



人权理事会

第二十二届会议

议程项目 3

增进和保护所有人权——公民权利、政治权利、
经济、社会和文化权利，包括发展权

强迫或非自愿失踪问题工作组报告*

概要

强迫或非自愿失踪问题工作组是第一个拥有全球性任务授权的联合国人权专题机制。工作组最初的任务授权源于人权委员会 1980 年 2 月 29 日第 20 (XXXVI)号决议。最近，人权理事会 2011 年 3 月 24 日第 16/16 号决议延长了这一任务期限。

工作组自成立以来向各国政府转交的案件总数为 53,986 起。正在审议的有待澄清、结束或中止的案件为 42,889 起，涉及 84 个国家。过去五年，工作组得以澄清了 298 起案件。

本报告反映工作组在 2012 举行的三届会议上审议的来文和案件，所涉期间为 2011 年 11 月 12 日至 2012 年 11 月 9 日。报告附件一包含关于 96 个国家和领土的章节。本报告还包括一个关于强迫失踪赔偿问题的专题部分，并载有工作组开展的其他活动信息。

* 本报告附件不译，原文照发

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一. 引言

1. 强迫或非自愿失踪问题工作组是第一个拥有全球性任务授权的联合国人权专题机制。工作组最初的任务授权源于人权委员会 1980 年 2 月 29 日第 20(XXXVI)号决议，该决议是根据联合国大会 1978 年 12 月 20 日第 33/173 号决议作出的，大会在这项决议中，对世界各地有关强迫失踪的报告表示关切，并请人权委员会考虑丢失或失踪人员的问题。最近，人权理事会 2011 年 3 月 24 日第 16/16 号决议延长了这一任务期限。
2. 工作组的首要任务是协助各个家庭查实据称失踪的家庭成员的命运和下落。工作组以人道主义机构的身份，担当起强迫失踪受害人家家庭成员与同失踪人员有关的其他各方和政府之间的联络渠道。
3. 在大会通过第 47/133 号决议和《保护所有人免遭受强迫失踪宣言》之后，工作组受命监督各国履行《宣言》所规定义务的进展情况。人权理事会第 7/12 号决议鼓励工作组协助各国执行《宣言》和现行国际规则。2012 年是《宣言》通过二十周年，工作组在法语国家国际组织和联合国人权事务高级专员办事处支持下，于 2012 年 10 月 30 日和 31 日举行了一次纪念活动(另见下文第 14 段)。
4. 本报告反映工作组在 2012 年举行的三届会议上审议的来文和案件，所涉期间为 2011 年 11 月 12 日至 2012 年 11 月 9 日。
5. 报告所述期间的活动概况见每个国家的列表，其后附有对活动领域的详细说明(见附件一)。委员会对包含全世界强迫失踪相关信息的这一部分将不被翻译感到遗憾。为此，委员会正在探讨报告这些活动的不同方法，使之有可能在今后得到翻译。在工作组虽然每年就未结案件发函提醒、但政府和来文方均未提供任何资料的情况下，提供了列表，并提及以前讨论这些案件的报告。
6. 工作组自成立以来向各国政府转交的案件总数为 53,986 起。正在审议的有待澄清、结束或中止的案件为 42,889 起，涉及 84 个国家。过去五年，工作组查清了 298 起案件。
7. 工作组感到关切的是，许多来文仍然得不到及时翻译，从而延误了工作组对这些来文的审议，妨碍了工作组的人道主义任务。工作组还感到遗憾的是，在本报告获得核准时(2012 年 11 月)，工作组的上一份报告只译成了阿拉伯语。
8. 工作组的网站仍然不够完备，大部分内容只有英文版。工作组再次吁请联合国提供充足的资源，使网站得到更新补充，并且更便于查阅。
9. 工作组就报告所述期间获得的一些额外人力资源表示感谢。但工作组注意到，尽管作出了努力，却仍有 900 多起积压案件。工作组认为减少积压案件是其优先事项之一。因此，今后仍需继续给予更多支持。

二. 强迫或非自愿失踪问题工作组在 2011 年 11 月 12 日至 2012 年 11 月 9 日期间开展的活动

A. 届会、闭会期间的成员活动和其他活动

10. 在报告所述期间，工作组举行了三届会议：2012 年 3 月 12 日至 16 日的第九十六届会议、2012 年 7 月 9 日至 13 日的第九十七届会议和九十八届会议，2012 年 10 月 31 日至 11 月 9 日。所有会议均在日内瓦举行。

11. 工作组主席兼报告员的职务由 Jeremy Sarkin 担任，任期至 2012 年 3 月 11 日。自 2012 年 3 月 12 日起，工作组主席兼报告员由 Olivier de Frouville 担任，其他成员为 Ariel Dulitzky、Jasminka Dzumhur、Osman El-Hajjé 和 Jeremy Sarkin。

12. 2012 年 3 月 5 日，主席兼报告员向人权理事会第十九届会议提交了工作组 2011 年报告，并参加了与会员国的互动对话。

13. 2012 年 10 月 25 日，工作组主席兼报告员向大会第六十七届会议作了发言，并参加了与会员国的互动对话。

14. 2012 年 10 月 30 日和 31 日，工作组在日内瓦举行了《保护所有人不遭受强迫失踪宣言》二十周年纪念活动。10 月 30 日，就“探讨保护妇女免遭强迫失踪及其影响的最佳做法和挑战”专题举行了为期一天的专题讨论；10 月 31 日，工作组与各国代表进行了半天的公开对话。纪念活动的第一天侧重于强迫失踪对妇女的影响和妇女作为变革参与者的作用。与会者强调了强迫失踪给妇女造成的社会经济和其他后果，以及妇女在强迫失踪期间因性别而特有的脆弱性。受害人的女性亲属提供了证词，谈到她们在与强迫失踪作斗争的最前沿所发挥的重要作用，同时强调了她们为实现了解真相、诉诸司法的权利而开展的活动所遇到的困难。纪念活动的第二天是工作组与会员国之间的公开对话，涉及在预防、司法、了解真相和对强迫失踪受害人的赔偿等方面执行《宣言》的挑战和最佳做法。工作组成员介绍了讨论的每个议题，接下来是与会员国的互动对话。重点指出了各种问题，包括需要制定保护证人和失踪者亲属的全面战略；各国在刑法中列入独立的强迫失踪罪；应当制定考虑性别的赔偿措施；以及需将了解真相的权利定为一项绝对权利等。

15. 在报告所述期间，工作组所有成员均开展了一些与强迫失踪有关的活动，包括参加了研讨会、培训活动、讲习班和演讲。

B. 会议

16. 在本报告所述期间，阿尔及利亚、冈比亚、危地马拉、伊朗伊斯兰共和国、日本、摩洛哥、纳米比亚、巴基斯坦、大韩民国、塞尔维亚、西班牙、斯里兰卡、塔吉克斯坦和多哥政府代表出席了工作组的届会。这一年还与各国举行了一

些其他非正式会议。工作组还会晤了强迫失踪问题委员会、国际政府组织、非政府人权组织和强迫失踪人员亲属协会代表、强迫失踪受害人家属和有关证人。

C. 函件

17. 在报告所述期间，工作组向 21 个国家转交了 208 起新的强迫失踪案件。

18. 工作组按照紧急行动程序向下列国家政府转交了其中的 59 起案件：阿尔及利亚、孟加拉国、中非共和国、毛里塔尼亚、墨西哥、巴基斯坦、斯里兰卡、阿拉伯叙利亚共和国、塔吉克斯坦、泰国、乌克兰和乌兹别克斯坦。

19. 这一期间，工作组澄清了发生在下列国家的 74 起案件：阿尔及利亚、阿根廷、智利、哥伦比亚、埃及、伊拉克、利比亚、摩洛哥、缅甸、巴基斯坦、西班牙、阿拉伯叙利亚共和国、塔吉克斯坦和乌拉圭。在这 74 起案件中，根据政府提供的资料澄清的案件有 61 起，根据来文方提供的资料澄清的案件有 13 起。

20. 在报告所述期间，工作组就发生在下列国家的骚扰和威胁人权维护者和失踪人员亲属的事件发出了 10 封即时干预函件：阿尔及利亚、印度、墨西哥、俄罗斯联邦、斯里兰卡和土耳其。所有函件均为与其他特别程序任务联合发出的函件。

21. 工作组就在下列国家遭到逮捕、拘留、绑架或以其他方式被剥夺自由或遭强迫失踪或面临强迫失踪危险的人员发出了 16 份紧急呼吁：哥伦比亚、刚果民主共和国、印度、伊朗伊斯兰共和国、约旦、马里、墨西哥、阿拉伯叙利亚共和国、阿拉伯联合酋长国和津巴布韦。所有函件均与其他特别程序机制联合发出。

22. 在报告所述期间，工作组向厄立特里亚、立陶宛和菲律宾政府转交了三项一般性指控，¹ 并通过了一项关于泰国的指控。工作组还联合其他特别程序机制，向朝鲜民主主义人民共和国和哥伦比亚转交了两项一般性指控(另见附件一)。

D. 国别访问

23. 工作组应智利和巴基斯坦政府的邀请，对这两国进行了访问。

24. 工作组派 Ariel Dulitzky 和 Jasminka Dzumhur 为代表，于 2012 年 8 月 13 日至 21 日访问了智利。访问的目的是审查智利对过去的侵犯人权行为背景下发生的强迫或非自愿失踪行为采取的主要举措和政策。专家们还分析了制定强迫失踪案的调查和司法程序的问题，以及与查明真相、司法公正和强迫失踪受害人赔偿有关的问题。对智利的访问报告载于本报告的一份增编(A/HRC/22/45/Add.1)。

¹ 如上一份年度报告(见 A/HRC/19/58/Rev.1,第 22 段)所述，工作组第九十五届会议期间对这三项一般性指控的审议情况概述列入了附件一。

25. 工作组派 Olivier de Frouville 和 Osman El-Hajjé 为代表，于 2012 年 9 月 10 日至 20 日访问了巴基斯坦。访问的目的是收集关于强迫失踪案件的资料，并研究该国为防止和消除强迫失踪现象采取的措施，包括与查明真相、司法公正和对强迫失踪受害人的赔偿有关的问题。对巴基斯坦的访问报告载于本报告的一份增编 (A/HRC/22/45/Add.2)。

26. 在报告所述期间，工作组再次请求访问阿尔及利亚、埃及、印度、印度尼西亚、伊朗伊斯兰共和国、俄罗斯联邦、斯里兰卡、泰国和乌兹别克斯坦。

27. 在报告所述期间，工作组还请求访问利比亚和西班牙。利比亚政府接受了工作组于 2013 年上半年访问该国的请求。西班牙政府接受了工作组于 2013 年下半年访问该国的请求。

28. 在报告所述期间，吉尔吉斯斯坦政府邀请工作组于 2013 年访问该国。工作组向那些发出访问邀请的国家表示感谢。

29. 工作组还请求访问下列国家，但尚未收到肯定答复：白俄罗斯、布隆迪、克罗地亚、埃及、印度、印度尼西亚、黑山、尼泊尔、尼加拉瓜、菲律宾、俄罗斯联邦、南苏丹、斯里兰卡、苏丹、阿拉伯叙利亚共和国、泰国、乌兹别克斯坦和津巴布韦。工作组请所有收到工作组访问请求的国家根据人权理事会第 21/4 号决议，作出肯定答复。

30. 在这方面，工作组谨回顾，2004 年，伊朗伊斯兰共和国同意了工作组的访问，但后来应该国政府要求推迟了访问。工作组呼吁该国政府确定访问日期。

E. 后续报告

31. 在报告所述期间，工作组编写了关于访问萨尔瓦多和摩洛哥之后所提建议落实情况的后继报告。这些后继报告载于本报告的一份增编 (A/HRC/22/45/Add.3)。

F. 新闻稿和声明

32. 2011 年 11 月 11 日，工作组与强迫失踪问题委员会在 2011 年 11 月 8 日星期三两机构举行第一次会议之际，联合发布了一份新闻稿。²

33. 2012 年 8 月 30 日，工作组和强迫失踪问题委员会发布了一项纪念第二个强迫失踪受害人国际日的联合声明。工作组指出，虽然自《宣言》通过以来已经过去了 20 年，但某些国家仍然采用强迫失踪方式，压制个人或主张权利的人进行恐吓。专家们还注意到另一些国家未以正确方式处理过去的情况，并强调说，

² 可查阅网站 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E。

所有失踪人员(即使这些失踪发生在几十年前)家属都应享有了解真相、诉诸司法和获得赔偿的权利。³

34. 2012年10月25日,工作组主席兼报告员在向大会发言之际,与强迫失踪问题委员会联合发布了一份新闻稿。⁴

35. 2012年11月8日,工作组与强迫失踪问题委员会就双方于2012年11月2日举行的会议发布了一项联合声明。在此次会议上,这两个处理强迫失踪问题的联合国机构交流了关于其各自活动的信息,并讨论了共同举措的协调问题。工作组与委员会重申了在履行各自的任务时进行合作与协调的承诺。二者商定了长期交流信息的原则,进行了关于各自程序的互补性、强迫失踪领域国际法的解释和国别访问的讨论。两个机构指出,协调一致对于确保有效保护强迫失踪受害人十分重要,工作组和委员会应以相辅相成和相互加强的方式预防和打击强迫失踪这一恶劣罪行。⁵

36. 在报告所述期间,工作组还发布了关于中国、哥伦比亚、墨西哥和西班牙的新闻稿。

37. 2011年12月23日,工作组就据称高智晟继续被秘密拘留一事,与其他三个特别程序机制联合发布了一份新闻稿。高智晟是一位著名的人权律师,据称2006年因其所从事的反对中国侵犯人权的工作而被捕。据称,高先生被控犯有颠覆国家政权罪,尽管这从未得到法庭证实。在该新闻稿发布时,高先生已有20个月不知下落。⁶

38. 2012年2月8日,工作组与另一个任务负责人联合发布了一份新闻稿,涉及西班牙对 Baltasar Garzón 法官的审判及其对调查和处理据称在西班牙内战和佛朗哥政权时期发生的 10 万多起强迫失踪案件的影响。工作组强调,只要强迫失踪受害人的命运仍然不明,就应开展调查,任何大赦法都不应终止一国调查、起诉和惩罚对失踪负有责任者的义务。⁷

39. 2012年3月14日,工作组在提交对墨西哥的访问报告(A/HRC/19/58/Add.2)之际,发布了一份新闻稿。专家们认识到打击这一犯罪情况下的复杂公共安全局势所带来的挑战,同时强调,缺乏对强迫失踪案的有效调查表明长期存在着有罪不罚现象。⁸

³ 见 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12472&LangID=E。

⁴ 见 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12701&LangID=E。

⁵ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12754&LangID=E。

⁶ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E。

⁷ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11741&LangID=E。

⁸ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11963&LangID=E。

40. 2012年8月21日，工作组在结束对智利的访问时发布了一份新闻稿。⁹
41. 2012年9月20日，工作组在结束对巴基斯坦的访问时发布了一份新闻稿。¹⁰
42. 2012年10月22日，工作组与10个其他特别程序机制一起，就提议在军事刑法方面改革哥伦比亚政治宪法的问题联合发布了一份新闻稿，对这一提议可能会严重影响哥伦比亚法治和人权的享有表示关切。虽然拟议的改革据称将把灭绝种族罪、危害人类罪和强迫失踪罪排除在军事和警察法庭的管辖之外，但也有可能扩大这些法庭的管辖范围，赋予它们对应归普通刑事司法制度和法院管辖的其他严重侵犯人权行为和私人武装部队所犯罪行为进行调查、起诉和作出裁决的权力。¹¹
43. 对上述新闻稿的提及也可见于本报告的有关国家部分(见附件一)。
44. 本报告所述期间，在工作组三届会议开始和结束时发布了媒体稿和新闻稿。

G. 一般性意见

45. 2012年，工作组最后完成了关于儿童与强迫失踪和受强迫失踪影响的妇女的两项一般性意见，这两项意见获得工作组第九十届会议通过。

三. 赔偿与强迫失踪

46. 自今年起，工作组决定在年度报告中列入一个专题部分。考虑到工作组关于《宣言》第19条的一般性意见(1997年)通过以来已经过去的时间和国际法新的发展情况，工作组决定在本报告的专题部分中讨论对强迫失踪受害人的赔偿问题。
47. 《保护所有人不遭受强迫失踪宣言》第19条规定：“遭受被强迫失踪的人及其家属应得到补偿，并应有权得到充分的赔偿，包括得到尽可能完全恢复正常所需要的条件。如果受害人因被强迫失踪行为而死亡，他们的家属也应有权得到赔偿。”

A. 赔偿的定义

48. 工作组认为，《宣言》第19条中的“补偿”一词主要包括“赔偿”的概念，尽管它也包括“有效的补救”。¹² 获得赔偿的权利是一项既定的基本人

⁹ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12451&LangID=E.

¹⁰ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12552&LangID=E.

¹¹ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E.

¹² 另见禁止酷刑委员会关于《公约》第14条的第3号一般性意见(CAT/C/GC/3)。

权，载于世界和区域人权条约及其他国际文书。¹³ 工作组认为习惯法中获得赔偿的权利在近几年有所变化。

49. 在国际法中，就强迫失踪行为获得赔偿的权利首次被载入了一项具有国际法律约束力的文书，即《保护所有人免遭强迫失踪国际公约》。¹⁴ 该《公约》第二十四条第五款指出，获得赔偿的权利涵盖物质和精神损害，并视情况而定，涵盖其他形式的赔偿，如：复原、康复、满足心愿(包括恢复尊严和名誉)及保证不再发生。¹⁵

1. 对侵犯受害人权利的赔偿

50. 工作组注意到，在实践中，为帮助亲属应对失踪人员的失踪所造成的后果而采取的措施属于赔偿措施。人人享有社会保障权，国家有义务为家属提供尽可能广泛的保护。但提供社会援助的措施并不影响国家向权利受到侵犯的受害人提供赔偿的义务。¹⁶ 此外，社会津贴和/或赔偿措施不应以要求失踪人员的亲属提供死亡证明为条件。¹⁷ 工作组在关于《宣言》第 19 条的一般性意见中明确指出，“作为一项一般原则，不应不顾家属的反对，推定强迫失踪的受害人死亡。”¹⁸

2. 有权获得赔偿者的界定

51. 工作组不区分直接和间接受害人，而是认为，失踪人员和因强迫失踪而受到伤害的人均应被视为强迫失踪的受害人，并因此有权获得赔偿。¹⁹ 为了赔偿之目的，应当采用广泛的受害人定义，与刑事责任的确立和对被告的定罪无关。²⁰

52. 《严重违反国际人权法和严重违反国际人道主义法行为受害人获得补救和赔偿的权利基本原则和导则》²¹ 将受害人界定为由于构成严重违反国际人权法或严

¹³ 国际刑事法院第一审判庭最近在“检察官诉 *Thomas Lubanga Dyilo* 一案中的刚果民主共和国局势，关于赔偿原则和诉讼程序的决定”中确认了这一权利，2012 年 8 月 7 日，第 185 段。

¹⁴ 第二十四条第四款：“各缔约国应在其法律制度范围内，确保强迫失踪的受害人有权取得补救和及时、公正和充分的赔偿。”

¹⁵ 区域人权法院、特别是美洲人权法院的判例有助于解释和发展获得赔偿的权利。到目前为止，该法院在主张受害人获得赔偿的权利方面作出的判例最为先进、最有创造性。

¹⁶ 工作组在其关于遭受强迫失踪情形下在法律面前的人格得到承认的权利的一般性意见第 9 段中指出，接受对家庭成员的经济支助，不应视为放弃按《宣言》第 19 条之规定享有的就强迫失踪罪行造成的损害获得全面赔偿的权利。

¹⁷ A/HRC/16/48/Add.1, 第 46 段。

¹⁸ E/CN.4/1998/43, 第 74 段。

¹⁹ 见 A/HRC/19/58/Rev.1, 第 58 段。《公约》第二十四条第一款规定，“受害人”系指“失踪的人和任何因强迫失踪而受到直接伤害的个人”。

²⁰ 见 A/HRC/19/58/Add.2, 第 109 段。

²¹ 大会第 60/147 号决议，附件。

重违反国际人道主义法行为的作为或不作为而遭受损害，包括身心伤害、精神痛苦、经济损失或基本权利受到严重损害的个人或集体。适当时，根据国内法，“受害人”还包括直接受害人的直系亲属或受扶养人以及介入干预以帮助处于困境的受害人或阻止加害他人行为而遭受损害的人。

B. 强迫失踪情况下的赔偿形式

53. 工作组注意到，在一些国家，赔偿只被解释为经济赔偿，即为弥补给受害人造成的一切形式损害而支付的一笔钱。但工作组在其关于《宣言》第 19 条的一般性意见中已经指出，向强迫失踪受害人提供补偿的义务不限于金钱赔偿，而是包括医疗和心理治疗、所有身心伤害的恢复以及法律和社会方面的复原、保证不再发生、恢复个人自由和可消除强迫失踪后果的类似形式的复原、满足心愿和赔偿等。²²

54. 工作组一般性地建议为包括强迫失踪在内的侵犯人权行为受害人制定关于赔偿，包括经济赔偿、复原、康复、满足心愿和保证不再发生的国家方案。²³工作组还强调，在强迫失踪情况下的赔偿权范围内，失踪人员的家属享有被告知失踪者的命运和/或下落的无时效限制的权利，如失踪者死亡，其尸体一旦验明应立即归还家属，不论侵权行为人是否已查出或已被起诉。²⁴

1. 复原

55. 复原是指尽可能恢复受害人在侵害发生前的原有状态的行为。在强迫失踪情况下，这类措施可包括恢复身份、²⁵恢复自由或返回居住地。工作组强调，由于强迫失踪情况下所受损害的不可逆转性质，要完全恢复正常是不可能的，因此应以其他形式的赔偿，如经济赔偿和康复来作为复原的补充。此外，还应强调的是，即使在有可能复原的情况下，为恢复受害人以前的状态而采取的赔偿措施可能还需纠正和处理以前的歧视和/或弱势情况。

²² E/CN.4/1998/43, 第 75 段。

²³ 见 A/HRC/19/58/Add.1, 第 79(b) 段和 A/HRC/16/48/Add.1, 第 84(d) 段。另见《严重违反国际人权法和严重违反国际人道主义法行为受害人获得补救和赔偿的权利基本原则和导则》中的原则 18。

²⁴ 见 E/CN.4/2005/102/Add.1, 原则 34。

²⁵ 见美洲人权法院, *Contreras* 等人诉厄瓜多尔案, 2011 年 8 月 31 日的判决(可查阅网站 www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf), 第 193 段。

2. 经济赔偿

56. 工作组强调，光有经济赔偿是不够的，通常还应作出其他形式的赔偿。²⁶

《严重违反国际人权法行为受害人获得补救和赔偿的权利基本原则和导则》规定，应当按照违法行为的严重性和具体情节，对严重违反国际人权法和严重违反国际人道主义法行为所造成的任何经济上可以估量的损害提供适当和相称的赔偿。原则 20 还列出了一些可被视为经济上可以估量的损害的形式：(a)身心伤害；(b)失却机会，包括就业机会、教育机会和社会福利；(c)物质损害和收入损失，包括收入潜力的损失；(d)精神伤害；或(e)法律或专家援助费用、医药费用以及心理治疗与社会服务费用。

57. 经济赔偿是获得有效补救的权利的一个重要因素，尤其是在不可能恢复受害人以前的状态时——包括强迫失踪在内的许多国际犯罪经常如此。工作组强调，赔偿应当是全面而“充分的”，即应与侵犯人权行为的严重程度(如失踪的时间或拘留条件)和受害人及其家属遭受的痛苦相称。²⁷

58. 工作组还强调，金钱赔偿应在广义上适用，并且应当对强迫失踪造成的任何损害作出这种赔偿，如身心伤害、²⁸ 失却机会、²⁹ 物质损害和收入损失、名誉损害及法律或专家援助费用。³⁰ 工作组还强调，由于国家的民事责任源于强迫失踪罪的严重性，因此，时间的流逝不应成为通过适用诉讼时效法而妨碍民事请求进展的障碍。³¹

3. 康复

59. 康复是赔偿的一个必要组成部分。《宣言》第 19 条提到强迫失踪行为的受害人及其家属“尽可能完全的恢复”。应当制定康复措施和方案，并易于为受害人及其家属所用。

60. 《严重违反国际人权法和严重违反国际人道主义法行为受害人获得补救和赔偿的权利基本原则和导则》规定，“康复应当包括医疗和心理护理以及法律和

²⁶ 见 A/HRC/19/58/Add.3, 第 54 段。工作组以前曾在 1997 年的年度报告(E/CN.4/1998/43)中审查了强迫失踪受害人的问题。在编写该报告时，工作组曾致函未决案件在 20 个以上的国家，索取各国在这方面做法的资料。

²⁷ A/HRC/16/48/Add.1, 第 45 段。

²⁸ 美洲人权法院提出的非金钱损害概念包括“给直接受害人及其近亲造成的痛苦和悲伤、对个人而言十分重要的价值观的损害以及受害人或其近亲生活条件上具有非金钱性质的其他改变”。见 *Contreras* 等人诉厄瓜多尔(见脚注 25), 第 227 段。另见“街头儿童(*Villagran Morales* 等人诉危地马拉), 赔偿和费用, 26 May 2001 年 5 月 26 日的判决, 第 84 段。

²⁹ 例如见美洲人权法院 *Gelman* 诉乌拉圭一案, 2011 年 2 月 24 日的判决, 第 293 段, 在该案中, 法院承认了失踪时只有 19 岁并且为大学学生的受害人所蒙受的损失。

³⁰ A/HRC/19/58/Add.1, 第 63 段。

³¹ A/HRC/22/45/Add.1, 第 47 段。

社会服务。”³² 在提供心理或精神治疗时，必须考虑每个受害人的特殊情况和需要。治疗可以是单独治疗、集体治疗或家庭治疗。³³

61. 工作组还强调，应当采取措施，确保失踪人员的家庭成员无论生活在哪里，都有权获得社会福利和其他社会支助措施，包括保健、特别教育方案和心理援助。³⁴

4. 满足心愿和保证不再发生

62. 上述《基本原则和导则》关于满足心愿措施的原则 22 专门提到与强迫失踪有关的措施，即“寻找失踪者的下落，查明被绑架儿童的身份，寻找受害者的尸体，并协助找回、辨认尸体并按受害人的明示或推定愿望或按家庭和社区文化习俗重新安葬”。工作组强调，查明真相也是满足受害人心愿的一种形式，包括有义务调查事实，确定、起诉和酌情惩罚负有责任者。³⁵ 工作组还强调，开展调查、了解真相和诉诸司法的程序性权利对于受害人对赔偿的认识同等重要。实际上，在有些情况下，了解真相和诉诸司法的过程本身可构成一种赔偿。

63. 满足强迫失踪受害人及其家属心愿的其他形式包括：通过司法裁判³⁶ 或正式宣告，恢复受害人和与受害人密切相关的人的尊严、名誉和权利；公开道歉，包括通过公开仪式或行为，承认事实和承担责任；以及纪念和悼念受害人。与强迫失踪有关的具体措施可包括：设立专门机构，调查关于严重侵犯人权行为、包括强迫失踪的申诉；拟订收集和辨认遗骸的协议；为已找到的个人及其亲属以及仍然失踪者的亲属制定心理社会援助方案；以及提供公开查询包含相关信息的国家卷宗和档案的机会。³⁷

64. 工作组认为，建立纪念遗址和纪念碑有助于形成社会对所发生的侵权行为的共同认识及以及对这些侵权行为的反对和否定，而这种反对和否定也可作为一种预防性措施。³⁸ 工作组强调，各国应当为包括纪念物问题在内的赔偿方案制定全

³² 原则 21。在 *Barrios Altos* 一案(*Chumbipuma Aguirre* 等诉秘鲁)，2001 年，第 40 段中，美洲人权法院批准了秘鲁与受害人之间签署的协议，该国在协议中承认其有义务提供“诊断程序、药品、专门援助、住院、手术、分娩、外伤恢复和精神健康服务。”

³³ 见 *Contreras* 等人诉萨尔瓦多(见脚注 25)，第 200 段。

³⁴ A/HRC/16/48/Add.1, 第 84 (c) 段。

³⁵ 例如见 A/HRC/16/48/Add.2, 第 8 段。经更新的《采取行动，打击有罪不罚现象，保护和增进人权的一套原则》中的原则 4(E/CN.4/2005/102/Add.1)指出，“无论法律程序如何，受害人及其家属享有不受时效限制的权利，以了解发生侵权情况的真相，如果事关死亡或失踪，则有权了解受害人的命运。”

³⁶ 就司法裁决而言，公布和传播判决书也被认为是满足的一种形式。

³⁷ 见 *Contreras* 等人诉萨尔瓦多(见脚注 25)，第 211 至 214 段；以及 *Gelman* 诉乌拉圭案(脚注 29)，第 272 至 282 段。

³⁸ 见 A/HRC/19/58/Add.3, 第 101 (c) 段；E/CN.4/2006/56/Add.1, 第 115 段；以及 A/HRC/10/9/Add.1, 第 65 段。

面的法律框架，以免再次伤害和进一步侵犯尊严权。立法应当规定建立这种纪念物的标准和程序，同时考虑到因社会不同群体相互冲突的纪念方式而可能产生的争议。³⁹纪念遗址的建立和维护是国家的责任，同时也有失踪者家属和其他相关各方的密切参与。⁴⁰

65. 关于保证不再发生，应采取措施防止今后再发生强迫失踪情况。《基本原则和导则》的原则 23 (e) 段提到防止不再发生的各种可能的保证措施，例如优先和不间断地对社会各阶层开展人权和国际人道主义法教育，并向执法官员以及军队和安全部队提供培训；促进建立防止和监测并解决社会冲突的机制；审查并改革助长或允许严重违反国际人权法和严重违反国际人道主义法行为的法律。⁴¹其他保证不再发生的重要措施包括实行具体的计划和保障以及促进司法或安全部门改革。工作组还强调，充分认识了解真相和诉诸司法的权利是确保不再犯的基本要素。

C. 个人和集体赔偿

66. 工作组欣见国际人权法越来越认识到，可以作出个人和集体赔偿。⁴² 鉴于其本质和目的不同，个人和集体赔偿可以同时作出，并不相互排斥。⁴³ 集体赔偿针对的是集体损害或对整个社会的损害。集体赔偿的可能形式包括公开道歉和承担责任以及为强迫失踪受害人建造纪念碑或纪念物。

D. 考虑性别角度和对文化敏感的赔偿

67. 工作组强调，在确定赔偿的形式和方法时，应当采取对性别和文化敏感的办法。⁴⁴ 《妇女和女孩获得补救和赔偿的权利内罗毕宣言》⁴⁵ 特别提到制定和执行

³⁹ 另见 A/HRC/16/48/Add.1, 第 48 段和第 84 (g) 段。

⁴⁰ 例如，在智利，虽然国家支持建造和维护一些纪念碑并发展各种文化行为，但为保存历史记忆而建造和维护的越来越多的纪念碑实际上基本是民间社会(主要是受害人亲属组织)倡议而不是国家实施政策的结果。见 A/HRC/22/45/Add.1, 第 50 段。

⁴¹ 原则 23 提到的其他保证措施有：(a) 确保军队和安全部队受到文职政府的有效控制；(b) 保证所有民事和军事程序符合正当程序、公平和公正的国际标准；(c) 加强司法独立性；(d) 保护在法律、医卫专业、媒体和其他相关专业工作的人士以及人权捍卫者；(f) 促进公职人员，包括执法、矫治、媒体、医疗、心理治疗、社会服务和军事人员以及企业遵守行为守则和道德规范，尤其是遵守国际标准。

⁴² 见国际刑事法院《程序和证据规则》的规则 97 第 (1) 段。另见《欧洲人权公约》第二十五条第一款和第五十条以及《美洲人权公约》第四十四条和第六十三条。

⁴³ 见 A/HRC/13/31/Add.1, 第 56 至 66 段。这也得到美洲人权法院判例法的承认。例如，见 *Moiwana* 社区诉苏里南案，初步反对，案情，赔偿与费用，2005 年 6 月 15 日的判决，第 194 和第 201 段。

⁴⁴ 见 A/HRC/19/58/Add.1, 第 64 段。另见 A/HRC/16/48/Add.1, 第 44 段。

赔偿时应当考虑的具体性别因素，强调了获得赔偿的程序之重要性的其他方面，包括消除她们主张权利和诉诸司法可能遇到的障碍。《宣言》强调了协商进程的根本重要性，这一进程使妇女能够自己决定哪种赔偿形式最适合她们的情况。应采取特别措施，赋予妇女权力，使之能够参与影响她们的赔偿过程的所有阶段。工作组还强调，赔偿措施需要考虑许多因素，尤其是受害人角度和案件情节，因为，在一个案件中适当的赔偿措施在另一个案件中可能并不适当，甚至起到相反作用。

68. 工作组进一步强调，必须以对文化敏感的方式，确保获得赔偿。必要时应促进以当地语言提供关于赔偿进程和措施的信息，赔偿计划或机制的设计应有受影响社区的参与，并考虑他们的需要。工作组还强调，为受害人提供的社会服务不应与他们获得赔偿的权利相混淆。

四. 强迫或非自愿失踪问题工作组对各个国家和领土内强迫或非自愿失踪的审查情况

69. 强迫或非自愿失踪问题工作组对各个国家和领土内强迫或非自愿失踪的审查情况载于本文件附件一，并按每个国家分为 96 个章节。每节都概述了工作组本次报告期间在所述国家开展的活动。以列表形式介绍每个国家的情况，附文则详述了在各领域开展的活动。在工作组虽然每年就未结案件发函提醒、但政府和来文方均未提供任何资料的情况下，提供了列表，并提及以前讨论这些案件的报告。

70. 为此，附件一所载章节涉及系列国家：阿富汗、阿尔巴尼亚、阿尔及利亚、阿根廷、阿塞拜疆、巴林、孟加拉国、白俄罗斯、不丹、多民族玻利维亚国、波斯尼亚和黑塞哥维那、巴西、布隆迪、喀麦隆、中非共和国、乍得、智利、中国、哥伦比亚、刚果、捷克共和国、朝鲜民主主义人民共和国、刚果民主共和国、丹麦、多米尼加共和国、厄瓜多尔、埃及、萨尔瓦多、赤道几内亚、厄立特里亚、埃塞俄比亚、法国、冈比亚、格鲁吉亚、希腊、危地马拉、几内亚、海地、洪都拉斯、印度、印度尼西亚、伊朗伊斯兰共和国、伊拉克、爱尔兰、以色列、日本、约旦、肯尼亚、科威特、吉尔吉斯斯坦、老挝人民民主共和国、黎巴嫩、利比亚、立陶宛、马里、毛里塔尼亚、墨西哥、摩洛哥、莫桑比克、缅甸、纳米比亚、尼泊尔、尼加拉瓜、巴基斯坦、秘鲁、菲律宾、大韩民国、俄罗斯联邦、卢旺达、沙特阿拉伯、塞尔维亚、塞舌尔、索马里、南苏丹、西班牙、斯里兰卡、苏丹、瑞士、阿拉伯叙利亚共和国、塔吉克斯坦、泰国、前南斯拉夫的马其顿共和国、东帝汶、多哥、突尼斯、土耳其、土库曼斯坦、乌干达、乌克兰、阿拉伯联合酋长国、乌拉圭、乌兹别克斯坦、委内瑞拉玻利瓦尔共和国、越南、也门、津巴布韦和巴勒斯坦国。

⁴⁵ 2007 年 3 月 19 日至 21 日在内罗毕举行的妇女和女孩获得补救和赔偿的权利国际会议上通过。见 www.fidh.org/IMG/pdf/NAIROBI_DECLARATIONeng.pdf。

五. 工作组在报告所述期间就具体案件作出的决定和每个国家的未决案件

国家	报告所述 期间据称 发生的案件	报告所述期间 转交政府的案件		澄清者:		已结 束案件	中止的 案件	未决 案件
		紧急 行动	标准 案件	政府	非政府来 文方			
阿富汗	0	0	0	0	0	0	0	3
阿尔巴尼亚	0	0	0	0	0	0	0	1
阿尔及利亚	1	1	45	0	1	0	0	3 005
阿根廷	0	0	0	14	0	0	0	3 271
巴林	0	0	0	0	0	0	0	1
孟加拉国	4	2	3	0	0	0	0	11
白俄罗斯	0	0	0	0	0	0	0	3
不丹	0	0	0	0	0	0	0	5
多民族玻利维亚国	0	0	0	0	0	0	0	28
巴西	0	0	0	0	0	0	0	13
布隆迪	0	0	0	0	0	0	0	52
喀麦隆	0	0	0	0	0	0	0	14
中非共和国	3	3	0	0	0	0	0	3
乍得	0	0	0	0	0	0	0	23
智利	0	0	0	5	0	0	0	801
中国	0	0	0	0	0	0	0	30
哥伦比亚	0	0	1	2	0	0	0	969
刚果	0	0	0	0	0	0	0	88
朝鲜民主主义人民共和国	0	0	4	0	0	0	0	20
刚果民主共和国	0	0	0	0	0	0	0	44
多米尼加共和国	0	0	0	0	0	0	0	1
厄瓜多尔	0	0	0	0	0	0	0	4
埃及	0	0	3	1	2	0	0	41
萨尔瓦多	0	0	0	0	0	0	0	2 271
赤道几内亚	0	0	0	0	0	0	0	8
厄立特里亚	0	0	0	0	0	0	0	54
埃塞俄比亚	0	0	0	0	0	0	0	112
法国	0	0	0	0	0	0	0	1

国家	报告所述 期间据称 发生的案件	报告所述期间 转交政府的案件		澄清者:		已结 束案件	中止的 案件	未决 案件
		紧急 行动	标准 案件	政府	非政府来 文方			
冈比亚	0	0	0	0	0	0	0	1
格鲁吉亚	0	0	0	0	0	0	0	1
希腊	0	0	0	0	0	0	0	1
危地马拉	0	0	0	0	0	0	0	2 899
几内亚	0	0	0	0	0	0	0	21
海地	0	0	0	0	0	0	0	38
洪都拉斯	0	0	0	0	0	0	0	129
印度	0	0	0	0	0	0	0	353
印度尼西亚	0	0	0	0	0	0	0	162
伊朗伊斯兰共和国	0	0	1	0	0	0	0	518
伊拉克	0	0	0	9	0	0	0	16 401
以色列	0	0	0	0	0	0	0	2
约旦	0	0	0	0	0	0	0	2
肯尼亚	0	0	40	0	0	0	0	40
科威特	0	0	0	0	0	0	0	1
老挝人民民主共和国	0	0	0	0	0	0	0	1
黎巴嫩	0	0	0	0	0	0	0	313
利比亚	0	0	1	0	1	0	0	9
毛里塔尼亚	0	2	0	0	0	0	0	3
墨西哥	11	11	6	0	0	0	0	327
摩洛哥	0	0	1	9	0	0	0	53
莫桑比克	0	0	0	0	0	0	0	2
缅甸	0	0	0	1	0	0	0	1
纳米比亚	0	0	0	0	0	0	0	3
尼泊尔	0	0	0	0	0	0	0	458
尼加拉瓜	0	0	0	0	0	0	0	103
巴基斯坦	3	2	6	14	2	0	0	99
秘鲁	0	0	0	0	0	0	0	2 371
菲律宾	0	0	0	0	0	0	0	621
俄罗斯联邦	0	0	4	0	0	0	0	471
卢旺达	0	0	0	0	0	0	0	21

国家	报告所述 期间据称 发生的案件	报告所述期间 转交政府的案件		澄清者:		已结 束案件	中止的 案件	未决 案件
		紧急 行动	标准 案件	政府	非政府来 文方			
沙特阿拉伯	0	0	0	0	0	0	0	4
塞舌尔	0	0	0	0	0	0	0	3
索马里	0	0	0	0	0	0	0	1
南苏丹	0	0	0	0	0	0	0	1
西班牙	0	0	0	1	0	0	0	3
斯里兰卡	4	4	9	0	0	0	0	5 676
苏丹	0	0	0	0	0	0	0	173
瑞士	0	0	1	0	0	0	0	1
阿拉伯叙利亚 共和国	17	30	9	1	7	0	0	72
塔吉克斯坦	1	1	0	3	0	0	0	4
泰国	1	1	15	0	0	0	0	71
东帝汶	0	0	0	0	0	0	0	428
多哥	0	0	0	0	0	0	0	10
突尼斯	0	0	0	0	0	0	0	2
土耳其	0	0	0	0	0	0	0	60
土库曼斯坦	0	0	0	0	0	0	0	1
乌干达	0	0	0	0	0	0	0	15
乌克兰	1	1	0	0	0	0	0	4
阿拉伯联合酋 长国	0	0	0	0	0	0	0	5
乌拉圭	0	0	0	1	0	0	0	19
乌兹别克斯坦	1	1	0	0	0	0	0	8
委内瑞拉玻利瓦 尔共和国	0	0	0	0	0	0	0	10
越南	0	0	0	0	0	0	0	1
也门	0	0	0	0	0	0	0	2
津巴布韦	0	0	0	0	0	0	0	4
巴勒斯坦国	0	0	0	0	0	0	0	3

六. 结论和建议

A. 一般性问题

71. 2012 年，工作组向 21 个国家转交了 208 起新报告的失踪案件。工作组对其中的 59 起案件使用了紧急行动程序，这些案件据称是在工作组收到报告之前的三个月内发生的。在报告所述期间，工作组得以澄清了 74 起强迫失踪案件。

72. 仍待工作组澄清的案件有 40,000 多起，其中许多是几十年前发生的案件。尽管案件数量如此巨大，但报告不足仍是一个重要问题。原因有很多，包括惧怕报复、司法薄弱、报告渠道不畅通、有罪不罚现象形成体制、贫困、文盲、语言障碍、沉默的风气和民间社会活动的限制等。应为家属和民间社会成员提供更多援助，使之能够向工作组报告案件。

73. 工作组继续注意到对强迫失踪受害人，包括其家属、证人和从事这类案件工作的人权维护者进行的威胁、恐吓和报复。工作组呼吁各国根据《保护所有人不遭受强迫失踪宣言》第 13 条第 1 款和第 3 款采取具体措施，防止发生这类行为，保护从事强迫失踪案件工作的人，并惩罚犯罪者。人权理事会应采取措施，确保作出更系统的反应，防止与联合国合作的人员遭到报复。

74. 工作组对一些国家给予的合作表示感谢；这些合作对于查明全球失踪人 74. 员的命运或下落必不可少。但工作组仍然感到关切的是，存在未决案件的 84 个国家中，有些国家从未对工作组给予答复。有些国家提供的答复则没有包含相关资料。工作组促请所有国家履行《宣言》以及大会和人权理事会的决议所规定的义务。

75. 国别访问是工作组履行任务的一个组成部分。它可以让工作组深入了解各国解决强迫失踪问题的做法，协助各国减少执行《宣言》的障碍，并确保与受害者家属的直接联系。但是，有一些国家收到了工作组的访问请求，却没有发出访问邀请。还有一些国家发出了非正式邀请和/或确认了邀请，但尚未商定具体的访问日期。因此，工作组呼吁所有尚未答复访问请求的国家根据人权理事会第 21/4 号决议作出肯定答复，并呼吁同意访问的国家尽快作出答复，说明具体日期。

76. 工作组再次呼吁尚未签署和/或批准《公约》的国家政府尽快予以签署和/或批准，并接受强迫失踪问题委员会依据《公约》第三十一条受理个人案件和根据第三十二条受理国家间申诉的权限。

77. 67. 工作组感谢阿根廷和法国政府提供的财力和人力资源，这使工作组得以加强其支助工作。工作组提醒联合国为之拨出的经常预算有限，并呼吁所有国家提供更多援助，使工作组能够完成其任务。

78. 工作组感到关切的是，许多来文仍然得不到及时翻译，从而延误了工作组对这些来文的审议，妨碍了工作组的人道主义任务。工作组还感到遗憾的是，在本

报告获得核准时(2012年11月),工作组2011年的报告(A/HRC/19/58/Rev.1)只译成了阿拉伯语。

B. 赔偿与强迫失踪

79. 工作组强调,强迫失踪受害人有获得赔偿的权利。强迫失踪的赔偿概念包括复原、康复、经济赔偿、满足心愿和保证不再发生。工作组建议会员国:

- (a) 确保强迫失踪受害人有获得补偿及迅速、公正和充分赔偿的权利;
- (b) 在法律制度中作出关于强迫失踪受害人或其家属寻求公正、迅速和充分赔偿的规定;
- (c) 为赔偿目的,采用广泛的受害人定义,包含所有因失踪而受到伤害的人;
- (d) 保证了解真相和诉诸司法的权利,以此作为确保不再发生的一个要素;
- (e) 确保给予个人和集体赔偿,因为二者目的不同,并不相互排斥;
- (f) 在制定和执行赔偿方案时采取对性别敏感的办法,并确保妇女的参与和赋权,让她们自己决定最适合其情况的赔偿形式;
- (g) 规定强迫失踪情况下的具体赔偿措施,包括制定寻找失踪人员的国家计划;建立专门机构,调查关于严重侵犯人权行为、包括强迫失踪的申诉;拟订收集和辨认遗骸的协议;为已找到的个人及其亲属以及仍然失踪者的亲属制定心理社会援助方案;提供公开查询包含相关信息的国家卷宗和档案的机会;以及向执法人员及军队和安全部队提供人权教育和培训;
- (h) 考虑采取象征性措施,例如建立纪念遗址和开展纪念活动,承认受害人遭受的痛苦并恢复他们的尊严和名誉;
- (i) 加强作为一种赔偿形式的预防措施,包括采取有效的立法、行政、司法或其他措施,预防、惩罚和消除强迫失踪行为。

C. 《保护所有人不遭受强迫失踪宣言》通过二十周年

80. 《保护所有人不遭受强迫失踪宣言》是第一份将所有强迫失踪行为定为“非常严重的犯罪”,并规定惩罚和防止这类行为的标准文书。大会20年前在通过该《宣言》时指出,大会“深感关切的是,在许多国家里,往往不断发生被强迫失踪的事件”。工作组感到遗憾的是,20年后,许多国家仍然存在强迫失踪做法,尤其是在冲突或内乱情况下,或被作为一种打击恐怖主义或有组织犯罪的工具。在这方面,工作组回顾《宣言》第7条,其中规定,不得援引任何特殊情况,不论是战争威胁、战争状态、内部政治不稳定还是任何其他公共紧急状况,作为造成强迫失踪的理由。

81. 工作组建议各国把重点更多地放在防止强迫失踪的措施上，包括在所有被剥夺自由的地点建立可查阅并予以更新的被拘留者登记册；保证亲属和律师获得适当的资料并能进入所有此类场所；确保将被捕者迅速移交司法当局。

82. 在《保护所有人不遭受强迫失踪宣言》通过二十周年之际，工作组呼吁所有国家重新对《宣言》所载的各项原则作出承诺，尤其是强烈重申“任何造成被强迫失踪的行为是对人的尊严的一种侵犯，并应作为违反《联合国宪章》的宗旨和公然严重侵犯《世界人权宣言》所宣布的人权和基本自由的一种行为加以谴责。”工作组鼓励所有国家和民间社会将《宣言》不加区别地译成各种语言和方言，因为所有这些都助于在全球传播《宣言》，实现防止强迫失踪这一最终目标。

83. 多年来，强迫失踪人员的家属一直在提醒国际社会注意这一可恶罪行。《保护所有人免遭强迫失踪国际公约》于 2010 年 12 月 23 日，这在很大程度上归功于他们的努力。该《公约》生效后，设立了强迫失踪问题委员会。与许多其他人权专题，如酷刑、种族歧视、歧视妇女、儿童权利以及一系列公民、文化、经济、政治和社会权利一样，委员会和工作组应齐心协力，合作预防和消除世界任何地方发生的强迫失踪行为。同样，《宣言》与《公约》也相互加强，建立了一个应对强迫失踪做法的更有效的法律框架。

84. 工作组感谢那些经常给予合作的国家，并再次指出，工作组随时愿意向所有国家提供执行《宣言》的适当援助。

D. 受强迫失踪影响的妇女

85. 工作组第九十八届会议通过了一项关于受强迫失踪影响的妇女的一般性意见。

86. 工作组强调，在处理强迫失踪案件时，各国应确保在采取的所有措施中纳入性别观点，无论是立法、行政、司法还是其他措施。强迫失踪领域的两性平等首先要求所有个人，无论性别如何，均能不受歧视地享有《宣言》规定的权利。

87. 工作组认识到，妇女在确保和增进失踪人员的权利方面起着根本性的作用。尤其是，工作组根据其经验，认识到妇女经常处于与强迫失踪作斗争的最前沿。她们经常建立组织和协会，努力确定强迫失踪的情况和失踪人员的命运，并帮助受害人。

88. 妇女和女孩经常受到强迫失踪的影响，不仅是作为失踪人员，还作为亲属或因强迫失踪而受到伤害的人。强迫失踪给她们造的不同影响全在于历史、传统、宗教和文化中根深蒂固的性别角色。两性平等和赋予妇女权力是处理强迫失踪受害妇女状况的基本工具。为了有效防止和消除妇女的强迫失踪，工作组认识到，各国应当根据性别主流化原则，从性别角度制定全面的国家政策。工作组鼓励各国以关于受强迫失踪影响的妇女的一般性意见作为实现两性平等和赋予妇女权力的工具。

E. 儿童与强迫失踪

89. 2012 年，工作组通过了一项关于儿童与强迫失踪的一般性意见。

90. 儿童的强迫失踪构成侵犯受《保护所有人不遭受强迫失踪宣言》保护的诸多权利的加重情节，是一种极端的暴力侵害儿童行为。⁴⁶

91. 儿童处于不断变化的身心成熟阶段，并对成人具有依赖性，这使他们特别容易受到伤害。因此，必须适当理解和强调强迫儿童失踪案件中侵权行为的特殊性质和国家的特殊义务。

92. 工作组认识到，必须为儿童提供特殊保护，并承认专门述及暴力侵害儿童行为的相关文书有着突出的地位。

93. 鉴于强迫失踪是一种持续性的犯罪，对儿童的特定影响甚至可能持续到成人阶段，因此，工作组指出，在儿童未满 18 岁时产生的国家义务只要未得到充分遵守，就将继续存在。

94. 工作组认为，各国在处理强迫失踪情况时，应当顾及女孩和男孩、青少年和幼儿、难民和境内流离失所儿童、被征募入伍的儿童、来自不同宗教、族裔和种族背景的儿童和残疾儿童所面临的不同挑战和需要。对性别敏感的办法应以女孩的权利和解决她们的特殊需要为重。

⁴⁶ 见 A/61/299。

Annexes

Annex I

[English only]

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

Afghanistan

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Albania

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

Information from the Government

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

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

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

Total cases transmitted, clarified and outstanding

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

Algeria

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

Urgent action

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

Standard procedure

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

Prompt intervention letter

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

^a See paragraph 18.

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

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

Information from the Government

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

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

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

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

Information from sources

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

Clarification

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

Meetings

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

Argentina*

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

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

Information from the Government

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

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

Information from sources

24. A source provided information on one outstanding case.

Clarification

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

Total cases transmitted, clarified and outstanding

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

Bahrain

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Bangladesh

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

Urgent actions

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

Standard procedure

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

Information from the Government

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

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Belarus

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

Information from the Government

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Bhutan

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Bolivia (Plurinational State of)

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

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

Total cases transmitted, clarified and outstanding

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

Bosnia and Herzegovina*

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

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

Brazil

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

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

Total cases transmitted, clarified and outstanding

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

Burundi

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

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Cameroon

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

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

Total cases transmitted, clarified and outstanding

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

Central African Republic

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

Urgent actions

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

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

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

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

Information from sources

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Chad

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

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

Total cases transmitted, clarified and outstanding

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

Chile

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

Information from the Government

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

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

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

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

Visit

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

Clarification

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

Total cases transmitted, clarified and outstanding

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

Observations

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

China

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

Urgent Appeals

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

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

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

Information from the Government

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

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

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

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

Information from sources

Information was received from sources concerning one outstanding case.

Total cases transmitted, clarified and outstanding

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

Press release

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

Observations

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

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

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

Colombia

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 2</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
970	0	1	2	0	969
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
17	No		1		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	Yes	
<i>General allegation</i>	Yes		<i>Government response</i>	Yes	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

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

Urgent appeal

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

General allegations

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

Information from the Government

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

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

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

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

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

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

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

Information from sources

89. Sources provided information on four outstanding cases.

Clarification

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

Total cases transmitted, clarified and outstanding

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

Press release

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

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

Observations

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

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

Congo

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

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

Information from sources

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

Total cases transmitted, clarified and outstanding

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

^b The Working Group determined that two cases were duplicates and subsequently eliminated them from its records.

Czech Republic

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

Information from the Government

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

General allegations

Reply from the Government

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Democratic People's Republic of Korea

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

Standard procedure

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

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

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

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

General allegations

106. On 3 October 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted a general allegation to the Government concerning the alleged use of labour camps, also known as *kwan-li-so*, for political prisoners. It was reported, inter alia, that prisoners detained at these labour camps, which have allegedly been in operation since the 1950s, are not given a trial, and are held incommunicado without notice of the charges against them, nor information on the length or place of detention. It was further reported

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

that no information regarding prisoners' whereabouts is provided to friends, neighbours, co-workers or more distant family relatives not sent to the camps who inquire about them.

Information from the Government

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

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

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

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

Information from sources

111. Sources provided information on eight outstanding cases.

Total cases transmitted, clarified and outstanding

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

Observations

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

Democratic Republic of the Congo

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

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

Urgent appeals

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Denmark

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

Dominican Republic

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

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

Total cases transmitted, clarified and outstanding

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

Ecuador

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

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

Total cases transmitted, clarified and outstanding

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

Egypt

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

Standard procedure

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

Information from the Government

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

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

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

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

Information from sources

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

Clarification

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

El Salvador

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

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Equatorial Guinea

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

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

Total cases transmitted, clarified and outstanding

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

Eritrea

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

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

General allegations

Summary of the general allegation

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

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

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

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

Total cases transmitted, clarified and outstanding

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

Observations

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

^d A/HRC/19/58/Rev.1, para. 22.

Ethiopia

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

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

Total cases transmitted, clarified and outstanding

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

France^e

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

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

Total cases transmitted, clarified and outstanding

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

Gambia

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

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

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

Georgia

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Greece

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

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

Total cases transmitted, clarified and outstanding

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

Guatemala

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

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

Information from the Government

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

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

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

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

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

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Guinea

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

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

Total cases transmitted, clarified and outstanding

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

Haiti

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

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

Total cases transmitted, clarified and outstanding

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

Honduras

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

India

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

Urgent appeals

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

Prompt intervention

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

Information from the Government

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

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

Indonesia

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

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Iran (Islamic Republic of)

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
517	0	1	0	0	518
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	Yes - postponed	

Standard procedure

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

Urgent appeal

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

Information from the Government

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

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

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

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

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

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

Request for a visit

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

Iraq

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 9</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
16,410	0	0	9	0	16,401
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Clarification

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

Total cases transmitted, clarified and outstanding

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

Ireland

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Israel

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

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

Total cases transmitted, clarified and outstanding

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

Japan

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

Information from the Government

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

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

Jordan

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

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

Urgent appeals

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Kenya

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

Standard procedure

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

Information from sources

210. Sources provided information on 15 outstanding cases.

Total cases transmitted, clarified and outstanding

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

Observations

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

Kuwait

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Kyrgyzstan

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

Information from the Government

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

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

Total cases, transmitted, clarified and outstanding

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

Observations

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

Lao People's Democratic Republic

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Lebanon[§]

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

[§] In accordance with the practice of the Working Group, Osman El-Hajjé did not participate in the decisions relating to this section of the report.

Libya

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

Standard procedure

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

Information from sources

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

Clarification

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

Total cases transmitted, clarified and outstanding

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

Request for a visit

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

Observations

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

Lithuania

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

General allegation

Summary of the general allegation

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

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

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

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

^h A/HRC/19/58/Rev.1, para. 22.

effective process. It is further alleged that Lithuania ought to hold those involved in these practices accountable and that victims should receive redress.

Total cases transmitted, clarified and outstanding

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

Observations

234. The Working Group would like to thank the Government for its reply to the general allegation transmitted on 16 April 2012. The information provided in the reply, which was not processed in time for inclusion in the present report, will be considered by the Working Group at its next session and reflected accordingly.

Mali

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

Urgent appeals

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Mauritania

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

Urgent actions

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

Total cases transmitted, clarified and outstanding

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

Mexico

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

Urgent actions

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

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

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

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

Standard procedure

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

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

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

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

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

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

Urgent appeals

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

Prompt intervention

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

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

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

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

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

Information from the Government

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

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

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

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

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

Information from sources

260. Sources provided information on twelve outstanding cases

Press releases

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

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

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

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

Morocco

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

Standard procedure

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

Information from the Government

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

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

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

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

Information from sources

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

Clarification

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

Mozambique

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

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

Total cases transmitted, clarified and outstanding

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

Myanmar

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

Information from the Government

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

Information from sources

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

Total cases transmitted, clarified and outstanding

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

Namibia

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

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

Total cases transmitted, clarified and outstanding

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

Nepal

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

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Nicaragua

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

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Pakistan

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

Urgent actions

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

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

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

Standard procedure

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

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

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

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

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

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

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

Information from the Government

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

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

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

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

Information from sources

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

Clarification

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

Meetings

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

Visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Peru

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,371	0	0	0	0	2,371
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeals</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Standard procedure

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

Information from the Government

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

Information from sources

313. Information from sources was received concerning two cases.

Total cases transmitted, clarified and outstanding

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

Philippines

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

General allegations

Summary of the general allegation

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

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

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

318. The sources alleged that police investigations into reports of enforced disappearances are woefully inadequate. Several core aspects of investigations are often disregarded by investigators, including effectively examining crime scenes and canvassing for witnesses. Witness protection is rarely provided and, where it is provided, the protection program is inflexible. Despite official orders requiring prosecutors and police to work

ⁱ A/HRC/19/58/Rev.1, para. 22.

together in order to ensure that a strong case is presented to court, such cooperation remains extremely unusual. Once a case is filed in court, hearings occur only at monthly intervals.

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Republic of Korea

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

Information from the Government

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

Meetings

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

Total cases transmitted, clarified and outstanding

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

Russian Federation

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

Standard procedure

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

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

Prompt intervention

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

Information from the Government

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

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

Information from sources

331. Sources provided information concerning four outstanding cases.

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Rwanda

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

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

Total cases transmitted, clarified and outstanding

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

Saudi Arabia

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

Information from the Government

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

Total cases transmitted, clarified and outstanding

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

Serbia

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

Request for a visit

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

Meeting

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Seychelles

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

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

Total cases transmitted, clarified and outstanding

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

Somalia

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

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

Total cases transmitted, clarified and outstanding

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

South Sudan

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

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

Spain

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

Prompt intervention

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

Information from the Government

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

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

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

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

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

Information from sources

354. Sources provided information concerning one outstanding case.

Clarification

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

Request for a visit

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

Meetings

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

Press releases

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Sri Lanka

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

Urgent actions

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

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

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

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

Standard procedure

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

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

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

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

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

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

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

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

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

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

Prompt intervention

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

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

Information from the Government

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

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

378. In the second communication, the Government acknowledged receipt of the urgent action concerning Mr. Ramasamy Prabakaran.

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

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

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

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

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

Information from sources

384. Sources provided information concerning two outstanding cases.

Meetings

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

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

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

Sudan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
174	0	0	0	0	173 ¹
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

¹ Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

Information from the Government

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

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Switzerland

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

Standard procedure

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

Information from the Government

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

Information from sources

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

Total cases transmitted, clarified and outstanding

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

Syrian Arab Republic

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

Urgent actions

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

Standard procedure

401. The Working Group transmitted nine newly-reported cases to the Government.
402. The first case concerned Mr. **Tahsein Mamo** who, on 29 January 2007, was allegedly arrested at the house of an individual associated with him located in the Sheikh Maqsood area of Aleppo, following a raid by Syrian security officers and was allegedly last seen on 18 December 2008 in Sednaya Military Prison.
403. The second case concerned Mr. **Abdulakram Al Sakka**, who was allegedly arrested on 15 July 2011 in his home in Daraya, Rif Damascus Governorate, by armed agents of the Air Force Intelligence.
404. The third case concerned Mr. **Solaiman Al Orib Al Salim**, who was allegedly arrested on 18 August 2011 at a checkpoint in Mazareb on the edge of Hama by security forces.
405. The fourth case concerned Mr. **Omar Shafik Kashroom**, who was allegedly arrested on 4 February 2012 by agents of the Air Force Intelligence during a demonstration in Daraya.
406. The fifth case concerned Mr. **Mohammed Issam Zaghoul**, who was allegedly arrested on 23 August 2011, at his home in Daraya district, Damascus, by a group of armed men wearing black civilian clothes. In November 2011, Mr. Issam Zaghoul was reportedly seen in the Air Force Military Intelligence Prison, Bab Touma, Tahir, Damascus.
407. The sixth case concerned Mr. **Ali Al Mahamid**, who was allegedly arrested on 25 August 2011, by Air Force Intelligence agents wearing civilian clothes at the Nasib Border Crossing on the border with Jordan, close to the city of Deryaa.
408. The seventh case concerned Mr. **Ibrahim Taha**, who was allegedly arrested by Air Force Intelligence agents on 5 December 2011 at Al Razi Hospital, Al Mazza, when he went to look for his brother, who had reportedly been brought there.
409. The eighth case concerned the brother of Mr. Ibrahim Taha, Mr. **Taha Taha**, who was allegedly arrested at his place of work by Air Force Intelligence agents in civilian clothes on 5 December 2011. Mr. Taha Taha was reportedly later seen at the Air Force Intelligence detention centre at Al Mazza military airport.
410. The ninth case concerned Mr. **Bassel Khartabil**, on whom an urgent appeal had previously been transmitted by the Working Group.

Urgent appeals

411. The Working Group transmitted five urgent appeals to the Government.
412. The first urgent appeal, transmitted on 3 February 2012, jointly with three other special procedures mechanisms, concerned the alleged shooting and subsequent arbitrary arrest and incommunicado detention of Mr. **Mohamed Anwar Dabbas** on 1 January 2012. Mr. Anwar Dabbas is an activist who has reportedly been campaigning for democratic reform since the beginning of the unrest in the Syrian Arab Republic.
413. The second urgent appeal, transmitted on 27 March 2012 jointly with six other special procedures mechanisms, concerned the arrest, incommunicado detention, and possible enforced disappearance of Mr. **Rudy Uthman**, a journalist and human rights activist, and Mr. **Saleh Shameya**, a well-known lawyer, and member of the board and head of the legal department of the National Human Rights Organisation-Syria (NOHR-S).
414. The third urgent appeal, transmitted on 15 August 2012, jointly with two other special procedures mechanisms, concerned allegations of mass arrests of individuals, some

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

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

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

Information from the Government

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

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

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

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

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

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

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

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

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

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

Information from sources

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

General allegations

Reply from the Government

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

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

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

Clarification

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

Total cases transmitted, clarified and outstanding

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

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

Request for a visit

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

Observations

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

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

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

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

Tajikistan

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

Urgent actions

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

Information from the Government

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

Clarification

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

Meetings

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

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

Thailand

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

Urgent actions

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

Standard procedure

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

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

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

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

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

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

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

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

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

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

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

General allegations

Summary of the general allegations

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

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

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

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

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

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

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

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

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

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

Information from the Government

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

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

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

Information from sources

469. Sources provided information on five outstanding cases.

Request for a visit

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

Total cases transmitted, clarified and outstanding

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

Observations

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

The former Yugoslav Republic of Macedonia

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

Observations

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

Total cases transmitted, clarified and outstanding

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

Timor-Leste

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

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

Total cases transmitted, clarified and outstanding

476. Since its establishment, the Working Group has transmitted 504 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by the source, 58 cases have been clarified on the basis of information provided by the Government, and 428 remain outstanding.

Togo

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

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

Meetings

478. Representatives of the Government of Togo met with the Working Group at its ninety-eighth session.

Total cases transmitted, clarified and outstanding

479. Since its establishment, the Working Group has transmitted 11 cases to the Government; of those, one case has been clarified on the basis of information provided by the source and 10 remain outstanding.

Tunisia

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

Information from the Government

480. The Government transmitted one communication, dated 17 February 2012 concerning the two outstanding cases. The information provided was not considered sufficient to lead to their clarification.

Information from sources

481. Information from the source was received on one outstanding case.

Total cases transmitted, clarified and outstanding

482. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, five cases have been clarified on the basis of information provided by the source, 12 cases have been clarified on the basis of information provided by the Government, and two remain outstanding.

Turkey

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
60	0	0	0	0	60
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
25	Yes		4		
Urgent appeal	N/A		Government response	N/A	
General allegation	N/A		Government response	N/A	
Prompt intervention letter	Yes (2011, 2012)		Government response	Yes	
Working Group request for a visit	N/A		Invitation extended	N/A	

Prompt intervention

483. On 9 August 2012, the Working Group, jointly with five other special procedures mechanisms, transmitted a prompt intervention letter to the Government concerning the alleged detention and trial of Mr. **Cemal Bektas**, president of Yakay-der, an organization which works to clarify the circumstances of enforced disappearances and extrajudicial executions in Turkey and a member association of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED).

Information from the Government

484. The Government transmitted four communications to the Working Group.

485. In the first communication, dated 13 December 2011, the Government replied to a prompt intervention letter transmitted by the Working Group jointly with two other special procedures mechanisms, on 28 October 2011, regarding the alleged arrests of representatives of member associations of the Euro-Mediterranean Federation Against Enforced Disappearances (FEMED), Messrs. **Kemal Aydin**, **Selahattin Tekin** and **Cemal Bektas** from Yakay-der, and Ms. **Nahide Ormani** from Mothers for Peace (A/HRC/19/58/Rev.1, par. 598). The Government reported that the aforementioned individuals were arrested for illegal activities falling within the scope of the investigation of a terrorist organisation known as the PKK/KCK. The Government further reported that, in 2007, the Diyarbakir Chief Public Prosecutor's Office initiated an investigation (number 20007/997) to transcribe the activities of the so-called Koma Civaken Kurdistan Parliament of Turkey (KCK/TM) that operates as the urban wing of the illegal PKK/KONGRA-GEL terrorist organization. In relation to Messrs. Aydin, Tekin and Bektas, the Government reported that they did have the opportunity to be assisted by lawyers and their relatives were informed about their situation; and that none of them lodged a complaint against any law enforcement officers involved in the investigation process. Regarding Ms. Ormani, the Government reported that she was taken into custody after her home was searched upon the instruction of Silopi Chief Public Prosecutor's Office; she was detained for 48 hours upon the written instruction of the Prosecutor's office; a member of her family was informed during the search of her home; she was assisted by her lawyer while in custody; she

benefited from her legal rights during the investigation stage; and she did not lodge a complaint against any law enforcement officer.

486. In the second communication, dated 5 March 2012, the Government provided information on 10 outstanding cases. The information provided was considered insufficient to lead to the clarification of the 10 cases, although the six-month rule had previously been applied to three of the cases.

487. In the third communication, dated 6 July 2012, the Government provided information on 18 outstanding cases. The information provided was not considered sufficient to clarify the cases.

488. In the fourth communication, dated 22 October 2012, the Government responded to the prompt intervention letter of 9 August 2012. The Government reported, *inter alia*, that all defence lawyers were able to attend the hearing but some did not attend on their own initiatives; according safety precautions, audio and video recorders (including cell phones) could not be admitted to the hearing room and the accused could not defend themselves in their native languages; the hearings were held open to the public, although some hearings were held in closed sessions in order to maintain discipline and order. The Government reported that there was no factual information or tangible evidence supporting the allegation that Mr. Bektas' detention on remand was because of his work on disappearances, and that Mr. Bektas was being tried on the charge of being a member of an armed terrorist organization.

Total cases transmitted, clarified and outstanding

489. Since its establishment, the Working Group has transmitted 182 cases to the Government; of those, 49 cases have been clarified on the basis of information provided by the source, 72 cases have been clarified on the basis of information provided by the Government, one case was discontinued, and 60 remain outstanding.

Observations

490. In relation to the communication transmitted under the prompt intervention procedure on 9 August 2012, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

Turkmenistan

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

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

Total cases transmitted, clarified and outstanding

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

Uganda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
15	0	0	0	0	15
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0			N/A		
<i>Urgent appeal</i>			<i>Government response</i>	N/A	
<i>General allegation</i>			<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>			<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>			<i>Invitation extended</i>	N/A	

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

Total cases transmitted, clarified and outstanding

494. Since its establishment the Working Group has transmitted 22 cases to the Government; of those, five have been clarified on the basis of information provided by the source, two have been clarified on the basis of information provided by the Government, and 15 remain outstanding.

Ukraine

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

Urgent actions

495. The Working Group sent one case to the Government under its urgent action procedure, concerning Mr. **Valid Beriev**, who allegedly disappeared close to the Pizzeria Delikt restaurant, Nauchnaia Street, Lviv on 17 May 2012.

Total cases transmitted, clarified and outstanding

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

United Arab Emirates

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

Urgent appeals

497. On 15 May 2012, the Working Group transmitted an urgent appeal to the Government, jointly with three other special procedures mechanisms, concerning various individuals. It was reported, *inter alia*, that Dr. **Ahmed Yousef Al-Zaabie**, was allegedly arrested in Abu Dhabi on 26 March 2012. It was also reported that, Mr. **Saleh Al-Dhufairi**, an online activist, general manager of the Holy Koran Foundation and a member of the Islah Association, was allegedly arrested at a mosque in Ras al-Khaimah on 29 April 2012. At the time of the communication, their whereabouts remained unknown.

498. On 7 November 2012, the Working Group transmitted a second urgent appeal to the Government, jointly with five other special procedures mechanisms, concerning the alleged mass arrest of human rights defenders, judges and lawyers. It was reported, *inter alia*, that, at the time of the communication, the whereabouts of Mr. **Ahmad Gaith Al Suwaidi**, Mr. **Rashid Mohamed Abdullah Al Roken**, Mr. **Abdullah Al Hajiri**, Mr. **Juma Darwish El Felassi**, Mr. **Ali Saaed Al Kindi**, and Mr. **Khamis Saaed Al Sam Al Zyoudi**, remained unknown.

Total cases transmitted, clarified and outstanding

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

Observations

500. The Working Group regrets that no response was received from the Government concerning the urgent appeal transmitted on 15 May 2012.

Uruguay

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
20	0	0	1	0	19
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

Clarification

501. On the basis of information provided by the Government on 21 June 2011, the Working Group decided to clarify one case following the expiration of the period prescribed by the six-month rule.

Total cases transmitted, clarified and outstanding

502. Since its establishment, the Working Group has transmitted 31 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and 19 remain outstanding.

Uzbekistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
7	1	0	0	0	8
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
8	Yes		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent actions

503. The Working Group transmitted one case under its urgent action procedure to the Government, concerning Mr. **Usmon Rakhimov**, who was allegedly handed over to the Service of National Safety of the Republic of Uzbekistan on 22 March 2012, after having been deported from the Republic of Korea. In accordance with the Working Group's methods of work, the Government of the Republic of Korea received a copy of this case.

Information from the Government

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

505. In the first communication, dated 19 October 2011, the Government provided information on measures being taken in Uzbekistan to ensure that citizens are protected from involuntary disappearance and to fulfil the Declaration on the Protection of All Persons from Enforced Disappearance

506. The second communication, dated 10 January 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

507. The third communication, dated 21 June 2012, concerned one outstanding case. The information provided was not considered sufficient for the clarification of the case.

508. The fourth communication, dated 2 July 2012, concerned seven outstanding cases. The information provided was not considered sufficient for the clarification of the cases.

509. The fifth communication, dated 16 July 2012, concerned one outstanding case. On the basis of this information, the Working Group decided, at its ninety-eighth session, to submit the case to the six-month rule.

Request for a visit

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

Total cases transmitted, clarified and outstanding

511. Since its establishment, the Working Group has transmitted 20 cases to the Government; of those, one case has been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government, and eight remain outstanding.

Venezuela (Bolivarian Republic of)

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
10	0	0	0	0	10
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0			No		0
<i>Urgent appeal</i>			N/A	<i>Government response</i>	No
<i>General allegation</i>			N/A	<i>Government response</i>	N/A
<i>Prompt intervention letter</i>			N/A	<i>Government response</i>	N/A
<i>Working Group request for a visit</i>			N/A	<i>Invitation extended</i>	N/A

512. The outstanding 10 cases were retransmitted and, regrettably, no response was received from the Government. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

Total cases transmitted, clarified and outstanding

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

Viet Nam

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

514. The outstanding case was retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in document A/HRC/10/9.

Total cases transmitted, clarified and outstanding

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

Yemen

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

Information from the Government

516. The Government transmitted one communication dated 14 February 2012, concerning two cases. The information provided was considered insufficient to lead to the clarification of the two cases.

Information from sources

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

Total cases transmitted, clarified and outstanding

518. Since its establishment, the Working Group has transmitted 160 cases to the Government; of those, nine cases have been clarified on the basis of information provided by the source, 135 cases have been clarified on the basis of information provided by the Government, 14 have been discontinued and two remain outstanding.

Zimbabwe

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
4	0	0	0	0	4
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	Yes		0		
<i>Urgent appeal</i>	Yes		<i>Government response</i>	No	
<i>General allegation</i>	Yes (2009)		<i>Government response</i>	No	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

Urgent appeal

519. On 22 December 2011, the Working Group, jointly with four other special procedures mechanisms, transmitted to the Government a communication under its urgent appeal procedure concerning various individuals, including Ms. **Jestina Mukoko**, a human rights defender and the director of the Zimbabwe Peace Project, an organisation whose mission is to work for sustainable peace through monitoring, documentation, research and publications, and community peace building interventions. According to the information received, on 15 November 2011, Ms. Jestina Mukoko was allegedly followed around greater Harare. Concern was expressed that Ms. Mukoko, who had previously been a victim of enforced disappearance in December 2008, may have been at risk of enforced disappearance.

520. No response was received from the Government regarding this urgent appeal during the reporting period.

Information from the Government

521. The Government transmitted two communications to the Working Group dated 8 March 2012 and 3 October 2012, concerning one outstanding case. The information was not considered sufficient to lead to the clarification of the case.

Request for a visit

522. On 20 July 2009, the Working Group requested the Government for an invitation to undertake a visit to Zimbabwe. Reminder letters were sent on 16 August 2010 and 18 August 2011. The Permanent Mission acknowledged receipt on 18 August 2010, and 29 August 2011, informing that the request had been transmitted to the relevant authorities. No reply has been received during the reporting period.

Total cases transmitted, clarified and outstanding

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

Observations

524. The Working Group regrets that no response was received from the Government to its general allegation, sent on 19 December 2008, concerning the escalating phenomenon of enforced or involuntary disappearances of political party members and human rights defenders in Zimbabwe (A/HRC/13/31, par. 632-638), notwithstanding reminders sent on 26 August 2011 and 14 August 2012.

525. The Working Group also regrets that no response was received from the Government concerning the urgent appeal transmitted on 22 December 2011.

State of Palestine

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

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

Total cases transmitted, clarified and outstanding

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

Annex II

[English only]

Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2012

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification					
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	
	Cases	Female	Cases	Female								
Afghanistan	3	-	3	-	-	-	-	-	-	-	-	-
Albania	1	-	1	-	-	-	-	-	-	-	-	-
Algeria	3 033	19	3 005	18	9	19	10	10	8	-	-	-
Angola	10	1	-	-	7	-	-	-	7	3	-	-
Argentina	3 449	773	3 271	734	124	52	30	5	141	-	-	-
Bahrain	5	-	1	-	-	4	2	2	-	-	-	-
Bangladesh	12	2	11	1	1	-	1	-	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-	-	-
Bolivia (Plurinational State of)	48	3	28	3	19	1	19	-	1	-	-	-
Brazil	63	4	13	-	46	4	1	-	49	-	-	-
Bulgaria	3	-	-	-	3	-	-	-	3	-	-	-
Burkina Faso	3	-	-	-	3	-	-	-	3	-	-	-
Burundi	53	-	52	-	-	1	1	-	-	-	-	-
Cambodia	2	-	-	-	-	-	-	-	-	2	-	-
Cameroon	19	-	14	-	5	-	4	1	-	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification					
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	
	Cases	Female	Cases	Female								
Central African Republic	3	-	3	-	-	-	-	-	-	-	-	-
Chad	34	-	23	-	3	8	9	1	1	-	-	-
Chile	908	65	801	64	83	23	2	-	104	-	-	-
China	119	14	30	4	77	12	52	35	2	-	-	-
Colombia	1 255	125	969	95	218	68	159	24	103	-	-	-
Congo ⁵⁹	114	3	88	3	-	-	-	-	-	-	-	-
Democratic People's Republic of Korea	20	8	20	8	-	-	-	-	-	-	-	-
Democratic Republic of the Congo	53	11	44	11	6	3	9	-	-	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-	-	-
Dominican Republic	4	-	1	-	2	-	2	-	-	1	-	-
Ecuador	26	2	4	-	18	4	12	4	6	-	-	-
Egypt	69	-	41	-	8	20	5	23	-	-	-	-
El Salvador	2 662	332	2,271	295	318	73	196	175	20	-	-	-
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-	-	-

⁵⁹ The Working Group determined that two cases were duplicated and were subsequently eliminated from its records.

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Ethiopia	119	2	112	1	3	4	2	5	-	-	-
France	1	-	1	-	-	-	-	-	-	-	-
Gambia	2	-	1	-	-	1	-	-	-	-	-
Georgia	1	-	1	-	-	-	-	-	-	-	-
Greece	3	-	1	-	-	-	-	-	-	2	-
Guatemala	3,155	390	2,899	372	177	79	187	6	63	-	-
Guinea	28	-	21	-	-	7	-	-	7	-	-
Haiti	48	1	38	1	9	1	1	4	5	-	-
Honduras	209	34	129	21	37	43	54	8	18	-	-
India	433	12	353	10	68	12	51	7	22	-	-
Indonesia	165	2	162	2	3	-	3	-	-	-	-
Iran (Islamic Republic of)	537	103	518	102	14	5	8	2	9	-	-
Iraq	16 548	2 311	16 401	2 294	117	30	122	16	9	-	-
Israel	3	-	2	-	-	1	-	-	-	-	-
Japan	4	3	-	-	-	-	-	-	-	-	-
Jordan	2	-	2	-	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	-	-	-	-
Kenya	40	-	40	-	-	-	-	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-	-
Lao People's Democratic Republic	7	1	1	1	-	5	-	4	1	1	-
Lebanon	321	19	313	19	2	6	7	1	-	-	-
Libya	17	1	9	1	-	8	6	2	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Malaysia	2	-	-	-	-	1	-	1	-	1	-
Mauritania	3	-	3	-	-	-	-	-	-	-	-
Mexico	505	42	327	32	134	28	77	18	67	16	-
Montenegro	16	1	-	-	1	-	-	1	-	14	1
Morocco	286	28	53	6	160	52	142	16	54	21	-
Mozambique	2	-	2	-	-	-	-	-	-	-	-
Myanmar	8	5	1	-	7	-	5	2	-	-	-
Namibia	3	-	3	-	-	-	-	-	-	-	-
Nepal	672	72	458	56	135	79	153	60	1	-	-
Nicaragua	234	4	103	2	112	19	45	11	75	-	-
Nigeria	6	-	-	-	6	-	6	-	-	-	-
Pakistan	151	2	99	2	42	9	34	14	3	-	-
Paraguay	23	-	-	-	20	-	19	-	1	3	-
Peru	3 009	311	2 371	236	253	385	450	85	103	-	-
Philippines	782	94	621	74	126	35	108	19	29	-	-
Romania	1	-	-	-	1	-	1	-	-	-	-
Russian Federation	483	27	471	25	2	10	12	-	-	-	-
Rwanda	24	2	21	2	-	2	1	1	-	1	-
Saudi Arabia	10	-	4	-	2	2	1	3	-	2	-
Serbia	1	-	-	-	1	-	1	-	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-	-
Somalia	1	-	1	-	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6	-
South Sudan	1	-	1	-	-	-	-	-	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Spain	5	-	3	-	2	-	-	-	2	-	-
Sri Lanka ⁶⁰	12 473	156	5 676	88	6 535	40	103	27	6 445	-	-
Sudan	383	37	173	5	205	4	209	-	-	-	-
Switzerland	1	-	1	-	-	-	-	-	-	-	-
Syrian Arab Republic	121	5	72	3	15	34	26	17	6	-	-
Tajikistan	9	-	4	-	3	2	1	-	4	-	-
Thailand	78	5	71	5	2	-	1	1	-	2	-
Timor-Leste	504	36	428	28	58	18	51	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	19	1	2	-	12	5	1	16	-	-	-
Turkey	182	11	60	2	72	49	71	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	6	-	4	-	2	-	1	-	1	-	-
United Arab Emirates	7	-	5	-	2	-	2	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of	2	-	-	-	2	-	2	-	-	-	-

⁶⁰ The Working Group determined that eight cases were duplicated and were subsequently eliminated from its records.

<i>States/entities</i>	<i>Cases transmitted to the Government</i>				<i>Clarification by:</i>		<i>Status of person at date of clarification</i>					
	<i>Total</i>		<i>Outstanding</i>		<i>Government</i>	<i>Non-governmental sources</i>	<i>At liberty</i>	<i>In detention</i>	<i>Dead</i>	<i>Discontinued cases</i>	<i>Closed cases</i>	
	<i>Cases</i>	<i>Female</i>	<i>Cases</i>	<i>Female</i>								
Tanzania												
United States of America	1	-	-	-	1	-	-	-	-	-	-	-
Uruguay	31	7	19	2	11	1	5	4	3	-	-	-
Uzbekistan	20	-	8	-	11	1	2	10	-	-	-	-
Venezuela (Bolivarian Republic of)	14	2	10	1	4	-	1	-	3	-	-	-
Viet Nam	2	-	1	-	1	-	-	-	-	-	-	-
Yemen	160	-	2	-	135	9	66	5	73	14	-	-
Zambia	1	1	-	-	-	1	-	1	-	-	-	-
Zimbabwe	6	1	4	1	1	1	1	-	1	-	-	-
State of Palestine	3	-	3	-	-	-	-	-	-	-	-	-

Annex III

[English only]

Graphs showing the number of cases of enforced disappearances per year and per country according to the cases transmitted by the Working Group during the period 1980-2012 (only for countries with more than 100 cases transmitted)





























