**, who were allegedly abducted from their home, located in the Municipality of Zacapu, Michoacán, on 24 July 1974. The fourth case concerned Mr. **Amafer Guzman Cruz**, who was allegedly arrested in Morelia, Michoacán, on 16 July 1974. The fifth case concerned Mr. **Armando Guzmán Cruz**, who was allegedly arrested on 19 July 1974 in Mexico City at some point between his home and his work. The sixth case concerned Mr. **Venustiano Guzmán Cruz**, who was allegedly abducted in Acapulco, Guerrero, between

29 January and 2 February 1976. The seventh case concerned Mr. **Doroteo Santiago Ramírez**, who was allegedly abducted in the city of Morelia, Michoacán on 16 July 1974. The eighth case concerned Mr. **Rafael Chávez Rosas**, who was allegedly arrested in Morelia, Michoacán on 16 July 1974. The ninth case concerned Mr. **David Jiménez Sarmiento**, who was allegedly arrested in the Municipality of Atizapán de Zaragoza, Mexico State, on 7 May 1975. Reportedly, most of these arrests were carried out by military and police agents. The tenth case concerned Mr. **Gustavo Castañeda Puentes**, who was allegedly arrested by police officers of the Monterrey Police at the Obispado Sector of Monterrey, Nuevo León, on 25 February 2009.

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

305. On 16 October 2009, the Government transmitted one communication concerning three outstanding cases. The information provided was considered insufficient to clarify them.

#### **Information from sources**

306. Sources provided information on nine outstanding cases.

#### **Prompt intervention**

307. On 2 February 2010, the Working Group, jointly with two other special procedures mechanisms, sent a prompt intervention letter to the Government regarding Ms. Cipriana Jurado Herrera, a human rights defender working on, inter alia, enforced disappearances, who allegedly received threats and suffered acts of intimidation and harassment because of her human rights-related activities.

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

308. On 23 April 2010, the Working Group requested an invitation to undertake a mission to the country. On 9 June 2010, the Government invited the Working Group to undertake a mission to, and hold its ninety-third session in, Mexico in March 2011. On 5 October 2010, the Working Group suggested the session be held from 15 to 18 March 2011 and the mission from 22 March to 1 April 2011.

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

309. Since its establishment, the Working Group has transmitted 412 cases to the Government; of those, 24 cases have been clarified on the basis of information provided by the source, 134 cases have been clarified on the basis of information provided by the Government, 16 cases have been discontinued and 238 remain outstanding.

#### **Observations**

310. The Working Group again expresses concern that during the period under review ten urgent actions, some concerning women, were sent to the Government.

311. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

## Montenegro

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

### Closure

312. Following the issuance of the presumption of death certificate by the relevant national authorities, the Working Group decided, in accordance with its methods of work and with the consent of the family, to close the outstanding case.

### Total cases transmitted, clarified and outstanding

313. Since its establishment, the Working Group has transmitted 16 cases to the Government; of those, one case has been clarified on the basis of information provided by the Government, one case has been closed with the consent of the family and 14 have been discontinued. There are no outstanding cases.

### Observations

314. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Morocco

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 7		Cases clarified during the period under review: 8		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
56	7	0	4	4	55
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
34	Yes			3	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

### Urgent actions

315. The Working Group sent seven cases under its urgent action procedure to the Government.

316. The first case concerned Mr. **Ahmed Mahmoud Haddi**, allegedly arrested in Rabat and then taken to an unknown location by agents of the “Direction de la Surveillance du Territoire” in plain clothes on 28 October 2009.

317. The second case concerned Mr. **Otman Babi**, allegedly abducted from his family home, located in Casablanca, by Security Service agents in civilian clothing on 10 March 2010.

318. The third case concerned Mr. **Abdelrahim Lahjouli**, allegedly abducted from his home, located in Casablanca, by six people who identified themselves as police officers on 30 March 2010.

319. The fourth case concerned Mr. **Adnan Zakhbat**, allegedly abducted at the gate of the Zahra Mosque, located at the entrance to Berrechid, by Security Service agents on 29 March 2010.

320. The fifth case concerned Mr. **Younes Zarli**, allegedly abducted from his family home, located in Casablanca, by a Security Service agent in civilian clothing on 11 April 2010.

321. The sixth case concerned Mr. **Rachid Almakki**, allegedly abducted in front of his home, located in Casablanca, by Security Service agents on 22 April 2010.

322. The seventh case concerned Mr. **Abdellatif Akhdife Ben Bouchaib**, who was allegedly abducted in Casablanca by Security Service agents in civilian clothing on 17 October 2010.

### **Information from the Government**

323. On 15 May 2009, the Government transmitted a communication referring to 24 outstanding cases which could not be translated in time for inclusion in report A/HRC/13/31. 21 of these cases had been discontinued by the Working Group in 2009 (A/HRC/13/31, para. 368). The information provided concerning the remaining cases was considered insufficient to clarify them.

324. On 2 October 2009, the Government transmitted a communication concerning 15 outstanding cases, which could not be translated in time for inclusion in report A/HRC/13/31. The information provided was considered insufficient to clarify 10 of these cases. Regarding the remaining five cases, the relevant documents provided by the Government have not yet been translated.

325. During the reporting period, the Government of Morocco transmitted eight communications to the Working Group.

326. In the first communication, dated 25 January 2010, the Government provided information on one outstanding case. Based on this information, the Working Group decided, at its ninetieth session, to apply the six-month rule to that case.

327. In the second communication, dated 9 February 2010, the Government transmitted information on 18 outstanding cases. The original copies of the information provided on 9 February were transmitted with the third communication, dated 19 February 2010. Based on this information, the Working Group decided, at its ninetieth session, to apply the six-month rule to two cases. In relation to one of the aforementioned cases, the Working Group is still considering the information provided by the Government. With regard to the remaining cases, the information provided was considered insufficient to clarify them.

328. In the fourth communication, dated 19 March 2010, the Government provided information on two outstanding cases. Based on this information, the Working Group decided, at its ninety-first session, to apply the six-month rule to those two cases.

329. In the fifth and sixth communications, dated 20 and 28 April 2010, the Government submitted information concerning one case which had been previously clarified by the source.

330. In the seventh communication, dated 2 June 2010, the Government provided information on three cases which had been previously clarified by the source.

331. In the eighth communication, dated 2 October 2010, the Government submitted information concerning one outstanding case. Based on this information, the Working Group decided, at its ninety-second session, to apply the six-month rule to that case.

### **Information from sources**

332. Sources provided information on six outstanding cases.

### **Clarification**

333. Following the information provided by the sources, the Working Group decided to clarify four cases.

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

### **Meetings**

335. Representatives of the Government of Morocco met with the Working Group at its ninetieth session to discuss developments connected to its outstanding cases.

### Total cases transmitted, clarified and outstanding

336. Since its establishment, the Working Group has transmitted 275 cases to the Government; of those, 51 cases have been clarified on the basis of information provided by the source, 148 cases have been clarified on the basis of information provided by the Government, 21 cases have been discontinued and 55 remain outstanding.

### Observations

337. The Working Group welcomes the continuous efforts made by the Government to clarify outstanding cases.

338. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Mozambique

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

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

### Visit

340. On 11 May 2010, the Government extended an invitation to the Chair of the Working Group and eight special procedures mechanisms to undertake a simultaneous visit to Mozambique in August 2010.

## Observations

341. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Myanmar

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 4		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5	0	0	4	0	1
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent Appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

## Clarification

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

### Total cases transmitted, clarified and outstanding

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

## Observations

344. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Namibia

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

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

### Observations

346. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Nepal

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
458	0	0	0	0	458
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		



<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>Yes</i>	<i>Government response</i>	<i>None</i>

### Information from the Government

347. The Government transmitted one communication to the Working Group dated 26 October 2010. In this communication, the Government replied to the General Allegation sent by the Working Group on 6 August 2010, as reported below.

### General allegation

#### *Summary of the general allegation*

348. Information was submitted by sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. This information was transmitted to the Government on 6 August 2010, after the Working Group's ninety-first session.

349. It was reported that impunity continues for the case of enforced disappearance, rape, torture and killing of fifteen-year-old student Maina Sunuwar in February 2004, by members of the then Royal Nepalese Army. It was alleged that those responsible for these crimes were (then Lt. Colonel) Colonel Bobby Khatri, Captain Sunil Adhikari, Captain Amit Pun and (then Captain) Major Niranjan Basnet.

350. It was also reported that, following the recommendation of a military court of inquiry, Colonel Bobby Khatri, Captain Sunil Adhikari and Captain Amit Pun were brought to trial before a court martial. On 8 September 2005, the court martial reportedly found these three officers guilty of negligence for not having observed proper procedures and sentenced them to six months' detention, imposed a total fine of 100,000 rupees and declared them ineligible for promotion for one or two years. Allegedly, the three officers were immediately released following the court martial decision because of the time they had already been confined to military barracks while awaiting trial. However, they were eventually promoted.

351. The source further indicated that the family of Ms. Maina Sunuwar challenged the decision of the court martial and pursued the case in civil court, accusing also Major Niranjan Basnet. Following a decision of the Supreme Court, a case was filed before the District Court of Kavre which, in January 2008, issued arrest warrants for the four army officers. Furthermore, in September 2009, the District Court reportedly ordered the Nepalese Army to submit the files containing the statements of the people interviewed by the Military Court of Inquiry. It was alleged that, to date, these warrants had not been executed nor the statements submitted to the District Court of Kavre. Despite the warrants, Major Basnet was sent to Chad on a United Nations peacekeeping mission. However, he was repatriated by the United Nations after his involvement in the case of Ms. Maina Sunuwar was revealed. The source indicated that, upon his arrival in Nepal on 12 December 2009, Major Basnet was arrested by the military police and, although he was due in court the following day, he was taken to his house where he still remains under house arrest. It is alleged that the case in the civil court is being delayed due to the fact that the Nepalese Army refused to hand over any of the four officers and submit the files containing the statements of the people interviewed by the Military Court of Inquiry as requested.

352. It was further alleged that the Government promoted to second-in-command of the Nepal Army General Toran Bahdur Singh, who was commander of the 10th Brigade, whose officers were responsible for at least 49 cases of enforced disappearance and torture which occurred at the then Royal Nepal Army Maharajguni barracks between 2003 and 2004. The promotion was granted in the absence of any investigation of the facts and notwithstanding that the Supreme Court ordered a stay. It is alleged that the promotion of General Toran Bahdur Singh indicates institutionalized impunity and is a direct threat to the families of the victims.

#### **Reply from the Government**

353. The Government replied to the General Allegation on 26 October 2010. Concerning the death of Maina Sunuwar, the Government informed the Working Group that the Nepalese Army established an independent high level court of inquiry board to investigate the case and that the court decided to punish the perpetrators and compensate the victim. It was indicated that the decision has been executed and that the penal sanctions faced by the officers that were held accountable were: for Colonel Bobby Khatri: (a) Six months in military custody; (b) Ineligible for promotion for 2 years; (c) A fine of Nepalese rupees (Nr.) 50,000/- as reparation for the family; and for Capt. Sunil Prasad Adhikari and Capt. Amit Pun: (a) Six months in military custody; (b) Ineligible for promotion for 1 year; (c) A fine of Nr. 25,000/- as reparation for the family.

354. The Government also noted that, to ensure the correct implementation of the compensation to the family, it had written to the District Administration Office, Kavre, to ensure the receipt of the total compensation amount (Nr. 100,000/); sent a letter from the Ministry of Defence (MOD) to the Ministry of Home Affairs (MOHA) requesting legitimate reimbursement provisions; and, in accordance with the recommendation of the National Human Rights Commission (NHRC) to pay Nr. 300 000/- in compensation to the victim's family, the amount was transferred. However, the victim's family has not accepted the compensation to date.

355. Regarding the delay of the submissions of the files containing statements of the people interviewed by the Military Court of inquiry to the District Court of Kavre in the case of Ms. Maina Sunuwar, the Government responded that, as requested by the District Police Office, Kavre, a copy of the Court Martial was submitted to the Office with an official letter and that, by order of the Supreme Court, the original verdict of the Court Martial was submitted to the Court and remains there. In addition, it stated that a copy of the verdict was sent to OHCHR-Nepal; and lastly that, likewise, the statements of the people interviewed by the Military Court Martial have already been sent to the District Court of Kavre at various times. Regarding the factors that are delaying the handing over of Colonel Bobby Khatri, Captain Sunil Adhikari, Captain Amit Pun and Major Nirnanjan Basnet to the District Court of Kavre, the Government responded that the resignations submitted by the latter two Captains were approved and officially sanctioned and that Col Bobby Khatri's terms of service were not extended by the Government. Therefore, they are no longer in military service or under military jurisdiction. Concerning the case of Major Nirnanjan Basnet, the Government noted that he was found not to be involved in the death of Maina Sunuwar at all and that his patrol was tasked to arrest her, which he performed, and then, after he handed over the detainee to his supervisor, he was relieved from his duty.

356. In relation to the allegations concerning the then Major General Toran Jung Bahadur Singh's knowledge of the actions by the Tenth Brigade, the Government responded that of all the investigations separately carried out by three high-level task forces, none had outlined the credibility of the allegations against him, or made any allegations against him for any violation of human rights. In addition, the Government indicated that, after the submission of the Ministry of Defence's report to the Parliamentary Human Rights

Committee, it was clear that the allegations did not support the admissibility of credible evidence against the aforementioned person and thus he was considered for, and subsequently promoted to, the rank of Major General. The Government also noted that no case was filed against this person in any court of Nepal in connection with his so-called involvement in the case of the 49 alleged disappeared persons and that, in the absence of credible evidence, the Nepalese Army (NA) recommended the then Major General for promotion to the rank of Lieutenant General. The Government further stated that when “the allegation against the NA itself is unproven and contradictory, it would be against the principle of natural justice to withhold the promotion of a person until proven guilty.”

357. Regarding the cases of enforced disappearances reportedly perpetrated at the then Royal Nepal Army Maharajgunj barracks between 2003 and 2004, the Government indicated that, in light of the information from national and international human rights organizations, as well as media sources, a high-level task force was formed on 19 June 2005 to investigate the allegations of the whereabouts of the missing persons within the Katmandu valley. As a separate list on the case of the 49 persons allegedly disappeared at Maharajgunj barracks was not available at the time, the task force carried out an inclusive investigation. The Government further noted that a second high-level task force was formed on 27 January 2006, to investigate additional cases of alleged disappearances within the Katmandu valley. The separate list of the 49 cases was not available for this investigation either; however, the media, special rapporteurs and human rights organizations had suspicions about a large number of people detained at the Maharajgunj Barracks. The first and second task forces submitted their findings to the Baman Committee, which was established by the Government on 1 June 2006 to investigate the whereabouts of the missing persons. Subsequently, the Government formed the Malego Committee to investigate the whereabouts of those allegedly disappeared by the State. Further to the OHCHR 2006 Report of Investigation into arbitrary detention, torture and disappearances at Maharajgunj Nepal Army Barracks in 2003-2004, the Ministry of Defence was ordered to form a high-level Task Force to investigate the alleged cases and accordingly this was set up. The Government stipulated that in order to fulfil a thorough investigation procedure, the Task Force made repeated requests to the Office of the High Commissioner for Human Rights in Nepal for the acquisition of relevant information on the allegedly missing 49 persons and regretted that it had made no efforts to furnish any information on the subject. The Task Force submitted findings about the whereabouts of 12 missing persons to the Ministry of Defence on 31 October 2006. Subsequently, the Government indicated that the Task Force recommended the establishment of a Truth Commission as a more suitable and practical approach to investigate further into the alleged disappearances. The findings of the Task Force were presented to the Foreign Affairs and Human Rights Committee of the Parliament on 16 October 2006.

358. At the request of NHRC, the NA assisted in the exhumation of the suspicious remains recovered in the jungles of Shivapuri on 19 December 2007. The NHRC report of December 2008 concluded that the forensic evidence produced by national/international forensic experts had no relevance to the allegations on the disappearance of 49 persons at Maharajgunj Barracks. The Government noted that similar cooperation was extended to the team led by NHRC with the support of OHCHR in the exhumation in the Dhanusha District at the suspected burial site of some students. Moreover, as stipulated in the Comprehensive Peace Agreement of 21 November 2006, a high-level Truth and Reconciliation Commission was agreed on. In this regard, the Government of Nepal tabled a bill in the Parliament. Concerning a National Disappearance Committee, the Supreme Court of Nepal has already submitted a bill to the Parliament to form such a body and it is under consideration. The Government also noted that the Ministry of Peace and Reconstruction had already provided interim financial compensation (of Nr. 100,000/-) to the families of

each disappeared person. It noted that, until now, 1,197 families of disappeared persons have already been provided with such compensation.

359. Finally, the Government indicated that no complaint was reported to have been received regarding a direct threat from anybody belonging to the families of the purported victims of enforced disappearances reportedly perpetrated at the Maharajgunj barracks.

### Meetings

360. Representatives of the Government met with the Working Group at its ninety-second session to discuss developments connected to outstanding cases.

### Total cases transmitted, clarified and outstanding

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

### Observations

362. The Working Group reminds the Government of its obligations under the Declaration “to bring to justice all persons presumed responsible for an act of enforced disappearance” (art. 14), that “persons alleged to have committed any acts referred to in article 4, paragraph 1, ... shall be suspended from any official duties during the investigation” (art. 16.1) and that persons “shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts” (art. 16.2).

363. The Working Group reminds the Government of Nepal of the letter sent on 19 September 2008, requesting a written report on the implementation of the recommendations of the Working Group following its country visit on 2004. The Working Group regrets that no written report was received.

364. The Working Group reaffirms its request to the Government of Nepal for a follow-up country visit.

365. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Nicaragua

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
103	0	0	0	0	103

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent Appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	Yes	<i>Government response</i>	None

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

### **Request for a visit**

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

### **Observations**

368. The Working Group reiterates its request to the Government to extend an invitation to visit the country.

369. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## **Pakistan**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 14</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
100	10	4	0	1	113
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
3	No		0		

<i>Urgent appeal</i>	<i>Yes</i>	<i>Government response</i>	<i>Yes</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>Yes</i>	<i>Government response</i>	<i>None</i>

### **Urgent actions**

370. The Working Group transmitted ten cases under its urgent action procedure to the Government. The first two concerned Mr. **Noor Muhammad** and Mr. **Aakash Mallh Sikandar**, allegedly abducted by Bhiattai Nagar and Baldia police officers on 3 October 2009, allegedly because of their political activities. The Government acknowledged receipt of these cases.

371. The third case concerned Mr. **Shams Ul Din Shams Baloch**, allegedly abducted on 1 July 2010, by uniformed and plain-clothed officials at the Mia Ghundia Frontier Corps check post (entrance to Quetta from Karachi). The Government acknowledged receipt of this case.

372. The following three cases concerned Mr. **Abdul Sattar**, Mr. **Abid Ali** and Mr. **Safeer Ahmed**, allegedly abducted by Frontier Corps agents on 15 August 2010, in Chitkan, Panjgur District, Balochistan, Pakistan. The Government acknowledged receipt of these cases.

373. The seventh case concerned Mr. **Jameel Yaqoob**, allegedly abducted by Frontier Corps agents in Turbat, Balochistan, Pakistan, on 29 August 2010. The Government acknowledged receipt of this case.

374. The eighth case concerned Mr. **Zakir Bangulzai**, allegedly abducted at the Zafran Medical Store, located near the main Mastung Bus Stop, Balochistan, Pakistan, on 9 September 2010. The Government acknowledged receipt of this case.

375. The ninth case concerned Mr. **Imran Khan**, allegedly abducted by Frontier Corps agents in front of the main gate of the Quetta Civil Hospital on 7 September 2010. The Government acknowledged receipt of this case.

376. The tenth case concerned Mr. **Ahmed Dad Baloch**, allegedly abducted by police officers and Pakistani intelligence agents at the Uthal Zero point while travelling in a bus from Gwader to Karachi on 3 October 2010.

### **Standard procedures**

377. The Working Group transmitted four newly reported cases to the Government. The first case concerned Mr. **Mustapha Setmariam Nassar**, a Spanish citizen of Syrian origin, who was allegedly abducted in October 2005 in Quetta, Pakistan, by Pakistani intelligence agents. Allegedly he was detained for a certain period of time in Pakistan and later handed over to the control of United States officials. It was alleged that, in November 2005, Mr. Setmariam Nassar may have been held for a short period of time at a military base in Diego Garcia, an overseas territory of the United Kingdom of Great Britain and Northern Ireland, under United States authority, and that he may currently be being held incommunicado in the Syrian Arab Republic. In accordance with the Working Group's method of work, the Governments of the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America received a copy of this case.

378. The second case concerned Mr. **Abdul Mujeeb**, allegedly abducted in front of the Arts Faculty of the University of Balochistan, located in Quetta, by Frontier Corps and Military Intelligence agents on 1 September 2009.

379. The third case concerned Mr. **Chaker Marri**, allegedly abducted in front of the University of Balochistan, located in Quetta, by Frontier Corps agents in uniform and secret agents in civilian clothing on 3 September 2009.

380. The fourth case concerned Mr. **Jalil Reki**, allegedly abducted in front of his home, located in Quetta, by Frontier Corps agents in uniform and intelligence agents in civilian clothing on 13 February 2009.

### **Urgent Appeals**

381. On 15 December 2009, the Working Group, together with two other special procedures mechanisms, sent an urgent appeal concerning the disappearance of Mr. **Faizan Butt**, Mr. **Raja Oayyum** and Mr. **Shafiq Butt**. Reportedly, these three persons were abducted by an Inter-Services Intelligence officer between 21 and 23 November 2009. The Government acknowledged receipt of this urgent appeal. In addition, it replied to the urgent appeal on 25 March 2010, informing that the three individuals were in Muzaffarabad and that the allegations made were baseless.

382. On 9 November 2010, the Working Group, together with two other special procedures mechanisms, sent an urgent appeal concerning **Imran Jokhio**, aged 17, who was allegedly abducted by police officials on 20 May 2010, when riding his three-wheeler auto rickshaw on the Mafi Faqir bridge at the Rohri canal. The Government acknowledged receipt of this urgent appeal.

### **Information from the Government**

383. The Government transmitted two communications to the Working Group. In the first communication, dated 29 December 2009, the Government provided information on two outstanding cases. The information was considered insufficient to clarify them. In the second communication, dated 25 March 2010, the Government replied to the joint urgent appeal sent on 15 December 2009 concerning the disappearance of three persons.

### **Information from sources**

384. Sources provided information on three outstanding cases.

### **Clarification**

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

### **Request for a visit**

386. On 29 September 2010, the Working Group requested the Government to undertake a visit. On 3 October 2010, the Government acknowledged receipt of the request.

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

387. Since its establishment, the Working Group has transmitted 138 cases to the Government; of those, 7 cases have been clarified on the basis of information provided by the source, 18 cases have been clarified on the basis of information provided by the Government, and 113 remain outstanding.

### Observations

388. The Working Group notes with concern the increase in the number of contemporary cases of enforced disappearances in Pakistan and reminds the Government of its obligations under the Declaration to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction (art. 3).

389. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Peru

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
2371	0	0	0	0	2371
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeals	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

### Observations

391. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.



## Philippines

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 1		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
619	0	1	0	0	620
Number of cases on which the Government has replied		Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)	
0		N/A		0	
Urgent appeal		N/A	Government response		N/A
General allegation		N/A	Government response		N/A
Prompt intervention letter		N/A	Government response		N/A
Working Group request for a visit		Yes	Government response		None

### Standard procedures

392. The Working Group transmitted one newly reported case to the Government. The case concerned Mr. **Nasrodin Guiamalon**, who was allegedly arrested at his home, located in Mindanao, by members of the 40th Infantry Battalion of the Philippines Army on 18 March 2009.

### Request for a visit

393. On 24 May 2006, the Working Group requested an invitation to undertake a mission to the country. A reminder letter was sent on 16 August 2010. No response has yet been received from the Government.

### Total cases transmitted, clarified and outstanding

394. Since its establishment, the Working Group has transmitted 781 cases to the Government; of those, 35 cases have been clarified on the basis of information provided by the source, 126 cases have been clarified on the basis of information provided by the Government, and 620 remain outstanding.

### Observations

395. The Working Group regrets that no response has been received from the Government to its general allegation sent on 19 December 2008, concerning the dismissal, by the Court of Appeals, of *amparo* petitions on the grounds of the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat (A/HRC/13/31, paras. 416-9).

396. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Romania

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

### Information from the Government

397. The Government transmitted one communication to the Working Group, dated 24 February 2010 replying to a general allegation sent on 15 May 2009, concerning the alleged involvement of the Government of Romania in a practice of renditions and secret detention (A/HRC/13/31).

### General allegations

#### *Reply from the Government*

398. On 24 February 2010, the Government of Romania replied to the general allegation reiterating that it had no information on Central Intelligence Agency (CIA) secret detention centres existing on Romanian territory or that the Romanian airports had been used by the CIA for the transport or detention of suspected terrorists. It stated that there is no proof of cases in which individuals or foreign intelligence personnel have been involved, on Romanian territory, in actions involving the deprivation of liberty or illegal transport of detainees.

399. The Government noted that it had already replied to the allegations following the investigation initiated by the Secretary General of the Council of Europe, in accordance with Article 52 of the European Convention on Human Rights.

400. Verifications by the Romanian authorities showed that a number of aircraft that proved to have been rented by the CIA had made stopovers at Romanian airports. The national investigations concluded that the stopovers were merely for technical purposes and there was no proof that detainees were on board the aircraft.

401. Regarding the guarantee of an effective judicial remedy to people deprived of their liberty, the Government replied that those provisions are included in the Romanian Constitution (arts. 21, 23 and 52) as well as in the Criminal Procedure Code (art. 5).

According to those articles no person can be retained, arrested or deprived of liberty or submitted to any form of restraint of his/her individual freedom except according to the cases and conditions stipulated by the law; if a person subject to confinement measures, to a decision of hospitalization or any other measure aimed at restraining the individual freedom considers that the measure is illegal, he/she has the right, during the entire proceedings of the criminal trial, to address the competent instance, according to the law; any person, who during a criminal trial, has been illegally or unjustly deprived of his/her freedom or whose freedom has been restrained, has the right to effective remedy, as stipulated by the law.

402. Any person who was deprived of liberty, during or following a criminal trial, or whose liberty was restrained, illegally or unjustly, is entitled to reparation of the damages, under the conditions stipulated by the law. The victim may decide to request financial compensation and medical or social assistance borne by the State. The civil cause may develop in parallel with the criminal trial.

403. Regarding the access to detention places by public authorities, the Government stated that, according to national legislation pre-trial detention during the criminal procedure is under the authority of the Ministry of Administration and Interior (MAI), while during the proceedings before the court and after a final decision has been established by the court, the detainees are in the custody of the National Administration of Penitentiaries, under the authority of the Ministry of Justice and Freedoms (MJLC).

### Observations

404. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 31.

### Russian Federation

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 1		Cases clarified during the period under review: 1		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
467	1	0	1	0	467
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
10	Yes		0		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Government response	None	

**Urgent actions**

405. The Working Group sent one case under its urgent action procedure to the Government. The case concerned Ms. **Zarema Gaisanova**, who was allegedly abducted from her home, located in Grozny, Chechnya, Russian Federation, by law enforcement officials in uniform on 31 October 2009.

**Information from the Government**

406. The Government transmitted five communications to the Working Group.

407. In the first communication, dated 28 January 2010, the Government replied to nine outstanding cases. The information provided was not considered sufficient to lead to their clarification.

408. In the second and third communications, dated 16 February 2010, the Government submitted information in two communications on one and nine outstanding cases respectively. The information provided was not considered sufficient to lead to their clarification.

409. In the fourth communication, dated 12 May 2010, the Government requested acknowledgment of receipt of communications sent and retransmitted the communication dated 16 February 2010, regarding one case.

410. In the fifth communication, dated 12 July 2010, the Government made reference to 437 cases. For 201 cases, the Government stated that, in the absence of the additional information previously requested from the Working Group, it was unable to undertake efforts to establish the fate of the missing persons. In relation to the remaining cases, the Government requested the Working Group, in accordance with Human Rights Council resolution A/HRC/14/10, to provide additional, detailed information in order to facilitate a prompt and substantive response to these communications.

411. The last communication, dated 27 August 2010, was not translated in time for inclusion in the present report.

**Information from sources**

412. Sources transmitted information on three outstanding cases. For one case, the source validated the information provided by the Government leading to its clarification.

**Clarification**

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

**Request for a visit**

414. On 4 June 2008, the Working Group reiterated its interest in undertaking a visit to the Russian Federation and the first quarter of 2009 was suggested as a possible date. On 20 July 2009, a reminder letter was sent and, on 4 August 2009, the Government informed the Working Group that, due to the limited capacities of the country and to other engagements, it was unable to extend an invitation to visit the country. On 16 August 2010, the Working Group sent a letter to the Government reiterating its interest in undertaking a visit to the country.

**Total cases transmitted, clarified and outstanding**

415. Since its establishment, the Working Group has transmitted 479 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by

the source, two cases have been clarified on the basis of information provided by the Government, and 467 remain outstanding.

### Observations

416. The Working Group takes note of the concern of the Government regarding the need to receive more precise information on the cases received and is looking into the matter. At the same time, the Working Group would like to remind the Government that it acts as a channel of communication between the families of the victims and the authorities concerned and that it does not have investigative powers.

417. The Working Group would like to remind the Government that according to article 13 of the Declaration the responsibility for investigations remains with the State.

418. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Rwanda

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
21	0	0	0	0	21

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
0	N/A	0

Urgent appeal	N/A	Government response	N/A
General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

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

### Information from sources

420. Sources provided information on one case.

### Meetings

421. Representatives of the Government met with the Working Group at its ninety-second session to discuss developments connected to outstanding cases.

## Observations

422. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Saudi Arabia

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 2		Cases clarified during the period under review: 1		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
3	0	2	0	1	4
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

## Standard procedures

424. The Working Group transmitted two newly reported cases to the Government. The first case concerned Mr. **Zuhair Jamal Hamdan**, allegedly arrested at the Quraiyat border crossing by Saudi Arabian border officials on 19 September 2009. The second case concerned Mr. **Mohamad Bassam Ismail Hamoud**, allegedly arrested at Jeddha airport by Saudi intelligence agents on 22 October 2006.

## Information from sources

425. Sources provided information on one outstanding case.

## Clarification

426. Following the information received from sources, the Working Group decided to clarify one case.

## Observations

427. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Seychelles

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

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

## Observations

429. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Somalia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	N/A	<i>Government response</i>	N/A

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

### Observations

431. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Spain

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
4	0	0	0	0	4
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
4	Yes			1	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

### Information from the Government

432. The Government transmitted six communications dated 10 and 11 February, 19 and 25 May, 3 June and 28 October 2010.



433. The first and the second communications concerned one outstanding case. The information included was considered insufficient to clarify it. In the third communication, the Government recalled its previous communications on all outstanding cases.

434. The fourth communication concerned three outstanding cases; the information included was considered insufficient to clarify them. In the same communication, the Government provided information on the actions taken by the Government in connection with the disappearances that occurred in Spain during and after the civil war. In particular, the Government referred to the measures that have been taken to implement Act 52/2007, whereby rights are recognized and enhanced and measures are introduced on behalf of those who suffered persecution or violence during the civil war, including, inter alia, the establishment of the Office for Victims of the Civil War and the Dictatorship.

435. The fifth communication concerned all outstanding cases. Following this information, the Working Group decided, at its ninety-second session, to apply the six-month rule on one case. For the other cases, the information was considered insufficient to clarify them.

436. With the sixth communication, the Government retransmitted documentation concerning one outstanding case.

### **Press Release**

437. On 25 May 2010, the Working Group issued a press release in which it noted with concern the suspension of Judge Baltasar Garzón by the General Council of the Judiciary<sup>7</sup>.

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

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

### **Observations**

439. The Working Group recalls its general comment on Enforced Disappearance as a Continuous Crime, according to which “Enforced disappearances are prototypical continuous acts. The act begins at the time of the abduction and extends for the whole period of time that the crime is not complete, that is to say until the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual.” The general comment also notes that: “As far as possible, tribunals and other institutions ought to give effect to enforced disappearance as a continuing crime or human right violation for as long as all elements of the crime or the violation are not complete.”

440. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It calls upon the Government to accept the competence of the Committee under articles 31 and 32.

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<sup>7</sup> The full text of the press release can be consulted at:  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10062&LangID=E>

## Sri Lanka

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 4</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
5,651	1	3	0	0	5,653 <sup>8</sup>
<i>Number of cases on which the Government has replied</i>		<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>	
45		No		0	
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Government response</i>	None	

### Urgent actions

441. The Working Group sent one case under its urgent action procedure to the Government. It concerned Mr. **Prageeth Ranjan Bandara Ekanaligoda**, a journalist who worked for a website that supports the opposition candidate, and who was allegedly abducted near Koswatte when going home from his office on 24 January 2010, two days before the presidential elections.

### Standard procedures

442. The Working Group transmitted three newly reported cases to the Government. The first case concerned Mr. **Maragathan Ravinathan**, who was allegedly abducted from his home, located in Trincomalee district, on 1 August 2008, by a group of men in civilian clothes who arrived in a three-wheeler and identified themselves as officers from the Uppuveli police station. The second case concerned Mr. **Joseph Uthayachandran**, who was allegedly abducted by State agents near his home, located in Trincomalee District, on 12 October 2008. The third case concerned Mr. **Yogachandran Velayutham**, who was allegedly abducted on his way from Muthur town to his home, located in Ralkuli, by persons on a three-wheeler who acted with the involvement of the Navy officers guarding the area on 24 February 2008.

### Information from the Government

443. The Government transmitted two communications to the Working Group on 16 December 2009 and 5 February 2010.

444. In the first communication, the Government provided information on 45 outstanding cases. The information provided was considered insufficient to clarify them.

<sup>8</sup> Two cases were found to be duplicated cases and were therefore deleted.

445. In the second communication, the Government requested more information on one outstanding case. In addition, the Government expressed its appreciation to the Working Group for the deletion of 171 duplicated cases. It also noted that the number of cases reported to the Working Group has been steadily declining over the last couple of years and it hoped that these will reduce to no new cases soon.

### **Meetings**

446. Representatives of the Government of Sri Lanka met with the Working Group at its ninetieth session to discuss developments connected to its outstanding cases.

### **Request for a visit**

447. On 16 October 2006, the Working Group requested an invitation to undertake a mission from the Government of Sri Lanka. The Government replied that it would not be possible to schedule a visit on the proposed dates, and that the interest of the Working Group would be given due consideration. Reminder letters were sent on 20 July 2009 and 16 August 2010. No reply from the Government has been received to date.

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

448. Since its establishment, the Working Group has transmitted 12,230 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,535 cases have been clarified on the basis of information provided by the Government, and 5,653 remain outstanding.

### **Observations**

449. The Working Group notes that about 80 cases of its present backlog concern Sri Lanka. It will deal with these at its ninety-third session.

450. The Working Group would like to reiterate its request to conduct a mission to Sri Lanka as soon as possible.

451. The Working Group regrets that the Government has yet to report on the further implementation of the recommendations emanating from the Working Group visits in 1991, 1992 and 1999.

452. The Working Group reminds the Government of Sri Lanka of its obligations under the Declaration to “take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction” (art. 3).

453. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Sudan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
174	0	0	0	0	174
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
4	Yes			0	
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Government response	None	

### Information from the Government

454. The Government transmitted two communications on 18 March and 18 May 2010. In the first, it requested more information concerning one outstanding case. The second communication concerning four outstanding cases was not translated in time for inclusion in the present report.

### Information from sources

455. Sources provided information on one case.

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

457. Since its establishment, the Working Group has transmitted 383 cases to the Government; of those, four cases have been clarified on the basis of information provided by the source, 205 cases have been clarified on the basis of information provided by the Government, and 174 remain outstanding.

### Observations

458. The Working Group reiterates its request for an invitation from the Government of the Sudan to conduct a country visit.

459. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Syrian Arab Republic

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 7		Cases clarified during the period under review: 13		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
28	6	1	1	12	22
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
4	No		1		
Urgent Appeal	Yes	Government response	No		
General allegation	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

## Urgent actions

460. The Working Group sent six cases under its urgent action procedure to the Government.

461. The first case concerned Mr. **Mohammad Daher**, allegedly arrested at the Jdeidet Yabous crossing, on the Syrian-Lebanese border, by Syrian General Security officers on 2 December 2009. In accordance with the Working Group's usual practice, the Government of Lebanon received a copy of the case.

462. The second case concerned Mr. **Mustafa Ben-Mohammed Ahmed**, also known as Pir Rostom, allegedly abducted by Political Security Branch officers in civilian clothing from his home, located in Aleppo District, on 5 November 2009.

463. The third case concerned Mr. **Yousef Dheeb Al-Hmoud**, allegedly abducted by armed security agents in civilian clothing from his home, located in Deir ez Zor, on 15 November 2009.

464. The fourth case concerned Mr. **Nader Nseir**, allegedly arrested by Syrian authorities in Damascus on 7 May 2010.

465. The fifth case concerned Mr. **Kamal Shikho**, allegedly arrested at the Syrian-Lebanese border by Syrian Border Control agents and later handed over to Syrian Military Intelligence Service agents on 23 June 2010.

466. The sixth case concerned Mr. **Ismail Abdi**, allegedly arrested at Aleppo Airport by border police officials and State Security agents on 23 August 2010.

**Urgent Appeals**

467. On 22 October 2010, the Working Group transmitted, jointly with two other special procedures mechanisms, an urgent appeal to the Government. The case concerned Mr. **Sheikh Hassan Mchaymech**, reportedly arrested by Syrian Political Security agents on 7 July 2010, at the Syrian Jdeidet Yabous border with Lebanon, and who was then taken to an unknown location.

**Standard procedures**

468. The Working Group transmitted one newly reported case to the Government concerning Mr. **Nizar Rastanawi**. According to the information received, Mr. Rastanawi was detained at the Sednaya prison and his family was allowed regular monthly visits until July 2008, when a riot broke out in the prison. Reportedly, he was supposed to be released on 18 April 2009, but according to the source this was not the case and since then his fate and whereabouts are unknown.

469. In accordance with the Working Group's methods of work, the Government of the Syrian Arab Republic received a copy of the case concerning Mr. **Mustapha Setmariam Nassar**, a Spanish citizen of Syrian origin, who was allegedly abducted in October 2005 in Quetta, Pakistan, by Pakistani intelligence agents. Allegedly he was detained for a certain period of time in Pakistan and was later handed over to the control of United States officials. It was alleged that, in November 2005, Mr. Setmariam Nassar may have been held for a short period of time at a military base in Diego Garcia, an overseas territory of the United Kingdom of Great Britain and Northern Ireland, under United States authority, and that he may currently be being held incommunicado in the Syrian Arab Republic. This case is recorded under the Government of Pakistan.

**Information from the Government**

470. During the reporting period, the Government transmitted four communications to the Working Group.

471. In the first communication, dated 25 June 2010, the Government submitted information on one case which had been previously clarified by the source.

472. In the second communication, dated 28 June 2010, the Government submitted information on one case which had been previously clarified by the source.

473. In the third communication, also dated 28 June 2010, the Government submitted information on one case which had been previously clarified by the source.

474. In the fourth communication, dated 8 November 2010, the Government submitted information on one outstanding case. On the basis of this information, the Working Group decided, at its ninety-second session, to apply the six-month rule to the case.

**Information from sources**

475. Sources provided information on 12 cases.

**Clarification**

476. Further to the information received from the source, the Working Group decided to clarify 12 cases.

477. Following the expiration of the period prescribed by the six-month rule, the Working Group decided to clarify one case.

### Total cases transmitted, clarified and outstanding

478. Since its establishment, the Working Group has transmitted 61 cases to the Government; of those, 26 cases have been clarified on the basis of information provided by the source, 13 cases have been clarified on the basis of information provided by the Government, and 22 remain outstanding.

### Observations

479. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Tajikistan

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

### Information from the Government

480. The Government transmitted two communications on 23 April and 30 June 2010. In the first, the Government informed the Working Group of its readiness to investigate all outstanding cases. In the second the Government confirmed that investigations were being carried out on all outstanding cases.

### Total cases transmitted, clarified and outstanding

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

## Observations

482. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Thailand

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 2		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
52	2	0	0	0	54
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0	N/A		0		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

## Urgent actions

483. The Working Group transmitted two cases under its urgent action procedure to the Government. The first case concerned Mr. **Abdul-loh Abukaree**, who was allegedly abducted by police officers near his house, located in Southern Thailand, on 11 December 2009. The second case concerned Mr. **Jaelae Doramae**, who was allegedly abducted on 17 March 2010 by military officials when riding his motorcycle from his home to his work in Southern Thailand.

## Information from the Government

484. The Government transmitted two communications dated 5 and 15 February 2010.

485. In the first communication, the Government replied to a prompt intervention letter sent by the Working Group on 23 June 2009, concerning the breaking into the cars of Mr. Somchai Neelapaijit, reportedly missing since 11 March 2004, and of his wife, Mrs. Angkhana Neelapaijit, on 7 and 9 June 2009 respectively. In this respect, the Government reported that both incidents were promptly investigated by police officers and found to be cases of theft committed by a person who was subsequently arrested in late June 2009. The Government reported that this person, confessed to having stolen property from the cars on the above-mentioned dates and expressed that he did not have the intention of intimidating Mrs. Neelapaijit or her family. Therefore the Government concluded that the outcome made clear that the incidents did not represent a threat to Mrs. Neelapaijit or her family.



486. In the second communication, the Government replied to the prompt intervention letters sent on 19 February and 31 March 2009, which concerned the intimidation suffered by a human rights organization due to its activities related to the investigation of enforced disappearances. In this communication, the Government reaffirmed that the search of the office of the organization was carried out in strict accordance with the law and respect for human rights, in a non-discriminatory manner, as a preventive measure to ensure peace and security of life and property of the local population in the area. It also reported that there was no intention of intimidating any member of the human rights organization. In addition, the Government informed the Working Group about the visits of military officers to the organization's office, including the visit carried out on 29 March 2009 by officials of Special Task Force 23, which was made to introduce themselves, enhance relationships, and to find out more about the organization and its activities so as to promote good cooperation.

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

487. Since its establishment, the Working Group has transmitted 57 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the Government, 2 cases have been discontinued and 54 remain outstanding.

### **Observations**

488. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

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

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

## Observations

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

490. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Timor-Leste

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

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

## Information from the Government

492. The Government transmitted one communication on 29 July 2010, inviting the Working Group to undertake a country visit.

## Request for a visit

493. On 12 December 2006, the Working Group requested an invitation to undertake a mission to Timor-Leste. On 29 July 2010, the Government extended the invitation for a country visit. Following a proposal made by the Working Group, the Government agreed for the country visit to take place from 13 to 20 December 2010.

## Observations

494. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Togo

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
10	0	0	0	0	10
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
0	N/A			0	
Urgent Appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

## Observations

496. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Tunisia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
1	0	0	0	0	1

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
<i>1</i>	<i>Yes</i>	<i>0</i>	
<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

497. The Government transmitted two communications dated 22 January and 31 May 2010, both concerning the outstanding case. The information included was considered insufficient to clarify it.

### Total cases transmitted, clarified and outstanding

498. Since its establishment, the Working Group has transmitted 18 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by the source, 12 cases have been clarified on the basis of information provided by the Government, and 1 remains outstanding.

### Observations

499. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Turkey

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 2		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
63	0	0	2	0	61
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
19	No			1	

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>Yes</i>	<i>Government response</i>	<i>No</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

500. The Government transmitted one communication dated 25 September 2009, including information on 13 cases. Based on this information, at its 90th session, the Working Group decided to apply the six-month rule to two cases. For one case, the Working Group sent the information to the source for possible closure. Regarding the remaining cases, the information provided was considered insufficient to clarify them.

501. During the reporting period, the Government transmitted two communications on 5 March and 25 June 2010.

502. In the first, the Government replied to the prompt intervention letter sent on 27 August 2009 regarding the sentence of one year of imprisonment imposed on Camal Bektas. In this communication, the Government transmitted the translation of the judicial decision on this case.

503. In the second communication, the Government transmitted information on six outstanding cases. For five of these cases, the information provided was considered insufficient to clarify them. Regarding the sixth case, the Working Group decided to apply the six-month rule at its ninety-second session.

### Clarification

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

### Prompt intervention

505. On 7 January 2010, the Working Group, jointly with other three special procedures mechanisms, sent a prompt intervention letter to the Government regarding the harassment suffered by Mr. **Muharrem Erbey**, a human rights defender who works, inter alia, on cases of enforced disappearances. No response was received from the Government regarding this prompt intervention letter.

### Total cases transmitted, clarified and outstanding

506. Since its establishment, the Working Group has transmitted 182 cases to the Government; of those, 49 cases have been clarified on the basis of information provided by the source, 71 cases have been clarified on the basis of information provided by the Government, and 61 remain outstanding.

### Observations

507. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Turkmenistan

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

508. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary appears in document A/HRC/13/31.

### Information from sources

509. Information from sources was received on the outstanding case.

### Observations

510. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Uganda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>15</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>15</i>

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
0	N/A	0	
<i>Urgent appeal</i>	N/A	<i>Government response</i>	N/A
<i>General allegation</i>	N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>	N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>	N/A	<i>Government response</i>	N/A

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

### Observations

512. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

## Ukraine

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
4	0	0	0	0	4

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
4	Yes	1

Urgent appeal	N/A	Government response	N/A
General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

513. The Government transmitted three communications to the Working Group. The first communication, dated 6 October 2009, concerned three outstanding cases. The information provided was considered insufficient to clarify them. The second communication, dated 3 March 2010, concerned all outstanding cases. Based on this information, the Working

Group decided, at its ninety-second session, to apply the six-month rule to one case. Regarding the remaining cases, the information provided was considered insufficient to clarify them. The third communication, dated 6 October 2010, concerned three outstanding cases; however, the translation of this communication was not received in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

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

### Observations

515. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## United Arab Emirates

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 3</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	3	0	0	5

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>	
2	Yes	1	

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Standard procedures

516. The Working Group transmitted three newly reported cases to the Government. The first case concerned Mr. **Khaled Ahmad**, who was allegedly arrested at Abu Dhabi Airport by Interior Ministry Security Services agents on 3 April 2010. The second case concerned Mr. **Mohammed Radwan Zayed Al Masry**, who was allegedly arrested at his home, located in Abu Dhabi, by Interior Ministry Security Services agents on 3 April 2010. The third case concerned Mr. **Wesam Al Masry**, who was allegedly arrested at his home, located in Abu Dhabi, by Interior Ministry Security Services agents on 3 April 2010.



### Information from the Government

517. During 2009, the Government transmitted two communications dated 12 June and 27 August 2009.

518. The first communication, which was not recorded in report A/HRC/13/31 due to a technical error, concerned one outstanding case. The information provided was considered insufficient to lead to clarification.

519. The second communication, which had not been translated in time for inclusion in report A/HRC/13/31, concerned one outstanding case. The information provided was considered insufficient to lead to its clarification.

520. During the reporting period, the Government transmitted one communication dated 20 October 2010, concerning two outstanding cases. Based on this information, the Working Group decided, at its ninety-second session, to apply the six-month rule to one case. The information provided was not considered sufficient to lead to the clarification of the other case.

### Information from sources

521. Information from the source was received on one case.

### Total cases transmitted, clarified and outstanding

522. Since its establishment, the Working Group has transmitted six cases; of those, one case has been clarified on the basis of information provided by the Government and five cases remain outstanding.

### Observations

523. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### United Kingdom of Great Britain and Northern Ireland

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Standard Procedures

524. In accordance with the Working Group's methods of work, the Government of the United Kingdom of Great Britain and Northern Ireland received a copy of the case concerning Mr. **Mustapha Setmariam Nassar**, a Spanish citizen of Syrian origin, who was allegedly abducted in October 2005 in Quetta, Pakistan, by Pakistani intelligence agents. Allegedly he was detained for a certain period of time in Pakistan and was later handed over to the control of United States officials. It was alleged that, in November 2005, Mr. Setmariam Nassar may have been held for a short period of time at a military base in Diego Garcia, an overseas territory of the United Kingdom of Great Britain and Northern Ireland, under United States authority, and that he may currently be being held incommunicado in the Syrian Arab Republic. This case is recorded under the Government of Pakistan.

### Information from the Government

525. One communication was received from the Government on 21 October 2010, concerning the above-mentioned case of Mr. Mustapha Setmariam Nassar. In this communication, the Government states that it has no information to suggest that Mr. Nassar transited through or was held on Diego Garcia in November 2005. In this connection, they indicate that the Government of the United States had confirmed that, with the exception of two rendition cases related to Diego Garcia in 2002, there have been no other instances in which United States intelligence flights landed in the United Kingdom, its Overseas Territories, or the Crown Dependencies, with a detainee on board since 11 September 2001.

### Observations

526. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### United States of America

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review by: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
0	0	0	0	0	0
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
N/A	N/A		N/A		

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Standard Procedures

527. In accordance with the Working Group's methods of work, the Government of the United States of America received a copy of the case concerning Mr. **Mustapha Setmariam Nassar**, a Spanish citizen of Syrian origin, who was allegedly abducted in October 2005 in Quetta, Pakistan, by Pakistani intelligence agents. Allegedly he was detained for a certain period of time in Pakistan and was later handed over to the control of United States officials. It was alleged that, in November 2005, Mr. Setmariam Nassar may have been held for a short period of time at a military base in Diego Garcia, an overseas territory of the United Kingdom of Great Britain and Northern Ireland, under United States authority, and that he may currently be being held incommunicado in the Syrian Arab Republic. This case is recorded under the Government of Pakistan.

### Observations

528. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to accept the competence of the Committee under articles 31 and 32.

### Uruguay

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 2		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
22	0	0	2	0	20

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
0	N/A	0

Urgent appeal	N/A	Government response	N/A
General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

529. One communication was received from the Government on 23 February 2010, concerning a case recorded under the Government of Argentina.

### Clarification

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

### Total cases transmitted, clarified and outstanding

531. Since its establishment, the Working Group has transmitted 31 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, ten cases have been clarified on the basis of information provided by the Government, and 20 remain outstanding.

### Observations

532. The Working Group congratulates the Government for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and recognizing the competence of the Committee under articles 31 and 32.

### Uzbekistan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
7	0	0	0	0	7
Number of cases on which the Government has replied	Multiple replies on some cases			Number of cases of possible clarification by Government (6-month rule)	
7	No			0	
Urgent appeal	Yes		Government response	Yes	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

### Urgent Appeals

533. On 29 January 2010, the Working Group sent one urgent appeal, together with two other special procedures mechanisms, concerning Mr. **Khalibula Akbulatov (or Okpulatov)**, who had allegedly been held at Navoi prison 64/29 and then transferred to an unknown location.

534. On 23 February 2010, the Government replied to the urgent appeal and stated that the information provided was not reliable. In addition, the Government indicated that Mr. Okpulatov was convicted and sentenced to six years' imprisonment by a judgment issued by the Samarkand provincial criminal court on 18 October 2005, which was upheld by a decision of the Samarkand provincial criminal court on 22 November 2005. It also indicated that Mr. Okpulatov is serving his sentence in institution UY 64/45 in Tashkent province.

535. In addition, the Government indicated that Mr. Okpulatov has been disciplined on several occasions for failing to comply with the lawful demands of the prison administration and breaching internal regulations. In this connection, it further indicated that criminal proceedings were instituted against him and that he was convicted by a judgment of the Navoi criminal court of 30 September 2009, and sentenced to imprisonment of three years and eight days to be served in a strict regime colony. Finally, it reported that his state of health is satisfactory and that, like any other convicted person, he receives medical care in a timely fashion.

### Information from the Government

536. The Government of Uzbekistan transmitted two communications dated 23 February and 16 August 2010. In the first communication, the Government replied to the joint urgent appeal sent on 29 January 2010, as reported above. The second communication concerned all outstanding cases and the information provided was considered insufficient to lead to their clarification.

### Total cases transmitted, clarified and outstanding

537. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and 7 remain outstanding.

### Observations

538. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Venezuela (Bolivarian Republic of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
10	0	0	0	0	10

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
9	No	0

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

### Information from the Government

539. The Government transmitted two communications to the Working Group dated 14 December 2009 and 12 August 2010. The information provided in the first communication, concerning nine outstanding cases, was considered insufficient to lead to clarification. The second communication, also concerning nine outstanding cases, was not translated in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

540. Since its establishment, the Working Group has transmitted 14 cases to the Government; of those, four cases have been clarified on the basis of information provided by the Government, and 10 remain outstanding.

### Observations

541. The Working Group notes that the Government has signed the International Convention for the Protection of All Persons from Enforced Disappearance and calls upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

### Viet Nam

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>

<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>	<i>Number of cases of possible clarification by Government (6-month rule)</i>
<i>1</i>	<i>Yes</i>	<i>0</i>

<i>Urgent appeal</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

## Information from the Government

542. The Government transmitted two communications dated 22 February and 3 June 2010 concerning the outstanding case, which did not lead to its clarification.

## Total cases transmitted, clarified and outstanding

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

## Observations

544. The Working Group calls upon the Government to sign and ratify the International Convention on the protection of All Persons from enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Yemen

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 4		Cases clarified during the period under review: 6		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
4	4	0	0	6	2

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)	
3	No	0	

Urgent appeal	N/A	Government response	N/A
General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## Urgent actions

545. The Working Group sent four cases under its urgent action procedure to the Government. The first case concerned **Abdelmajid Omar Hajjam Al Hassani**, a minor aged 16, allegedly abducted by Political Security agents in the Al Tahrir Area of Sana'a on 19 December 2009. The second case concerned Mr. **Hammam Mohamed Modhish Al-Dobii**, allegedly abducted by National Security Service agents in Nouqm, Ain Al-Fakeeh, Sana'a, on 22 March 2010. The third case concerned Mr. **Sadman Hossain**, allegedly arrested by Political Security Forces agents in the Airport Road when he was walking to Sana'a International Airport on 14 February 2010. The fourth case concerned Mr. **Shawki Jaber Mohamed Rafaan**, allegedly abducted in front of his home, located in Sana'a, by Security Services agents in civilian clothes on 5 August 2010. He was reportedly last seen at the Sana'a political prison on 10 August 2010.

### Information from the Government

546. The Government transmitted one communication dated 27 May 2010 concerning three outstanding cases. The information included was considered insufficient to clarify them and, for one case, the Government requested more information from the Working Group.

### Information from sources

547. Information was received from sources concerning seven outstanding cases.

### Clarification

548. Following the information received from the source, the Working Group decided to clarify six cases.

### Total cases transmitted, clarified and outstanding

549. Since its establishment, the Working Group has transmitted 159 cases to the Government; of those, 8 cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, 14 have been discontinued and 2 remain outstanding.

### Observations

550. The Working Group calls upon the Government to sign and ratify the International Convention on the protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

## Zimbabwe

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



### Information from the Government

551. The Government transmitted one communication to the Working Group dated 3 November 2010, concerning one outstanding case. The information provided was considered insufficient to clarify this case.

### Request for a visit

552. On 20 July 2009, the Working Group requested the Government for an invitation to undertake a mission to Zimbabwe. A reminder letter was sent on 16 August 2010. Notwithstanding that on 18 August 2010 the Government informed the Working Group that the latest request had been transmitted to Harare for consideration, no reply has yet been received.

### Total cases transmitted, clarified and outstanding

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

### Observations

554. The Working Group regrets that no response was received from the Government to its general allegation on the escalating phenomenon of enforced or involuntary disappearances of political party members and human rights defenders included in A/HRC/13/31.

555. The Working Group calls upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

### Palestinian Authority

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
3	0	0	0	0	3
<hr/>					
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		

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<i>Urgent appeal</i>	<i>Yes</i>	<i>Government response</i>	<i>No</i>
<i>General allegation</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Prompt intervention letter</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>
<i>Working Group request for a visit</i>	<i>N/A</i>	<i>Government response</i>	<i>N/A</i>

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

#### **Urgent Appeals**

557. On 14 May 2010, the Working Group sent an urgent appeal, jointly with three other special procedures mechanisms, concerning Mr. **Mohanad Salahat**, allegedly arrested by Palestinian Intelligence agents after he presented himself at the Intelligence Department in Nablus on 1 May 2010. No response was received from the Palestinian Authority.

## **IV. Conclusions and recommendations**

558. In 2010, the Working Group transmitted 105 newly reported cases of disappearance to 22 Governments, 53 of which allegedly occurred during the reporting period. The Working Group used the urgent action procedure in 50 of these cases, which allegedly occurred within the three months preceding the receipt of the report by the Working Group. During the reporting period, the Working Group was able to clarify 70 cases of enforced disappearance.

559. Tens of thousands of cases on the books of the Working Group still remain unclarified, many going back decades. In the 30th year since the establishment of the Working Group, much more needs to be done to ensure that the fate or whereabouts of the persons who have disappeared are resolved.

560. In spite of the fact that over 50,000 cases of enforced disappearances have been registered with the Working group, underreporting remains a major problem. It occurs for various reasons, including poverty, illiteracy, fear of reprisals, weak administration of justice, ineffectual reporting channels, institutionalized systems of impunity, a practice of silence and restrictions on the work of civil society. Much more needs to be done to facilitate the reporting of cases to the Working Group and assistance should be provided to family members and members of civil society to do so.

561. The Working Group is grateful for the cooperation received from a number of States: it is indispensable for discovering the fate or whereabouts of disappeared persons around the globe. Nevertheless, it remains concerned that of the 83 States with outstanding cases, some States have never replied to the Working Group's communications and some States provide responses that do not contain relevant information. The Working Group urges those States to fulfil their obligations under the Declaration and the resolutions of the General Assembly and the Human Rights Council.

562. The Working Group acknowledges the efforts of States, many human rights defenders, non-governmental organizations, lawyers and others who untiringly work to know the fate or whereabouts of disappeared persons in very adverse circumstances in all parts of the world and reiterates its solidarity with the victims of enforced disappearance and their families.

563. The Working Group considers the role of victims' associations as crucial in the process of clarification of the fate and whereabouts of those who have disappeared. Therefore, the Working Group urges States to strengthen cooperation with NGOs and also provide support for their functioning.

564. The Working Group calls upon States to take specific legislative, administrative, judicial or other measures, including the establishment of specific investigating bodies, to prevent and eradicate enforced disappearances.

565. The Working Group reminds States that enforced disappearance is a continuing offence for as long as the fate or whereabouts of the victim remains unclarified. In the general comment that it adopted during the reporting period, the Working Group recognized that "one consequence of the continuing character of enforced disappearance is that it is possible to convict someone for enforced disappearance on the basis of a legal instrument that was enacted after the enforced disappearance began, notwithstanding the fundamental principle of non retroactivity. The crime cannot be separated and the conviction should cover the enforced disappearance as a whole."

566. States should also take specific measures under their criminal law to define enforced disappearances as an autonomous criminal offence and to bring their existing legislation in line with the Declaration. The Working Group remains committed to assisting States in ensuring that their legislation and other measures are in conformity with the Declaration, by providing their expertise in this regard.

567. States are encouraged to take all possible measures to prevent enforced disappearances. These include: accessible and updated registries of detainees at all places of detention and confinement; guaranteed access to appropriate information and to all such places for relatives as well as lawyers; bringing arrested persons promptly before a judicial authority; and strengthening civil society organizations that deal with the issue of enforced disappearance.

568. The Working Group reminds States of their obligations under the Declaration to ensure that cases of enforced disappearance are promptly investigated and persons accused of having committed these violations are arrested and prosecuted. Trials should only be carried out in competent civilian courts and punishments should be commensurate with the gravity of the crime.

569. The Working Group also reminds States that they have an obligation to ensure that every person having knowledge of, or a legitimate interest in, an enforced disappearance has the right to complain to a competent and independent authority to have their complaint promptly, thoroughly and impartially investigated.

570. The Working Group reminds States that, since its first report in 1981, the Working Group has acknowledged the right to the truth as an autonomous right. During the reporting period, the Working Group issued a general comment on the right to the truth in relation to enforced disappearance, in line with the Declaration (art. 13).

571. The right to the truth is both an individual and a collective right: each victim has the right to know the truth about violations that have affected him or her, but the truth also has to be told at the level of society to ensure against the recurrence of such violations.

572. The Working Group would like to emphasize that the right to the truth about the fate and the whereabouts includes, when the disappeared person is found to be dead, the right of the family to have the remains of their loved one returned to them. The remains of the person should be clearly and indisputably identified, including

through DNA analysis. States should take the necessary steps to use forensic expertise and scientific methods of identification to the maximum of its available resources, including through international assistance and cooperation.

573. The Working Group reminds States of article 18 of the Declaration, as well as of its general comment thereon, according to which persons who have or who are alleged to have committed acts of enforced disappearance 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.

574. The Working Group encourages States to apply the most comprehensive definition of “victim”, with no distinction between direct and indirect victims. Indeed, any act of enforced disappearance affects and disrupts many lives, well beyond the person who is actually disappeared.

575. The Working Group notes a pattern of threats, intimidation and reprisals against victims of enforced disappearances, including family members, witnesses and human rights defenders working on such cases.

576. The Working Group calls upon States to take specific measures to prevent such acts; provide assistance to the victims, including legal assistance, psychological and medical support. The Working Group calls on States to punish the perpetrators and protect those working on enforced disappearances.

577. The Working Group recognizes that the victims of acts of enforced disappearance and their families shall obtain redress and shall have the right to integral reparations, including the means for as complete a rehabilitation as possible, and recalls its general comment on article 19 of the Declaration on this matter. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to reparation. Reparations should be integral and proportionate to the gravity of the human rights violation and the suffering of the disappeared person and his/her family.

578. The Working Group is encouraged by the initiatives taken by several States to make integral reparations for victims of enforced disappearances. For those States that have not done so, the Working Group recommends the adoption of legislative and other measures to enable victims to claim reparations.

579. The Working Group notes the importance of reconciliation. This process must benefit from the participation of the whole of civil society. The Working Group emphasizes that every process of reconciliation needs to be based on the right to the truth and cannot be achieved at the expense of the right of victims of enforced disappearances to justice and reparation.

580. The question of disappearance has a special resonance with women. The serious economic hardships which usually accompany a disappearance are most often borne by them. When women are the victims of disappearance, they become particularly vulnerable to sexual and other forms of violence. In addition, it is they who are most often at the forefront of the struggle to resolve the disappearances of members of their family, making them susceptible to intimidation, persecution and reprisals.

581. The Working Group notes that children are also victims of disappearances. The disappearance of a child, his/her wrongful removal, and the loss of a parent through disappearance are serious violations of children's rights.

582. Country visits are an integral part of the fulfilment of the Working Group's mandate. They allow the Working Group to highlight country practices in addressing enforced disappearances, assist States in reducing obstacles to implementation of the

Declaration, and ensure access to those family members who might not be able to attend the Working Group's sessions in Geneva. There are however a number of States from which the Working Group has requested invitations to visit and which have not been forthcoming. There are others which have informally invited and/or confirmed invitations but for which specific dates to visit have not been agreed. The Working Group therefore requests all States with pending requests for visits and those that have agreed to visits to respond as soon as possible with specific dates.

583. The Working Group notes that a few States have requested additional information with regard to some cases. In this connection, the Working Group would like to recall its methods of work, according to which a series of minimum elements are required for a case to be admissible. Paragraph 10 of the Working Group's methods of work states: "In order to enable Governments to carry out meaningful investigations, the Working Group provides them with information containing at least a minimum of basic data. In addition, the WGEID constantly urges the senders of reports to furnish as many details as possible concerning the identity of the disappeared person and the circumstances of the disappearance".

584. The Working Group notes with satisfaction that, as of 1 December 2010, 87 States have signed and 21 States have ratified the International Convention for the Protection of all Persons from Enforced Disappearance. The Convention, which will enter into force on 23 December 2010, will help strengthen the capacities of States to reduce the number of disappearances and will bolster the hopes and the demands for justice and truth by victims and their families. The Working Group once again calls upon Governments that have not signed and/or ratified the Convention to do so as soon as possible so that the Convention can enter into force in the near future. It also calls upon States, when ratifying the Convention, to accept the competence of the Committee to receive individual cases, under article 31, and inter-State complaints under article 32 of the Convention.

585. The Working Group again reminds States that it has insufficient resources to effectively exercise its mandate, particularly in relation to human resources, where there is an acute need. During the reporting period, the Working Group had two staff members supported by the regular budget, which is insufficient given the workload. Previously this has been enhanced through additional resources (an extra two or three staff members) provided through extrabudgetary funding, but this has been unsustainable. The Working Group would like to be able to provide more assistance to States but this requires additional human resources.

586. The Working Group is gratified that to further combat the practice of enforced disappearances in its 30th anniversary year, and at its request, the United Nations is taking steps to declare 30 August, the day already commemorated by civil society around the world, as International Day of the Victims of Enforced Disappearances.

587. Noting that 2012 marks the 20th anniversary of the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearances, the Working Group encourages all States to translate it with no distinction between languages and dialects since all serve the purpose of assisting in its global dissemination and the ultimate goal of prevention of enforced disappearances.

## Annex I

### **Methods of work of the Working Group on Enforced or Involuntary Disappearances as adopted on 14 November 2009**

#### **A. The mandate**

##### **Legal basis for the mandate**

1. The Working Group on Enforced or Involuntary Disappearances' methods of work are based on its mandate as stipulated originally in Commission on Human Rights resolution 20 (XXXVI) and as developed by the Commission and its successor the Human Rights Council in numerous further resolutions. The parameters of its work are laid down in the Charter of the United Nations, the International Bill of Human Rights, Economic and Social Council resolution 1235 (XLI) and the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearance, adopted by the General Assembly in its resolution 47/133 of 18 December 1992 (hereinafter referred to as "the Declaration").

##### **Humanitarian mandate**

2. The basic mandate of the Working Group (WGEID) is humanitarian in nature, aimed at assisting families in determining the fate and whereabouts of their disappeared relatives who are placed outside the protection of the law. To this end, the WGEID endeavours to establish a channel of communication between the families and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases which families, directly or indirectly, have brought to the Group's attention are investigated with a view to clarifying the fate or whereabouts of the disappeared persons. In transmitting cases of disappearance, the WGEID deals exclusively with Governments, basing itself on the principle that Governments must assume responsibility for any violation of human rights on their territory.

##### **Monitoring mandate**

3. In addition to its original mandate, WGEID has been entrusted by the General Assembly, the former Commission on Human Rights and the Human Rights Council with various tasks. In particular, WGEID is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and to provide to Governments with assistance in its implementation.

4. The Working Group reminds the Governments of their obligations not only in the context of clarifying individual cases but also that of taking action of a more general nature. It draws the attention of Governments and non-governmental organizations to general or specific aspects of the Declaration, it recommends ways of overcoming obstacles to the realization of the Declaration, it discusses with representatives of Governments and nongovernmental organizations how to solve specific problems in the light of the Declaration, it assists Governments by carrying out on-the-spot visits, organizing seminars and providing similar advisory services. WGEID also makes observations on the implementation of the Declaration when the concerned Government has not fulfilled its obligations related to the rights to truth, justice and reparation. The WGEID adopts general comments whenever it considers that a provision of the Declaration requires further clarification or interpretation.

### **Definition of enforced disappearance**

5. As defined in the preamble of the Declaration, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.

### **Definition of perpetrators**

6. The Working Group operates for purposes of its work on the basis that, in accordance with the definition contained in the Preamble of the Declaration, enforced disappearances are only considered as such when the act in question is perpetrated by State actors or by private individuals or organized groups (e.g. paramilitary groups) acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government. Based on the above, WGEID does not admit cases when they are attributed to persons or groups not acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, such as terrorist or insurgent movements fighting the Government in its own territory.

## **B. Handling of cases**

### **Urgent procedures**

7. Cases of enforced disappearances that occurred within the three months preceding receipt of the report by the Working Group are transmitted to the Minister for Foreign Affairs of the country concerned by the most direct and rapid means. Their transmission can be authorized by the Chairperson on the basis of a specific delegation of power given to him by the Working Group. Cases which occurred prior to the three-month limit, but not more than one year before the date of their receipt by the Secretariat, provided that they had some connection with a case which occurred within the three-month period, can be transmitted between sessions by letter, upon authorization by the Chairperson. WGEID notifies sources that an urgent action has been sent to the concerned Government, thus helping it to enter into communication with the authorities about the specific case.

### **Standard procedures**

8. Cases of enforced disappearances that are reported after three months are placed before WGEID for detailed examination during its sessions. Those which fulfil the requirements outlined above are transmitted, upon the Working Group's specific authorization, to the Governments concerned with the request that they carry out investigations in order to clarify the fate or whereabouts of the disappeared person, and inform the Working Group of the results. These cases are communicated by letter from the Group's Chairperson to the Government concerned through the Permanent Representative to the United Nations Office at Geneva.

9. Any substantive additional information which the sources submit on an outstanding case is placed before the Working Group and, following its approval, transmitted to the Government concerned.

### **Admissibility of cases of enforced or involuntary disappearances**

10. Reports of disappearances are considered admissible by the Working Group when they originate from the family or friends of the disappeared person. Such reports may,

however, be channelled to WGEID through representatives of the family, Governments, intergovernmental organizations, non-governmental organizations and other reliable sources. They must be submitted in writing with a clear indication of the identity of the sender; if the source is other than a family member, it must have direct consent of the family to submit the case on its behalf, and it must also be in a position to follow up with the relatives of the disappeared person concerning his or her fate.

11. The Working Group does not deal with situations of international armed conflict.

#### **Elements for admissibility**

12. In order to enable Governments to carry out meaningful investigations, the Working Group provides them with information containing at least a minimum of basic data. In addition, WGEID constantly urges the senders of reports to furnish as many details as possible concerning the identity of the disappeared person and the circumstances of the disappearance. The Working Group requires the following minimum elements:

(a) Full name of the disappeared person and, if possible, age, gender, nationality, and occupation or profession;

(b) Date of disappearance, i.e. day, month and year of arrest or abduction, or day, month and year when the disappeared person was last seen. When the disappeared person was last seen in a detention centre, an approximate indication is sufficient (for example, March or spring 1990);

(c) Place of arrest or abduction, or where the disappeared person was last seen (indication of town or village, at least);

(d) Parties, acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, presumed to have carried out the arrest or abduction or to be holding the disappeared person in unacknowledged detention;

(e) Steps taken by the family to determine the fate or whereabouts of the disappeared person, or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive;

(f) A case should be submitted to the Working Group by a reliable source, which, if other than a family member, must indicate whether the reported victim's family has given their direct consent that this case be submitted to WGEID on their behalf.

13. If a case is not admitted, the Working Group sends a response to the source indicating that the information received did not fulfil the established requirements, in order to permit the source to provide all relevant information.

#### **Situations of vulnerability**

14. With respect to reported cases of disappearances, the Working Group highlights the condition of people in situations of vulnerability, including women, children, the elderly, persons with disabilities, and other vulnerable groups.

#### **Pregnancy**

15. In the case of the disappearance of a pregnant woman, the child presumed to have been born during the mother's captivity should be mentioned in the description of the case of the mother. The child would be treated as a separate case when witnesses reported that the mother had actually given birth to a child during detention.



### **Cases concerning two or more countries**

16. Reports on a disappearance indicating that officials from one country are directly responsible for or involved in a disappearance in another country, or in cases where officials from more than one country were directly responsible for or involved in the disappearance would be communicated to all Governments concerned. However, the case would only be counted in the statistics of the country in which the person was reportedly arrested, detained, abducted or last seen. The same principles are applied with respect to the transmission of urgent appeals, general allegations and prompt interventions.

### **Outstanding cases**

17. The WGEID considers cases as outstanding for as long as they have not been clarified, closed or discontinued in accordance with the methods of work. This principle is not affected by changes of Government in a given country nor in the event of State succession.

### **Reminders**

18. The WGEID reminds every Government concerned once a year of the cases which have not yet been clarified and three times a year of all urgent action cases transmitted since the previous session. On request, the WGEID provides to the Government concerned or the source, to the extent possible, updated information on specific cases.

### **Government replies**

19. All replies received from Governments concerning reports of disappearances are examined by the WGEID and summarized in the Group's annual report to the Human Rights Council. Any information given on specific cases is forwarded to the sources of those reports, who are invited to make observations thereon or to provide additional details on the cases.

### **The six-month rule**

20. Any reply of the Government containing detailed information on the fate or whereabouts of the disappeared person is transmitted to the source. If the source does not respond within six months of the date on which the Government's reply was communicated to it, or if it contests the Government's information on grounds which are considered unreasonable by the WGEID, the case is considered clarified and is accordingly listed under the heading "Cases clarified by the Government's response" in the statistical summary of the annual report. If the source contests the Government's information on reasonable grounds, the Government is so informed and invited to comment.

### **Clarification**

21. Clarification occurs when the fate or whereabouts of the disappeared persons are clearly established as a result of investigations by the Government, inquiries by nongovernmental organizations, fact-finding missions by the WGEID or by human rights personnel from the United Nations or from any other international organization operating in the field, or by the search of the family, irrespective of whether the person is alive or dead.

### **Closed cases**

22. The Working Group may decide to stop pursuing a case when the competent authority specified in the relevant national law issues a declaration of absence as a result of enforced disappearance or, alternatively, a declaration of presumption of death, and the relatives or other interested parties have manifested, freely and indisputably, their desire not

to pursue the case any further. These conditions should at all times respect the right to integral reparation.

#### **Discontinuation of cases**

23. In exceptional circumstances, the WGEID may decide to discontinue the consideration of cases where the families have manifested, freely and indisputably, their desire not to pursue the case any further, or when the source is no longer in existence or is unable to follow up the case and steps taken by the WGEID to establish communication with other sources have proven unsuccessful.

#### **Reopening of cases**

24. If sources provide well-documented information that a case has been considered clarified, closed or discontinued erroneously, because the Government's reply referred to a different person, does not correspond to the reported situation or has not reached the source within the six-month period referred to above, the WGEID transmits the case to the Government anew, requesting it to comment. In such instances, the case in question is again listed among the outstanding cases and a specific explanation is given in the Group's report to the Human Rights Council, describing the above-mentioned errors or discrepancies.

### **C. Other protection mechanisms**

#### **Urgent appeals**

25. When credible allegations are received that a person has been arrested, detained, abducted, or otherwise deprived of his liberty and has been enforcedly disappeared or is at risk of being disappeared, the Working Group will transmit those allegations to the Minister for Foreign Affairs of the Government concerned by the most direct and rapid means requesting said Government to carry out investigations to clarify the fate or whereabouts of the person(s) concerned and to inform the Working Group about the results. The transmission of urgent appeals is authorized by the Chairperson on the basis of a specific delegation of power given to him by the Group.

26. Urgent appeals will be reflected in the annual report of the Working Group, but will not be counted in the statistics of the Government concerned. However, should the information contained therein be provided in accordance with the requirements listed under "Admissibility of cases of enforced or involuntary disappearances" and "Elements for admissibility", the urgent appeal will become a standard or urgent case as appropriate in which case the Government concerned will be informed by separate communication.

#### **Prompt interventions**

27. Cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other non-governmental organizations, human rights defenders or individuals concerned with disappearances are transmitted to the pertinent Governments, with the appeal that they take steps to protect all the fundamental rights of the persons affected. Cases of that nature, which require prompt intervention, are transmitted directly to the Ministers for Foreign Affairs by the most direct and rapid means. To that end, the WGEID has authorized its Chairperson to transmit such cases between sessions.

#### **General allegations**

28. The WGEID regularly transmits to the Governments concerned a summary of allegations received from relatives of disappeared persons and non-governmental

organizations with regard to obstacles encountered in the implementation of the Declaration in their respective countries, inviting them to comment thereon if they so wish.

#### **Cooperation with other mechanisms**

29. If a case or allegation contains information relevant to other thematic mechanisms of the Human Rights Council, the information is transmitted to the mechanism concerned.

30. Where appropriate, the WGEID may join other mechanisms in the actions they take within the scope of their respective mandates.

### **D. Activities of the Working Group**

#### **Country missions**

31. The WGEID carries out visits to countries on invitation, but also takes the initiative of approaching Governments with a view to carrying out visits to countries, when considered appropriate. Such visits are intended to enhance the dialogue between the authorities most directly concerned, the families or their representatives and the WGEID, and to assist in the clarification of the reported disappearances. The WGEID also undertakes visits to examine the practices carried out by Governments to clarify cases of enforced disappearances, as well as the programmes and measures adopted to implement the Declaration and to guarantee the rights of the victims, including the right to integral reparation. The WGEID reports to the Council on its country visits in an addendum to its annual report.

#### **Follow-up**

32. With regard to countries in which visits have been carried out, the WGEID periodically reminds the Governments concerned of the observations and recommendations formulated in the respective reports, requesting information on the consideration given to them, and the steps taken for their implementation or the constraints which might have prevented their implementation. The WGEID may also take the initiative to carry out follow-up visits.

#### **Sessions**

33. The WGEID meets three times a year to consider the information brought to its attention since its previous session. Its sessions are held in private. However, the WGEID works intersessionally and regularly meets with representatives of Governments, nongovernmental organizations, family members and witnesses.

#### **Reports**

34. The WGEID reports annually to the Human Rights Council on the activities which it has carried out from the end of Council's previous session up until the last day of the WGEID's third annual session. It informs the Council of its communications with Governments and non-governmental organizations, its meetings and missions. Reports on missions are contained as addenda to the main report. The WGEID reports on all cases of disappearance received by the Group during the year, on a country-by-country basis, and on the decision it has taken thereon. It provides the Council with a statistical summary for each country of cases transmitted to the Government, clarifications, and the status of the person concerned on the date of clarification. It includes graphs showing the development of disappearances in countries with more than 100 transmitted cases as of the date of the adoption by the WGEID of its annual report. The WGEID includes conclusions and recommendations in its report and makes observations on the situation of disappearances in

individual countries. The WGEID further reports on the implementation of the Declaration and the obstacles encountered therein, and periodically reports on broader issues surrounding the phenomenon of enforced disappearance.

**Participation of experts**

35. When the information under consideration concerns a country to which one of the members of the WGEID is a national, that member does not participate in the discussion.

**Titles**

36. Titles are for reference only and should not be considered as part of the methods of work.

## Annex II

[English only]

### Decisions on individual cases taken by the Working Group during the reporting period

<i>Countries</i>	<i>Cases which allegedly occurred during the reporting period</i>	<i>Cases transmitted to the Government during the reporting period</i>		<i>Clarification by:</i>		<i>Discontinued case</i>	<i>Closed cases</i>
		<i>Urgent actions</i>	<i>Normal actions</i>	<i>Government</i>	<i>Non-governmental sources</i>		
Algeria	0	0	11	0	0	0	0
Bahrain	1	1	0	0	0	0	0
Bangladesh	1	1	0	0	0	0	0
Cameroon	0	0	0	1	0	0	0
Chile	0	-	-	1	0	0	0
China	1	1	0	0	0	0	0
Colombia	0	0	1	6	1	0	0
Dominican Republic	0	0	0	0	0	1	0
Egypt	3	3	17	0	17	0	0
El Salvador	0	-	1	-	-		0
India	1	1	0	1	1	0	0
Iraq	1	1	0	0	2	0	0
Laos	0	0	1	0	0	0	0
Libya Arab Jamahiriya	1	1	0	0	2	0	0
Mexico	10	10	10	0	0	0	0
Montenegro	0	0	0	0	0	0	1
Morocco	6	7	0	4	4	0	0
Myanmar	0	0	0	4	0	0	0
Pakistan	8	10	4	0	1	0	0
Philippines	0	0	1	0	0	0	0
Russian Federation	0	1	0	1	0	0	0

<i>Countries</i>	<i>Cases which allegedly occurred during the reporting period</i>	<i>Cases transmitted to the Government during the reporting period</i>			<i>Clarification by:</i>		<i>Discontinued case</i>	<i>Closed cases</i>
		<i>Urgent actions</i>	<i>Normal actions</i>	<i>Government</i>	<i>Non-governmental sources</i>			
Saudi Arabia	0	0	2	0	1		0	0
Sri Lanka	1	1	3	0	0		0	0
Syrian Arab Republic	5	6	1	1	12		0	0
Thailand	2	2	0	0	0		0	0
Turkey	0	0	0	2	0		0	0
United Arab Emirates	3	0	3	0	0		0	0
Uruguay	0	0	0	2	0		0	0
Yemen	4	4	0	0	6		0	0
<b>Total</b>	<b>48</b>	<b>50</b>	<b>55</b>	<b>23</b>	<b>47</b>		<b>1</b>	<b>1</b>

## Annex III

[English only]

### Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2010

Countries/entities	Cases transmitted to the Government				Clarification by:			Status of person at date of clarification			
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Afghanistan	3	-	3	-	-	-	-	-	-	-	-
Albania	1	-	1	-	-	-	-	-	-	-	-
Algeria	2950	19	2923	18	9	18	9	10	8	-	-
Angola	10	1	3	-	7	-	-	-	7	-	-
Argentina[1]	3449	773	3288	739	107	52	28	5	126	-	-
Bahrain	3	-	1	-	-	2	-	1	-	-	-
Bangladesh	5	3	4	2	1	-	1	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-	-
Bolivia	48	3	28	3	19	1	19	-	1	-	-
Brazil	63	4	13	-	46	4	1	-	49	-	-
Bulgaria	3	-	-	-	3	-	-	-	3	-	-
Burkina Faso	3	-	-	-	3	-	-	-	3	-	-
Burundi	53	-	52	-	-	1	1	-	-	-	-
Cambodia	2	-	-	-	-	-	-	-	-	2	-
Cameroon	19	-	14	-	5	-	4	1	-	-	-
Chad	34	-	30	-	3	1	2	1	1	-	-
Chile[2]	907	65	806	64	78	23	2	-	99	-	-
China	117	13	29	4	77	11	51	35	2	-	-

Countries/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Colombia	1236	122	957	92	211	68	157	24	98	-	-
Congo, Republic of	114	3	114	3	-	-	-	-	-	-	-
Democratic People's Republic of Korea	9	5	9	5	-	-	-	-	-	-	-
Democratic Republic of Congo	53	11	44	11	6	3	9	-	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-	-
Dominican Republic	4	-	1	-	2	-	2	-	-	1	-
Ecuador	26	2	4	-	18	4	12	4	6	-	-
Egypt	61	-	36	-	7	18	3	22	-	-	-
El Salvador	2662	332	2271	295	318	73	196	175	20	-	-
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-	-
Ethiopia	119	2	112	1	3	4	2	5	-	-	-
France	1	-	1	-	-	-	-	-	-	-	-
Gambia	2	-	1	-	-	1	-	-	-	-	-
Georgia	1	-	1	-	-	-	-	-	-	-	-
Greece	3	-	1	-	-	-	-	-	-	2	-
Guatemala	3155	390	2899	372	177	79	187	6	63	-	-
Guinea	28	-	21	-	-	7	-	-	7	-	-
Haiti	48	1	38	1	9	1	1	4	5	-	-
Honduras	207	34	127	21	37	43	54	8	18	-	-
India	431	12	368	10	52	11	34	7	22	-	-
Indonesia	165	2	162	2	3	-	3	-	-	-	-
Iran (Islamic Republic of)	532	99	514	99	13	5	7	2	9	-	-
Iraq	16545	2311	16408	2294	107	30	122	6	9	-	-
Israel	3	-	2	-	-	1	-	-	-	-	-
Japan	4	3	4	3	-	-	-	-	-	-	-



Countries/entities	Cases transmitted to the Government				Clarification by:			Status of person at date of clarification			
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Jordan	2	-	2	-	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-	-
Lao People's Democratic Republic	7	1	1	1	-	5	-	4	1	1	-
Lebanon	320	19	312	19	2	6	7	1	-	-	-
Libya Arab Jamahiriya	15	1	8	1	-	7	5	2	-	-	-
Malaysia	2	-	-	-	-	1	-	1	-	1	-
Mauritania	1	-	1	-	-	-	-	-	-	-	-
Mexico	412	34	238	24	134	24	77	18	63	16	-
Montenegro	16	1	-	-	1	-	-	1	-	14	1
Morocco	275	28	55	7	148	51	140	7	52	21	-
Mozambique	2	-	2	-	-	-	-	-	-	-	-
Myanmar	7	5	1	-	6	-	5	1	-	-	-
Namibia	3	-	3	-	-	-	-	-	-	-	-
Nepal	672	72	458	56	135	79	152	60	1	-	-
Nicaragua	234	4	103	2	112	19	45	11	75	-	-
Nigeria	6	-	-	-	6	-	6	-	-	-	-
Pakistan	138	2	113	2	18	7	22	3	-	-	-
Paraguay	23	-	-	-	20	-	19	-	1	3	-
Peru	3009	311	2371	236	253	385	450	85	103	-	-
Philippines	781	94	620	74	126	35	108	19	29	-	-
Romania	1	-	-	-	1	-	1	-	-	-	-
Russian Federation	479	27	467	25	2	10	12	-	-	-	-
Rwanda	24	2	21	2	-	2	1	1	-	1	-
Saudi Arabia	10	-	4	-	2	2	1	3	-	2	-
Serbia	1	-	-	-	1	-	1	-	-	-	-

Countries/entities	Cases transmitted to the Government				Clarification by:			Status of person at date of clarification			
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Seychelles	3	-	3	-	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6	-
Somalia	1	-	1	-	-	-	-	-	-	-	-
Spain	4	-	4	-	-	-	-	-	-	-	-
Sri Lanka[3]	12230	155	5653	87	6535	40	103	27	6445	-	-
Sudan	383	37	174	5	205	4	208	-	-	-	-
Switzerland	1	-	-	-	1	-	-	-	-	-	-
Syrian Arab Republic	61	3	22	3	13	26	19	15	5	-	-
Tajikistan	8	-	6	-	-	2	1	-	1	-	-
Thailand[4]	57	5	54	5	1	-	1	-	-	2	-
Timor-Leste	504	36	428	28	58	18	50	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	18	1	1	-	12	5	1	16	-	-	-
Turkey	182	11	61	3	71	49	70	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	5	2	4	2	1	-	-	-	1	-	-
United Arab Emirates	6	-	5	-	1	-	1	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-	-
United States of America	1	-	-	-	1	-	-	-	-	-	-
Uruguay	31	7	20	3	10	1	5	4	2	-	-
Uzbekistan	19	-	7	-	11	1	2	10	-	-	-
Venezuela	14	2	10	1	4	-	1	-	3	-	-
Viet Nam	2	-	1	-	1	-	-	-	-	-	-
Yemen	159	-	2	-	135	8	66	3	73	14	-

<i>Countries/entities</i>	<i>Cases transmitted to the Government</i>				<i>Clarification by:</i>			<i>Status of person at date of clarification</i>			
	<i>Total</i>		<i>Outstanding</i>		<i>Government</i>	<i>Non-governmental sources</i>	<i>At liberty</i>	<i>In detention</i>	<i>Dead</i>	<i>Discontinued cases</i>	<i>Closed cases</i>
	<i>Cases</i>	<i>Female</i>	<i>Cases</i>	<i>Female</i>							
Zambia	1	1	-	-	-	1	-	1	-	-	-
Zimbabwe	6	1	4	1	1	1	-	-	1	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-	-

[1] The Working Group determined that two cases were duplicated and were subsequently eliminated from its records.

[2] The Working Group determined that one case was duplicated and was subsequently eliminated from its records.

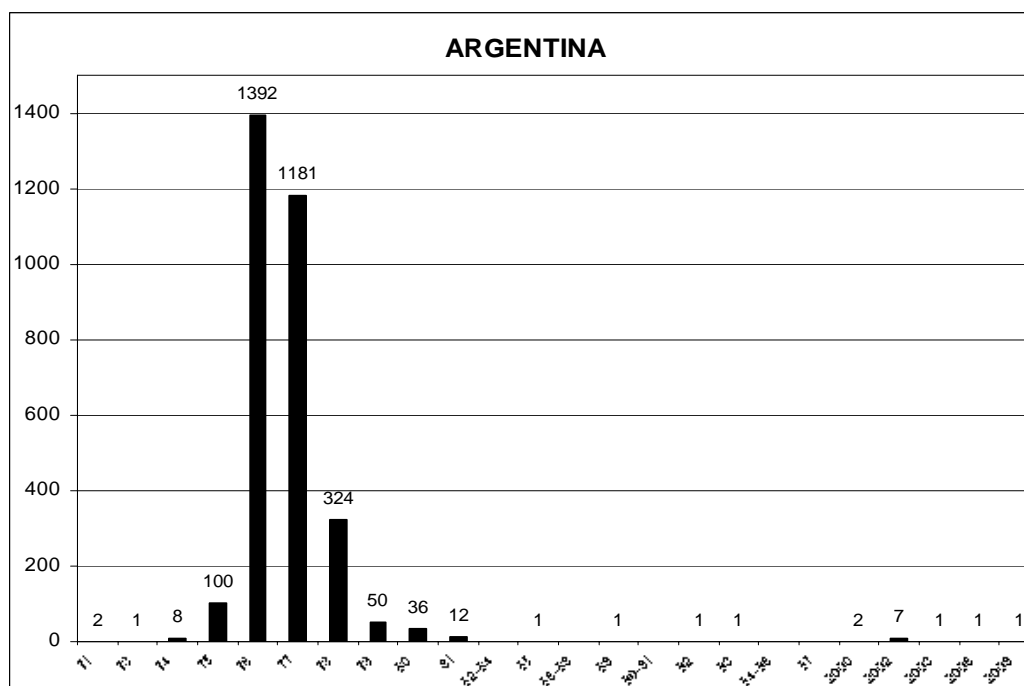
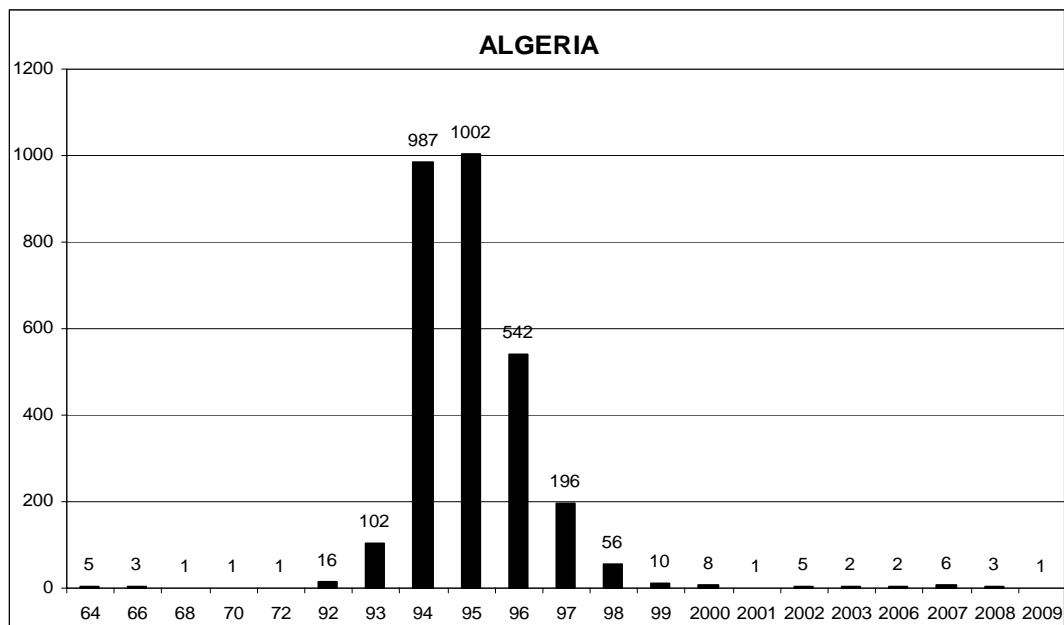
[3] The Working Group determined that 173 cases were duplicated and were subsequently eliminated from its records.

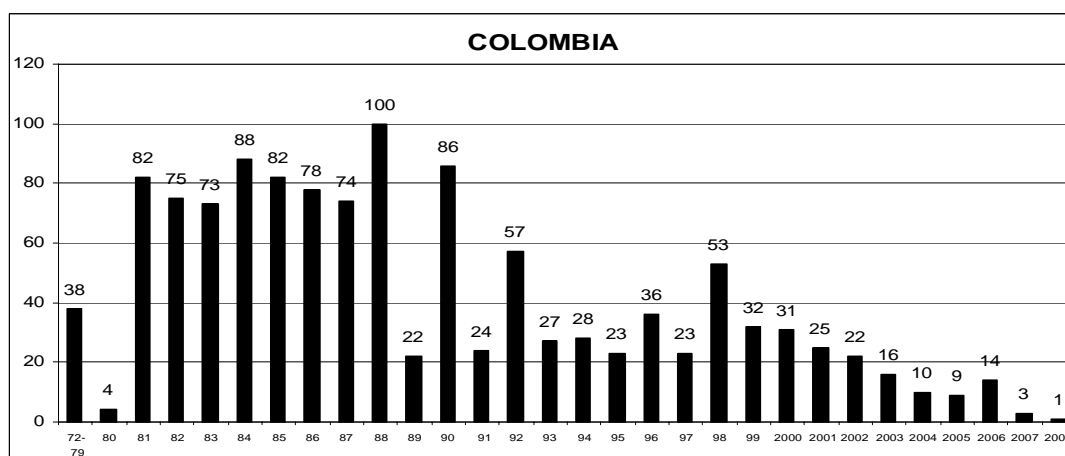
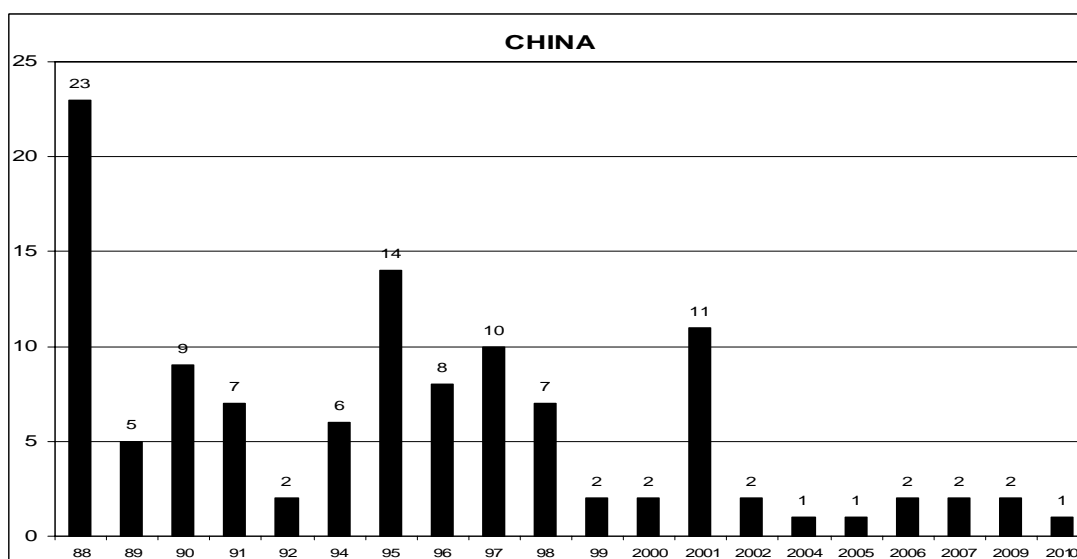
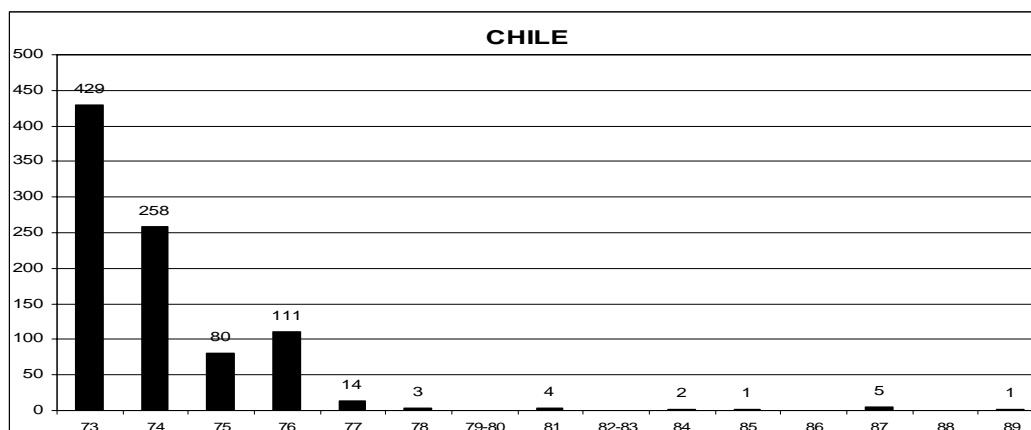
[4] The Working Group determined that three cases were duplicated and were subsequently eliminated from its records.

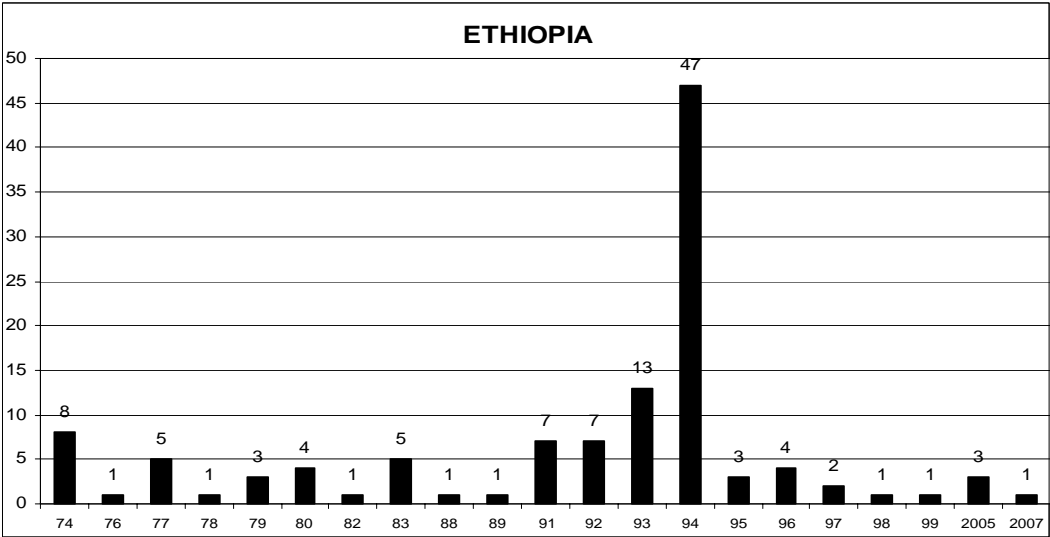
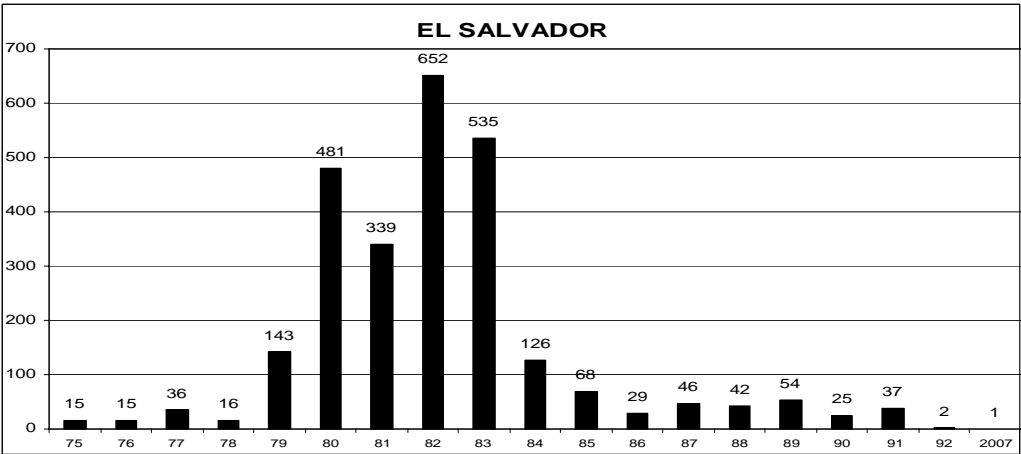
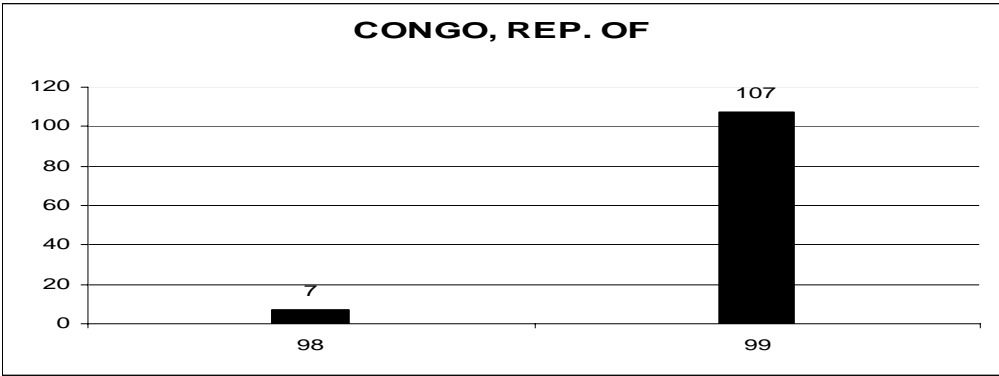
## Annex IV

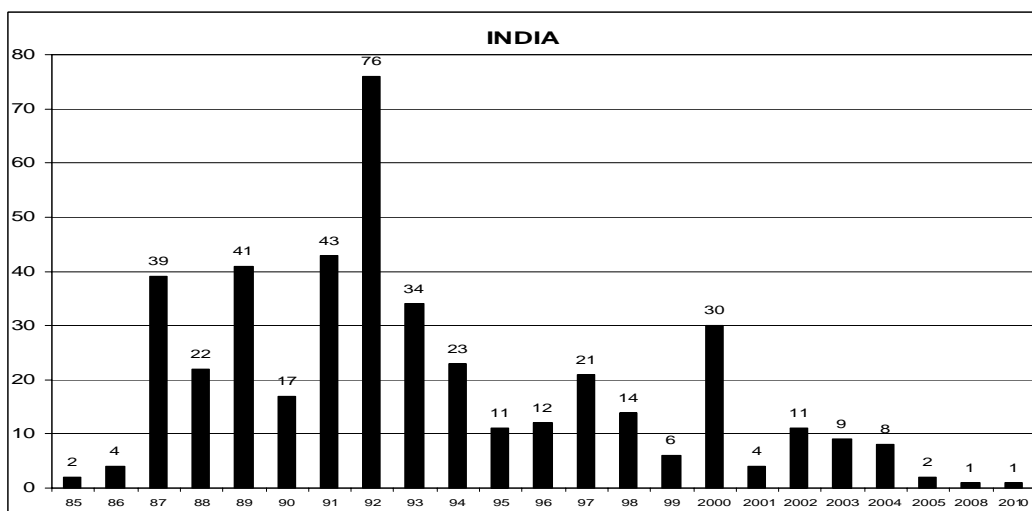
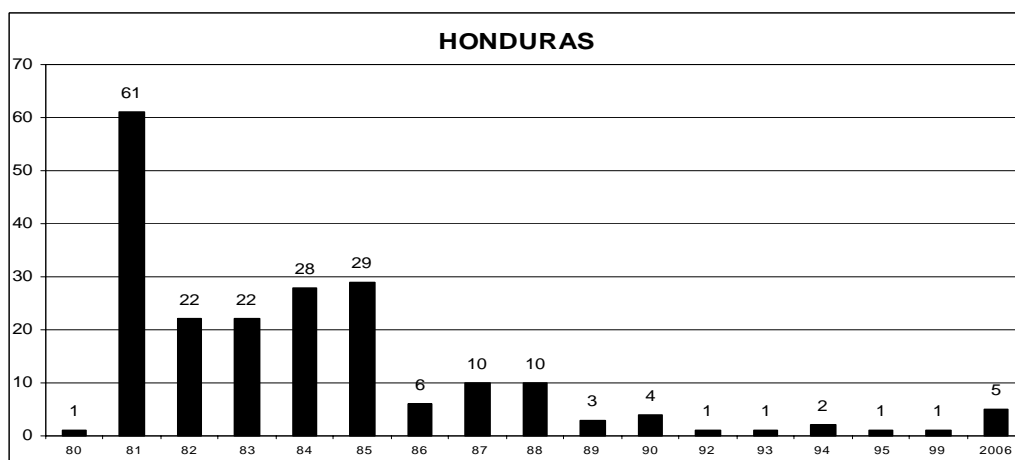
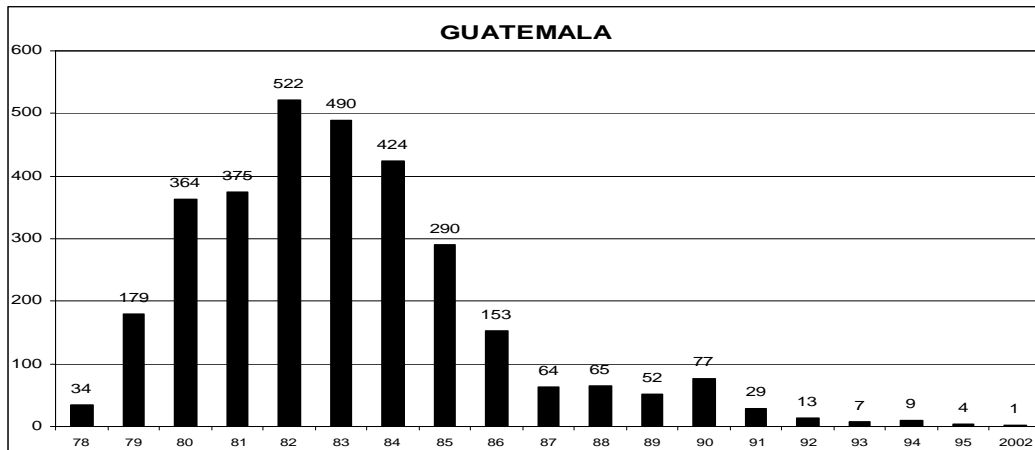
*[English only]*

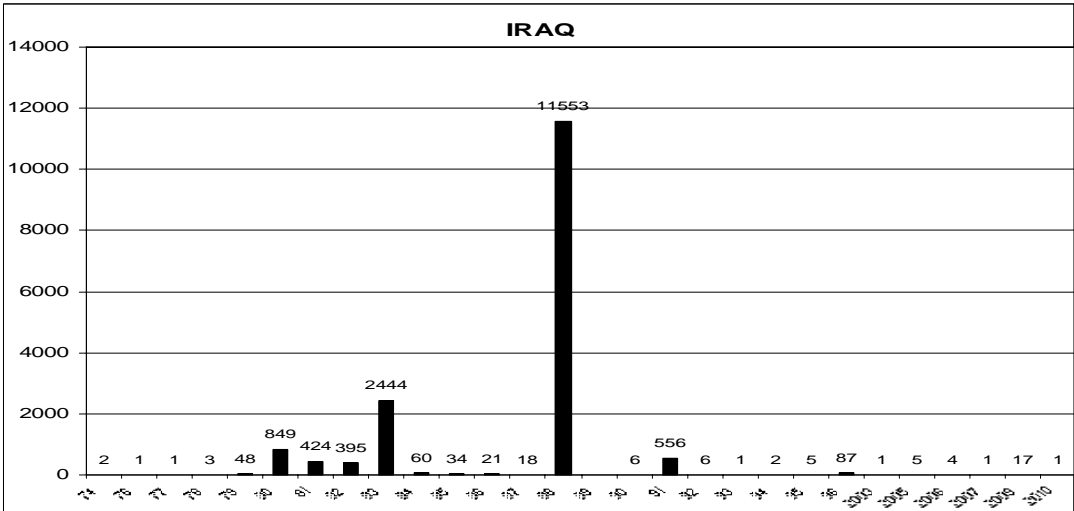
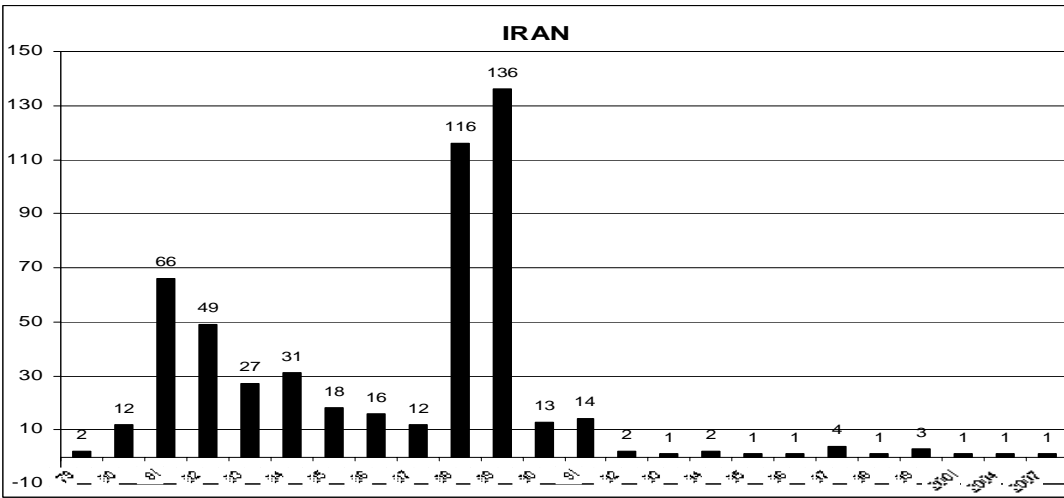
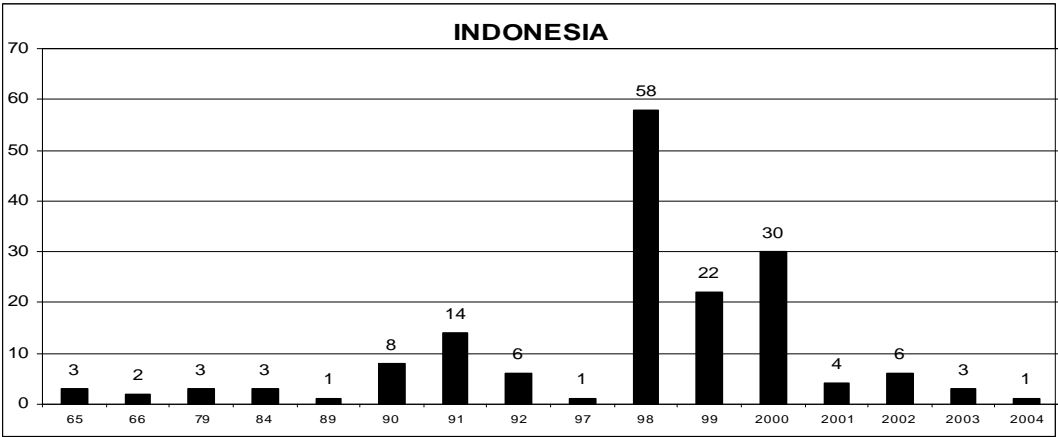
**Graphs showing the development of disappearances in countries with more than 100 transmitted cases during the period 1980-2010**



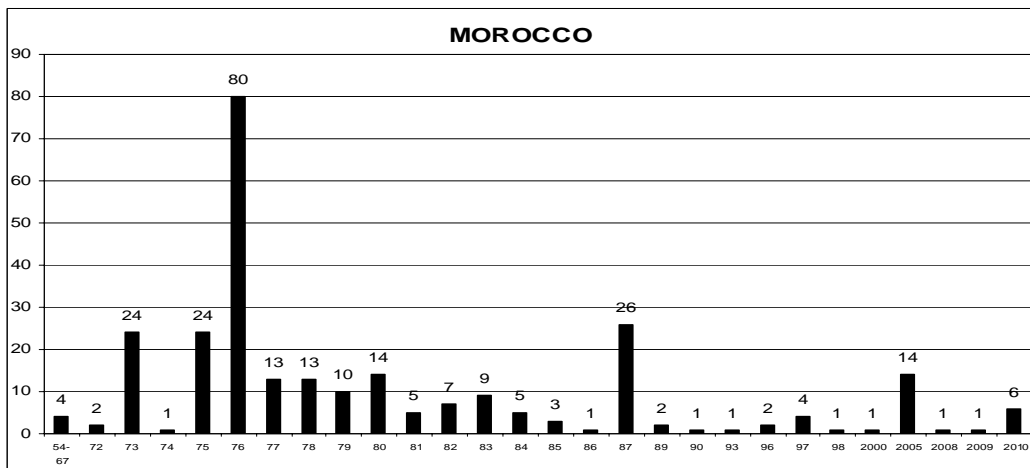
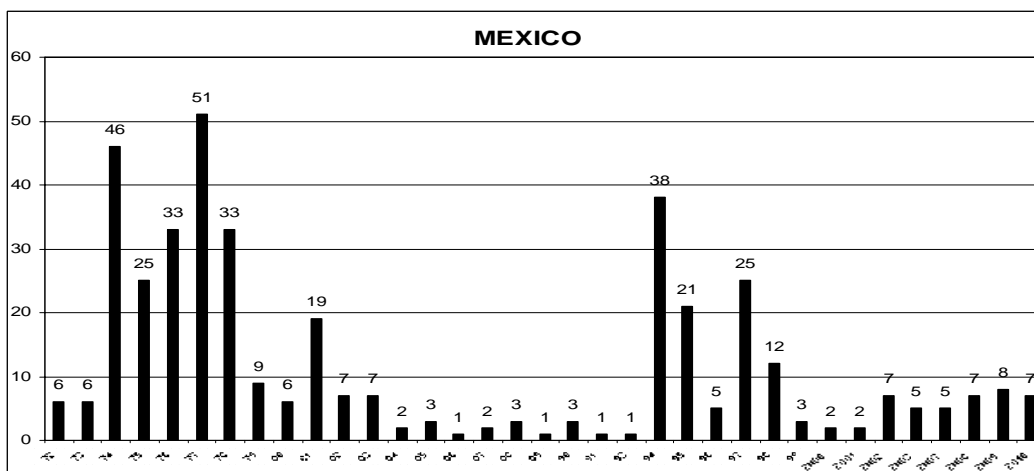
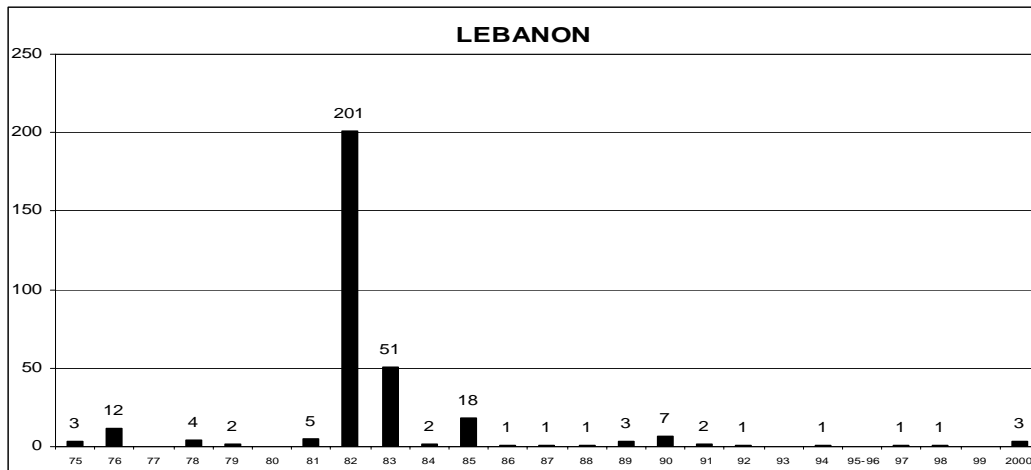


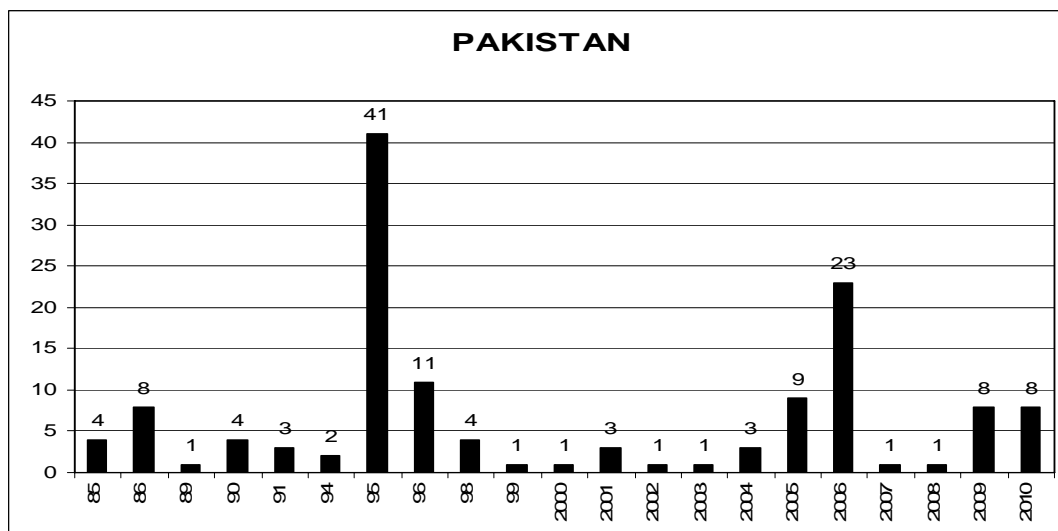
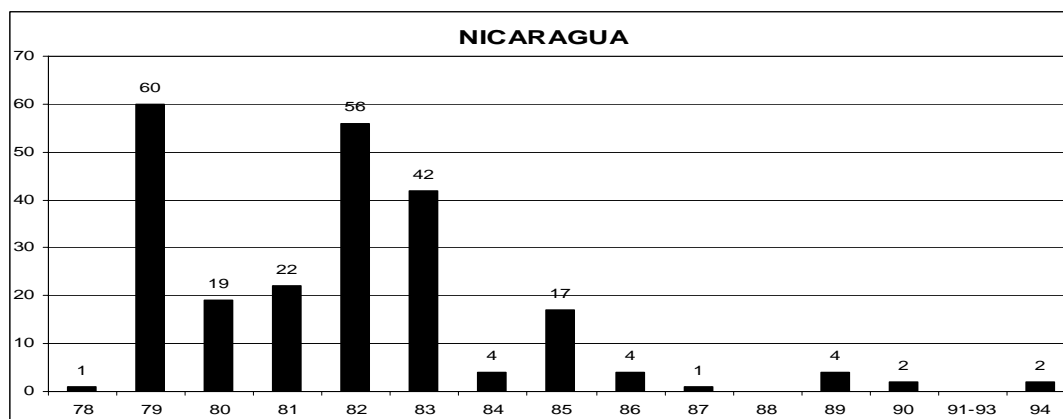
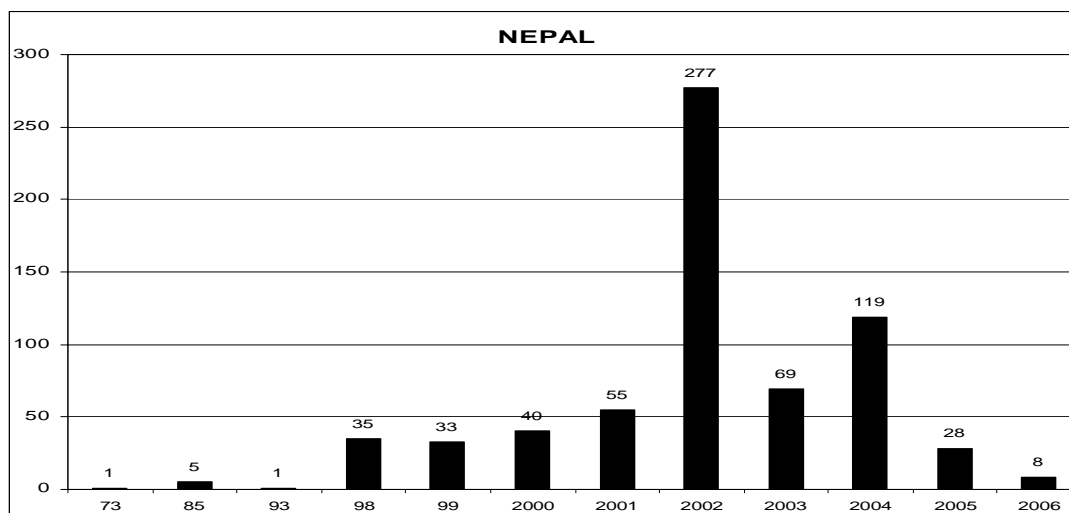


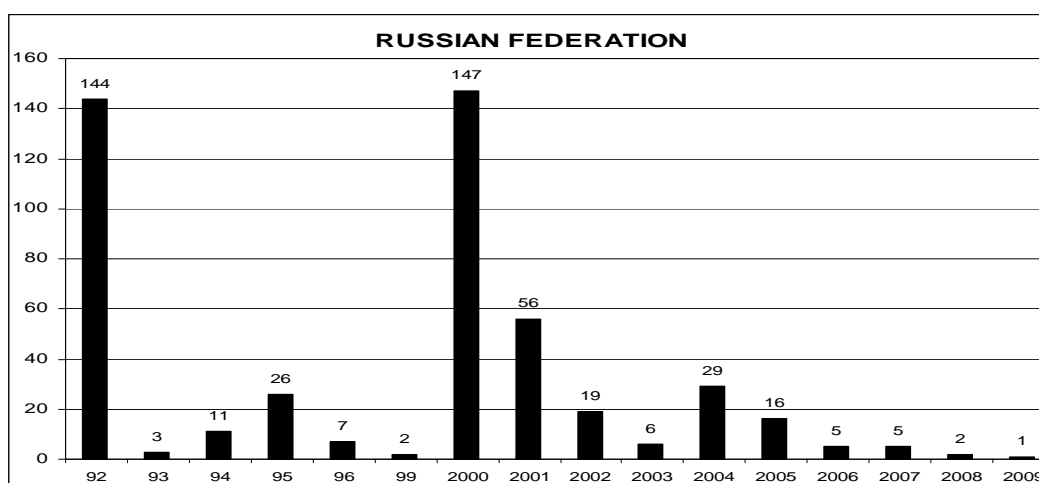
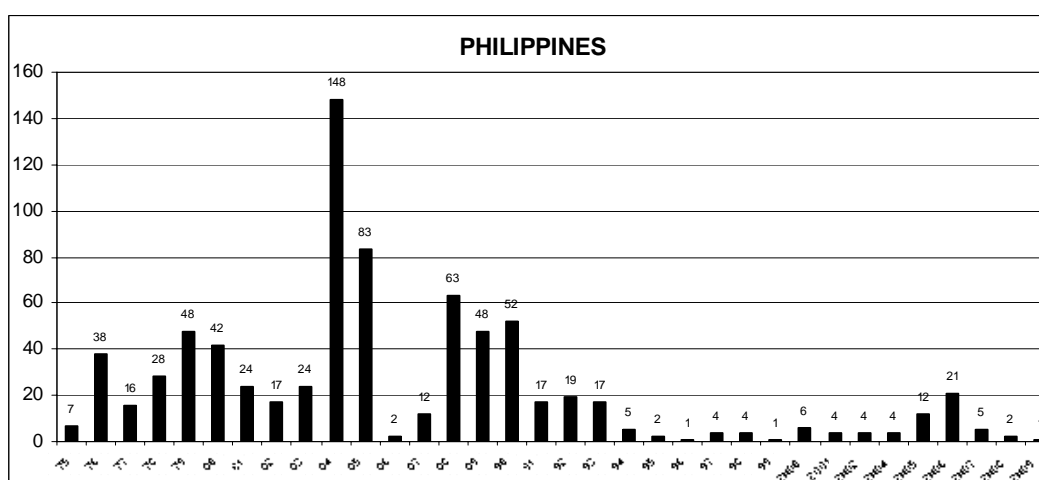
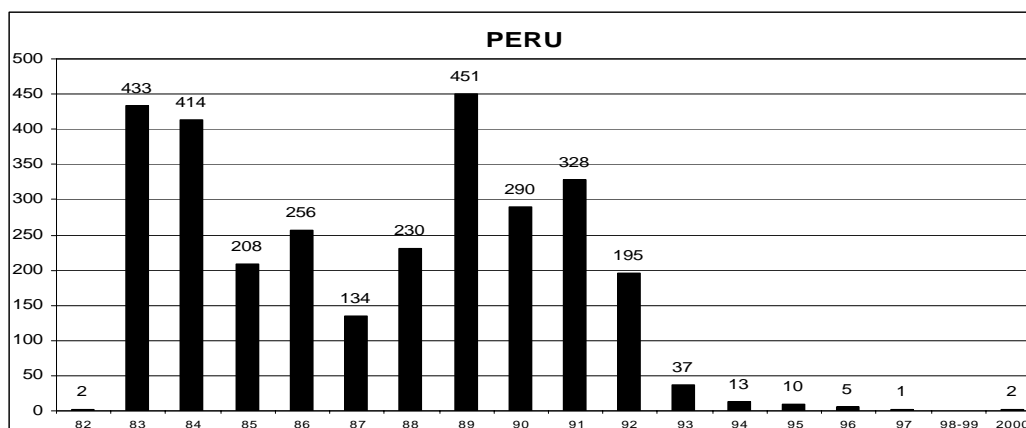


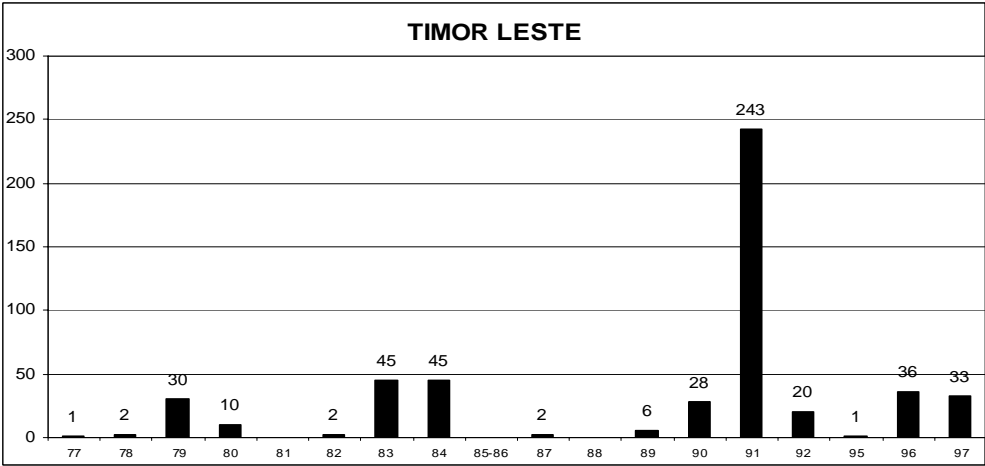
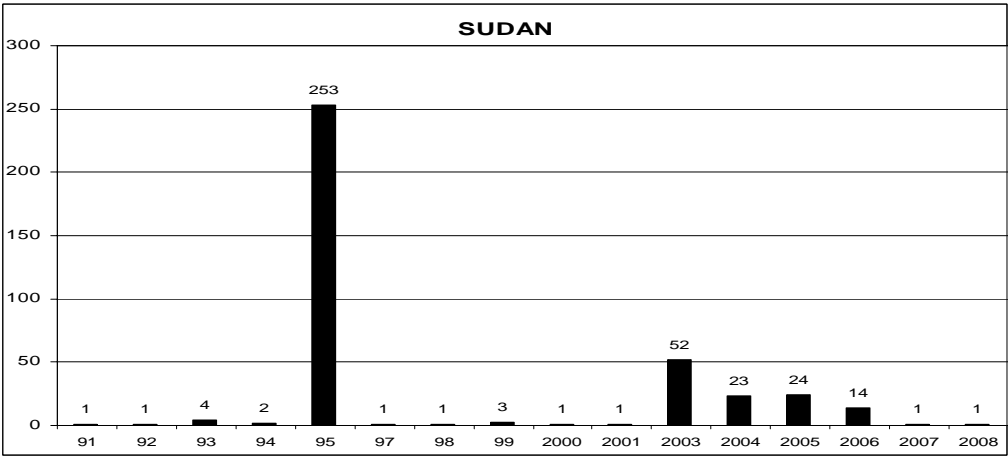
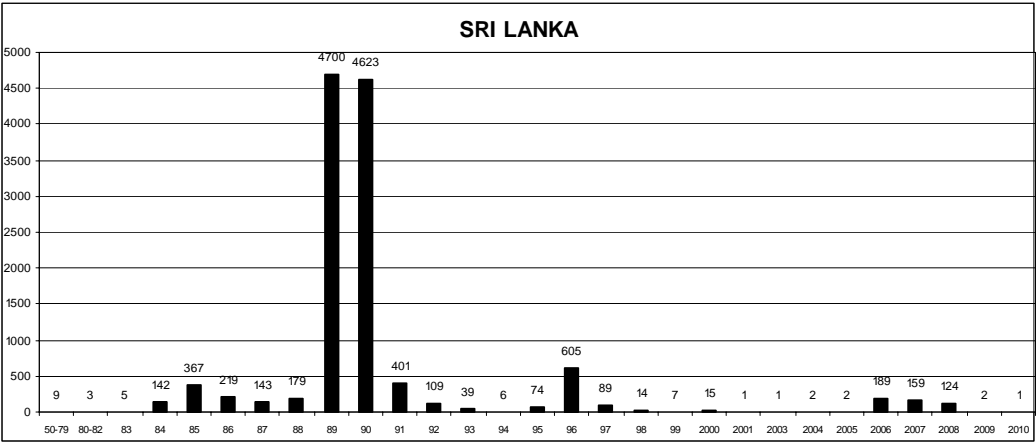


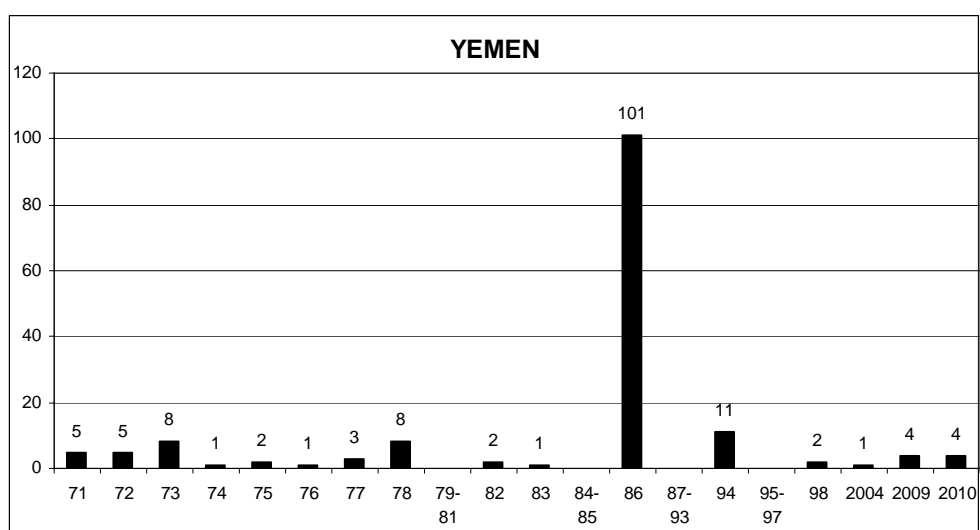
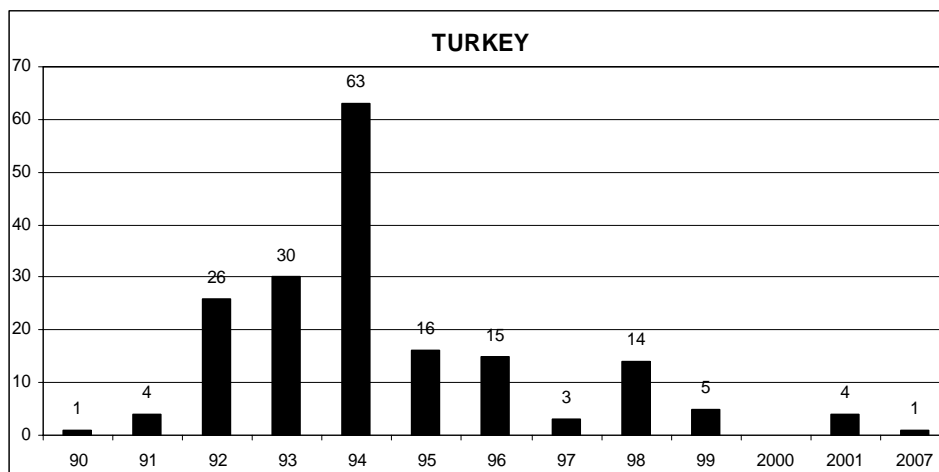












## Annex V

[English only]

### Lists of names of newly reported cases, from countries where there were more than 10 newly transmitted cases during the reporting period

#### Algeria

<i>First name</i>	<i>Last name</i>
Salah	Bouchelita
Hacène	Boudene
Ammar	Boufenchoucha
Abdellah	Bouhaouia
Mekki	Bouhbal
Mustapha	Bouhbal
Kaddour	Bouheneche
Fateh	Boularouk
Salah	Boularouk
Ahcène	Boulemia
Mohamed	Boulemia

#### Egypt

<i>First name</i>	<i>Last name</i>
Mohamed	Abdelmohsen
Ahmed	Chalkami
Ibrahim	Abdallah
Mostafa Fouad	Abdelawad
Sobhi	Abdelhadi Abdelhakim
Amer Fadl	Abdelnaim
Bahloul	Ahmed
Nabil Mohamed Ali Hassan	Al Batouji
Sayed	Ali Hassan

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Mohamed Abdessalam	Ali Mohamed
Mahmoud Ahmed Badawi	Fayed
Imad Atifi	Hammam
Nasser	Khayri Shahata Al Mahdi
Khaled	Mohamed
Majdi Mohamed Ali	Mohamed Farghali
Atef	Suleiman
Nasser	Suleiman Yassin Abdenasser

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