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**Human Rights Council**  
**Working Group on Enforced or Involuntary Disappearances****Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances\*****118th session (13–22 May 2019)****I. Communications**

1. Between its 117th and 118th sessions, the Working Group transmitted 50 cases under its urgent action procedure, to: Bangladesh (3), Burundi (3), Egypt (19), India (1), Libya (1), Pakistan (11), Russian Federation (1), Saudi Arabia (1), Sudan (1), Syrian Arab Republic (2), Turkey (6) and Venezuela (Bolivarian Republic of) (1).
2. At its 118th session, the Working Group decided to transmit 172 newly reported cases of enforced disappearance to 19 States: Algeria (5), Burundi (31), Cameroon (1), China (20), Democratic People's Republic of Korea (14), Egypt (2), Eritrea (1), India (17), Iran (Islamic Republic of) (4), Libya (2), Mexico (2), Pakistan (12), Republic of Korea (1), Saudi Arabia (2), Sri Lanka (45), Syrian Arab Republic (10), Tunisia (1) United Arab Emirates (1) and Yemen (1).
3. The Working Group clarified 62 cases, in: Azerbaijan (1), Bangladesh (2), China (1), Egypt (39), Morocco (4), Nigeria (2), Pakistan (3), Saudi Arabia (3), Syrian Arab Republic (1), Thailand (1) Turkey (4) and Ukraine (1). A total of 50 cases were clarified on the basis of information provided by the Governments and 12 on the basis of information provided by sources.
4. Between its 117th and 118th sessions, the Working Group transmitted 16 communications, either individually or jointly with other special procedures mechanisms: 9 urgent appeals, to China (1) India (1), Iran (Islamic Republic of) (1), Lao People's Democratic Republic (1), Saudi Arabia (1), Sudan (1), Thailand (2) and Viet Nam (1); 1 prompt intervention letter to Colombia (1); 6 allegation letters, to Argentina (1), Azerbaijan (1), China (1), Saudi Arabia (1), Thailand (1) and Turkey (1), and 4 "other letters", to Nepal (1), the International Union for Conservation of Nature (1), the United Nations Educational, Scientific and Cultural Organization (1) and the Jasic Technology Company (1).<sup>1</sup>

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

<sup>1</sup> Such communications are made public 60 days after their transmission to the State, along with responses received from the Government, if any, and are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.



5. On 25 February 2019, the Working Group, together with other special procedure mechanisms, issued a press release deploring the executions in Egypt of nine men convicted on the basis of evidence allegedly obtained under torture.<sup>2</sup>

6. On 11 March 2019, the Working Group, together with other special procedure mechanisms, issued a press release urging the Congress of Guatemala not to pass a new bill that would set up a general amnesty for serious human rights violations committed during the armed internal conflict.<sup>3</sup>

7. On 14 March 2019, the Working Group, together with other special procedure mechanisms, issued a press release renewing a call to the Chinese authorities for a comprehensive and independent investigation into the death in custody of the human rights defender and lawyer Cao Shunli, five years after her death.<sup>4</sup>

8. On 10 May 2019, the Working Group, together with other special procedure mechanisms, issued a press release condemning the lack of significant progress in the investigation into the disappearance in Mexico of lawyer and human rights defender Ernesto Sernas García, one year after his disappearance.<sup>5</sup>

9. Also at its 118th session, the Working Group reviewed and adopted two general allegations, concerning Bangladesh and the United States of America.

## **II. Other activities**

10. During the session, the Working Group met with relatives of victims of enforced disappearance and with non-governmental organizations working on the issue.

11. The Working Group also held meetings with representatives of the Governments of Argentina, France, Japan, Morocco, Pakistan, Portugal, Qatar and the Republic of Korea.

12. During the session, the Working Group discussed its upcoming thematic report on standards and public policies for an effective investigation of enforced disappearances, to be presented to the Human Rights Council at its forty-second session.

13. The Working Group also participated in a workshop on forensic investigation and enforced disappearance.

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

### **Algeria**

#### **Standard procedure**

14. The Working Group transmitted five cases to the Government, concerning:

(a) Ahmed Boukhatem, reportedly arrested on 13 December 1994 by masked soldiers while he was at a mosque near his residence;

(b) Mourad Raghis, reportedly arrested on 17 November 1994 by military security agents while on duty with the civil protection services at the Khelifi barracks at the Port of Algiers;

(c) Samir Hamdi Bacha, reportedly arrested on 22 December 1999 by police officers at his home;

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<sup>2</sup> Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24204&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24204&LangID=E).

<sup>3</sup> Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24300&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24300&LangID=E).

<sup>4</sup> Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24331&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24331&LangID=E).

<sup>5</sup> Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24590&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24590&LangID=E).

(d) Ahmed Ben Bensaïd, abducted on 25 January 1976 by Algerian police from his home, in Douar el Khouane, Remchi;

(e) Amar Ould Mimoun, last seen in early January 1977 while in detention at the central prison of Sidi Bel Abbès in Algeria.

## **Argentina**

### **Joint allegation letter**

15. On 16 April 2019, the Working Group transmitted, jointly with other special procedure mechanisms, a joint allegation letter concerning envisaged projects to be carried out in the military garrison of Campo de Mayo, where clandestine detention centres had been located during the dictatorship. The projects would jeopardize the right of the victims to know the truth about the circumstances of the enforced disappearances that occurred there, the evolution and results of the investigations, and the whereabouts of the disappeared or deceased persons, as well as the right of victims to obtain guarantees of non-repetition for the violations suffered, including through the preservation of historical memory sites.<sup>6</sup>

## **Azerbaijan**

### **Clarification**

16. On the basis of information previously provided by the Government, the Working Group decided to clarify one case, concerning Mustafa Ceyhan, to which the six-month rule had been applied at the 116th session (A/HRC/WGEID/116/1, para. 23). Reportedly, the person is in detention in Turkey.

### **Joint allegation letter**

17. On 19 March 2019, the Working Group transmitted, jointly with other special procedure mechanisms, a joint allegation letter concerning the forcible return from Azerbaijan to Turkey of two Turkish asylum seekers, one of whom was subjected to enforced disappearance and torture before his deportation.

### **Observation**

18. The Working Group is concerned that the forcible return to Turkey of asylum seekers who are reportedly associated with the Hizmet/Gülen movement has resulted in them being subjected to arbitrary arrest and detention, enforced disappearance and possibly torture or other forms of ill-treatment. It is also concerned at allegations that Turkish nationals residing legally in Azerbaijan, including recognized asylum seekers and refugees, have been deported at the request of Turkish authorities.

19. The Working Group calls on the authorities of Azerbaijan to promptly carry out a thorough review of their current policy of forcible return of Turkish nationals to Turkey, so as to bring it into conformity with fundamental norms of international human rights law applicable in Azerbaijan. The Working Group makes reference to article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance, which establishes that no State is to expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he or she would be in danger of enforced disappearance. For the purpose of determining whether there are such grounds, the competent authorities are to take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

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<sup>6</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24538>.

## **Bangladesh**

### **Urgent action**

20. The Working Group, under its urgent action procedure, transmitted three cases to the Government, concerning:

(a) Mohammad Mukul Hossain, allegedly abducted from Kalabagan, Dhaka on 3 February 2019 by members of the Detective Branch of the police;

(b) Mohammad Iqbal Hossain Sarkar, allegedly abducted from Narayanganj District, Bangladesh on 10 April 2019 by members of the Detective Branch of the police;

(c) Mohammad Zayedur Rahman, allegedly abducted from Narayanganj District, Bangladesh on 10 April 2019 by members of the Detective Branch of the police.

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

21. On the basis of the information provided by sources, the Working Group decided to clarify the case of Maroof Zaman, who had returned to his residence, and Mohammad Mukul Hossain, who was in detention.

### **General allegation**

22. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Bangladesh. A general allegation was transmitted to the Government of Bangladesh on 29 June 2019 (see annex I), focusing primarily on reports that enforced disappearances have continued to occur with alarming frequency in Bangladesh.

### **Observation**

23. The Working Group remains concerned about the fact that it continues to receive reports of new cases of alleged enforced disappearance in Bangladesh and about the lack of replies from the Government regarding its cases and communications.

## **Belarus**

### **Information from sources**

24. Sources provided information on one outstanding case, which was considered insufficient to clarify the case.

## **Bhutan**

### **Information from the Government**

25. On 16 April 2019, the Government of Bhutan transmitted information concerning one case, which was considered insufficient to clarify the case.

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

## **Burundi**

### **Urgent action**

27. The Working Group, under its urgent action procedure, transmitted three cases to the Government, concerning:

(a) Jean Claude Nsengiyumva, arrested on 16 January 2019 by an Imbonerakure militiaman and handed over to a judicial police officer at the police station in Muramvya;

(b) Oscar Mbonihankuye, last seen on 24 December 2018, after having been targeted by Imbonerakure militiamen working closely with a local elected official from the ruling party;

(c) Jean de Dieu Ndayishimiye, alias Nshimi, arrested on 7 December 2018 by military personnel accompanied by an Imbonerakure militiaman in a bar located at the Rukaramu market, on Kigwati II Hill, Rukaramu zone, Mutimbuzi commune, Bujumbura Rural Province.

### **Standard procedure**

28. The Working Group transmitted 31 cases to the Government (see annex II).

### **Observation**

29. The Working Group reiterates its serious concerns about the prevailing situation in Burundi and the lack of cooperation with human rights mechanisms, as exemplified by the closure of the OHCHR country office on 28 February 2019. The Working Group also notes with alarm the reported fear surrounding lodging complaints for cases of enforced disappearance, and information received on cases of reprisals against persons who have looked for their loved ones, including one alleged case of summary execution of a relative of a disappeared person. In this regard, the Working Group would like to recall article 13 (1) and (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, which requires States to ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority, and further requires States to protect all involved in the investigation against ill-treatment, intimidation or reprisal.

## **Cameroon**

### **Standard procedure**

30. The Working Group transmitted one case to the Government, concerning Franklin Mowha, reportedly disappeared on 6 August 2018, in Kumba in southwest Cameroon while on a mission to document cases of human rights violations in the context of the sociopolitical crisis in the northwest and southwest regions of the country.

### **Observation**

31. The Working Group would like to underscore that on 12 April 2019 it formulated a request to conduct an official visit to Cameroon.

## **China**

### **Press release**

32. On 14 March 2019, the Working Group, together with other special procedure mechanisms, issued a press release renewing a call to the Chinese authorities for a comprehensive and independent investigation into the death in custody of the human rights defender and lawyer Cao Shunli, five years after her death (see para. 7 above).

### **Standard procedure**

33. The Working Group transmitted 20 cases to the Government of China, concerning:

(a) Lodoe Gyatso Jigmekhang, allegedly arrested in front of the Potala Palace in Lhasa, Tibet Autonomous Region on 28 January 2018 by members of the local police;

(b) Gakyi, wife of Lodoe Gyatso Jigmekhang, allegedly arrested sometime after 28 January 2018;

- (c) Kadeer Maola, allegedly sent to an unknown prison in November 2018;
- (d) Tuershunjiang Kadeer, allegedly sent to an unknown facility in July 2018;
- (e) Buayshem Kadir, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 7 April 2017 by Chinese police;
- (f) Osman Tohti, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region in September 2016 by Chinese police;
- (g) A child allegedly taken away from Xayan Xian, Xinjiang Uighur Autonomous Region on 7 April 2017 by Chinese police;
- (h) A child allegedly taken away from Xayan Xian, Xinjiang Uighur Autonomous Region on 7 April 2017 by Chinese police;
- (i) A child allegedly taken away from Xayan Xian, Xinjiang Uighur Autonomous Region on 7 April 2017 by Chinese police;
- (j) Musa Kadir, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 11 August 2017 by Chinese police;
- (k) Eminjan Kadir, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 22 April 2017 by Chinese police;
- (l) Mardan Kadir, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 7 July 2017 by Chinese police;
- (m) Memetjan Ayup, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 20 September 2017 by Chinese police;
- (n) Kerem Ayup, allegedly arrested in Xayan Xian, Xinjiang Uighur Autonomous Region on 12 November 2016 by Chinese police;
- (o) Roxangul Tahir, allegedly arrested in Urumqi, Xinjiang Uighur Autonomous Region in November 2017 by Chinese police;
- (p) Nuermaimaiti Maiwulani, allegedly last seen in the Bole city detention station house, Bole City, Xinjiang Uighur Autonomous Region in March 2017;
- (q) Ainiwa Niyazi, allegedly arrested in Toksun, Xinjiang Uighur Autonomous Region in April 2018 by the Tuokexun police bureau;
- (r) Aierken Tueroxun, allegedly arrested in Yining, Xinjiang Uighur Autonomous Region in March 2017 by Jeliyuz county police;
- (s) Yusufjiang Touheti, allegedly arrested in Xinjiang Uighur Autonomous Region in March 2018 by Chinese police;
- (t) Changguo Fu, allegedly taken from Shenzhen City 2nd Detention Centre, Guangdong Province, China to an unknown location by “case handlers”.

**Clarification based on information from sources**

34. On the basis of the information provided by sources, the Working Group decided to clarify one case, concerning Golog Jigme Gyatso Lotsa, who reportedly escaped from detention.

**Joint urgent appeal**

35. On 1 May 2019, the Working Group transmitted, with other special procedure mechanisms, a joint urgent appeal concerning alleged charges against five labour rights defenders, as well as the enforced disappearance of one of the defenders, as a result of their advocacy for labour rights and for better working conditions at the Jasic Technology Company factory in Shenzhen, and for their attempts to form a trade union.

**Joint allegation letter**

36. On 20 May 2019, the Working Group transmitted, with other special procedure mechanisms, a joint allegation letter concerning the alleged continuing violations of the human rights of Jiang Tianyong.

**Observation**

37. The Working Group notes with concern that it has received a number of cases concerning ethnic Uighur persons allegedly disappeared in Xinjiang Uighur Autonomous Region. It has requested further information from the Government, including on the process of notification for family members of individuals who are in facilities or in prisons, and the extent to which individuals are able to maintain contact with their families.

38. The Working Group reminds the Government of China that the Declaration on the Protection of All Persons from Enforced Disappearance recognizes the right to be held in an officially recognized place of detention and to be brought before a judicial authority promptly after detention in order to challenge the legality of the detention (art. 10 (1)). The Declaration also establishes the obligation of the detaining authorities to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons having a legitimate interest (art. 10 (2)). The Declaration also establishes the obligation to maintain in every place of detention an official up-to-date register of detained persons (art. 10 (3)) and provides that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (art. 7).

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

39. On 15 April 2019, the Government provided information on two outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to the cases.

**Information from the Government**

40. On 25 September 2018 and on 15 April 2019, the Government transmitted information concerning four outstanding cases, which was considered insufficient to clarify the cases.

**Prompt intervention letter**

41. On 22 February 2019, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning alleged death threats and acts of intimidation committed against Alfamir Castillo Bermúdez, her lawyer German Romero Sánchez and members of the Nydia Erika Bautista foundation, which works on issues related to enforced disappearance. The attacks reportedly reflect a pattern of acts of intimidation related to the trial of Mario Montoya Uribe.<sup>7</sup>

**Reply to prompt intervention letter**

42. On 16 April 2019, the Government of Colombia transmitted a reply to the prompt intervention letter sent on 22 February 2019 concerning attacks against human rights defenders working on enforced disappearances. In the reply, the Government provides information on the steps taken to address the situation and to provide protection to the victims.<sup>8</sup>

<sup>7</sup> See

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24325>.

<sup>8</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34626>.

## Democratic People's Republic of Korea

### Standard procedure

43. The Working Group transmitted 14 cases to the Government, concerning:

(a) Gyeong Hak Choi, allegedly detained in the State Security Department detention centre in Hyesan City, Ryanggang Province, Democratic People's Republic of Korea after being repatriated from China on 1 October 2016;

(b) Seong Ga Choi, allegedly detained in the State Security Department detention centre in Hyesan City, Ryanggang Province, Democratic People's Republic of Korea, after being repatriated from China on 1 October 2016;

(c) Hwa Yeong Park, allegedly abducted in Musan County, North Hamgyong Province, Democratic People's Republic of Korea on 25 September 1976 by Democratic People's Republic of Korea national security agents;

(d) Chansoo Ahn, allegedly arrested in Seoul on 5 July 1950 by Democratic People's Republic of Korea police officers;

(e) Geun-sik Kim, allegedly abducted from a boat near the Northern Limit Line, Republic of Korea on 15 February 1974 by Democratic People's Republic of Korea forces;

(f) Jung-soo Heo, allegedly abducted from the Daehwatoe fishing grounds north-east of Ulleung-do Island, Republic of Korea on 8 August 1975 by Democratic People's Republic of Korea forces;

(g) Yu-seok Jung, allegedly abducted from a boat near the Northern Limit Line, Republic of Korea on 15 February 1974 by Democratic People's Republic of Korea forces;

(h) Joong-sik Kim, allegedly abducted from a boat near the Northern Limit Line, Republic of Korea, on 15 February 1974 by Democratic People's Republic of Korea forces;

(i) Gil-soo Maeng, allegedly abducted from 6 km below the Northern Limit Line, Republic of Korea on 5 June 1970 by members of the Democratic People's Republic of Korea navy;

(j) Jung-ok Kim, allegedly abducted from the boat *Dongjin-ho* on 10 January 1972 by Democratic People's Republic of Korea forces;

(k) Jun-soo Choi, allegedly abducted from the Yellow Sea, Republic of Korea on 20 March 1964 by Democratic People's Republic of Korea forces;

(l) Nam-guk Kim, allegedly abducted from the Yellow Sea, Republic of Korea on 12 July 1968 by Democratic People's Republic of Korea forces;

(m) Sung-hyun Lee, allegedly abducted from Goseong-gun, Gangwon-do, Republic of Korea by Democratic People's Republic of Korea soldiers;

(n) Tae-ho Kim, allegedly abducted from the Yellow Sea, Republic of Korea on 16 October 1964 by Democratic People's Republic of Korea forces.

44. In accordance with its methods of work, the Working Group also transmitted a copy of 10 of the case files to the Government of the Republic of Korea.

### Information from the Government

45. On 27 March 2019, the Government of the Democratic People's Republic of Korea transmitted information concerning 16 outstanding cases, which was considered insufficient to clarify them.

### Observation

46. The Working Group is concerned about the lack of cooperation demonstrated by the Government of the Democratic People's Republic of Korea through the identical replies received in relation to the transmitted cases. The Working Group is concerned in particular by the fact that the Government, instead of cooperating with the Working Group in relation



to the very serious allegations of grave and systematic enforced disappearances in the country, has accused the Working Group of being partial and of being involved in an alleged political plot against the Democratic People's Republic of Korea. The Working Group firmly reiterates that it operates while maintaining the highest levels of objectivity, independence and impartiality.

## **Egypt**

### **Urgent action**

47. The Working Group, under its urgent action procedure, transmitted 20 cases to the Government, concerning:

(a) Islam El-Sayed Mahfouz Salem Khalil, disappeared on 25 February 2019 from El-Santa Police Station in Gharbia Governorate, Egypt;

(b) Hozafa Mohammed Abdelfatah Mohammed Ismail, taken on 8 February 2019 by security forces in plain clothes;

(c) Anas el-Sayed Ibrahim Mohamed, last seen on 26 December 2018 while he was awaiting release at police station II in Zagazig;

(d) Taher Monir Ahmed Abu Ela, arrested on 27 January 2019 at a village mosque by security forces in plain clothes and taken to an unknown location;

(e) Ahmed Ameen Abd Elrahman Mahmoud, arrested on 5 March 2019 by National Security Agency agents wearing civilian clothes and police officers in uniform, in the apartment of a person associated with him in Nasr City, Cairo;

(f) El-Sayed Mohamed Niazi el-Sayed el-Araby, abducted on 12 January 2019 from an apartment in Mansurah city, Egypt, by National Security Agency forces in plain clothes;

(g) Abdul Rahman Usama Mohamed Mohamed al-Akeed, arrested on 12 February 2019 at the police academy in Cairo by members of the National Security Agency;

(h) Hazem Hamouda, last heard from on 18 February 2019 while in detention at the Tora Prison;

(i) Ahmed Ragb Ibrahim Mohammed el-Ebshiby, disappeared on 20 December 2018 from the Cairo-Alexandria road while he was travelling to Alexandria on a minibus;

(j) Mohammed el-Tantawy Hassan, last seen on 5 February 2019 at the microbus station in Mokattam city;

(k) Islam Ali Abd el-Aal Mohammed, arrested on 26 January 2019 by police officers and National Security Agency agents at the Kobry el-Obba metro station, Cairo Governorate, Egypt;

(l) Abdallah Bu-Madiyan Nasr Eldeen Okasha Nasr, disappeared on 11 January 2019 from El-Arish police station;

(m) Abdel Malek Mohamed Abdel Malek Hussein, disappeared on 8 March 2019, from the 15th of May city police station while awaiting release;

(n) Amr Azab Mohammed Azab, arrested on 3 March 2019 by agents of the National Security Agency in plain clothes while on his way to Beni Suef University;

(o) Mohamed Abdullah Mohamed Ahmed, disappeared on 7 April 2019 from the Minya al-Qamh police station while awaiting release;

(p) Mahmoud Ghareeb Mahmoud Qassim, arrested on 17 March 2019 at 5 p.m. by members of the State security forces in plain clothes, while he was walking near Al-Saah Square on his way to the grocery store;

(q) Abdallah Mahmoud Hisham Mostafa Mohamed Alhinnawi, disappeared on 1 March 2019 while in custody of the Malaysian authorities. It is believed that he was one of four Egyptian nationals deported from Malaysia to Egypt on or around 5 March 2019;

(r) Azmi Elsayed, disappeared on 2 March 2019 while in custody of the Malaysian authorities. It is believed that he was one of four Egyptian nationals deported from Malaysia to Egypt on or around 5 March 2019;

(s) Mohamed Fathy Eid Aly, an Egyptian citizen, disappeared on 1 March 2019 while in custody of the Malaysian authorities. It is believed that he was one of four Egyptian nationals deported from Malaysia to Egypt on or around 5 March 2019;

(t) Abdelrahman Abdelaziz Ahmed Abdelaziz Mostafa, disappeared on 2 March 2019 while in custody of the Malaysian authorities. It is believed that he was one of four Egyptian nationals deported from Malaysia to Egypt on or around 5 March 2019.

#### **Standard procedure**

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

(a) Abdullah Mohamed Sadek el-Sayed, arrested on 20 November 2017 by police forces in uniform and plain clothes in front of the Faculty of Commerce, Beni Suf University;

(b) Sayed Naser Mohammad Abdel Aziz, last seen on 9 May 2018 in the custody of Egyptian security forces on the roof of his residence in the Imbaba neighbourhood, Giza Governorate, Egypt.

#### **Information from sources**

49. Sources provided information on one outstanding case, which was considered insufficient to clarify the case.

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

50. On the basis of information received from the Government on 15 February, 1 March, 15 March and 26 March 2019, the Working Group decided to apply the six-month rule to 21 outstanding cases, concerning: Maged Taha Hussain Ahmad al-Sherei, Walid Ismat Hassan Khalil, Abu Bakr Ali Abdul Muttalib Sinhouti, Talaat Hassan Ali Qarani, Saad Sherif, Ezzat Eid Taha Fadel Khudair Ghoneim, Muhammad Awad Basyouni al-Asali, Ayatollah Ashraf Muhammad al-Sayyed, Obeir Naged Abdullah Mustafa, Mohammed Abu Huraira Muhammad Abdelrahman, Hoda Abdelmun'im Abdelaziz Hassan, Samiya Muhammad Nasef Rushdi, Aisha Muhammad Khairat, Tareq Mahmoud Hassan Mahmoud, Walid Ali Salim Muhammad Hamadah, Ali Mahmoud Ali Mahmoud al-Kadawani, Ibrahim al-Sayyed Muhammad Abdou Atta, Osama Mabrouk Musa Muhammad, Marwa Ahmad Madbouly Ahmad, Ahmad Abdelnabi Mahmoud Sayyed Ahmad and Ria Abdullah Hassan Ali.

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

51. Based on the information provided by the Government, the Working Group decided that 13 cases, for which the information was deemed insufficient to clarify the fate or whereabouts of the persons, would remain under its review.

#### **Clarification**

52. On the basis of information previously provided by the Government, the Working Group decided to clarify 39 cases to which the six-month rule had been applied at the 116th session (A/HRC/WGEID/116/1, para. 59). Reportedly, 31 individuals were in detention and 8 had been released from detention.

**Press release**

53. On 25 February 2019, the Working Group, together with other special procedure mechanisms, issued a press release deploring the executions in Egypt of nine men convicted on the basis of evidence allegedly obtained under torture (see para. 5 above).

**Observation**

54. The Working Group wishes to express its appreciation at the continued cooperation it receives from the Government of Egypt in providing responses to its numerous communications, while noting that there is still a large number of cases that remain outstanding and that numerous reports of enforced disappearances in Egypt are received at a regular pace. The Working Group expresses alarm at the trend whereby several recently reported cases concern disappearances that occurred during the court-ordered release process, in particular that several individuals are reported as having disappeared from police stations, where they were transferred from prisons while awaiting release. The Working Group wishes to recall article 11 of the Declaration on the Protection of All Persons from Enforced Disappearance, which stipulates that persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

**El Salvador****Information from the Government**

55. On 15 April 2019, the Government provided information on two cases, which was considered insufficient to clarify the cases.

**Eritrea****Standard procedure**

56. The Working Group transmitted one case to the Government under its standard procedure, concerning Teklebrhan Ghebresadick, allegedly kidnapped on 26 April 1992 from Kassala, Sudan by Eritrean clandestine security agents with the help of Sudanese security agents, and then taken to Eritrea.

57. In accordance with its methods of work, the Working Group sent a copy of the case files to the Government of the Sudan.

**Guatemala****Press release**

58. On 11 March 2019, the Working Group, together with other special procedure mechanisms, issued a press release urging the Congress of Guatemala not to pass a new bill that would set up a general amnesty for serious human rights violations committed during the armed internal conflict (see para. 6 above).

**India****Urgent action**

59. On 8 April 2019, the Working Group, under its urgent action procedure, transmitted one case to the Government of India, concerning the environmental human rights defender Shanmugam Thangasamy, also known as R.S. Mugilan, who allegedly disappeared after boarding a train to Madurai on 15 February 2019, the day after releasing a report on alleged police violence.

### **Standard procedure**

60. The Working Group transmitted 17 cases to the Government on 2 July 2019, concerning:

- (a) Riyaz Ahmad Tantray, allegedly abducted from Kupwara Town, Jammu and Kashmir on 28 August 2000 by army personnel;
- (b) Zahoor Ahmad Lone, allegedly disappeared after going to Kandi forest, Jammu and Kashmir;
- (c) Mohammad Javaid, allegedly abducted on 13 June 2005 from a road near Harwan, Srinagar, Jammu and Kashmir by individuals reportedly linked to the Indian army;
- (d) Abdul Majeed, allegedly abducted on 13 June 2005 from a road near Harwan, Srinagar, Jammu and Kashmir by individuals reportedly linked to the Indian army;
- (e) Mohammad Mushtaq, allegedly abducted on 13 June 2005 from a road near Harwan, Srinagar, Jammu and Kashmir by individuals reportedly linked to the Indian army;
- (f) Mohammad Mushtaq, allegedly abducted on 13 June 2005 from a road near Harwan, Srinagar, Jammu and Kashmir by individuals reportedly linked to the Indian army;
- (g) A child allegedly abducted on 13 June 2005 from a road near Harwan, Srinagar, Jammu and Kashmir by individuals reportedly linked to the Indian army;
- (h) Mohammad Younis Janjua, allegedly abducted from Tesil Uri, Baramulla, Jammu and Kashmir on 9 September 1998 by members of the Indian army;
- (i) Abdul Hammeed Janjua, allegedly abducted from Tesil Uri, Baramulla Jammu and Kashmir on 19 August 1998 by members of the Indian army;
- (j) Javaid Ahmad Najar, allegedly disappeared from Baramilla District, Jammu and Kashmir on 11 July 2000 after members of the Indian army were active in the area;
- (k) Abdul Ahad Malik, allegedly arrested in Baramilla District, Jammu and Kashmir on 24 May 1997 by members of the Indian army;
- (l) Ali Mohamed Mir, allegedly arrested in Bandipora, Jammu and Kashmir by members of the Indian army;
- (m) Farooq Ahmad Bhat, allegedly arrested in Srinagar, Jammu and Kashmir on 22 June 1991 by members of the Border Security Force;
- (n) Fayaz Ahmad Khan, allegedly arrested in Pantha Chowk, Srinagar, Jammu and Kashmir on the evening of 25 November 1997 by members of the Indian army and army informers;
- (o) Ghulam Mohammad Mir, allegedly abducted from Pattan town, Baramulla District, Jammu and Kashmir on 15 October 2000 by members of the Indian army;
- (p) Habibullah Shah, allegedly arrested from Baramulla District, Jammu and Kashmir on 28 January 2000 by members of the Indian army;
- (q) Mushaq Ahmad Wani, allegedly abducted from Baramulla District, Jammu and Kashmir on 9 August 2000 by members of the Indian army.

### **Joint urgent appeal**

61. On 2 April 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged enforced disappearance of Mr. Thangasamy (see para. 59 above).

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

### **Standard procedure**

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

- (a) Shirin Alam Holi Atashgah, allegedly last seen in Evin Prison, Tehran on 8 May 2010;
- (b) Ali Heydarian, allegedly last seen in Evin Prison, Tehran on 8 May 2010;
- (c) Farzad Kamangar, allegedly last seen in Evin Prison, Tehran on 8 May 2010;
- (d) Farhad Vakili, allegedly last seen in Evin Prison, Tehran on 8 May 2010.

### **Joint urgent appeal**

63. On 14 May 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the reported arrest, enforced disappearance for 9 to 14 days, and arbitrary detention of human rights defenders Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz.

### **Reply to a joint urgent appeal**

64. On 25 April 2019, the Government of the Islamic Republic of Iran transmitted a reply to the joint urgent appeal sent on 25 January 2019 on the arrest of Esmail Bakhshi and Sepideh Gholian, two human rights defenders whose whereabouts were uncertain.

### **Observation**

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

## **Jordan**

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

66. On 9 April 2019, the Government provided information on the outstanding case of Mohamed Kifah Sorour al-Momani. On the basis of the information provided, the Working Group decided to apply the six-month rule to this case.

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

### **Joint urgent appeal**

67. On 8 March 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged enforced disappearance and extrajudicial, summary or arbitrary executions in late 2018 of Surachai Danwattananusorn, Chatchan Bubphawan and Kraidej Luelert.

## **Libya**

### **Urgent action**

68. On 13 June 2019, the Working Group, under its urgent action procedure, transmitted one case to the Government concerning Abdel Majeed Omer Al Dhabea, Major General and Deputy Director of the Intelligence Directorate of the Government of National Accord, abducted by the Al-Nawasi militia said to serve under the Ministry of Defence of the Government of National Accord.

### **Standard procedure**

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

(a) Osama Alqafer, allegedly abducted on 6 December 2016 from an oil exporting terminal in Sedra by forces loyal to Khalifa Haftar, working under the command of the “Grand Sirte [Military] Operations Room”;

(b) Osman Medani Malik, allegedly abducted on 21 October 2011 from his home in Al-Khomos, Libya by two gunmen wearing military militant uniforms.

### **Information from the Government**

70. On 26 February and 24 May 2019, the Governments of Senegal and Tunisia provided updated information on, respectively, the cases of Salem Ghereby and of Awad Khalifa, registered under Libya. The information was considered insufficient to clarify the cases.

## **Maldives**

### **Information from the Government**

71. On 30 May 2018, the Government of Maldives provided information on one outstanding case, which was considered insufficient to clarify the case.

## **Mexico**

### **Standard procedure**

72. The Working Group transmitted two cases to the Government under its standard procedure, concerning Fausto Osorio Torres and Feliberto Osorio Torres, allegedly disappeared in Veracruz, Mexico, on 27 March 2010.

### **Information from sources**

73. Sources provided information on two outstanding cases, which was considered insufficient to clarify the cases.

### **Press release**

74. On 10 May 2019, the Working Group, together with other special procedure mechanisms, issued a press release condemning the lack of significant progress in the investigation into the disappearance in Mexico of lawyer and human rights defender Ernesto Sernas García, one year after his disappearance (see para. 8 above).

## **Morocco**

### **Information from sources**

75. Sources provided information on the outstanding case of Haddou Charif. The Working Group decided to retransmit the case to the Government.

## Clarification

76. On the basis of information previously provided by the Government, the Working Group decided to clarify four cases, to which it had applied the six-month rule at its 116th session, concerning Lehib Ballal Ahmed Keihel Ballal, Oufkir Ali Ben Dehan, Ali Abalechcen Salama and Abdellah Mansour Mohamed (A/HRC/WGEID/116/1, para. 117). Reportedly, these individuals are deceased.

## Mozambique

### Information from the Government

77. On 15 February and 17 May 2019, the Government of Portugal transmitted information concerning one outstanding case under the records of Mozambique. The information provided was considered insufficient to clarify the case. In accordance with its methods of work, the Working Group transmitted a copy of the case file to the Government of Mozambique.

## Nepal

### Joint other letter

78. On 12 April 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an “other letter” concerning the reported lack of impartiality, independence and transparency in the existing procedure for the appointment of the members of the Truth and Reconciliation Commission and the commission on the investigation of enforced disappearances, which may affect the selection of new commissioners in April 2019; the reported lack of progress in the work undertaken by both commissions; and the possible amendment of the Act establishing and regulating the commissions.

## Nigeria

### Clarification based on information from sources

79. On the basis of the information provided by sources, the Working Group decided to clarify two cases, concerning Ugoeze Nnenne Sally Kanu, and Israel Okwu Kanu. Ms. Kanu and Mr. Kanu are reportedly at liberty.

## Pakistan

### Urgent action

80. The Working Group, under its urgent action procedure, transmitted 11 cases to the Government, concerning:

(a) Khuda Bakhsh, allegedly abducted from the civil hospital in Karachi, Sindh, during a raid carried out by members of Inter-Services Intelligence, on 30 December 2018;

(b) Asif Hussain Siddiqui, allegedly abducted from his residence in Defence, Clifton, by paramilitary rangers and Crime Investigation Department personnel in civilian clothes on 21 February 2019;

(c) Tanzeem Ahmed Khan Bashir Ahmed Khan, allegedly abducted from his residence in Karachi by paramilitary rangers and Crime Investigation Department personnel in civilian clothes on 23 February 2019;

(d) Khurram, allegedly abducted on his way to work in Karachi by State authorities on 16 February 2019;

(e) Sarfarz Ahmed, last seen at the University of Peshawar on 13 February 2019, and believed to have been arrested, while travelling to Dera Ghazi Khan, by personnel of the intelligence agency of Pakistan or the military;

(f) Nasir, allegedly taken from his home in Sénkadí village in Balochistan by members of the Frontier Corps and Inter-Services Intelligence on 10 January 2019;

(g) Khair Jan, allegedly taken from his home in Bedring Village, Balochistan by members of the Frontier Corps and Inter-Services Intelligence on 22 January 2019;

(h) Yaseen Muhammad, allegedly taken from his home in Bedring Village, Balochistan, by members of the Frontier Corps and Inter-Services Intelligence on 22 January 2019;

(i) Raziq Abdul, allegedly abducted from Kolwai Bazar in the district of Kech, Balochistan by State forces of the Frontier Corps and Inter-Services Intelligence on 23 April 2019;

(j) Rahmdil Peer Bakhsh, allegedly abducted from his home in Gulshen e Iqbal, Karachi, Sindh, by Inter-Services Intelligence personnel on 14 May 2019;

(k) Nasir Ali, allegedly abducted from his home in Gulshen e Iqbal, Karachi, Sindh, by Inter-Services Intelligence and Military Intelligence personnel on 15 May 2019.

### **Standard procedure**

81. The Working Group transmitted 12 cases to the Government under its standard procedure, concerning:

(a) Habib Ullah, allegedly abducted from Ring Road, Peshawar by the Deputy Superintendent of Police and other police officers from the Pishtakhara police station in Peshawar on 25 February 2013;

(b) Fazal Subhan, allegedly abducted from his clinic in Qazi Abad by members of a secret agency, possibly from Military Intelligence, Inter-services Intelligence or the Central Intelligence Agency, on 17 December 2009;

(c) Tahir Mehmood, allegedly abducted from Johar Town, Lahore, by members of a secret agency, possibly from Military Intelligence, Inter-services Intelligence or the Central Intelligence Agency, on 8 December 2013;

(d) Waris, allegedly abducted from a block factory, Nista Road, Jamrah Chimtar, by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 26 December 2012;

(e) Molana Shabbir Ahmad Usmani, allegedly abducted from the Shaheen petrol pump, Multan by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 3 September 2012;

(f) Abdul Rauf, allegedly abducted from his residence in Quetta, Balochistan by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 24 January 2013;

(g) Mihadullah, allegedly abducted from his residence in Mosaki Dawar by members of a secret agency, possibly from Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency, on 2 May 2012;

(h) Hussain Ahmed, allegedly abducted from his residence in Gul Jaba village by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 8 October 2008;

(i) Saleem Shah, allegedly abducted from a salt factory in Kabal, Khyber Pakhtunkhwa by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 22 June 2012;

(j) Azhar Haroon, allegedly abducted from his residence in Bannu city by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 13 November 2012;



(k) Sher Alam Khan, allegedly abducted from his residence in Ogdai by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 10 July 2009;

(l) Muhammad Sher Ali Khan, allegedly abducted from Saidu Bibi Mosque Bara Bandai, Swat, by members of a secret agency, possibly from Military Intelligence, Inter-Services Intelligence or the Central Intelligence Agency, on 20 September 2009.

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

82. On the basis of the information provided by sources, the Working Group decided to clarify three cases, concerning Sana Ullah, Ilyas Muhammad and Deedar Ali Shabirani. The individuals have been reportedly released.

#### **Information provided by sources**

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

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

84. On 24 April 2019, the Government of Pakistan provided information on 58 outstanding cases, which was considered insufficient to clarify the cases.

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

85. On 24 April 2019, the Government of Pakistan provided information on nine outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to the cases.

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

86. On 24 April 2019, the Government transmitted a reply to a general allegation sent on 19 March 2019. The full text of the reply is included in annex III.

### **Republic of Korea**

#### **Standard procedure**

87. The Working Group transmitted one case to the Government under its standard procedure, concerning the alleged arrest of Jinsoo Rho on 22 May 1982 at the Hanrim reading rooms, near Seoul National University, by individuals believed to be government agents.

### **Russian Federation**

#### **Urgent action**

88. On 27 May 2019, the Working Group transmitted one case under its urgent action procedure to the Government of the Russian Federation, concerning Eden Iaiachikov, allegedly abducted by Russian security forces in Simferopol, Crimea,<sup>9</sup> on 27 March 2019.

89. In accordance with its methods of work, the Working Group sent a copy of the case files to the Government of Ukraine.

<sup>9</sup> Reference to Crimea (Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation) shall be understood to be in the context of General Assembly resolution 73/263, as well as General Assembly resolutions 68/262, 71/205 and 72/190.

## **Saudi Arabia**

### **Urgent action**

90. On 10 May 2019, the Working Group transmitted one case under its urgent action procedure to the Government of Saudi Arabia, concerning Abdelrahman Farhaneh, arrested on 22 February 2019 by agents of the State security services dressed in military uniforms and civilian clothes.

### **Standard procedure**

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

(a) Turki bin Abdulaziz bin Saleh al-Jasser, arrested at his home in Riyadh on 15 March 2018, at around 11 p.m., by Mabahith officers dressed in civilian clothes;

(b) Abdul-Aziz Khaled Mohamed, last seen on 12 September as he set out to visit the Grand Mosque in Mecca, Saudi Arabia as part of a pilgrimage voyage.

92. In accordance with its methods of work, the Working Group sent a copy of one case to the Syrian Arab Republic.

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

93. On the basis of the information provided by sources, the Working Group decided to clarify three cases, concerning Al-Khadrawi Mohammed Husayn Ali, Rajb Mahmoud Ali al-Bashir and Zeit Mohamed Hussein.

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

94. On 5 April 2019, the Government provided information on one outstanding case. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

### **Joint allegation letter**

95. On 25 February and 1 April 2019, the Working Group transmitted, jointly with other special procedure mandates, allegation letters concerning Jamal Khashoggi and Marwan Alaa Naji Al Muraisy, respectively. The Government of Saudi Arabia provided replies.<sup>10</sup>

### **Observation**

96. The Working Group is concerned about the reported allegation of cases of enforced disappearance of Libyan citizens and unlawful returns that led to their continued disappearance, in violation of the principle of non-refoulement referred to in article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance.

## **South Sudan**

### **Information provided by sources**

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

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<sup>10</sup> See <https://spcommreports.ohchr.org/LatestReports/CommunicationSent>.

## Sudan

### Urgent action

98. On 28 February 2019, the Working Group transmitted one case under its urgent action procedure to the Government of the Sudan, concerning Nashat Haydar Abdelhay Mohamedali, allegedly arrested by members of the security services from Medani city, Sudan on 24 December 2018, and last seen in early January 2019 at the Medani detention centre.

### Information from the Government

99. On 4 March 2019, the Government of the Sudan provided information on one outstanding case, which was considered insufficient to clarify the case.

### Joint urgent appeal

100. On 28 March 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged arrest and arbitrary detention, initially at an unknown location, of the journalist Osman Mirghani.<sup>11</sup>

### Reply to joint urgent appeal

101. On 29 March 2019, the Government of the Sudan transmitted a reply to the joint urgent appeal sent on 28 March 2019 concerning the detention of Mr. Mirghani. In the reply, the Government provides information on the status of the legal proceedings against Mr. Mirghani.<sup>12</sup>

### Observation

102. The Working Group is gravely concerned about the situation in the Sudan and the allegations of increased human rights violations committed in the context of the large-scale protests in the country, including arrests, excessive use of force, enforced disappearances, and the arbitrary detention of protesters, opposition activists and critics.

103. The Working Group recalls the Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State is to practise, permit or tolerate enforced disappearances (art. 2 (1)). The Declaration also sets out the necessary measures to be taken by the State to prevent and terminate acts of enforced disappearance, in particular in articles 9, 10 and 12, which relate to the rights to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention; and to be brought before a judicial authority promptly after detention. It also sets out that accurate information on the detention of persons and their place of detention is to be made available to the detainee's family, counsel or other persons with a legitimate interest; and that official up-to-date registers of all detained persons are to be maintained in every place of detention.

## Sri Lanka

### Standard procedure

104. The Working Group transmitted 45 cases to the Government (see annex II).

<sup>11</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication?File?gId=24492>.

<sup>12</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34580>.

### **Information provided by sources**

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

## **Syrian Arab Republic**

### **Urgent action**

106. The Working Group, under its urgent action procedure, transmitted two cases to the Government, concerning:

(a) Omair Mus'ab Yousef Gharaibeh, a Jordanian citizen, arrested on 10 February 2019 by members of the Air Force Intelligence Service at a checkpoint located in Minkt Al Hatab, near the city of Kiswah, Rif Dimashq Governorate, Syrian Arab Republic.

(b) Rafat Abdel Rahman Khader Abu Nabhan, a Jordanian citizen, arrested on 7 March 2019 by officers of the Syrian Arab Army in uniform soon after crossing the Masna' border between Lebanon and the Syrian Arab Republic.

107. In accordance with its methods of work, the Working Group sent a copy of the case files to Jordan.

### **Standard procedure**

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

(a) Mahmoud Al Mehri, abducted on 25 October 2011 from an Air Force Intelligence Service checkpoint in Homs, near the entrance of the Chamber of Industry;

(b) Abdul Fattah Al Khateeb, abducted on 1 August 2012 from the Civil Status and Passport Department in Idlib by members of political security forces of the Government;

(c) Abdul Sattar Al Qarjii, abducted on 3 February 2012 as he was passing a checkpoint of Syrian regime forces in Kafr Nubl city in the suburbs of Idlib Governorate;

(d) Adnan Mostafa Ismail Al Rahhal, abducted on 15 March 2013 while passing a checkpoint of Syrian regime forces in Al Rashedeen neighbourhood, in Aleppo;

(e) Fadh Saleem, arrested on 15 March 2013 in his shop by members of the Syrian Arab Army;

(f) Khaldoun Areda, arrested on 26 June 2013 by members of the Syrian Arab Army while passing a military checkpoint in Jaramana, Damascus;

(g) Mahmoud Al Hamwi, arrested on 14 April 2013 by members of the Syrian Arab Army while passing a military checkpoint in the Bab Sreja neighbourhood of Damascus;

(h) Mahmoud Ra'fat Al Baghdadi, arrested on 17 July 2012 by members of military security forces as he was in Tishrein military hospital in the Al-Mazeh neighbourhood of Damascus;

(i) Sameeh Karnaba, arrested on 12 October 2012 while passing a checkpoint of Syrian forces in the Al-Mutahaleq al-Janoubi area, Damascus;

(j) Saran Alabdallah, arrested on 13 December 2011 at the border between Lebanon and the Syrian Arab Republic while trying to return to the Syrian Arab Republic.

### **Information provided by sources**

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

**Clarification**

110. On the basis of information previously provided by the Government, the Working Group decided to clarify one case, to which it had applied the six-month rule at the 116th session, concerning Saït Cosar, also known as Saeed Malki (A/HRC/WGEID/116/1, para. 157). Reportedly, the person is deceased.

**Observation**

111. The Working Group wishes to reiterate its previous observations (A/HRC/WGEID/116/1, paras. 158–159), in which it recalled article 10 (1) and (2) of the Declaration on the Protection of All Persons from Enforced Disappearance, according to which any person deprived of liberty is to be held in an officially recognized place of detention and, in conformity with national law, brought before a judicial authority promptly after detention. Accurate information on the detention of such persons and their place or places of detention, including transfers, is to be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

112. Similarly, the Working Group wishes to recall article 13 (1) and (6), according to which each State is to ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State is to promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure is to be taken to curtail or impede the investigation. 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.

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

113. On 9 May 2019, the Government provided information on one outstanding case, concerning Chaicharn Chaiyasat. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

**Information from the Government**

114. On 23 April 2019, the Government provided information on one outstanding case, which was considered insufficient to clarify the case.

**Clarification**

115. On the basis of information previously provided by the Government, the Working Group decided to clarify one case, concerning Tangtai Kaminketkij, to which it had applied the six-month rule at its 116th session (A/HRC/WGEID/116/1, para. 160). Reportedly, the person is deceased.

**Discontinuation**

116. The Working Group decided, exceptionally and in accordance with paragraph 28 of its methods of work, to discontinue its consideration of two outstanding cases, concerning Sak Sae Ung and Chuchai Chanket. The cases may, however, be reopened at any time.

**Joint urgent appeals**

117. On 6 March 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged enforced disappearance

and extrajudicial, summary or arbitrary execution in late 2018 of Surachai Danwattananusorn, Chatchan Bubphawan and Kraidej Luelert.

118. On 18 April 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged arbitrary arrest, enforced disappearance and subsequent repatriation of Truong Duy Nhat from Thailand to Viet Nam.

#### **Joint allegation letter**

119. On 21 February 2019, the Working Group transmitted, jointly with other special procedure mechanisms, a joint allegation letter concerning the disappearance on 17 April 2014 of Pholachi Rakchongcharoen (known as Billy), a Karen human rights defender from Bang Kloy in Kaeng Krachan National Park.

#### **Reply to joint allegation letter**

120. On 23 April 2019, the Government of Thailand transmitted a reply to the joint urgent appeal sent on 21 February 2019 on the disappearance on 17 April 2014 of Mr. Rakchongcharoen. The information was insufficient to clarify his fate or whereabouts.

## **Tunisia**

#### **Standard procedure**

121. The Working Group transmitted one case to the Government under its standard procedure, concerning Seif Edine Guediri, an Algerian citizen who disappeared on 7 December 2016 while he was on board a boat in Tunisian territorial waters.

122. In accordance with its methods of work, the Working Group sent a copy of the case files to Algeria.

## **Turkey**

#### **Urgent action**

123. The Working Group, under its urgent action procedure, transmitted six cases to the Government, concerning:

(a) Erkan Irmak, allegedly abducted outside his family home in Istanbul by three men suspected of being members of the National Intelligence Organization on 16 February 2019;

(b) Yasin Ugan, allegedly abducted from a flat in Ankara by individuals believed to be members of the National Intelligence Organization on 13 February 2019;

(c) Szgur Kaya, allegedly abducted from a flat in Ankara by individuals believed to be members of the National Intelligence Organization on 13 February 2019;

(d) Salîm Zeybek, allegedly arrested at the Edirne-Havsa highway by men claiming to be intelligence officers on 21 February 2019;

(e) Gökhan Türkmen, allegedly abducted by State agents in Kepez, Antalya on 7 February 2019;

(f) Mustafa Yilmaz, allegedly abducted by undercover State agents while on his way to work in Ankara on 19 February 2019.

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

124. On 15 and 23 April 2019, the Government of Turkey provided information on five outstanding cases, which was considered insufficient to clarify the cases.

**Clarification**

125. On the basis of information previously provided by the Government, the Working Group decided to clarify three cases to which the six-month rule had been applied at the 116th session, concerning Mehmet Selim Orhan, Ahmet Dansik and Cezayir Örfan (A/HRC/WGEID/116/1, para. 164). Reportedly, Mr. Orhan and Mr. Örfan are deceased, and Mr. Dansik was released.

**Clarification based on information from sources**

126. On the basis of the information provided by sources, the Working Group decided to clarify one case, concerning Jamshid Abdurasulov. The person is reportedly at liberty.

**Joint allegation letter**

127. On 25 March 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an allegation letter concerning violations attributable to Turkey in relation to the events that affected the Armenian minority from 1915 to 1923, and the consequences for the population concerned.<sup>13</sup>

**Reply to joint allegation letter**

128. On 17 May 2019, the Government of Turkey transmitted a reply to the joint allegation letter sent on 25 March 2019.<sup>14</sup>

**Ukraine****Clarification**

129. On the basis of information previously provided by the Government, the Working Group decided to clarify one case to which the six-month rule had been applied at the 116th session, concerning Bilbin Roman Alexandrovich (A/HRC/WGEID/116/1, para. 176). Reportedly, the person is deceased.

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

130. The Working Group transmitted one case to the Government under its standard procedure, concerning Muhammad Omer Mateen, a national of Pakistan last seen on 2 March 2014.

131. In accordance with its methods of work, the Working Group sent a copy of the case files to Pakistan.

**Information from the Government**

132. On 14 May 2019, the Government transmitted information concerning the case of Rashid Hussain Brohi, which the Working Group considered insufficient to clarify the case.

**Application of the six-month rule**

133. On 8 January 2019, the Government provided information on one outstanding case concerning Latifa bint Mohammed bin Rashid al-Maktoum. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

<sup>13</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24294>.

<sup>14</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34685>.

## **United States of America**

### **General allegation**

134. The Working Group received information from credible sources alleging obstacles to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the United States of America. A general allegation was transmitted to the Government on 14 June 2019 (see annex I), focusing primarily on the reported disappearance of American Indian and Alaska Native children in the context of the application of the federal Indian boarding school Act, adopted in the 1800s and applied through the 1960s.

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

### **Urgent action**

135. The Working Group transmitted one case under its urgent action procedure to the Government of the Bolivarian Republic of Venezuela, concerning Gilbert Alexander Caro Alfonzo, allegedly arrested at a restaurant in Caracas by members of the Bolivarian National Intelligence Service on 26 April 2019.

### **Information provided by sources**

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

## **Viet Nam**

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

137. On 9 April 2019, the Government provided information on one outstanding case. On the basis of the information provided, the Working Group decided to apply the six-month rule to the case.

### **Joint urgent appeal**

138. On 18 April 2019, the Working Group transmitted, jointly with other special procedure mechanisms, an urgent appeal concerning the alleged arbitrary arrest, enforced disappearance and subsequent repatriation of Truong Duy Nhat from Thailand to Viet Nam, as well as surveillance and intimidation of Bach Hong Quyen.

## **Yemen**

### **Standard procedure**

139. The Working Group transmitted one case under its standard procedure to the Government of Yemen, concerning Ayoub Shaher Seif Far'e al-Salehi, who was last seen in late February 2018 at the prison of the Al-Saleek brigade, an armed group affiliated with the government military establishment.



## Annex I

### General allegations

#### Bangladesh

1. The Working Group received information from the source concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Bangladesh.
2. The sources report that enforced disappearances have continued to occur with alarming frequency in Bangladesh. According to a source, 507 cases of enforced disappearances have been documented from January 2009 to the end of 2018: 62 of the disappeared were reportedly found dead; 286 returned alive; and the whereabouts of 159 disappeared persons are reportedly still unknown. The source also reports that, in 2018 alone, at least 92 people were subjected to enforced disappearance by the authorities, and that the highest number of cases of enforced disappearances was recorded in 2016 and 2018.
3. According to the sources, the substantial rise in enforced disappearances has been accompanied by an increased pattern of targeting of political opponents and other dissidents through violations of freedoms of expression, association, and peaceful assembly. The Working Group was informed that enforced disappearances were often occurring in the framework of the government's anti-terrorism policy, and that it was suspected to be used as a political tool by the government to silence criticism and dissent.
4. The Working Group also received a report that the State is not showing either political will or a credible criminal justice system to hold personnel of law enforcement agencies to account for enforced disappearances. The sources argue that the widespread impunity of State agents has not only permitted this rise in enforced disappearances and associated crimes, but it has also greatly eroded the rule of law in Bangladesh.
5. The sources report that the Rapid Action Battalion (RAB), a joint task force composed of members of the police, army, navy, air force, border guards, and Ansar ((a paramilitary auxiliary force), has been repeatedly accused of committing severe human rights violations, including extrajudicial killings, torture, and enforced disappearances, and of operating under complete impunity. A source states that the RAB had led government's crackdown on illegal drugs in 2018 resulting in close to 300 suspected extra-judicial killings by the end of 2018.
6. The source also points out that, to date, Bangladesh has not passed local legislation to recognize enforced disappearances as a crime.

#### United States of America

7. The Working Group received information from credible sources alleging difficulties encountered to implement the Declaration on the Protection of All Person from Enforced Disappearance in the United States of America.
8. According to the information received, American Indian and Alaska Native children were forcibly abducted from their homes by government officials, and taken to Christian boarding schools. The children would sometimes not return home for years, or not return home at all. The sources have also alleged that the children's families have not been able to obtain information from government authorities as to the fate or whereabouts of their loved ones.
9. The alleged disappearances would have occurred in the context of the application of education policies including the Federal Indian Boarding School Act adopted in the 1800s and applied through the 1960s. In this way, the economic and social underpinnings of

Native American cultures were reportedly eroded through the purposeful forcible removals of Indigenous children from their family homes.

10. The sources pointed out that children removed to boarding schools under mandate of United States law were subject to malnourishment, overcrowding, compulsory and free labor, substandard living conditions, physical abuses, emotional abuses, sexual abuses, disease, lack of access to medical care, widespread epidemics and death.

11. Furthermore, the sources have reported that Indian boarding schools utilized an “outing” program during the summer, a program in which children, rather than being sent back to their homes, were involuntarily leased out to white homes, farms or factories, as menial labor. Many children reportedly died in the process and some of these individuals were neither returned to their families, nor the school.

12. The sources identified several obstacles to the implementation of the Declaration on the Protection of All Person from Enforced Disappearance. They pointed out the challenges to the identification of particular cases of individuals whose fate remains unknown.

13. It was reported that there is no cooperation from the federal government, which makes it difficult, if not impossible, to qualify the impacts of the boarding school policy and its ongoing effects on the economic, social and cultural rights of Indigenous Peoples in the United States; and to determine the fate and location of the remains of individual students who disappeared, died in custody, in school, in the outing programs, and/or never returned home. There is no data which provide definitive documentation of the Indigenous students’ identification and the number of them that attended or the number who died or disappeared while in, boarding schools under government supervision.

14. According to the sources, information about the fate of individual children is difficult for family members or Tribal governments and communities to acquire for a variety of reasons.

15. Research conducted to locate the burial locations of these children required consulting school records, state death certificates and cemetery records. However, the sources reported that these records were inconsistent or difficult to obtain. Moreover, it was reported that schools often did not notify the death or disappearance of the children to their families and buried them without their parent’s knowledge.

16. The sources reported that the Indigenous students were often buried in unmarked or unidentified graves, especially if they died on “outings” from the schools. Some schools’ cemeteries became parks and graves were erased.

17. The sources have identified non-exhaustive examples of missing children – having deserted, sent home, or died – whose disappearances have not been notified to their families by the school’s administrators and whose fate and whereabouts are unknown.

18. Among the reported cases, the sources referred to the case of Robert Johnson, who attended Chemawa Indian School and ran away in 1924; Demetrio Apodaca (Unknown Pueblo) who attended to Haskell and was reported missing in 1909; Reginalda Guassac and Antonio Ardilla who attended Sherman Institute and died in 1910 and in 1914 but do not appear to be buried in Sherman Institute’s cemetery; Mabel Green (DOB 1900) enrolled at Sherman and who disappeared in 1919 and whose Sherman’s student files make no further mention of her; Isabel [Isabelle] Brown sent to Soboba Sanitarium in 1927 but whose fate is unknown; Claudia Williams (Seneca) enrolled at Carlisle Indian Industrial School in 1908 who was placed into the outing home of J.C. Beatty in Beverly, NJ in 1909 and disappeared from the home in 1911; David Steele [Thief] enrolled at Carlisle in 1913 who deserted for a second time in 1914, whose disappearance was not notified to his family; and Kininnok Mary, a student below 18 at the moment of the disappearance, who attended at Carlisle whose whereabouts or remains’ location is unknown.

19. Taking into consideration the lack of data on the fate of individual children who disappeared as well as the ongoing research efforts and the discovery of increasing numbers of unmarked graves near former schools, the sources expressed deep concerns about how many children died as a result of the United States Indian Boarding School Policy and still have not been acknowledged, documented or addressed by the United States government.

20. The sources indicate that the families of the disappeared suffer severe trauma as a result of the enforced disappearance of their loved ones. These damages experienced among the targeted Indigenous peoples continue to reverberate in those communities as a result of the impact of historical and inter-generational trauma with no apparent plan by the United States for treatment to stem the continuing traumatic response.

## Annex II

### Standard procedure cases

#### Burundi

1. The Working Group transmitted 31 cases to the Government, concerning:
  - (a) Théogène Nsengiyumva, abducted on 16 November 2018, at around 18:00, by two people, including a police officer while at the 'kwa Musitanteri' bar located in the Gisyo district, 12th Avenue, Kanyosha zone, commune Muha, Mairie de Bujumbura.
  - (b) Matthieu Ndayizeye, arrested on the evening of 27 April 2018, by two police officers.
  - (c) Nestor Nahimana, kidnapped in Rukeco on 3 June 2018, at around 19:00, by three people, one of whom was in police uniform.
  - (d) Rehema Kaneza, arrested in Rohero urban area on 8 February 2018, by police officers from the Support for the Protection of Institutions (API).
  - (e) Berchmans Ntakirutimana, abducted on 16 November 2018, by two people, including a police officer in uniform, in commune Muha, Mairie de Bujumbura.
  - (f) Nyarwayo, arrested on 25 October 2017, by three Imbonerakure on the Kanyunya hill, Rukina zone, Mukike commune, rural Bujumbura province. He was arrested with Mr. Macumi and both were taken to an unknown destination.
  - (g) Macumi, was reportedly abducted on 25 October 2017, by three persons belonging to the government backed Imbonerakure militia on the Kanyunya Hill. Mr. Macumi, who was not yet 18 years old, was abducted with Mr. Nyarwayo and both were taken to an unknown destination.
  - (h) Jean Prosper Nyoboke, arrested on 16 December 2015, in a residence by police officers of the Special Unit for the Protection of Institutions (API).
  - (i) Jean Claude Ndhokubwayo arrested on 12 December 2015, at his home by soldiers under the command of the Lieutenant-Colonel Commander of the Muzinda Combat Camp. He was arrested with Dany Dushime, his brother, and Juste Ngabirano.
  - (j) Juste Ngabirano, arrested on 12 December 2015, at his home located in commune de Mukaza, Mairie de Bujumbura, by soldiers under the command of Lieutenant-Colonel Darius Ikurakure, Commander of the Muzinda Combat Camp. He was arrested with Mr Dany Dushime and Jean Claude Ndhokubwayo.
  - (k) Dany Dushime, arrested On 12 December 2015, at his home by soldiers under the command of the Lieutenant-Colonel Commander of the Muzinda Combat Camp. He was arrested with his brother Jean Claude Ndhokubwayo, and Juste Ngabirano.
  - (l) Adribert Nkurunziza arrested on 12 December 2015, at home, located in Ngagara District 2, Ntahangwa Commune, Bujumbura District. He was arrested with his brother Harerimana Clovis.
  - (m) Harerimana Clovis arrested on 12 December 2015, at home, located in Ngagara District 2, Ntahangwa Commune, Bujumbura District. He was arrested with his brother Adribert Nkurunziza.
  - (n) Jean de Dieu Butoyi, abducted on 28 June 2015, from his home located in Bujumbura, Nyakabiga urban area, by police officers under the command of the Commander of the anti-Riot Unit. He was arrested with his twin brother Jean Petit Bukuru and his uncle Augustin Barayandema.
  - (o) Jean Petit Bukuru, abducted on 28 June 2015, from his home located in Bujumbura, Nyakabiga urban area, by police officers under the command of the

Commander of the anti-Riot Unit. He was arrested with his twin brother Jean de Dieu Butoyi and his uncle Augustin Barayandema.

(p) Jea Augustin Barayandema, abducted on 28 June 2015, from his home located in Bujumbura, Nyakabiga urban area, by police officers under the command of the Commander of the anti-Riot Unit. He was arrested with his twin nephews Jean Petit Bukuru and Jean de Dieu Butoyi.

(q) Ferdinand Muterateka, abducted on 16 November 2018, by individuals, in civilian clothes and another in police uniform.

(r) Jean Marie Vianney Arakaza, abducted on 13 March 2018, by an agent of the National Intelligence Service.

(s) Emmanuel Nduwimana, abducted on 21 September 2018, from his home by the head of the Imbonerakure militia, in the Mutimbuzi commune, in complicity with a local leader of the ruling party (CNDD-FDD).

(t) Jean Claude Niyukuri, arrested on 26 November 2018, by the head of the National Intelligence Service in Bujumbura Rural Province, in Mutimbuzi commune, Bujumbura rural province.

(u) Raphael Ntahompagaze, abducted on 2 July 2015, by a policeman named on 13th Avenue, Cibitoke District, Bujumbura.

(v) Ms. Nshimirimana Chanceline, abducted on 10 October 2017, from her home by an agent of the National Intelligence Service.

(w) Jean Claude Niyomwungere, was reportedly arrested on 16 December 2015, by police officers from the Special Unit for the Protection of Institutions (API) in a residence located at commune Ntahangwa, Mairie de Bujumbura.

(x) Nelson Irakoze, was reportedly arrested on 12 December 2015, by soldiers under the command of the Commander of the Muzinda Camp. He was arrested with his mother Consolatrice Kabarenzi and brother Clovis Kubwimana.

(y) Consolatrice Kabarenzi, was reportedly arrested on 12 December 2015, by soldiers under the command of the Commander of the Muzinda Camp. She was arrested with her sons Nelson Irakoze and Clovis Kubwimana. All three were members of the party Movement for Solidarity and Democracy.

(z) Clovis Kubwimana, was reportedly arrested on 12 December 2015, by soldiers under the command of the Commander of the Muzinda Camp. He was arrested with his mother Consolatrice Kabarenzi and brother Nelson Irakoze.

(aa) Rodrigue Nzeyimana, disappeared on 12 April 2018, while on his way to an interview at the National Intelligence Service.

(bb) Vianney Havyarimana, was abducted on 26 August 2018, by armed men in police uniform, on the road between Gitega and Ngozi not far from the Bugendana health centre.

(cc) Ferdinand Vyimana, was kidnapped on 23 March 2019, by a former head of the National Intelligence Service of Rutana province.

(dd) Marius Ndayikengurutse, disappeared on 31 July 2018, while in a shop named 'at Khalfan', in the Muremera district.

(ee) Pacifique Birikumana was reportedly last seen on 9 April 2017 at the headquarters of the ruling party Conseil National de Défense de la Démocratie – Front de Défense de la Démocratie (CNDD-FDD), located in the Muremera district of Ngozi where he was allegedly subjected to atrocious torture and taken to an unknown place.

## Sri Lanka

2. The Working Group transmitted 45 cases to the Government, concerning:
  - (a) Jeyatheepan “Suresh” Navaratnam, allegedly abducted on 18 May 2009 at a military checkpoint in the district of Mullaithiyu in the province of Vadduvakal by Sri Lankan Military personnel;
  - (b) Suntharalingam “Rasenthiram” Thirunavukarasu, allegedly arrested on 25 August 2009 at Alaipitti St. Anthony’s church in the district of Mandaitheeyu by members of the Sri Lankan Military;
  - (c) Premathas “Ananthan” Sellathurai, allegedly last seen on 17 May 2009 while in the military controlled area of Vattuvakal, Mulliathiyu;
  - (d) Jenat Jeyawathy Siyakumaran, allegedly arrested on 16 May 2009 in the military controlled area of Mullivaikkal in the district of Mulliatheeyu by members of the Sri Lankan Military;
  - (e) Dushyanthan Tharmakulasingham, allegedly arrested on 20 April 2009 in Maathalan, district of Mullaithiyu by members of the Sri Lankan Military;
  - (f) A child, allegedly last seen on 16 May 2009 at the Omanthai military checkpoint;
  - (g) Ramanikaran Maanikkam, allegedly last seen on 18 January 2009 while travelling from Theravil to Visuvamadu, Sri Lanka where the military was advancing;
  - (h) Subesan Theiventhiran, allegedly last seen at the Omanthai military checkpoint on 1 May 2009 being sorted onto a bus by the Sri Lankan military;
  - (i) Kalaiyamuthan Sooriyakumaran, allegedly last seen on 15 May 2009 from Maathalan in the district of Mullaithiyu, Sri Lanka after entering a military controlled area where individuals were screened and sorted into different groups;
  - (j) Kumaran Sethukavalar, allegedly disappeared on 10 February 2008 after being transported from Mulankavil to a military controlled area for medical treatment;
  - (k) Arulgnanaseelan Thiruchchelvam, allegedly last seen on 5 June 2008 from a military controlled area around the street of Sundikulam in Jaffna, Sri Lanka after leaving for work;
  - (l) Vasanthakumar “Maalan” Rasalingam, allegedly last seen on 15 May 2009 in Mullivaikkal military controlled area where he was separated from his family by the Sri Lankan Military;
  - (m) Gangatharan Sinnathurai, allegedly arrested on 15 August 2007 by members of the Sri Lankan military from a shop in Vattukkottai in the district of Sangarathai, Sri Lanka;
  - (n) Kaantharuban Rasathurai, allegedly arrested on 29 November 2007 from his residence in Puloly West, district of Point Pedro, Jaffna, Sri Lanka by members of the Sri Lankan military;
  - (o) Donetus Amirthanather allegedly disappeared while travelling from Velanai (Kayts) to Gurunagar (Jaffna) for business – at the time the Kayts area was under the control of the Sri Lankan military;
  - (p) Sebastian “Rasakon” Esthaky, allegedly abducted on 25 October 1991 after passing by Kalmunai shores on a fishing trip by members of the Sri Lankan Military;
  - (q) Mugunthan “Kaanthan” Kanagarathinam, allegedly abducted on 8 May 2007 from Colombo, Sri Lanka by the Eelam People’s Democratic Front;
  - (r) Ragnathan “Ragu” Muthiah, allegedly abducted on 16 June 1990, from his residence on 157/5 Pethaloka Maw in Colombo, Sri Lanka by members of the Sri Lankan Military;

- (s) Sathya Rooban Naagarasa was allegedly abducted on 17 April 2019 from Jaffna, Sri Lanka by members of the Sri Lanka Military;
- (t) Muruganantham “Rasan” Paramanathan was allegedly abducted on 24 August 2008 while travelling from Varatharaja Perumal to his residence in Sandilippai, Sri Lanka by members of the Sri Lankan Navy.
- (u) Ravichandran Sivasithambarampillai (Vijitharan, Yasotharan), allegedly last seen on 15 May 2009, surrendering to the Sri Lankan Military at the Omanthai military check point in Vavuniya, Sri Lanka;
- (v) Thamavanthan “Dayan” Thambirasa, allegedly abducted on 10 January 2007 from Nallur, Jaffna by members of the Sri Lankan Military;
- (w) Pirabarakan “Piraba” Velupillai, allegedly abducted on 22 August 2006 from his residence in Sri Lanka by members of the Sri Lanka Military;
- (x) Pratheeban “Theeban” Vinayagamoorthy, allegedly last seen on 17 April 2006 near the Fourth mile post in the city of Nelukulam, Sri Lanka after being questioned by members of the Special Task Force of the Sri Lankan Military;
- (y) Jegan Jeyarasa, allegedly last seen on 5 September 1996 in an army camp near Kolumbutharai, Jaffna Sri Lanka;
- (z) Shakthivel Shanmugam, allegedly arrested on 25 April 1991 at Karainagar Sivan Temple in the district of Jaffna, Sri Lanka by the Sri Lankan Military;
- (aa) Premathas “Ananthan” Sellathurai, allegedly last seen on 17 May 2009 in Vattuvakal, Mullaitheiyu, Sri Lanka in a military controlled area where individuals were screened and sent to welfare centres or rehabilitation centres;
- (bb) Suganthy Selvathasan, allegedly last seen on 18 May 2009 in Padaviya hospital in Anuradhapura, Sri Lanka after being taken there by Sri Lankan Military officers;
- (cc) Siththivinayagan Nadaraja, allegedly last seen on 17 May 2009 crossing Vattuvakal bridge near the military-controlled area of Mullivaikkal, Sri Lanka;
- (dd) Thuyaragan Thuraisingam, allegedly last seen on 23 March 2009 in Ambalavan Pokkanai, Mullaitheeyu, Sri Lanka with Members of the military who were separating civilians from suspected LTTE members;
- (ee) Ajinthan Pushparasa, allegedly last seen on 19 April 2009 in Maathalan, Sri Lanka seated with members of the LTTE who had surrendered to the Sri Lankan Military;
- (ff) Rajeenthan “Ravi” Ravinthiran, allegedly abducted on 3 January 2007 near Varagi Amman Kovil in the city of Kokkuvil in the district of Jaffna, Sri Lanka, by a group of armed men suspected to be members of the Sri Lankan Military;
- (gg) Jeyanthan Sellathurai, allegedly abducted on 22 January 2007 from Karavetti, Jaffna, Sri Lanka by the Sri Lankan Military;
- (hh) Nanthakumar Sellathurai, allegedly arrested on 19 August 1996 near Maampalam junction in the city of Puttur, Jaffna, Sri Lanka by Sri Lankan Military officers;
- (ii) Ramech Ganesh, allegedly last seen on 18 June 1989 near a bunker after a government shell attack in Jayanthinagar, Killinochchi district, Sri Lanka;
- (jj) Udayarasa “Kannan” Gnanaselyam, allegedly last seen in 2009 or 2010 in video footage in the custody of Sri Lankan Military officers;
- (kk) Natheeswaran Deyyenthuran, allegedly abducted in 2009 from Vavuniya General Hospital by the Sri Lankan Military;
- (ll) Reyathy Naagaraja, allegedly last seen sometime after February 2009 in the Kurunegala hospital, Kurunegala district, North Western province, Sri Lanka.
- (mm) Antony Amirthanather Joseph Ambrose (Anton) was allegedly abducted on 25 October 1991 while passing by Kalmunai shores on a fishing trip by members of the Sri Lankan Military;

(nn) Roobakanthan “Rooban” Murugaiya, allegedly arrested on 6 January 2008 while in the Kidachoori refugee camp by Criminal Investigative Division officials;

(oo) Arul Jude Saveri (Vincent), allegedly abducted on 14 April 2006 from the military in the Maruthamadu area, district of Vavuniya, Northern Province, Sri Lanka by the Sri Lankan Military;

(pp) Jesudas Jothinayam, allegedly abducted on 29 March 2009 in Vavuniya, Northern Province, Sri Lanka by the People’s Liberation Organization of Tamil Eelam (PLOT);

(qq) Ketishwaran “Kanna” Palaninathan, allegedly arrested on 17 May 2007 near a lake on Kandy road in Kalmadu, district of Vavuniya, Northern province, Sri Lanka by members of the Sri Lankan Military;

(rr) Jeyapalan Kathirkamathamby, allegedly abducted on 18 May 2009 in the district of Mullivaikal, Sri Lanka by member of the Sri Lankan Military;

(ss) Sumana Joseph, allegedly abducted on 18 May 2009 in the district of Mullivaikal, Sri Lanka by members of the Sri Lankan Military.



## Annex III

### Reply to general allegation

1. On 24 April 2019, the Government of Pakistan provided the following reply to a General Allegation transmitted on 19 March 2019.

(a) The reports regarding non-operating courts, police, media and human rights organizations in Pashtun areas of Khyber Pakhtunkhwa Province are baseless. Civil Society including many International Organizations are functional in those areas. Commission of Inquiry on Enforced Disappearances (CoIoED) has not received any complaint in the recent past regarding enforced or involuntary disappearances of persons including children and women from Pashtun area of Pakistan.

(b) The report of Enforced or Involuntary Disappearances of approximately 2000 persons in Balochistan in 2017 is fake and false, as no documentary evidence to this effect has been received by CoIoED. Contrary to above mentioned report, this Commission received only 47 cases of alleged enforced disappearances from Balochistan during the period December 2018 to 6th April, 2019.

(c) Measures taken by the Government to guarantee the right to an effective remedy, especially a serious, impartial, independent and effective criminal investigation in case of enforced disappearances.

(d) Being a parliamentary democracy, with free media, independent judiciary, and vibrant civil society, Pakistan is fully committed to the fulfilment of its international obligations and promotion and protection of all human rights. The Government's efforts had brought down the cases of enforced or involuntary disappearances and we remain resolved to bring these cases to zero. Necessary Checks and Balances both judicial as well as institutional exist in Pakistan to examine alleged cases of enforced or involuntary disappearances and remedial measures are immediately taken in case of reporting of any such case.

(e) The credentials of independence of our judicial system are well established and respected and the higher judiciary is seized of the matter.

(f) Pakistan fully respects and complies with its international obligations. We regularly report to the relevant International Human Rights Bodies and our positive, constructive and timely engagement has been appreciated by them. The Working Group on Enforced or Involuntary Disappearances thanked Government of Pakistan in its recent report submitted to the Human Rights Council for our regular communication and engagement with them demonstrating the Government's commitment to respect, promote and protect all human rights.

(g) The Government of Pakistan is in process of enacting a bill to provide protection against enforced disappearances. As per the Bill, any act of enforced disappearances shall be a criminal offence and shall be punishable with imprisonment which may extend to ten years. A Tribunal on enforced disappearances shall also be established to trace the whereabouts of the persons subjected to enforced disappearances. The Tribunal would also determine and order reasonable compensation in relation to persons subjected to enforced disappearances.

(h) The Federal Government constituted Commission of Inquiry on Enforced Disappearances in March 2011 in exercise of the powers conferred upon it under Pakistan Commissions of Inquiry Act 1956 (Repealed by Pakistan Commission of Inquiry Act 2017). The Commission comprising the Chairman and two Members with auxiliary staff and sufficient resources has been performing its functions diligently. It is headed by former Senior Most Judge of the Hon'ble Supreme Court of Pakistan. It enjoys all the powers as contained in the Pakistan Commissions of Inquiry Act 2017. Since its inception, all stakeholders of the Federal as well as Provincial Governments have been extending all possible cooperation to the Commission and accordingly the Commission is performing its functions

smoothly with best possible manner. There is no instance of non-compliance of Commission's orders by the relevant authorities. Sufficient funds are being provided to the Commission in each Financial Year.

(i) By constituting Commission on Inquiry on Enforced Disappearances, the Federal Government has provided a legal forum for families of alleged enforced disappeared persons to lodge complaints. During investigation of cases, they are kept informed about progress of their cases. The hearing of the cases is done in their presence. The system is absolutely free of cost and there isn't any fee for lodging a complaint nor are the complainants required to engage lawyers to appear before the Commission. The hearings are also held at the provincial capitals with a view to save expenses of the complainants to travel to Islamabad from far flung areas for hearings. During investigation of cases, the Commission has been receiving full co-operation from all stake holders including Federal/Provincial Governments, Intelligence and Law Enforcing Agencies.

(j) The Actions (in Aid of Civil Power) Regulations, 2011 have been formulated strictly in conformity with the International Human Rights Standards. The abuse or misuse of force during operations has been made punishable under the Regulations. All detainees apprehended during operations are kept in declared and notified Internment Centers. The internees' cases are being regularly reviewed by the Oversight Boards notified by the Provincial Governments. Comprehensive provisions related to welfare of detainees, de-radicalization, release and disposal of cases are contained in the law.

(k) The courts in Pakistan are independent and can decide on reparations for the family of missing person. In July 2018, Islamabad High Court (IHC) ordered the federal government to bear the monthly expenses of the family of Sajid Mehmood, an engineer who went missing in 2016. This clearly shows that appropriate functional mechanisms are in place to address grievances of any of our citizens

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