

**Генеральная Ассамблея**

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**Совет по правам человека**

Двадцать вторая сессия

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав, включая  
право на развитие**

**Доклад Рабочей группы по насильственным  
или недобровольным исчезновениям\****Резюме*

Рабочая группа по насильственным или недобровольным исчезновениям стала первым тематическим механизмом Организации Объединенных Наций в области прав человека, наделенным универсальным мандатом. Ее первоначальный мандат вытекает из резолюции 20 (XXXVI) Комиссии по правам человека от 29 февраля 1980 года. Этот мандат был недавно вновь продлен Советом по правам человека в его резолюции 16/16 от 24 марта 2011 года.

Рабочая группа со времени ее создания довела до сведения правительств в общей сложности 53 986 случаев. Количество активно рассматриваемых дел, обстоятельства которых еще не установлены или рассмотрение которых не было закрыто или прекращено, составляет 42 889 дел, и они касаются в общей сложности 84 государств. За последние пять лет Рабочая группа смогла выяснить обстоятельства 298 дел.

Настоящий доклад содержит информацию о сообщениях и случаях, рассмотренных Рабочей группой в ходе ее трех сессий в 2012 году, и охватывает период с 12 ноября 2011 года по 9 ноября 2012 года. В приложении I к этому докладу приводятся разделы, касающиеся 96 государств и территорий. В докладе также содержится тематический раздел о возмещении ущерба за насильственное исчезновение и приводится информация о другой деятельности Рабочей группы.

\* Приложения к настоящему докладу распространяются в полученном виде только на языке представления.

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## I. Введение

1. Рабочая группа по насильственным или недобровольным исчезновениям стала первым тематическим механизмом Организации Объединенных Наций по правам человека, наделенным универсальным мандатом. Ее первоначальный мандат вытекает из резолюции 20 (XXXVI) Комиссии по правам человека от 29 февраля 1980 года. Эта резолюция была принята после резолюции 33/173 Генеральной Ассамблеи от 20 декабря 1978 года, в которой Ассамблея выразила обеспокоенность поступающими из различных частей мира сообщениями о насильственном исчезновении людей и просила Комиссию по правам человека рассмотреть вопрос о пропавших без вести или исчезнувших лицах. Этот мандат был недавно вновь продлен Советом по правам человека в его резолюции 16/16 от 24 марта 2011 года.
2. Основная задача Рабочей группы состоит в оказании родственникам помощи в выяснении судьбы или местонахождения членов их семей, которые, согласно поступившим сообщениям, исчезли. В этом гуманитарном качестве Рабочая группа служит каналом связи между родственниками жертв насильственного исчезновения и другими лицами, которые были знакомы с пропавшим, и правительствами.
3. После принятия Генеральной Ассамблеей ее резолюции 47/133 и Декларации о защите всех лиц от насильственных исчезновений на Рабочую группу была возложена задача наблюдать за выполнением государствами своих обязательств, вытекающих из Декларации. Совет по правам человека в своей резолюции 7/12 рекомендовал Рабочей группе оказывать содействие государствам в деле выполнения Декларации и существующих международных норм. В 2012 году отмечалась двадцатая годовщина Декларации. Рабочая группа 30 и 31 октября 2012 года провела специальные мероприятия в ознаменование этой годовщины при поддержке со стороны Международной организации франкоязычных стран и Управления Верховного комиссара Организации Объединенных Наций по правам человека (см. также пункт 14 ниже).
4. Настоящий доклад содержит информацию о сообщениях и случаях, рассмотренных Рабочей группой в ходе трех ее сессий в 2012 году, и охватывает период с 12 ноября 2011 года по 9 ноября 2012 года.
5. Краткие сведения о соответствующей деятельности за отчетный период приводятся в таблице по каждой стране, которая дополняется более подробным описанием направлений деятельности (см. приложение I). Рабочая группа сожалеет, что эта часть доклада, в которой содержится соответствующая информация о насильственных исчезновениях во всем мире, не будет переведена. В связи с этим Рабочая группа в настоящее время рассматривает иные варианты представления отчетов о ее деятельности, которые в будущем, возможно, позволят осуществлять их перевод. В тех случаях, когда никакой информации от правительств или иных источников не поступало, несмотря на ежегодное напоминание, рассылаемое Рабочей группой в отношении нерассмотренных дел, приводятся только таблицы и делается ссылка на предыдущий доклад, в котором такие дела освещались.
6. Рабочая группа со времени ее создания довела до сведения правительств в общей сложности 53 986 случаев. Количество активно рассматриваемых дел, обстоятельства которых еще не установлены или рассмотрение которых не было закрыто или прекращено, составляет 42 889 дел, и они касаются в общей

сложности 84 государств. За последние пять лет Рабочая группа смогла выяснить обстоятельства 298 случаев.

7. Рабочая группа обеспокоена тем, что многие сообщения по-прежнему не переводятся своевременно, что задерживает их рассмотрение Рабочей группой и сказывается на ее гуманитарном мандате. Рабочая группа также выражает сожаление в связи с тем, что ко времени утверждения настоящего доклада (ноябрь 2012 года) предыдущий доклад Рабочей группы был переведен только на арабский язык.

8. Состояние вебсайта Рабочей группы по-прежнему является неудовлетворительным. Основная часть его контента имеется только на английском языке. Рабочая группа вновь призывает Организацию Объединенных Наций выделить для него достаточные ресурсы с тем, чтобы он стал современным и более доступным.

9. Рабочая группа признательна за предоставление ей в течение отчетного периода дополнительных людских ресурсов. Вместе с тем она отмечает, что, несмотря на предпринятые усилия, по-прежнему сохраняется портфель нерассмотренных дел, которых накопилось более 900. Рабочая группа считает сокращение отставания в рассмотрении дел одной из своих приоритетных задач. Поэтому существует крайняя необходимость в предоставлении ей дополнительного персонала и в будущем.

## **II. Деятельность Рабочей группы по насильственным или недобровольным исчезновениям за период с 12 ноября 2011 года по 9 ноября 2012 года**

### **A. Сессии, межсессионная деятельность членов и другие мероприятия**

10. В течение рассматриваемого периода Рабочая группа провела три сессии: девяносто шестую сессию – с 12 по 16 марта 2012 года; девяносто седьмую сессию – с 9 по 13 июля 2012 года; и девяносто восьмую сессию – с 31 октября по 9 ноября 2012 года. Все сессии проходили в Женеве.

11. Должность Председателя-Докладчика Рабочей группы до 11 марта 2012 года занимал Джереми Саркин. С 12 марта Председателем-Докладчиком Рабочей группы является Оливье де Фрувиль. Остальными членами Рабочей группы являются Ариэль Дулитцки, Ясминка Дзумхур, Осман Эль-Хадже и Джереми Саркин.

12. 5 марта 2012 года Председатель-Докладчик представил годовой доклад Рабочей группы за 2011 год Совету по правам человека на его девятнадцатой сессии и принял участие в интерактивном диалоге с государствами-членами.

13. 25 октября 2012 года Председатель-Докладчик Рабочей группы выступил в Генеральной Ассамблее на ее шестьдесят седьмой сессии и принял участие в интерактивном диалоге с государствами-членами.

14. 30 и 31 октября 2012 года Рабочая группа провела в Женеве мероприятие в ознаменование двадцатой годовщины Декларации о защите всех лиц от насильственных исчезновений. 30 октября однодневная тематическая дискуссия была посвящена теме "Выявление наилучшей практики и вызовы в деле защиты женщин от насильственных исчезновений и их последствий", а затем, 31 октября

ря, состоялся открытый диалог между Рабочей группой и представителями государств, который продолжался полдня. В первый день этого мероприятия внимание было сосредоточено на последствиях насильственных исчезновений для женщин, а также на роли женщин как проводников перемен. Участники осветили социально-экономические и другие последствия насильственных исчезновений для женщин, а также гендерно обусловленную уязвимость женщин во время насильственных исчезновений. Женщины из числа родственников жертв выступили со своими показаниями и говорили о своей роли в авангарде борьбы против насильственных исчезновений, осветив при этом трудности, с которыми они сталкиваются в своей деятельности, имеющей целью обеспечить право на выяснение истины и правосудие. Второй день этого мероприятия был посвящен открытому диалогу между Рабочей группой и государствами по вопросам вызовов и наилучшей практики в деле реализации целей Декларации в области предупреждения, правосудия, выяснения истины и предоставления возмещения жертвам насильственных исчезновений. Члены Рабочей группы предваряли каждую тему дискуссии, после чего проходил интерактивный диалог с государствами-членами. Были освещены различные вопросы, включая необходимость разработки всеобъемлющей стратегии защиты свидетелей и родственников исчезнувших лиц; обязательство государств по включению в их уголовные кодексы насильственного исчезновения в качестве самостоятельного состава преступления; вопрос о большом значении разработки системы мер возмещения ущерба с учетом гендерной специфики; и необходимость рассматривать право на выяснение истины в качестве абсолютного права.

15. В течение отчетного периода все члены Рабочей группы вели работу, связанную с насильственными исчезновениями, принимая, в частности, участие в семинарах, учебно-подготовительных мероприятиях, практикумах и чтении лекций.

## **В. Совещания**

16. В течение отчетного периода в работе сессий приняли участие представители правительств Алжира, Гамбии, Гватемалы, Ирана (Исламской Республики), Испании, Марокко, Намибии, Пакистана, Республики Корея, Сербии, Таджикистана, Того, Шри-Ланки и Японии. В течение года был проведен ряд других, неофициальных совещаний с различными государствами. Рабочая группа также участвовала в совещаниях с Комитетом по насильственным исчезновениям, представителями правозащитных неправительственных организаций и ассоциаций родственников исчезнувших лиц и членами семей жертв насильственных исчезновений или свидетелями таких исчезновений.

## **С. Сообщения**

17. В течение отчетного периода Рабочая группа довела до сведения 21 государства о 208 новых случаях насильственного исчезновения.

18. Рабочая группа препроводила 59 из вышеупомянутых случаев по процедуре незамедлительных действий правительствам Алжира, Бангладеш, Мавритании, Мексики, Пакистана, Сирийской Арабской Республики, Таджикистана, Таиланда, Узбекистана, Украины, Центральноафриканской Республики и Шри-Ланки.

19. В течение того же периода Рабочая группа выяснила обстоятельства 74 случаев в Алжире, Аргентине, Египте, Ираке, Испании, Колумбии, Ливии, Марокко, Мьянме, Пакистане, Сирийской Арабской Республике, Таджикистане, Уругвае и Чили. Из этих 74 случаев обстоятельства 61 случая были выяснены на основе информации, предоставленной правительствами, и 13 – на основе информации, полученной от источников.

20. В течение отчетного периода Рабочая группа направила 10 сообщений с просьбой об оперативном вмешательстве относительно случаев преследования и угроз в адрес правозащитников и родственников исчезнувших лиц в Алжире, Индии, Мексике, Российской Федерации, Турции и Шри-Ланке. Все эти сообщения были направлены в качестве совместных сообщений с другими мандатариями специальных процедур.

21. Рабочая группа направила 16 призывов к незамедлительным действиям в отношении лиц, которые были арестованы, задержаны, похищены или иным образом лишены свободы или которые стали жертвами принудительных исчезновений либо рискуют стать их жертвами в Демократической Республике Конго, Индии, Иордании, Иране (Исламской Республике), Колумбии, Мали, Мексике, Сирийской Арабской Республике, Объединенных Арабских Эмиратах и Турции. Все эти сообщения были направлены в качестве совместных сообщений с другими механизмами специальных процедур.

22. В течение отчетного периода Рабочая группа направила три общих утверждения правительствам Эритреи, Литвы и Филиппин<sup>1</sup> и приняла общее утверждение по Таиланду. Рабочая группа также совместно с другими механизмами специальных процедур направила два общих утверждения Корейской Народно-Демократической Республике и Колумбии (см. также приложение I).

## **D. Посещения стран**

23. По приглашению правительств Рабочая группа посетила Чили и Пакистан.

24. Рабочая группа, представленная Ариэлем Дулитцки и Яминкой Дзумхур, посетила Чили в период с 13 по 21 августа 2012 года. Цель этой поездки заключалась в рассмотрении основных инициатив и мер политики, реализуемых в Чили в связи с совершенными в прошлом нарушениями прав человека. Эксперты также проанализировали ход расследований и судебных разбирательств, связанных со случаями насильственного исчезновения, а также вопросы, касающиеся выяснения истины, обеспечения правосудия и возмещения для жертв насильственного исчезновения. Доклад о посещении Чили содержится в добавлении к настоящему докладу (A/HRC/22/45/Add.1).

25. Рабочая группа, представленная Оливье де Фрувилем и Османом Эль-Хадже, посетила Пакистан в период с 10 по 20 сентября 2012 года. Цель этой поездки заключалась в сборе информации о случаях насильственного исчезновения, а также в ознакомлении с мерами, принимаемыми государством для предупреждения и искоренения актов исчезновения, включая вопросы, касающиеся выяснения истины, правосудия и возмещения для жертв насильственных исчез-

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<sup>1</sup> Как указывалось в предыдущем годовом докладе (см. A/HRC/19/58/Rev.1, пункт 22), резюме этих трех общих утверждений, рассмотренных Рабочей группой на ее девяносто пятой сессии, включены в приложение I.

новений. Доклад о посещении Пакистана содержится в добавлении к настоящему докладу (A/HRC/22/45/Add.2).

26. В течение отчетного периода Рабочая группа вновь обратилась с просьбами о посещении к правительствам Алжира, Египта, Индии, Индонезии, Ирана (Исламской Республики), Российской Федерации, Таиланда, Узбекистана и Шри-Ланки.

27. В течение отчетного периода Рабочая группа также обратилась с просьбами о посещении страны к Ливии и Испании. Правительство Ливии согласилось с просьбой Рабочей группы на посещение страны в первой половине 2013 года. Правительство Испании согласилось с просьбой Рабочей группы на посещение страны во второй половине 2013 года.

28. В течение отчетного периода правительство Киргизстана пригласило Рабочую группу посетить страну в 2013 году. Рабочая группа благодарит государства, направившие Группе приглашения посетить их страны.

29. Рабочая группа обратилась с просьбами о посещении следующих стран, не получив пока положительного ответа: Беларуси, Бурунди, Египта, Зимбабве, Индии, Индонезии, Непала, Никарагуа, Российской Федерации, Сирийской Арабской Республики, Судана, Таиланда, Узбекистана, Филиппин, Хорватии, Черногории, Шри-Ланки и Южного Судана. Рабочая группа предлагает всем государствам, получившим просьбу о посещении страны Рабочей группой, положительно откликнуться на такую просьбу в соответствии с резолюцией 21/4 Совета по правам человека.

30. В связи с этим Рабочая группа хотела бы напомнить о том, что Исламская Республика Иран в 2004 году согласилась на посещение страны Рабочей группой, но посещение этой страны с тех пор откладывается по просьбе правительства. Рабочая группа призывает правительство определить сроки для посещения страны Рабочей группой.

## **Е. Доклады о последующей деятельности**

31. В течение отчетного периода Рабочая группа подготовила доклады о последующей деятельности, касающиеся выполнения рекомендаций, вынесенных по итогам посещения Сальвадора и Марокко. Эти доклады о последующей деятельности содержатся в добавлении к настоящему докладу (A/HRC/22/45/Add.3).

## **Е. Пресс-релизы и заявления**

32. 11 ноября 2011 года Рабочая группа совместно с Комитетом по насильственным исчезновениям опубликовала пресс-релиз по случаю первого совещания этих двух органов, которое состоялось в среду, 8 ноября 2011 года<sup>2</sup>.

33. 30 августа 2012 года Рабочая группа и Комитет по насильственным исчезновениям опубликовали совместное заявление по случаю второго Международного дня жертв насильственных исчезновений. Рабочая группа отметила, что, несмотря на то, что со времени принятия Декларации прошло 20 лет, насильственные исчезновения все еще практикуются в некоторых странах в каче-

<sup>2</sup> Доступен на сайте по адресу [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11595&LangID=E).

стве репрессий и для запугивания людей, отстаивающих свои права. Эксперты отметили, что в других странах ситуации, имевшие место в прошлом, не являются предметом надлежащего рассмотрения, и подчеркнули, что все семьи исчезнувших людей, даже если исчезновение произошло десятилетия назад, должны пользоваться правом на выяснение истины, правом на правосудие и правом на возмещение вреда<sup>3</sup>.

34. 25 октября 2012 года по случаю выступления Председателя-Докладчика Рабочей группы в Генеральной Ассамблее был опубликован пресс-релиз, выпущенный совместно с Председателем Комитета по насильственным исчезновениям<sup>4</sup>.

35. 8 ноября 2012 года Рабочая группа и Комитет по насильственным исчезновениям выпустили совместное заявление по итогам их совещания, состоявшегося 1 ноября 2012 года. На этом совещании члены этих двух органов Организации Объединенных Наций, ведущих работу по проблеме насильственных исчезновений, обменялись информацией об их деятельности и обсудили вопрос о координации совместных инициатив. Рабочая группа и Комитет подтвердили свою приверженность сотрудничеству и координации деятельности в порядке выполнения их соответствующих мандатов. Они пришли к договоренности о принципе обмена информацией на постоянной основе. Они провели обсуждение вопросов о взаимодополняемости их процедур, о толковании норм международного права в области насильственных исчезновений и о посещении стран. Эти два органа напомнили о том, что координация и согласованность деятельности имеют крайне важное значение для обеспечения эффективной защиты жертв насильственных исчезновений и что деятельность Рабочей группы и Комитета имеет взаимодополняющий и взаимоусиливающий характер, что позволяет предупреждать совершение этого тяжкого преступления, каковым является акт насильственного исчезновения, и вести с ним борьбу<sup>5</sup>.

36. В течение отчетного периода Рабочая группа также опубликовала пресс-релизы, касающиеся Испании, Китая, Колумбии и Мексики.

37. 23 декабря 2011 года Рабочая группа совместно с тремя другими механизмами специальных процедур опубликовала пресс-релиз, касающийся дальнейшего, согласно утверждениям, тайного содержания под стражей видного юриста-правозащитника Гао Чжишэна, который, по сообщениям, был арестован в 2006 году в связи с его выступлениями против нарушений прав человека в Китае. Г-н Гао, как утверждается, обвинен в подрывной деятельности против государственной власти, хотя это так и не было доказано в суде. На момент опубликования этого пресс-релиза местонахождение г-на Гао оставалось неизвестным уже на протяжении 20 месяцев<sup>6</sup>.

38. 8 февраля 2012 года Рабочая группа совместно с еще одним мандатарием специальных процедур опубликовала пресс-релиз, касающийся судебного процесса над судьей Бальтасаром Гарсоном в Испании и его последствий для процесса расследования и выяснения обстоятельств более 100 000 случаев насильственного исчезновения, имевших место, согласно сообщениям, во время гражданской войны в Испании и при франкистском режиме. Рабочая группа подчеркнула, что расследование должно продолжаться до тех пор, пока не установлена судьба жертвы насильственного исчезновения, и что никакая амнистия

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

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

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

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



не должна отменять обязанность государства осуществлять расследование и судебное преследование и наказывать лиц, несущих ответственность за исчезновения<sup>7</sup>.

39. 14 марта 2012 года Рабочая группа опубликовала пресс-релиз по случаю представления доклада о посещении Мексики (A/HRC/19/58/Add.2). Признавая существующие вызовы, обусловленные сложностью текущего положения в области государственной безопасности в контексте борьбы с преступностью, эксперты в то же время подчеркнули существование хронической системы безнаказанности ввиду отсутствия эффективного расследования дел, связанных со случаями насильственного исчезновения<sup>8</sup>.

40. 21 августа 2012 года Рабочая группа опубликовала пресс-релиз в связи с окончанием официального посещения Чили<sup>9</sup>.

41. 20 сентября 2012 года Рабочая группа опубликовала пресс-релиз в связи с окончанием официального посещения Пакистана<sup>10</sup>.

42. 22 октября 2012 года Рабочая группа вместе с 10 другими механизмами специальных процедур опубликовала совместный пресс-релиз о предлагаемой реформе политической конституции Колумбии в части, касающейся военно-уголовного права, выразив беспокойство по поводу того, что это предложение может иметь серьезные последствия для верховенства права и обеспечения прав человека в Колумбии. Хотя, как утверждается, в соответствии с предлагаемой реформой юрисдикция военных и полицейских трибуналов не будет распространяться на преступления геноцида, преступления против человечности и насильственные исчезновения, эта реформа может также расширить юрисдикцию этих трибуналов, наделив их полномочиями по расследованию, судопроизводству и принятию решений по делам о других серьезных нарушениях прав человека, а также преступлениях, совершенных частными силами безопасности, тогда как такие преступления должны находиться в ведении обычной системы уголовного правосудия и обычных судов<sup>11</sup>.

43. Ссылки на эти пресс-релизы содержатся также в разделах настоящего доклада, касающихся соответствующих стран (см. приложение I).

44. В течение отчетного периода до начала и по завершении каждой из трех сессий Рабочей группы публиковались информационные бюллетени для СМИ и пресс-релизы.

## **G. Замечания общего порядка**

45. В 2012 году Рабочая группа завершила разработку двух замечаний общего порядка по темам "Дети и насильственное исчезновение" и "Женщины, затронутые насильственными исчезновениями", которые были утверждены Рабочей группой на ее девяносто восьмой сессии.

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

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

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

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

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

### III. Возмещение ущерба и насильственные исчезновения

46. Рабочая группа приняла решение включать в свои годовые доклады, начиная с текущего года, тематический раздел. Ввиду того, что со времени принятия замечания общего порядка по статье 19 Декларации (1997 год) прошло много времени, и ввиду новых тенденций в международном праве Рабочая группа решила посвятить тематический раздел настоящего доклада вопросу о возмещении, предоставляемого жертвам насильственного исчезновения.

47. Статьей 19 Декларации о защите всех лиц от насильственных исчезновений предусмотрено, что "жертвы актов насильственного исчезновения и их семьи получают возмещение и имеют право на соответствующую компенсацию, включая средства, обеспечивающие им максимально возможную реабилитацию. В случае смерти жертвы в результате акта насильственного исчезновения лица, находящиеся на его иждивении, также имеют право на компенсацию".

#### A. Определение возмещения

48. Рабочая группа считает, что термин "возмещение" в статье 19 Декларации имеет целью охватить по существу общую концепцию "возмещения ущерба", даже при том, что он включает в себя и понятие "эффективного средства правовой защиты"<sup>12</sup>. Право на возмещение ущерба является твердо сложившимся и одним из основных прав человека, закрепленным в универсальных и региональных договорах по правам человека, а также в других международных правовых актах<sup>13</sup>. Рабочая группа считает, что сфера охвата права на возмещение в последние десятилетия претерпевала изменения в обычном праве.

49. В международном праве впервые право на возмещение ущерба, причиненного актами насильственного исчезновения, было закреплено в имеющем обязательную силу договоре, а именно, в Международной конвенции для защиты всех лиц от насильственных исчезновений<sup>14</sup>. В пункте 5 статьи 24 Конвенции уточняется, что право на возмещение ущерба, предусмотренное в пункте 4 этой статьи, охватывает возмещение материального и морального вреда, а также, в соответствующих случаях, такие другие формы возмещения, как реституция, реабилитация, сатисфакция, включая восстановление чести и доброго имени и гарантии неповторения<sup>15</sup>.

<sup>12</sup> См. также принятое Комитетом против пыток замечание общего порядка № 3 по статье 14 Конвенции (CAT/C/GC/3).

<sup>13</sup> Как это было недавно подтверждено Судебной камерой I Международного уголовного суда в решении по делу *Situation in the Democratic Republic of Congo in the case of the Prosecutor v. Thomas Lubanga Dyilo, Decision establishing the principles and procedures to be applied to reparations* (Положение в Демократической Республике Конго в деле "Обвинитель против Томаса Лубанга Дийло", решение, определяющее принципы и процедуры, применимые к возмещению", 7 августа 2012 года, пункт 185).

<sup>14</sup> Пункт 4 статьи 24: " Каждое государство-участник обеспечивает в своей правовой системе для жертвы насильственного исчезновения право на получение быстрого, справедливого и адекватного возмещения нанесенного ей ущерба и компенсации".

<sup>15</sup> Судебная практика региональных судов по правам человека, и особенно Межамериканского суда по правам человека, сыграла свою роль в толковании и становлении права на возмещение ущерба. Этот Суд располагает самой развитой и креативной практикой в вопросах утверждения права жертв на возмещение ущерба.

## 1. Возмещение как следствие нарушения прав жертвы

50. Рабочая группа отмечает, что на практике меры, имеющие целью помочь родственникам справиться с последствиями отсутствия исчезнувшего лица, равносильны мерам по предоставлению возмещения. Каждый человек имеет право на социальное обеспечение, и государство несет обязанность обеспечить семье максимально возможную защиту. Однако меры по оказанию социальной помощи не влияют на обязательство государства предоставить возмещение жертвам вследствие нарушения их прав<sup>16</sup>. Наряду с этим социальные пособия и/или меры по возмещению ущерба не должны обуславливаться требованием о том, чтобы родственники представили свидетельство о смерти<sup>17</sup>. В своем замечании общего порядка Рабочая группа ясно указала, что "следует исходить из общего принципа, согласно которому жертва насильственного исчезновения не может быть признана погибшей, несмотря на возражения семьи"<sup>18</sup>.

## 2. Определение лиц, имеющих право на получение возмещения

51. Рабочая группа не проводит различия между непосредственными и косвенными жертвами, а считает, что как исчезнувшее лицо, так и те, кому нанесен ущерб в результате его исчезновения, должны рассматриваться в качестве жертв насильственного исчезновения и поэтому имеют право на получение возмещения<sup>19</sup>. Для целей возмещения ущерба следует принять широкое определение термина "жертва" без какой-либо связи с установлением уголовной ответственности или осуждением обвиняемого<sup>20</sup>.

52. В Основных принципах и руководящих положениях, касающихся права на правовую защиту и возмещение ущерба для жертв грубых нарушений международных норм в области прав человека и серьезных нарушений международного гуманитарного права<sup>21</sup>, жертвами считаются лица, которые понесли ущерб индивидуально или коллективно, включая физический или психический вред, душевное страдание, материальные потери или существенное ущемление их основополагающих прав, в результате действий или бездействия, которые являются грубыми нарушениями международных норм в области прав человека или серьезными нарушениями международного гуманитарного права. В случае необходимости и в соответствии с национальным законодательством под "жертвой" может пониматься также прямой член семьи или иждивенец непосредственно пострадавшего лица, а также лица, которым при вмешательстве с целью оказания помощи находящимся в бедственном положении жертвам или для предотвращения дальнейших нарушений был причинен ущерб.

<sup>16</sup> Рабочая группа в пункте 9 своего замечания общего порядка о праве на равенство перед законом в контексте насильственного исчезновения отмечает, что в соответствии со статьей 19 Декларации получение финансовой помощи членами семьи не следует рассматривать как отказ от права на полное возмещение вреда, причиненного преступлением насильственного исчезновения.

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

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

<sup>19</sup> См. A/HRC/19/58/Rev.1, пункт 58. В пункте 1 статьи 24 Конвенции предусмотрено, что термин "жертва" означает "любое исчезнувшее лицо и любое физическое лицо, которому причинен непосредственный вред в результате насильственного исчезновения".

<sup>20</sup> См. A/HRC/19/58/Add.2, пункт 109.

<sup>21</sup> Резолюция 60/147 Генеральной Ассамблеи, приложение.

## В. Формы возмещения в случаях насильственного исчезновения

53. Рабочая группа отметила, что в ряде стран возмещение толкуется исключительно как выплата компенсации, то есть как определенная сумма денег, выплачиваемая в порядке компенсации за все виды ущерба, причиненного жертвам. Рабочая группа в своем замечании общего порядка по статье 19 Декларации уже объясняла, что обязательство предоставить возмещение не ограничивается только правом на денежную компенсацию, а предполагает, в частности, оказание медицинской и психологической помощи и реабилитацию в связи с любыми видами физического или психического ущерба, а также правовую и социальную реабилитацию, гарантию неповторения таких актов, освобождение из-под стражи и аналогичные формы реституции, сатисфакции и возмещения, которые могут заглаживать последствия насильственного исчезновения<sup>22</sup>.

54. Рабочая группа в общем плане рекомендует принимать национальную программу по вопросам возмещения, предусматривающую компенсацию, реституцию, реабилитацию, сатисфакцию и гарантии неповторения для жертв нарушений прав человека, включая насильственные исчезновения<sup>23</sup>. Рабочая группа также подчеркивает, что в рамках сферы действия права на возмещение ущерба в случае насильственного исчезновения семья непосредственно потерпевшего лица имеет неотчуждаемое право быть уведомленной о судьбе и/или местонахождении исчезнувшего лица и в случае смерти указанного лица его тело после опознания подлежит возвращению семье, независимо от того, были ли установлены или подвергнуты судебному преследованию виновные лица<sup>24</sup>.

### 1. Реституция

55. Реституция представляет собой акт восстановления в максимально возможной степени первоначального положения жертвы, существовавшего до совершения нарушения. В случае насильственного исчезновения в число таких мер входят восстановление документов, удостоверяющих личность<sup>25</sup>, освобождение из-под стражи или возвращение на прежнее место жительства. Рабочая группа подчеркивает, что поскольку полная реституция в случае насильственного исчезновения обычно является невозможной ввиду необратимого характера причиненного ущерба, реституция должна дополняться другими формами возмещения, такими как компенсация и реабилитация. Кроме того, важно подчеркнуть, что даже в случае, когда реституция возможна, меры по возмещению ущерба, имеющие целью восстановление прежнего положения жертвы, могут требовать исправления и устранения ситуаций дискриминации и/или уязвимости.

<sup>22</sup> E/CN.4/1988/43, пункт 75.

<sup>23</sup> См. A/HRC/19/58/Add.1, пункт 79 b) и A/HRC/16/48/Add.1, пункт 84 d). См. также принцип 18 Основных принципов и руководящих положений, касающихся права на правовую защиту и возмещение ущерба для жертв грубых нарушений международных норм в области прав человека и серьезных нарушений международного гуманитарного права.

<sup>24</sup> См. E/CN.4/2005/102/Add.1, принцип 34.

<sup>25</sup> См. решение Межамериканского суда по правам человека, *Inter-American Court of Human Rights, Case of Contreras et al. v. El Salvador*, judgement of 31 August 2011 (доступно на сайте по адресу [www.corteidh.or.cr/docs/casos/articulos/seriec\\_232\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf)), para. 193.

## 2. Компенсация

56. Рабочая группа подчеркивает, что денежная компенсация сама по себе является недостаточной и, как правило, должна увязываться с другими формами возмещения<sup>26</sup>. В Основных принципах и руководящих положениях, касающихся права на правовую защиту и возмещение ущерба для жертв грубых нарушений международных норм в области прав человека и серьезных нарушений международного гуманитарного права, предусмотрено, что компенсацию следует предоставлять за любой поддающийся экономической оценке ущерб в установленном порядке и соразмерно серьезности нарушения и обстоятельствам каждого случая, являющегося результатом грубых нарушений международных норм в области прав человека и серьезных нарушений международного гуманитарного права. В принципе 20 также приводится перечень того, что может считаться поддающимся экономической оценке ущербом: а) физический или психический ущерб; б) упущенные возможности, в том числе в области трудоустройства, образования и получения социальных льгот; с) материальный ущерб и потерю заработка, в том числе потерю возможности заработка; d) моральный ущерб; e) расходы на правовую или экспертную помощь, лекарства и медицинское обслуживание, а также на услуги психологических и социальных служб.

57. Компенсация является важным элементом права на эффективное средство правовой защиты, особенно когда невозможно восстановить прежнее положение жертвы, как это часто случается при многих международных преступлениях, включая преступление насильственного исчезновения. Рабочая группа подчеркивает, что компенсация должна быть полной и "адекватной", то есть соразмерной тяжести нарушения прав человека (например, продолжительности исчезновения или условиям содержания под стражей) и страданиям жертвы и семьи исчезнувшего лица<sup>27</sup>.

58. Рабочая группа подчеркивает также, что денежная компенсация должна пониматься в широком смысле и должна предоставляться за любой ущерб, являющийся результатом насильственного исчезновения, такой, например, как физический или психический ущерб<sup>28</sup>, упущенные возможности<sup>29</sup>, материальный ущерб и потерю заработка, ущерб репутации и расходы на правовую или экспертную помощь<sup>30</sup>. Рабочая группа далее подчеркивает тот факт, что, по-

<sup>26</sup> См. A/HRC/19/58/Add.3, пункт 54. Рабочая группа ранее рассматривала вопрос о выплате компенсации жертвам насильственных исчезновений в своем годовом докладе за 1997 год (E/CN.4/1998/43). При подготовке того доклада Рабочая группа обратилась к странам, имеющим более 20 нерассмотренных случаев, с просьбой предоставить информацию о практике страны на этот счет.

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

<sup>28</sup> Концепция нематериального ущерба была разработана Межамериканским судом по правам человека и предполагает "как тяготы и моральные страдания, причиненные прямым жертвам и их родственникам, так и нарушение системы ценностей, имеющих весьма существенное значение для индивида, а также изменения нематериального характера в условиях жизни жертв или их родственников". См. *Contreras et al. v. El Salvador* (примечание 25), пункт 227. См. также дело "*Street children*" (*Villagran Morales et al. v. Guatemala*), возмещение и расходы, решение от 26 мая 2001 года, пункт 84.

<sup>29</sup> См., например, решение Межамериканского суда по правам человека по делу *Gelman v. Uruguay*, решение от 24 февраля 2011 года, пункт 293, в котором Суд признал потерю заработка жертвой, которой во время ее исчезновения было 19 лет и которая являлась студенткой университета.

<sup>30</sup> A/HRC/19/58/Add.1, пункт 63.

сколькx тяжесть преступления насильственного исчезновения порождает гражданскую ответственность государства, прошедшее время не должно за счет применения срока исковой давности служить препятствием для рассмотрения гражданских исков<sup>31</sup>.

### 3. Реабилитация

59. Реабилитация является неотъемлемым элементом возмещения ущерба. В статье 19 Декларации говорится о "максимально возможной реабилитации" для жертв актов насильственного исчезновения и их семей. Должны быть разработаны меры и программы реабилитации, которые должны быть легкодоступными для жертв и их семей.

60. В Основных принципах и руководящих положениях, касающихся права на правовую защиту и возмещение ущерба для жертв грубых нарушений международных норм в области прав человека и серьезных нарушений международного гуманитарного права, предусмотрено, что "реабилитация должна включать в себя оказание медицинской и психологической помощи, а также юридических и социальных услуг"<sup>32</sup>. При оказании психологической и психической лечебной помощи должны приниматься во внимание конкретные обстоятельства и нужды каждой жертвы. Лечение может быть индивидуальным, коллективным или семейным<sup>33</sup>.

61. Рабочая группа также подчеркивает, что следует принимать меры к тому, чтобы члены семей исчезнувших лиц, независимо от их места жительства, имели право на социальные пособия и другие меры социальной поддержки, включая медицинское обслуживание, специальные образовательные программы и психологическую помощь<sup>34</sup>.

### 4. Сатисфакция и гарантии неповторения

62. В принципе 22 Основных принципов и руководящих положений содержится конкретное упоминание меры, касающейся случаев насильственного исчезновения, а именно: "поиск местонахождения исчезнувших лиц, установление личности похищенных детей, а также опознание тел убитых и оказание помощи в возвращении, опознании и перезахоронении тел в соответствии с выраженным или предполагаемым пожеланием жертв или культурными традициями семей и общин". Рабочая группа подчеркивает, что выяснение истины, включая обязанность проводить расследование фактических обстоятельств, и выявление, уголовное преследование и в надлежащих случаях наказание виновных также являются одной из форм сатисфакции для жертв<sup>35</sup>. Она также подчеркивает, что

<sup>31</sup> A/HRC/22/45/Add.1, пункт 47.

<sup>32</sup> Принцип 21. В решении по делу *Barrios Altos (Chumbipuma Aguirre et al. v. Peru)* 2001 года в пункте 40 Межамериканский суд по правам человека одобрил соглашение, подписанное государством и жертвой, в котором государство признало свое обязательство обеспечить жертву "диагностическими процедурами, медикаментами, специализированной помощью, госпитализацией, хирургической и акушерской помощью, посттравматической и психической реабилитацией".

<sup>33</sup> См. *Contreras et al. v. El Salvador* (примечание 25), пункт 200.

<sup>34</sup> A/HRC/16/48/Add.1, пункт 84 с).

<sup>35</sup> См., например, A/HRC/16/48/Add.2, пункт 8. Согласно принципу 4 Обновленного свода принципов защиты и поощрения прав человека посредством борьбы с безнаказанностью (E/CN.4/2005/102/Add.1), "независимо от любых судебных процедур потерпевшие и их семьи имеют непогашаемое давностью право знать правду об

процедурные права на расследование, выяснение истинных обстоятельств и правосудие занимают одинаково важное место в представлениях жертв о возмещении. По сути дела, в некоторых случаях процесс выяснения истины и обеспечения правосудия сам по себе может служить одной из форм возмещения.

63. К другим формам сатисфакции для жертв насильственного исчезновения и их семей относятся судебное решение<sup>36</sup> или официальное заявление о восстановлении достоинства, репутации и прав жертвы и лиц, тесно связанных с жертвой; принесение публичных извинений, в том числе признание фактов и ответственности, например, посредством проведения публичной церемонии или публичного акта; и поминовение и воздание должного памяти жертв. Конкретные меры, касающиеся насильственных исчезновений, могут предусматривать создание специализированных органов для расследования жалоб относительно серьезных нарушений прав человека, включая насильственные исчезновения; разработку протокола применительно к сбору и идентификации останков; разработку программ психологической помощи найденным лицам и их родственникам, а также родственникам тех, кто по-прежнему не найден; публичный доступ к государственным досье и архивам, содержащим соответствующую информацию<sup>37</sup>.

64. Рабочая группа считает, что создание мемориалов и памятников содействует общественному признанию факта имевших место нарушений, а также недопустимости и неприемлемости таких нарушений, что может также служить в качестве профилактической меры<sup>38</sup>. Рабочая группа подчеркивает, что государства должны принять всеобъемлющее законодательство о программах возмещения, включая вопрос о создании мемориалов, в целях недопущения ревиктимизации и дальнейших нарушений права на человеческое достоинство. В законодательстве должны закрепляться критерии и процедуры создания таких мемориалов ввиду потенциальных противоречий, которые могут возникнуть в силу различий в исторической памяти разных групп в обществе<sup>39</sup>. Создание и поддержание мемориальных объектов является обязанностью государства при непосредственном участии родственников исчезнувших лиц и других заинтересованных сторон<sup>40</sup>.

65. Что касается гарантий неповторения актов насильственного исчезновения, то существуют меры, которые следует принимать с целью предотвращения рецидивов совершения таких актов в будущем. В принципе 23 е) вышеупомянутых Основных принципов и руководящих положений указываются различные

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обстоятельствах, в которых имели место нарушения, и, в случае смерти или исчезновения потерпевшего, его судьбу".

<sup>36</sup> Что касается судебных решений, то опубликование и распространение решения также считается одной из форм сатисфакции.

<sup>37</sup> См. дело *Contreras et al. v. El Salvador* (примечание 25), пункты 211–214; и дело *Gelman v. Uruguay* (примечание 29), пункты 272–282.

<sup>38</sup> А/HRC/19/58/Add.3, пункт 101 с); E/CN.4/2006/Add.1, пункт 115; и А/HRC/10/9/Add.1, пункт 65.

<sup>39</sup> См. также А/HRC/16/48/Add.1, пункты 48 и 84 g).

<sup>40</sup> В Чили, например, хотя государство оказывало поддержку строительству и поддержанию ряда мемориалов и проведению различного рода культурных мероприятий, растущий объем строительства и поддержания мемориалов, имеющих целью сохранить историческую память, в основном является результатом не политики государства, а инициатив гражданского общества, преимущественно организаций родственников жертв. См. А/HRC/22/45/Add.1, пункт 50.

возможные гарантии неповторения, такие как организация в первоочередном порядке и на постоянной основе деятельности по информированию о международных нормах в области прав человека и международного гуманитарного права всех слоев общества и подготовке по этим вопросам должностных лиц правоохранительных органов, а также военнослужащих и сотрудников органов безопасности; содействие созданию механизмов контроля и предупреждения социальных конфликтов и их урегулирования; и пересмотр и реформирование законодательства, способствующего или допускающего грубые нарушения международных норм в области прав человека и серьезные нарушения международного гуманитарного права<sup>41</sup>. Другими важными мерами, нацеленными на недопущение повторения случившегося, являются введение конкретных протоколов и специальных гарантий и проведение судебной реформы и реформы сектора безопасности. Рабочая группа далее подчеркивает, что полная реализация права на выяснение истины и правосудие являются крайне важными элементами, имеющими целью не допустить повторения случившегося.

### С. Индивидуальное и коллективное возмещение

66. Рабочая группа приветствует растущее признание в международном праве прав человека того понимания, что возмещение может предоставляться как на индивидуальной, так и на коллективной основе<sup>42</sup>. Индивидуальное и коллективное возмещение ущерба может предоставляться одновременно, и эти две формы возмещения не являются взаимоисключающими, поскольку их существо и цели имеют разный характер<sup>43</sup>. Публичные извинения или признание ответственности, а также строительство памятников или мемориалов в увековечение памяти жертв насильственных исчезновений являются возможными формами коллективного возмещения ущерба.

<sup>41</sup> Другими гарантиями, перечисленными в принципе 23, являются: а) обеспечение эффективного гражданского контроля за вооруженными силами и службами безопасности; б) обеспечение того, чтобы все гражданские и военные судебные процедуры соответствовали международным нормам, касающимся надлежащего судопроизводства, честности и беспристрастности; в) укрепление независимости судебных органов; г) защита лиц, занимающихся юридическими и медицинскими вопросами и оказывающих медицинскую помощь, лиц, работающих в средствах массовой информации и в других связанных с ними областях, а также правозащитников; д) содействие соблюдению кодексов поведения и этических норм, в частности международных норм, государственных служащими, в том числе работниками правоохранительных органов, исправительных учреждений, средств массовой информации, медицинских учреждений, психологических и социальных служб, военнослужащими, а также работниками предприятий экономического профиля.

<sup>42</sup> См. правило 97 (1) Правил процедуры и доказывания Международного уголовного суда. См. также статьи 25 (1) и 50 Европейской конвенции по правам человека, а также статьи 44 и 63 Американской конвенции по правам человека.

<sup>43</sup> См. A/HRC/13/31/Add.1, пункты 56–66. Это также признается в судебной практике Межамериканского суда по правам человека. См., например, дело *Moiwana Community v. Suriname*, предварительные возражения, существо дела, возмещение и издержки, решение от 15 июня 2005 года, пункты 194 и 201.



## **D. Учет гендерной и культурной специфики при возмещении ущерба**

67. Рабочая группа подчеркивает, что при определении форм и условий возмещения необходимо использовать подход, основанный на учете гендерной и культурной специфики<sup>44</sup>. В частности, в Найробийской декларации о праве женщин и девушек на правовую защиту и возмещение<sup>45</sup> излагаются рекомендации, касающиеся учета гендерной специфики при определении форм и предоставлении возмещения, акцентируются дополнительные важные аспекты процесса получения возмещения, включая устранение возможных барьеров, препятствующих им требовать осуществления их прав и ограничивающих доступ к правосудию. В Декларации особо отмечается крайне важное значение консультативного процесса, позволяющего самим женщинам определять, какие формы возмещения лучше всего соответствуют их нуждам. Следует принимать специальные меры, улучшающие возможности женщин и позволяющие им участвовать в процессе определения возмещения на всех его этапах. Рабочая группа также подчеркивает, что при принятии мер по возмещению ущерба необходимо принимать во внимание многие факторы, в частности мнение женщин и обстоятельства дела, поскольку та или иная мера по возмещению ущерба может быть уместной в одном случае, но неуместной и даже контрпродуктивной – в другом.

68. Рабочая группа далее подчеркивает, что доступ к возмещению ущерба должен предоставляться с учетом культурной специфики. Информация о процессе и мерах возмещения должна при необходимости предоставляться на местных языках, а планы предоставления возмещения должны разрабатываться при участии затронутых общин с учетом их нужд. Рабочая группа также подчеркивает, что обеспечение жертв социальными услугами не следует путать с их правом на возмещение ущерба.

## **IV. Информация о случаях насильственного или недобровольного исчезновения в государствах и территориях, рассмотренная Рабочей группой**

69. Информация о случаях насильственного или недобровольного исчезновения в различных государствах и территориях, рассмотренная Рабочей группой, приводится в приложении I к настоящему докладу и разбита на 96 разделов, по одному разделу на каждую страну. В каждом из этих разделов кратко освещается деятельность Рабочей группы в течение отчетного периода по каждой стране. Данная информация для каждой страны представлена в табличной форме вместе с подробным описанием областей деятельности. В случаях, когда от правительства или источника не поступило никакой информации, несмотря на ежегодное напоминание, направляемое Рабочей группой относительно незавершенных дел, приводится таблица и делается ссылка на предыдущий доклад, в котором такие дела освещались.

70. В этом отношении содержащиеся в приложении I разделы касаются Афганистана, Албании, Алжира, Аргентины, Азербайджана, Бахрейна, Бангладеш, Беларуси, Бутана, Боливии (Многонационального Государства), Боснии и Герцеговины, Бразилии, Бурунди, Камеруна, Центральноафриканской Республики,

<sup>44</sup> См. A/HRC/19/58/Add.1, пункт 64. См. также A/HRC/16/48/Add.1, пункт 44.

<sup>45</sup> Принята на Международном совещании по вопросу о праве женщин и девушек на правовую защиту и возмещение, состоявшемся в Найроби 19–21 марта 2007 года.

Чада, Чили, Китая, Колумбии, Конго, Чешской Республики, Корейской Народно-Демократической Республики, Демократической Республики Конго, Дании, Доминиканской Республики, Эквадора, Египта, Сальвадора, Экваториальной Гвинеи, Эритреи, Эфиопии, Франции, Гамбии, Грузии, Греции, Гватемалы, Гвинеи, Гаити, Гондураса, Индии, Индонезии, Ирана (Исламской Республики), Ирака, Ирландии, Израиля, Японии, Иордании, Кении, Кувейта, Киргизстана, Лаосской Народно-Демократической Республики, Ливана, Ливии, Литвы, Мали, Мавритании, Мексики, Марокко, Мозамбика, Мьянмы, Намибии, Непала, Никарагуа, Пакистана, Перу, Филиппин, Республики Корея, Российской Федерации, Руанды, Саудовской Аравии, Сербии, Сейшельских Островов, Сомали, Южного Судана, Испании, Шри-Ланки, Судана, Швейцарии, Сирийской Арабской Республики, Таджикистана, Таиланда, бывшей югославской Республики Македонии, Тимора-Лешти, Того, Туниса, Турции, Туркменистана, Уганды, Украины, Объединенных Арабских Эмиратов, Уругвая, Узбекистана, Венесуэлы (Боливарианской Республики), Вьетнама, Йемена, Зимбабве, и Государства Палестина.

## V. Решения по отдельным случаям, принятые Рабочей группой в отчетный период, и незавершенные дела по странам

Страны	Случаи, имевшие место в отчетный период		Случаи, доведенные до сведения правительства в отчетный период		Разъяснения, полученные от:			
	Незамедлительные действия	Стандартные дела	Правительства	Неправительственного источника	Закртые дела	Прекращенные дела	Незавершенные дела	
Афганистан	0	0	0	0	0	0	0	3
Албания	0	0	0	0	0	0	0	1
Алжир	1	1	45	0	1	0	0	3 005
Аргентина	0	0	0	14	0	0	0	3 271
Бахрейн	0	0	0	0	0	0	0	1
Бангладеш	4	2	3	0	0	0	0	11
Беларусь	0	0	0	0	0	0	0	3
Бутан	0	0	0	0	0	0	0	5
Боливия (Многонациональное Государство)	0	0	0	0	0	0	0	28
Бразилия	0	0	0	0	0	0	0	13
Бурунди	0	0	0	0	0	0	0	52
Камерун	0	0	0	0	0	0	0	14
Центральноафрикан- ская Республика	3	3	0	0	0	0	0	3
Чад	0	0	0	0	0	0	0	23
Чили	0	0	0	5	0	0	0	801
Китай	0	0	0	0	0	0	0	30

<i>Страны</i>	<i>Случаи, имевшие место в отчетный период</i>	<i>Случаи, доведенные до сведения правительства в отчетный период</i>	<i>Разъяснения, полученные от:</i>					
	<i>Незамедлительные действия</i>	<i>Стандартные дела</i>	<i>Правительства</i>	<i>Неправительственного источника</i>	<i>Закрытые дела</i>	<i>Прекращенные дела</i>	<i>Незавершенные дела</i>	
Колумбия	0	0	1	2	0	0	0	969
Конго	0	0	0	0	0	0	0	88
Корейская Народно-Демократическая Республика	0	0	4	0	0	0	0	20
Демократическая Республика Конго	0	0	0	0	0	0	0	44
Доминиканская Республика	0	0	0	0	0	0	0	1
Эквадор	0	0	0	0	0	0	0	4
Египет	0	0	3	1	2	0	0	41
Сальвадор	0	0	0	0	0	0	0	2 271
Экваториальная Гвинея	0	0	0	0	0	0	0	8
Эритрея	0	0	0	0	0	0	0	54
Эфиопия	0	0	0	0	0	0	0	112
Франция	0	0	0	0	0	0	0	1
Гамбия	0	0	0	0	0	0	0	1
Грузия	0	0	0	0	0	0	0	1
Греция	0	0	0	0	0	0	0	1
Гватемала	0	0	0	0	0	0	0	2 899
Гвинея	0	0	0	0	0	0	0	21
Гаити	0	0	0	0	0	0	0	38
Гондурас	0	0	0	0	0	0	0	129
Индия	0	0	0	0	0	0	0	353
Индонезия	0	0	0	0	0	0	0	162
Иран (Исламская Республика)	0	0	1	0	0	0	0	518
Ирак	0	0	0	9	0	0	0	16 401
Израиль	0	0	0	0	0	0	0	2
Иордания	0	0	0	0	0	0	0	2
Кения	0	0	40	0	0	0	0	40
Кувейт	0	0	0	0	0	0	0	1
Лаосская Народно-Демократическая Республика	0	0	0	0	0	0	0	1
Ливан	0	0	0	0	0	0	0	313

Страны	Случаи, имевшие место в отчетный период	Случаи, доведенные до сведения правительства в отчетный период	Разъяснения, полученные от:					
	Незамедлительные действия	Стандартные дела	Правительства	Неправительственного источника	Закрытые дела	Прекращенные дела	Незавершенные дела	
Ливия	0	0	1	0	1	0	0	9
Мавритания	0	2	0	0	0	0	0	3
Мексика	11	11	6	0	0	0	0	327
Марокко	0	0	1	9	0	0	0	53
Мозамбик	0	0	0	0	0	0	0	2
Мьянма	0	0	0	1	0	0	0	1
Намибия	0	0	0	0	0	0	0	3
Непал	0	0	0	0	0	0	0	458
Никарагуа	0	0	0	0	0	0	0	103
Пакистан	3	2	6	14	2	0	0	99
Перу	0	0	0	0	0	0	0	2 371
Филиппины	0	0	0	0	0	0	0	621
Российская Федерация	0	0	4	0	0	0	0	471
Руанда	0	0	0	0	0	0	0	21
Саудовская Аравия	0	0	0	0	0	0	0	4
Сейшельские Острова	0	0	0	0	0	0	0	3
Сомали	0	0	0	0	0	0	0	1
Южный Судан	0	0	0	0	0	0	0	1
Испания	0	0	0	1	0	0	0	3
Шри-Ланка	4	4	9	0	0	0	0	5 676
Судан	0	0	0	0	0	0	0	173
Швейцария	0	0	1	0	0	0	0	1
Сирийская Арабская Республика	17	30	9	1	7	0	0	72
Таджикистан	1	1	0	3	0	0	0	4
Таиланд	1	1	15	0	0	0	0	71
Тимор-Лешти	0	0	0	0	0	0	0	428
Того	0	0	0	0	0	0	0	10
Тунис	0	0	0	0	0	0	0	2
Турция	0	0	0	0	0	0	0	60
Туркменистан	0	0	0	0	0	0	0	1
Уганда	0	0	0	0	0	0	0	15
Украина	1	1	0	0	0	0	0	4
Объединенные Арабские Эмираты	0	0	0	0	0	0	0	5

Страны	Случаи, имевшие место в отчетный период по сообщениям	Случаи, доведенные до сведения правительства в отчетный период	Разъяснения, полученные от:					
	Незамедлительные действия	Стандартные дела	Правительства	Неправительственного источника	Закрытые дела	Прекращенные дела	Незавершенные дела	
Уругвай	0	0	0	1	0	0	0	19
Узбекистан	1	1	0	0	0	0	0	8
Венесуэла (Боливарианская Республика)	0	0	0	0	0	0	0	10
Вьетнам	0	0	0	0	0	0	0	1
Йемен	0	0	0	0	0	0	0	2
Зимбабве	0	0	0	0	0	0	0	4
Государство Палестина	0	0	0	0	0	0	0	3

## VI. Выводы и рекомендации

### A. Общая часть

71. В 2012 году Рабочая группа довела до сведения 21 государства информацию о 208 новых сообщениях о случаях насильственного исчезновения. Она прибегла к процедуре незамедлительных действий в 59 из этих случаев, которые, согласно сообщениям, имели место в трехмесячный период, предшествующий получению такого сообщения Рабочей группой. В течение отчетного периода Рабочая группа смогла выяснить обстоятельства 74 случаев насильственного исчезновения.

72. Рабочей группой до сих пор не выяснены обстоятельства более 40 000 случаев, многие из которых имели место десятилетия назад. Даже при таком большом числе невыясненных дел серьезной проблемой остается недостаточное информирование о подобных случаях, которое объясняется разными причинами, в том числе боязнью репрессий, слабостью системы отправления правосудия, неэффективностью каналов отчетности, институционализированной системой безнаказанности, нищетой, неграмотностью, языковыми барьерами, практикой замалчивания и ограничения деятельности гражданского общества. Членам семей и членам организаций гражданского общества следует оказывать больше помощи, чтобы они могли доводить до сведения Рабочей группы о случаях насильственного исчезновения.

73. Рабочая группа по-прежнему отмечает практику угроз, запугивания и репрессий в отношении жертв насильственных исчезновений, включая членов семей, свидетелей и правозащитников, занимающихся этими случаями. Рабочая группа призывает государства принимать конкретные меры по предупреждению таких актов, обеспечивать защиту тем, кто занимается случаями насильственных исчезновений, и наказывать виновных в соответствии с пунктами 1 и 3 статьи 13 Декларации о защите всех лиц от насильственных исчезновений. Совету по правам человека следует принять меры к тому, чтобы более систематическим образом противодейство-

вать репрессалиям в отношении лиц, сотрудничающих с Организацией Объединенных Наций.

74. Рабочая группа выражает признательность ряду государств за оказанное ими содействие; такое сотрудничество является крайне необходимым для выяснения судьбы и местонахождения исчезнувших лиц по всему миру. Тем не менее Рабочая группа по-прежнему выражает озабоченность по поводу того, что из 84 государств, по которым имеются невыясненные случаи, некоторые государства так и не представили своих ответов на сообщения Рабочей группы, а отдельные государства представляли ответы, не содержавшие информации по существу дела. Рабочая группа настоятельно призывает эти государства выполнить свои обязательства согласно Декларации и резолюциям Генеральной Ассамблеи и Совета по правам человека.

75. Посещения стран составляют неотъемлемую часть усилий по выполнению мандата Рабочей группы. Они позволяют Рабочей группе изучить практику стран по решению проблемы насильственных исчезновений, оказывать государствам помощь в преодолении препятствий в деле осуществления Декларации и иметь возможность установить контакты с членами семей жертв. Однако имеется ряд государств, к которым Рабочая группа обратилась с просьбами направить ей приглашение посетить их страны, но на эти просьбы ответы так и не поступили. Есть и другие государства, которые неофициально направили приглашения и/или подтвердили их, но по которым не были согласованы конкретные сроки посещения. В связи с этим Рабочая группа призывает все государства, получившие просьбы о посещении их стран, положительно откликнуться на них с учетом резолюции 21/4 Совета по правам человека, а тех, которые согласились на посещения, как можно скорее прислать свой ответ, предложив конкретные сроки.

76. Рабочая группа вновь призывает правительства, которые не подписали и/или не ратифицировали Международную конвенцию для защиты всех лиц от насильственных исчезновений, сделать это как можно скорее и признать компетенцию Комитета по насильственным исчезновениям получать индивидуальные сообщения в соответствии со статьей 31, а также межгосударственные жалобы в соответствии со статьей 32 Конвенции.

77. Рабочая группа признательна правительствам Аргентины и Франции за предоставление финансовых и людских ресурсов, которые позволили усилить поддержку Рабочей группы. Рабочая группа напоминает Организации Объединенных Наций об ограниченности средств, выделяемых ей по регулярному бюджету, и призывает все государства увеличить содействие Рабочей группе, с тем чтобы она могла выполнить свой мандат.

78. Рабочая группа обеспокоена тем, что многие сообщения по-прежнему своевременно не переводятся, что тем самым задерживает их рассмотрение Рабочей группой и сказывается на выполнении Группой ее гуманитарного мандата. Рабочая группа также выражает сожаление в связи с тем, что ко времени утверждения настоящего доклада (ноябрь 2012 года) доклад Рабочей группы за 2011 год (A/HRC/19/58/Rev.1) был переведен только на арабский язык.

## **В. Возмещение и насильственные исчезновения**

79. Рабочая группа подчеркивает, что жертвы насильственных исчезновений имеют право на возмещение. Концепция возмещения ущерба за насильственное исчезновение охватывает реституцию, реабилитацию, компенсацию, сатисфакцию и гарантии неповторения. Рабочая группа рекомендует государствам-членам:

- a) обеспечить жертвам насильственных исчезновений право на получение возмещения и быстрой, справедливой и надлежащей компенсации;
- b) предусмотреть в своих правовых системах возможность для жертв насильственных исчезновений или их семей добиваться справедливого, быстрого и надлежащего возмещения ущерба;
- c) принять для целей возмещения ущерба широкого определения жертвы, охватывающего всех, кто понес ущерб в результате исчезновения;
- d) гарантировать право на выяснение истины и правосудие в качестве основных элементов, позволяющих не допустить повторения актов такого рода;
- e) обеспечить возможность предоставления индивидуального и коллективного возмещения, поскольку эти формы возмещения имеют разные цели и не являются взаимоисключающими;
- f) придерживаться подхода, учитывающего гендерную специфику при разработке и осуществлении программ возмещения, и обеспечить участие и расширение возможностей женщин в том, что касается определения ими самими форм возмещения, лучше всего соответствующих их нуждам;
- g) принять конкретные меры по возмещению ущерба в случаях насильственных исчезновений, включая принятие национального плана поиска исчезнувших лиц; по созданию специализированных подразделений для расследования жалоб относительно серьезных нарушений прав человека, включая насильственные исчезновения; по разработке протокола сбора и идентификации останков; разработке программ оказания психологической помощи найденным лицам и их родственникам, а также родственникам тех, кто по-прежнему не найден; по обеспечению публичного доступа к государственным досье и архивам, содержащим соответствующую информацию; и по организации образования и подготовки по вопросам прав человека должностных лиц правоохранительных органов, а также военнослужащих и сотрудников органов безопасности;
- h) рассмотреть возможность принятия символических мер, таких как создание мемориалов и проведение памятных мероприятий, в знак признания страданий жертв и для восстановления их человеческого достоинства и репутации;
- i) усилить превентивные меры в качестве одной из форм возмещения ущерба, в том числе за счет принятия эффективных законодательных, административных, судебных и иных мер, имеющих целью предупредить, наказывать и искоренить акты насильственного исчезновения.

### С. Двадцатая годовщина Декларации о защите всех лиц от насильственных исчезновений

80. Декларация о защите всех лиц от насильственных исчезновений является первым международным документом, в котором все акты насильственного исчезновения квалифицируются как "серьезное и вопиющее нарушение" и излагаются стандарты, касающиеся наказания и предупреждения их совершения. Двадцать лет назад, принимая Декларацию, Генеральная Ассамблея заявила, что она "глубоко обеспокоена тем, что во многих странах имеют место случаи насильственных исчезновений, нередко носящие непрекращающийся характер". Рабочая группа с сожалением отмечает, что спустя 20 лет практика насильственного исчезновения по-прежнему сохраняется во многих странах, особенно в ситуациях конфликта или внутренних беспорядков либо как средство борьбы с терроризмом или организованной преступности. Рабочая группа в связи с этим напоминает о том, что согласно статье 7 Декларации никакие обстоятельства, какими бы они ни были, будь то угроза войны, состояние войны, внутренняя политическая нестабильность или любая другая чрезвычайная ситуация, не могут служить оправданием насильственных исчезновений.

81. Рабочая группа рекомендует государствам сосредоточить больше внимания на мерах по предупреждению насильственных исчезновений, в частности за счет ведения доступных и обновляемых журналов учета лиц, содержащихся под стражей во всех местах лишения свободы; обеспечения гарантированного доступа к соответствующей информации и ко всем подобным местам родственникам, а также адвокатам; оперативной передачи арестованных в руки правосудия.

82. По случаю 20-й годовщины Декларации о защите всех лиц от насильственных исчезновений Рабочая группа призывает все государства вновь заявить о своей приверженности принципам Декларации, и в частности решительно подтвердить, что "любой акт насильственного исчезновения является оскорблением человеческого достоинства. Он осуждается как отрицание целей Устава Организации Объединенных Наций и как серьезное и вопиющее нарушение прав человека и основных свобод, провозглашенных во Всеобщей декларации прав человека". Рабочая группа призывает все государства и организации гражданского общества обеспечить перевод Декларации на все языки и наречия без всяких различий, поскольку все это служит цели содействия ее всемирному распространению и конечной цели предупреждения насильственных исчезновений.

83. В течение многих лет семьи исчезнувших лиц обращают внимание международного сообщества на масштабы этого отвратительного преступления. Во многом благодаря именно их усилиям Международная конвенция для защиты всех лиц от насильственных исчезновений вступила в силу 23 октября 2010 года. После вступления Конвенции в силу был создан Комитет по насильственным исчезновениям. Как и в случае со многими другими тематическими вопросами прав человека, такими как пытки, расовая дискриминация, дискриминация в отношении женщин, права ребенка и набор гражданских, культурных, экономических, политических и социальных прав, Комитет и Рабочая группа существуют параллельно, тесно сотрудничая в борьбе за предотвращение и искоренение насильственных исчезновений, в каком бы районе мира они ни происходили. Аналогичным образом Декларация и Конвенция имеют взаимоукрепляющий характер и



создают более эффективную правовую основу для борьбы с практикой насильственного исчезновения.

84. Рабочая группа благодарит государства, которые регулярно сотрудничают с ней, и напоминает о том, что она всегда готова оказать необходимое содействие всем государствам в имплементации Декларации.

#### **D. Женщины, затронутые насильственными исчезновениями**

85. На своей девяносто восьмой сессии Рабочая группа приняла замечание общего порядка по вопросу о женщинах, затронутых насильственными исчезновениями.

86. Рабочая группа подчеркивает, что, имея дело со случаями насильственного исчезновения, государства должны учитывать гендерную специфику при принятии любых мер, будь то меры законодательного, административного, судебного или иного характера. Гендерное равноправие в вопросах насильственного исчезновения предполагает главным образом возможность всех индивидов независимо от их пола и гендерной принадлежности без дискриминации пользоваться правами, провозглашенными в Декларации.

87. Рабочая группа признает, что женщины играют основополагающую роль в обеспечении и отстаивании прав исчезнувших лиц. В частности, по своему собственному опыту Рабочая группа может признать, что женщины зачастую находятся на переднем крае борьбы против насильственных исчезновений. Они нередко образуют организации и ассоциации, стремясь выяснить обстоятельства насильственного исчезновения и судьбу исчезнувших лиц и самостоятельно помочь жертвам.

88. Женщины и девочки нередко затрагиваются случаями насильственного исчезновения либо как исчезнувшие лица, либо в качестве родственников или лиц, понесших ущерб в результате насильственного исчезновения. Последствия актов насильственного исчезновения сказываются на них различным образом в силу гендерно обусловленных ролей женщин, коренящихся в истории, традициях, религии и культуре. Обеспечение гендерного равноправия и расширение возможностей женщин являются важнейшими инструментами преодоления ситуаций, с которыми сталкиваются женщины, ставшие жертвами насильственного исчезновения. Чтобы эффективно предупреждать и искоренять акты насильственного исчезновения женщин, большое значение, по мнению Рабочей группы, имеет разработка государствами всеобъемлющей национальной политики учета гендерной специфики на основе принципов актуализации гендерной проблематики. Рабочая группа призывает государства использовать замечание общего порядка по вопросу о женщинах, затронутых актами насильственного исчезновения, в качестве инструмента обеспечения гендерного равноправия и расширения возможностей женщин.

#### **E. Дети и насильственные исчезновения**

89. В 2012 году Рабочая группа приняла замечание общего порядка по вопросу о детях и насильственных исчезновениях.

90. Акт насильственного исчезновения ребенка является отягчающим обстоятельством нарушения многочисленных прав, защищаемых Декларацией о защите всех лиц от насильственных исчезновений и крайне тяжелой формой насилия в отношении детей<sup>46</sup>.

91. Поэтапный характер постепенного развития детей и достижения ими физической и психической зрелости, а также их зависимость от взрослых обуславливают их особую уязвимость. Поэтому необходимо в обязательном порядке правильно понимать и особо подчеркивать специфический характер нарушения прав и конкретных обязательств государства в случаях, когда жертвами насильственного исчезновения являются дети.

92. Рабочая группа отмечает, что дети должны пользоваться особой защитой, и признает особое значение соответствующих документов, в которых конкретно регулируется вопрос о насилии в отношении детей.

93. Ввиду того что акт насильственного исчезновения является продолжительным преступлением, его конкретные последствия для ребенка могут давать о себе знать даже после достижения ребенком зрелости. Исходя из этого, Рабочая группа отмечает, что обязательства государства, возникшие еще до того, как ребенку исполнилось 18 лет, сохраняют свою силу до тех пор, пока такие обязательства не будут в полной мере выполнены.

94. Рабочая группа считает, что государства, имея дело с ситуациями насильственных исчезновений, должны уделять необходимое внимание удовлетворению нужд и решению различных проблем, с которыми сталкиваются девочки и мальчики, подростки и малолетние дети, дети из числа беженцев и внутренне перемещенных лиц, дети, рекрутированные в вооруженные формирования и группы, дети, принадлежащие к различным религиозным, этническим и расовым общинам, и дети-инвалиды. В соответствии с подходом, основанном на учете гендерной специфики, следует сосредотачивать внимание на защите прав девочек и на удовлетворении их особых потребностей.

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<sup>46</sup> См. A/61/299.

## Приложения

### Annex I

[English only]

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

### Afghanistan

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

### Information from the Government

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

### Total cases transmitted, clarified and outstanding

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

## Albania

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

### Urgent action

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

### Standard procedure

8. The Working Group transmitted 45 newly-reported cases to the Government concerning Messrs. **Boualem Bounaira, Ayache Bouroudi, Ferhat Boumaaza, Ali Bouneas, Ammar Zeraoulia, Rachid Bouroudi, Rabi Maouche, Abdenor Maouche, Salah Makhtoute, Salah Mehamdioua, Mohamed Loudini, 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* (Collective of Families of the Disappeared in Algeria), *SOS Disparus* (SOS Disappeared) to

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

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

### 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

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

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 "Korićanskestijene", of 21 August 1992, and to exhume, locate, identify and return the remains of victims to their families (A/HRC/19/58/Rev.1, annex I, paras. 67-72). This communication could not be processed in time for inclusion in the present report.

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

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

\* 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

<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>	
30	0	0	0	0	30
<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 appeals</i>	Yes (2)		<i>Government response</i>	Yes (2)	
<i>General allegation</i>	Yes (2010/2011)		<i>Government response</i>	Yes (1)	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Urgent Appeals

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

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

69. The second communication was transmitted on 9 August 2012, jointly with seven other special procedures mechanisms, and concerned allegations of systematic undermining of the autonomous functions and the rights to freedom of religion, culture and expression of the Tibetan Buddhist community. It was reported, inter alia, that between March 2008 and the date of the communication the whereabouts of 37 intellectuals, including artists, remained unknown. Among these intellectuals were Nyendak and Yama Tsering, director and a teacher respectively at a school established 20 years previously to teach and promote Tibetan culture and language in 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 <sup>b</sup>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent Appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Government response</i>	N/A	

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

### Information from sources

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

### Total cases transmitted, clarified and outstanding

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

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

## Czech Republic

<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 <sup>c</sup>
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
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 that no information regarding prisoners' whereabouts is provided to friends,

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



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

### Information from the Government

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

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

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

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

### Information from sources

111. Sources provided information on eight outstanding cases.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Democratic Republic of the Congo

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

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

### Urgent appeals

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Denmark

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

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

## Dominican Republic

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

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

### Total cases transmitted, clarified and outstanding

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

## Ecuador

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

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

### Total cases transmitted, clarified and outstanding

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

## Egypt

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

### Standard procedure

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

### Information from the Government

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

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

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

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

#### **Information from sources**

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

#### **Clarification**

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

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

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

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

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

#### **Observations**

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

## El Salvador

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

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

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

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

### **Observations**

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

## Equatorial Guinea

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

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

### Total cases transmitted, clarified and outstanding

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

## Eritrea

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

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

## **General allegations**

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

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

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

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

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

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

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

### **Observations**

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

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



## Ethiopia

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

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

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

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

## France<sup>e</sup>

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

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

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

### Meetings

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

### Total cases transmitted, clarified and outstanding

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

## Georgia

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

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>	
<i>2,899</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>2,899</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>Yes</i>		<i>Government response</i>	<i>Yes</i>	
<i>Prompt intervention letter</i>	<i>N/A</i>		<i>Government response</i>	<i>N/A</i>	
<i>Working Group request for a visit</i>	<i>N/A</i>		<i>Invitation extended</i>	<i>N/A</i>	

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

### Information from the Government

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

### Meetings

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

### Total cases transmitted, clarified and outstanding

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

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

## Jordan

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

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

### Urgent appeals

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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



## Kenya

<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<sup>§</sup>**

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

**Information from the Government**

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

**Total cases transmitted, clarified and outstanding**

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

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

## Libya

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

### General allegation

#### *Summary of the general allegation*

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

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

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

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

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Mali

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

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Mauritania

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

### Urgent actions

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

### Total cases transmitted, clarified and outstanding

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

## Mexico

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



### Urgent actions

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

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

242. The next five cases concerned Ms. **Sonia Hinojosa Barrera** and her children Mr. **Homero Segura Hinojosa**, Ms. **Larissa Hasel Segura Hinojosa**, Ms. **Daniela 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.

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

### Standard procedure

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

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

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

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

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

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

### Urgent appeals

250. On 6 January 2012, the Working Group, jointly with three other special procedures mechanisms, transmitted an urgent appeal to the Government concerning the alleged killing of Messrs. **Pedro Leyva 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**

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

252. The first communication was transmitted on 6 January 2012, jointly with three other special procedures mechanisms, concerning the allegations of attempted murder against Ms. **Norma Esther Andrade**, on 2 December 2011, in Ciudad 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.

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

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

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

**Information from the Government**

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

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

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

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

260. In the fourth communication, the Government replied to a prompt intervention letter dated 31 January 2012. The Government reported that the Procuraduría General del Estado de Michoacán (Attorney General of the Michoacán State) had conducted an investigation regarding the case of Ms. Barajas 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**

261. Sources provided information on twelve outstanding cases

#### **Press releases**

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

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

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

#### **Observations**

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

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

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

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

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

## Morocco

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

### Standard procedure

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

### Information from the Government

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

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

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

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

### Information from sources

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

### Clarification

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

### Meetings

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

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

## Mozambique

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 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	

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

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

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

### **Myanmar**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 1</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2	0	0	1	0	1
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	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**

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

#### **Information from sources**

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

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

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

## Namibia

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

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

### Total cases transmitted, clarified and outstanding

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

## Nepal

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

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

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

## Nicaragua

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

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

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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



## Pakistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 8</i>		<i>Cases clarified during the period under review: 16</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
107	2	6	14	2	99
<i>Number of cases on which the Government has replied</i>	<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

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

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

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

### Standard procedure

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

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

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

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

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

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

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

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

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

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

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

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

#### **Information from sources**

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

#### **Clarification**

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

#### **Meetings**

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

#### **Visit**

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

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

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

#### **Observations**

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

## Peru

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2,371	0	0	0	0	2,371
<i>Number of cases on which the Government has replied</i>	<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

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

### Information from the Government

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

### Information from sources

314. Information from sources was received concerning two cases.

### Total cases transmitted, clarified and outstanding

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

## Philippines

<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*

316. The Working Group on Enforced or Involuntary Disappearances received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the Philippines. This information was transmitted to the Government on 16 April 2012.<sup>1</sup>

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

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

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

<sup>i</sup> 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.

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

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

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

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

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

#### **Observations**

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

## Republic of Korea

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

### Information from the Government

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

### Meetings

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

### Total cases transmitted, clarified and outstanding

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

## Russian Federation

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 4</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
467	0	4	0	0	471
<i>Number of cases on which the Government has replied</i>	<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

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

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

### Prompt intervention

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

### Information from the Government

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

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

### Information from sources

332. Sources provided information concerning four outstanding cases.

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

## Rwanda

<i>Number of out- standing cases at the beginning of the period under review</i>	<i>Cases transmitted to the Gov- ernment 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 ur- gent action procedure</i>	<i>Cases sent under the standard pro- cedure</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 clari- fication by Government (6-month rule)</i>		
0	N/A		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

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

### Total cases transmitted, clarified and outstanding

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



## Saudi Arabia

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

### Information from the Government

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

### Total cases transmitted, clarified and outstanding

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

## Serbia

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

### Request for a visit

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

### Meeting

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Seychelles

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

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

### Total cases transmitted, clarified and outstanding

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

## Somalia

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

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

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

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

## South Sudan

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

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

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

## Spain

<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

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

### Information from the Government

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

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

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

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

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

### Information from sources

355. Sources provided information concerning one outstanding case.

### **Clarification**

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

### **Request for a visit**

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

### **Meetings**

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

### **Press releases**

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

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

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

### **Observations**

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

## Sri Lanka

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 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 <sup>k</sup>
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
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

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

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

364. The third case concerned Mr. **Ramasamy 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.

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

### Standard procedure

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

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

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

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

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

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

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

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

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

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

#### **Prompt intervention**

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

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

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

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



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

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

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

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

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

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

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

#### **Information from sources**

385. Sources provided information concerning two outstanding cases.

#### **Meetings**

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

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

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

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

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

## Observations

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

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

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

## Sudan

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

<sup>1</sup> Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance 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

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

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

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

### Switzerland

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

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

### Information from the Government

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

### Information from sources

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

### Total cases transmitted, clarified and outstanding

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

## Syrian Arab Republic

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

### Urgent actions

401. The Working Group transmitted 30 cases under its urgent action procedure to the Government. The cases concerned **Messrs. Maad Tayeh, Mustafa Abo Zaid, Mahmoud Dred, Mohamed Al Shurbaji, Muhammad Tayseer Khulani, Amr Ahmad Khulani, Muhammad Nouh, Essam Kadour, Kousai Kadour, Louai Kadour, Wissam Kadour, Hisham Kadour, Ammar Kadour, Islam Al Dabbas, Maamon Al Darsani, Ahmad Andora, Kamel Hamda, Fahed 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

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

### Urgent appeals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Information from sources**

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

### **General allegations**

#### *Reply from the Government*

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

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

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

### **Clarification**

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

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

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

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

### Request for a visit

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

### Observations

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

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

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

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

## Tajikistan

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



**Urgent actions**

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

**Information from the Government**

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

**Clarification**

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

**Meetings**

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

**Request for a visit**

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

**Total cases transmitted, clarified and outstanding**

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

**Observations**

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

## Thailand

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 16		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
55	1	15	0	0	71
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	No		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	Yes		Invitation extended	No	

### Urgent actions

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

### Standard procedure

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

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

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

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

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

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

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

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

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

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

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

### **General allegations**

#### *Summary of the general allegations*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Information from sources**

470. Sources provided information on five outstanding cases.

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## The former Yugoslav Republic of Macedonia

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

### Observations

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

### Total cases transmitted, clarified and outstanding

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

## Timor-Leste

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

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

### Total cases transmitted, clarified and outstanding

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

## Togo

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

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

## Meetings

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

### Total cases transmitted, clarified and outstanding

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

## Tunisia

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

### Information from the Government

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

### Information from sources

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

### Total cases transmitted, clarified and outstanding

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

## Turkey

<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>	
60	0	0	0	0	60
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
25	Yes		4		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	N/A	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	Yes (2011, 2012)		<i>Government response</i>	Yes	
<i>Working Group request for a visit</i>	N/A		<i>Invitation extended</i>	N/A	

### Prompt intervention

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

### Information from the Government

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

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



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

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

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

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

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

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

#### **Observations**

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

## Turkmenistan

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

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

### Total cases transmitted, clarified and outstanding

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

## Uganda

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
<i>15</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>15</i>
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
<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>

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

### Total cases transmitted, clarified and outstanding

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

### Ukraine

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

### Urgent actions

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

### Total cases transmitted, clarified and outstanding

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

## United Arab Emirates

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

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

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Uruguay

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

### Clarification

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

### Total cases transmitted, clarified and outstanding

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

## Uzbekistan

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

### **Urgent actions**

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

### **Information from the Government**

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

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

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

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

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

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

### **Request for a visit**

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

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

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

## Venezuela (Bolivarian Republic of)

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 0		Cases clarified during the period under review: 0		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
10	0	0	0	0	10
Number of cases on which the Government has replied	Multiple replies on some cases		Number of cases of possible clarification by Government (6-month rule)		
0			No		0
Urgent appeal			N/A	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

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

### Total cases transmitted, clarified and outstanding

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

## Viet Nam

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

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

### Total cases transmitted, clarified and outstanding

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

### Yemen

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

### Information from the Government

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

### Information from sources

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

### Total cases transmitted, clarified and outstanding

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



## Zimbabwe

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

### Urgent appeal

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

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

### Information from the Government

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

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

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

## Observations

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

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

## State of Palestine

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

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

### Total cases transmitted, clarified and outstanding

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

## Annex II

[English only]

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

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification					
	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 <sup>59</sup>	114	3	88	3	-	-	-	-	-	-	-	-
Democratic People's Republic of Korea	20	8	20	8	-	-	-	-	-	-	-	-
Democratic Republic of the Congo	53	11	44	11	6	3	9	-	-	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-	-	-
Dominican Republic	4	-	1	-	2	-	2	-	-	1	-	-
Ecuador	26	2	4	-	18	4	12	4	6	-	-	-
Egypt	69	-	41	-	8	20	5	23	-	-	-	-
El Salvador	2 662	332	2,271	295	318	73	196	175	20	-	-	-
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-	-	-
Eritrea	54	4	54	4	-	-	-	-	-	-	-	-
Ethiopia	119	2	112	1	3	4	2	5	-	-	-	-
France	1	-	1	-	-	-	-	-	-	-	-	-

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

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification					
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	
	Cases	Female	Cases	Female								
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	-	-	-	-
Malaysia	2	-	-	-	-	1	-	1	-	1	-	-
Mauritania	3	-	3	-	-	-	-	-	-	-	-	-

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							
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	-	-	-	-	-	-	-	-
Spain	5	-	3	-	2	-	-	-	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							
Sri Lanka <sup>60</sup>	12 473	156	5 676	88	6 535	40	103	27	6 445	-	-
Sudan	383	37	173	5	205	4	209	-	-	-	-
Switzerland	1	-	1	-	-	-	-	-	-	-	-
Syrian Arab Republic	121	5	72	3	15	34	26	17	6	-	-
Tajikistan	9	-	4	-	3	2	1	-	4	-	-
Thailand	78	5	71	5	2	-	1	1	-	2	-
Timor-Leste	504	36	428	28	58	18	51	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	19	1	2	-	12	5	1	16	-	-	-
Turkey	182	11	60	2	72	49	71	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	6	-	4	-	2	-	1	-	1	-	-
United Arab Emirates	7	-	5	-	2	-	2	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-	-
United States	1	-	-	-	1	-	-	-	-	-	-

<sup>60</sup> 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>							
of America											
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 Pales- tine	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)**































