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

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

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\* As the present report greatly exceeds word limitations currently allowed under relevant General Assembly resolutions, the annexes, with the exception of annex I, are circulated as received in the language of submission only.

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## I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate. The original mandate derives from Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980. This resolution followed General Assembly resolution 33/173 of 20 December 1978, in which the Assembly expressed concern at reports from various parts of the world relating to enforced disappearances and requested the Commission on Human Rights to consider the question of missing or disappeared persons.
2. The primary task of the Working Group is to assist families in determining the fate or whereabouts of their family members who are reportedly disappeared. In this humanitarian capacity, the Working Group serves as a channel of communication between family members of victims of disappearance and Governments.
3. Following the adoption of General Assembly resolution 47/133 on 18 December 1992 and of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group was entrusted to monitor the progress of States in fulfilling their obligations derived from the Declaration. The mandate was most recently extended by Human Rights Council resolution 7/12 of 27 March 2008.
4. Following a review of its methods of work in 2008, the Working Group decided that adjustments were needed. The revised methods of work, approved on 13 November 2009, are contained in annex I to the present report and will come into effect on 1 January 2010.
5. This report reflects communications and cases examined by the Working Group during its three sessions in 2009, covering the period 5 December 2008 to 13 November 2009.
6. A summary of activities during the reporting period is presented in a table for each country, with a detailed text description of the areas of activity. Where there has been no information from the Government or the sources, notwithstanding the annual reminder sent by the Working Group concerning outstanding cases, only the table is provided and a reference is made to the previous report dealing with those.
7. In countries where the number of newly-reported cases is less than 10, the names of the persons appear in the country section. If the number of newly-reported cases is greater than 10, the list of names appears in annex V. Concerning urgent actions, the names of all persons, regardless their number, appear in the country section.
8. The total number of cases transmitted by the Working Group to Governments since its inception is 53,232. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,600 and concerns 82 States. The Working Group has been able to clarify 1,776 cases over the past five years.
9. It is recalled that recent cases of disappearance are the priority of the Working Group. Large volumes of cases submitted to the Working Group many years after the persons disappeared are reviewed by it and processed by the Secretariat as an ongoing process. The Working Group reports that as at the end of the present reporting period it has a backlog of 200 cases, due to the reduced support given to the mandate.

## II. Activities of the Working Group on Enforced or Involuntary Disappearances: 5 December 2008 to 13 November 2009

### A. Activities

10. During the period under review, the Working Group held three sessions: the eighty-seventh session, from 9 to 13 March, in Geneva, the eighty-eighth from 26 to 28 June, in Rabat, Morocco, and the eighty-ninth from 4 to 13 November 2009, in Geneva.

11. Since 1 August 2009, the Chairman-Rapporteur of the Working Group is Jeremy Sarkin. The other members are Santiago Corcuera, Olivier de Frouville, Darko Götlicher and Osman El-Hajjé, who was appointed in 2009. El-Hajjé took over from Saied Lhorasani who was a member until 31 July 2009.

12. On 10 March 2009, the Chairman-Rapporteur presented the Working Group's annual report for 2008 to the tenth session of the Council and participated in the interactive dialogue with its member States.

13. On 5 February 2009, the Secretariat of the Working Group on Enforced or Involuntary Disappearances participated in a conference titled "Conference on the International Convention for the Protection of All Persons from Enforced Disappearance" organized by the Colegio de España, the Maison de l'Argentine and the Maison de l'Italie at the Cité internationale universitaire, in Paris.

14. On 26 and 27 February 2009, Olivier de Frouville, member of the Working Group on Enforced or Involuntary Disappearances, participated in a meeting on "governance: individual rights, economic development and social progress" organized by the Amadeus Institute in Marrakech, Morocco. As a result, a call for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance is included in the final commitment, the "Marrakech Engagement". On 10 March 2009, he delivered a presentation during an event held in parallel with the tenth session of the Human Rights Council on "Secret detentions – strategies to end this practice" to launch a joint study on this issue together with other special procedures mechanisms.

15. The Chairperson attended, from 29 June to 3 July 2009, the sixteenth annual meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Council.

16. On 11 and 12 August 2009, Mr. Corcuera participated in the "Seminario Internacional Sobre Desaparición Forzada en América Latina – Pasos Hacia la Construcción de la Memoria Histórica" organized by the University of Antioquia in Medellín, Colombia.

17. In September and October 2009, Jeremy Sarkin delivered lectures and statements on the following topics: "Enforced disappearances in Africa", Centre for the Study of Violence and Reconciliation workshop, Cape Town, South Africa; "Rehabilitation and reintegration of war-affected children: a transitional justice perspective on the need to achieve rehabilitation, reintegration and reconciliation for child soldiers and child victims of enforced disappearances", International Conference on Rehabilitation and Reintegration of War-Affected Children, Brussels; and "Transitional justice" as well as "Enforced disappearances", International Human Rights Academy, Cape Town, South Africa.

## **B. Meetings**

18. During the period under review, the Working Group met formally with representatives of the Governments of Algeria, Ecuador, Iraq, Japan, Montenegro, Morocco, Sri Lanka and Viet Nam. A number of other informal meetings were held with various States during the year. Upon the initiative of the Working Group, a meeting was held with the African Group. The Working Group looks forward to meeting the Eastern European Group in the future, as part of an ongoing initiative. The Working Group also met with representatives of human rights non-governmental organizations and associations of relatives of disappeared persons and families of victims of enforced disappearances or witnesses thereof.

## **C. Communications**

19. During the reporting period, the Working Group transmitted 456 new cases of enforced disappearance to 25 Governments.

20. The Working Group sent 60 of these cases under the urgent action procedure to the Governments of Algeria, Argentina, Chad, China, Egypt, Iraq, Mexico, Pakistan, Saudi Arabia, Sri Lanka, Ukraine, Yemen and Zimbabwe.

21. Of the newly-reported cases, 54 allegedly occurred during the reporting period and relate to Algeria, Argentina, Chad, China, Egypt, Iraq, Mexico, Pakistan, Saudi Arabia, Sri Lanka, Ukraine and Yemen.

22. During the same period, the Working Group clarified 37 cases in the following States: Algeria, Bangladesh, Chad, Chile, China, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Mexico, Saudi Arabia, Serbia, Sri Lanka, Switzerland, Yemen and Zimbabwe. Of those, 22 cases were clarified based on information provided by the Government and 15 cases were clarified based on information provided by sources.

23. During the reporting period, the Working Group sent 13 prompt intervention communications addressing harassment of and threats to human rights defenders and relatives of disappeared persons in Algeria, Argentina, Colombia, Mexico, Russian Federation, Sudan, Thailand and Turkey. Nine of these were sent as joint communications with other special procedures mechanisms.

24. The Working Group sent 16 communications on persons who have been arrested, detained, abducted or otherwise deprived of his/her liberty or who had been forcibly disappeared or was at risk of being disappeared in China, Dominican Republic, Guinea, Honduras, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Mexico, Russian Federation, Sri Lanka and Yemen. Ten of these were sent jointly with other special procedures mechanisms.

25. Following its eighty-sixth session, in 2008, and its first two sessions in 2009, the Working Group sent 25 general allegations to Azerbaijan, Belarus, Bosnia and Herzegovina, Colombia, Cyprus, Czech Republic, Denmark, Germany, India, Indonesia, Ireland, Italy, Namibia, Pakistan, the Philippines, Poland, Portugal, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, and Zimbabwe. During its eighty-eighth session, the Working Group decided to transmit general allegations to some Governments, inviting them to comment thereon. Summaries of the general allegations considered during the eighty-eighth session, including Government responses, if any, will be included in the 2010 annual report.



## **D. Country visits**

26. Upon the invitation of the Government of Morocco, Mr. Corcuera, Mr. de Frouville and Mr. Sarkin visited the country from 22 to 25 June 2009, assisted by staff from the Secretariat. The purpose of the mission was to discuss the cases of enforced disappearances and collect information which might lead to their clarification as well as to take stock of the experience of the Equality and Reconciliation Commission.

27. The report on the visit to Morocco is contained in document A/HRC/13/31/Add.1.

28. The Working Group requested visits to Algeria, Burundi, Indonesia, the Islamic Republic of Iran, Nepal, Nicaragua, the Philippines, the Russian Federation, Sri Lanka, the Sudan, Timor-Leste and Zimbabwe.

29. The Government of the Islamic Republic of Iran agreed to a visit by the Working Group in 2005, which was delayed at the request of the Government.

30. In 2009, the Working Groups sent reminders to Governments. The Governments of Nepal and of the Russian Federation stated that it would not be possible to schedule a visit by the Working Group because other special rapporteurs would be visiting the country.

31. The Working Group invites all the Governments that received a request by the Working Group to respond to the continued interest expressed in undertaking those visits.

## **E. Studies**

32. The Working Group, together with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention initiated a global joint study of the practice of secret detention in the context of contemporary counter-terrorism efforts, as announced on 10 March 2009 at the tenth session of the Human Rights Council in Geneva.

33. The joint study is global in nature and examines the practice of secret detention in and by States from various geographical regions, taking into account recent domestic, regional and global efforts to counter terrorism. The study will also include chapters on the legal framework and on past experiences of the use of secret detention in the context of counter-terrorism operations.

34. It is expected that the joint report will be submitted to the thirteenth session of the Human Rights Council, containing factual examples, legal analysis and recommendations regarding these practices, aimed at curbing the resort to secret detention and the unlawful treatment or punishment of detainees in the context of contemporary counter-terrorism efforts. This study will be part of a consultative process with States.

## **F. Statements**

35. On 19 December 2008, the Working Group issued a press release welcoming the report on Conflict-related Disappearances in Bardiya District, presented by the office in Nepal of the United Nations High Commissioner for Human Rights (OHCHR-Nepal), thanks to which the Working Group received many cases.

36. On 21 July 2009 the Working Group issued a joint press release together with six other special procedures mechanisms requesting the authorities of the Russian Federation to extend an invitation to visit the country to assist the authorities in conducting an

independent investigation into a series of killings of human rights defenders, lawyers and journalists in recent years.

37. On 7 July 2009, the Working Group issued a press released jointly with five other special procedures mechanisms calling upon the Government of the Islamic Republic of Iran to uphold its international obligations to ensure that the human rights of all individuals were protected following the presidential elections in the country.

38. To commemorate the International Day of the Disappeared, which is observed by civil society, the Working Group issued a press release on 30 August 2009, expressing its concern at the measures being taken by Governments while countering terrorism and the implications for enforced disappearances, and stressed that arrests committed during military operations, arbitrary detentions and extraordinary renditions “can amount to enforced disappearances”. The experts called upon States to take measures to promote truth and reconciliation, which ought not to be used as a substitute for bringing perpetrators to justice. The Working Group called upon Governments to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to accept the competence of the Committee-to-be under articles 31 and 32 of the Convention.

## **G. General comments on enforced disappearance as a crime against humanity**

39. As a result of the development of international law, the Working Group is working on a series of general comments, including on enforced disappearance as a continuous crime and continuous human rights violation. In 2009, the Working Group finalized a general comment on enforced disappearance as a crime against humanity, which was adopted at its eighty-seventh session:

### **General comment on enforced disappearance as a crime against humanity**

#### *Preamble*

The 1992 Declaration for the Protection of All Persons from Enforced Disappearances affirms the connection between enforced disappearances and crimes against humanity. It states, in the fourth preambular paragraph, that the “systematic practice [of enforced disappearances] is by its very nature a crime against humanity”.

The Working Group considers that this provision needs to be interpreted in the view of legal developments which have occurred since 1992.

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

#### *General comment*

1. The notion of crimes against humanity has been recognized for a long time in international law. The connection between enforced disappearances and crimes against humanity was explicitly acknowledged in the 1983 Resolution 666 (XIII-0/83) of the General Assembly of the Organization of American States, which described the practice of enforced disappearances *per se*, as a crime against humanity: in other words, any act of enforced disappearance is considered, according to this text, to be a crime against humanity.

2. The 1994 Inter-American Convention on Forced Disappearance of Persons reaffirms, in its sixth preambular paragraph, “that the systematic practice of enforced disappearances of persons constitutes a crime against humanity”.
3. Article 18 of the 1996 International Law Commission draft Code of Crimes Against Peace and Security for Mankind defines crimes against humanity as the following: “A Crime against Humanity means any of the following acts, when committed in a systematic manner or on a large scale and instigated or directed by a Government or any organization or group”; this definition is applicable to all crimes enumerated in the article, among which enforced disappearances.
4. Article 7, paragraph 1, of the 1998 Rome Statute establishing the International Criminal Court also gives a general definition of the concept of crime against humanity, applicable to all crimes listed in the above-mentioned paragraph, including enforced disappearance. This definition includes several criteria: “For the purposes of this present Statute ‘crimes against humanity’ means [any of the following] acts where committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”
5. Article 5 of the 2006 International Convention on the Protection of All Persons against Enforced Disappearance states: “The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.”
6. This provision, while recalling the criteria which are similar to those enunciated in the draft Code of the International Law Commission, is in fact essentially referring to other instruments or sources of international law, by mentioning “crime against humanity *as defined in applicable international law*”. The *travaux préparatoires* confirm that States did not intend to give a “definition” of enforced disappearances as a crime against humanity, but mainly to recall that, in accordance with other instruments and sources of international law, this qualification was accepted.
7. Drawing from the case law of international tribunals, as well as from the Statute of the International Criminal Court, it can be seen that crimes against humanity are crimes which are committed in a context. In other words, crimes against humanity are characterized by contextual elements. Those specific elements make it possible to differentiate, for instance, murder as a common crime from murder when occurring as a crime against humanity.
8. The same applies to enforced disappearances, which can only be qualified as crimes against humanity when committed in a certain context.
9. Thus, the fourth preambular paragraph of the 1992 Declaration is no longer in line with existing international law. Persuasive evidence of existing international law on this matter can be found in the case law of the international criminal tribunals, as well as hybrid tribunals and in the Rome Statute of the International Criminal Court.
10. The case law of the two ad hoc international criminal tribunals has been settled, among others, by the judgement of the ad hoc International Criminal Tribunal for the former Yugoslavia Appeals Chamber in the *Kunarac and others* case (12 June 2002, IT-96-23 & 23/1-A, see paras. 71–105), in which the Appeals Chamber considered that the contextual elements of the crime against humanity are the following:
  - (a) There has been an “attack”;

- (b) The attack was targeting any civilian population;
- (c) This attack must have been widespread *or* systematic;
- (d) The perpetrator had knowledge of the attack.

11. These same elements are repeated in article 7 (1) of the Statute of the International Criminal Court which states: “For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

12. The Statute of the International Criminal Court has been ratified by more than 100 countries. In a landmark decision, Preliminary Chamber I of the International Criminal Court extensively cited the *Kunarac* judgement to interpret article 7 (1) (*The Prosecutor v. Ahmad Muhammad Harun (“Ahmad Harun”) and Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”)*, No. ICC-02/05-01/07, Decision on the Prosecutor application under article 58 (7) of the Statute, 27 April 2007, paras. 60–62).

13. It is also to be noted that article 7 (1) has been incorporated in the statutes of other international and hybrid tribunals, including those of the Sierra Leone Special Court, the Special Panels for Serious Crimes in Timor-Leste and the Extraordinary Chambers in the Courts of Cambodia.

14. The Working Group is thus convinced that the definition given by article 7 (1) of the Statute of the International Criminal Court now reflects customary international law and can thus be used to interpret and apply the provisions of the Declaration.

15. When there are claims of practices of enforced disappearances which may amount to crimes against humanity, the Working Group will evaluate these claims in the light of the criteria listed in article 7 (1) of the Rome Statute, as interpreted by international and hybrid tribunals, and, if appropriate, will refer them to the competent authorities, be they international, regional or domestic.

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

#### Afghanistan

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

<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

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

### Information from the Government

40. On 26 June 2008, the Government of Afghanistan transmitted a communication on three outstanding cases, which for technical reasons was not received by the Working Group. The Government of Afghanistan retransmitted the information on 16 April 2009. This information was insufficient to clarify the cases.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Albania

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

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

### Standard procedures

43. The Working Group transmitted one newly-reported case to the Government concerning **Remzi Hoxha**, an ethnic Albanian from Macedonia, who disappeared in 1995 in Tirana.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Algeria

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 212</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>	
2 704	1	211	0	3	2 912

<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

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	None

### Urgent actions

46. The Working Group sent one case to the Government under its urgent action procedure on 9 April 2009. The case concerned **Moussa Rahli**, who was arrested on 17 March 2009, by the Department of Investigation and Security Services at his home in Boumerdes Province. The case was subsequently clarified by information from the source.

**Standard procedures**

47. The Working Group transmitted 211 newly-reported cases to the Government. The majority concerned persons who disappeared between 1992 and 1999, in Constantine, Tipaza, Algiers, Jijel and Oran. Most disappearances are attributed to the Police, the Military and the Department of Investigation and Security Forces.

**Information from sources**

48. The Working Group received new information from sources on three outstanding cases.

**Clarification**

49. Following the information received by sources, the Working Group decided to clarify three cases.

**Meetings**

50. The Government of Algeria met with the Working Group at its eighty-ninth session to discuss developments connected to its outstanding cases. The Working Group was impressed by the commitment shown by the Government in resolving the cases before the Working Group.

**Prompt intervention**

51. On 8 January 2009, the Working Group sent a joint communication, together with two other special procedure mechanisms, regarding the threats and acts of intimidation suffered by a human rights defender due to his activities related to the investigation of enforced disappearances and following his meeting with the Working Group in December 2008.

52. On 29 September 2009, the Working Group sent a prompt intervention letter to the Government of Algeria regarding the alleged harassment of families of victims of enforced disappearance who allegedly are forced to request for a presumption of death certificate and ask for compensation.

**Request for a visit**

53. On 25 August 2000, the Working Group requested an invitation to undertake a mission to Algeria. Notwithstanding several reminders a reply has not been received.

**Total cases transmitted, clarified and outstanding**

54. Since its establishment, the Working Group has transmitted 2,939 cases to the Government; of those, 18 cases have been clarified on the basis of information provided by sources, 9 cases have been clarified on the basis of information provided by the Government, and 2,912 remain outstanding.

**Observations**

55. It is gratifying that after a long period of absence, the Government of Algeria has begun a process of dialogue and cooperation with the Working Group. The Government came to the eighty-ninth session with a document on 1,850 cases which the Working Group has not yet had an opportunity to review. The spirit of cooperation shown by the Government of Algeria is commendable and hopefully it will lead to a resolution of the many cases that remain outstanding.

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

57. The Working Group requests the Government of Algeria for a country visit aimed at clarifying the 2,912 outstanding cases.

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

## Angola

<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

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

### Information from the Government

59. The Working Group received one communication from the Government on 23 April 2009, requesting the Working Group to provide more information on three outstanding cases.

### Total cases transmitted, clarified and outstanding

60. Since its establishment, the Working Group has transmitted 10 cases to the Government; of those, 7 cases have been clarified on the basis of information provided by sources and 3 remain outstanding.

### Observations

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



## Argentina

<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>	
3 286	1	3	0	0	3 290

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

General allegations	N/A	Government response	N/A
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	N/A	Government response	N/A

### Urgent actions

62. The Working Group sent one case under the urgent action procedure to the Government. The case concerned the minor **Luciano Nahuel Arruga**, 16 years old, who was arrested on 31 January 2009, by police officers and taken to the Police Department in Lomas del Mirador in La Matanza, Piedras, Province of Buenos Aires.

### Standard procedures

63. The Working Group transmitted three newly-reported cases to the Government. The first two cases regarded **Jorge Hugo Martínez Horminoguez** and **Marta Beatriz Severo Barreto** who were arrested by Argentinean and Uruguayan army officers at their home and last seen in Pozo de Quilmes, Argentina, in 1978. In accordance with its methods of work, the Working Group sent a copy of these cases to the Government of Uruguay. The third case concerned **Hector Hipolito Quijano**, who was allegedly abducted by police officers in May 2006.

### Information from the Government

64. The Government transmitted five communications on 11 and 25 March, 8 May, and two on 12 August 2009 concerning outstanding cases. The information transmitted was insufficient to clarify the cases. However, the Government reported that one child born in captivity and whose case was filed under her parents' names, had been found and identified.

### Information from sources

65. The Working Group received new information from sources regarding a child born in captivity. The child, whose case was filed under her parents' names, had been found and identified.

### Prompt intervention

66. On 6 May 2009, the Working Group sent a prompt intervention letter to the Government of Argentina regarding the intimidation and threats suffered by a man, who was a witness in the hearings of criminal trials related to enforced disappearances.

### Total cases transmitted, clarified and outstanding

67. 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 sources, 107 cases have been clarified on the basis of information provided by the Government, and 3,290 remain outstanding.

### Observations

68. The Working Group notes with satisfaction that two children born in captivity had their true identities restored.

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

## Azerbaijan

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

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

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

### General allegations

70. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

71. It was reported that in 2002, the Government of Azerbaijan was involved in a practice of renditions and secret detention. The victims of rendition were held in prolonged detention in secret facilities, with no access to the International Committee of the Red Cross (ICRC), no notification to their families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. The role of the Government in this practice allegedly included the detention of persons inside its territory and their extrajudicial transfer overseas. This practice is believed to amount to enforced disappearance.

72. The Working Group regrets that no response was received from the Government.

### Observations

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

### Bahrain

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 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	
General allegations	Yes	Government response	No		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

### Urgent actions

74. According to the Working Group's methods of work, the Government of Bahrain received a copy of the case concerning **Mr. Abdullah Madjed Sayah Al Nuaimy**, who

was arrested at King Fahd bridge, on the border of Saudi Arabia and Bahrain, by Saudi Arabian police officers in October 2008. This case is recorded under the Government of Saudi Arabia.

#### Information from the Government

75. On 26 October 2009, the Government confirmed its interest in this case.

#### Observations

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

### Bangladesh

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 1</i>		<i>Cases clarified during the period under review: 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>	
3	0	1	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>
3	No	0

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

#### Standard procedures

77. The Working Group transmitted one newly-reported case to the Government regarding **Md Hasan Khan** who was arrested on 25 May 2008, at the counter of Dhaka Paribahan, in Dhaka, Bangladesh, by the Six Rapid Action Battalion personnel.

#### Information from the Government

78. The Government transmitted two communications dated 30 December 2008 and 6 January 2009, concerning three outstanding cases. Based on the information received from the Government, which provided the home address where one of the victims is currently living, the Working Group decided to apply the six-month rule. Concerning the two other cases, the Government indicated that the investigations were ongoing.

### Clarification

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

### Total cases transmitted, clarified and outstanding

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

### Observations

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

### Belarus

<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

General allegations	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

82. The Working Group received three communications from the Government dated 3 February, 5 June and 2 September 2009, regarding outstanding cases. The information provided was considered insufficient to lead to clarification.

### Information from sources

83. Additional information was received from sources concerning one case.

## **General allegations**

### **Summary of the allegations**

84. Information was submitted by sources to the Working Group concerning obstacles reportedly encountered in the implementation of the Declaration. On 15 May 2009, after its eighty-seventh session, the Working Group transmitted a general allegation to the Government.

85. It was reported that high ranking officials of Belarus are not being investigated for their involvement in the crime of enforced disappearance as a practice to remove political opponents. According to the information received, the Government is using a delaying technique of postponing or extending investigations to reach a 15-year statute of limitations after which a case can be closed. Additionally, it has been reported that the families of the victims of enforced disappearance have not received detailed information from the Government about the course of the investigations.

86. It has been further reported that in one case the Minsk Oktyabrskiy District Court has suspended the hearing of applications for presumption of death, even though the legislation establishes that if a person does not appear after three years of his or her disappearance, a legal presumption of death can be issued. According to the source, the Minsk Oktyabrskiy District Court decided that a civil case cannot be renewed until the criminal case is closed.

### **Reply from the Government**

87. A response was received from the Government, on 5 June 2009, stating that investigations had started promptly for all three cases. For two of those cases the conclusion was reached that the victims were abducted by unidentified persons and driven away to an unknown destination. The Government affirmed that there is no evidence to substantiate the allegation made by the media and the relatives of the victims that high-level government officials and agents of the secret service were involved in the disappearances. It stated that the allegation that the investigations have been suspended is incorrect: they are ongoing but further details cannot be revealed until they are completed.

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

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

### **Observations**

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

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

## Bhutan

<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>
0	N/A	0

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

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

### Observations

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

## 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>
22	Yes	0

General allegations	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### **Information from the Government**

93. On 18 November 2008, the Government replied to the general allegation sent on 16 September 2008, and provided information regarding 22 outstanding cases, which could not lead to clarification.

94. On 29 May 2009, the Government provided information on one case that did not lead to clarification and on a project on clarification of cases of enforced disappearances that occurred between 1974 and 1982.

### **Information from sources**

95. The source provided additional information on one case, stating that those responsible for the disappearance had not yet been sanctioned. The source also noted that this case had been submitted to the Inter-American Commission on Human Rights and is currently under consideration by the Inter-American Court of Human Rights.

### **General allegations**

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

96. On 18 November 2008, the Government of Bolivia replied to the general allegation sent on 16 September 2008 (see A/HRC/10/9, paras. 71 to 77) explaining that the National Commission on Reparations to Victims of Political Violence (CONREVIP) is comprised of a representative of different ministries, of the legislature, the Episcopal Conference and trade unions, and adopts decisions by a majority of two thirds of its members. The proceedings and decisions of CONREVIP, therefore, do not depend solely on the Ministry of Justice.

97. According to Act No. 2640 and its Regulatory Decree No. 28015, the administrative procedure was initiated on 1 March 2005 with the receipt of provisional applications from possible beneficiaries of exceptional reparations.

98. The CONREVIP had 60 working days from 5 November to adopt explicit and reasoned decisions on each case. By 30 January 2008, decisions had been adopted on roughly 20 per cent of the various acts eligible for reparations and 152 applications for review of the acts eligible for reparations had been received.

99. The Ministry of Justice has carried out all activities required under Act No. 2640. However, it has not yet completed all of its work because of the shortage of human resources on the technical support team and because most CONREVIP members are unable to work on a full-time basis.



100. In accordance with Act No. 2640, a financial management project that guarantees 80 per cent of payments to beneficiaries under the Act has been elaborated. Since August 2006, steps have been taken to obtain funds through international cooperation. Financial assistance has been requested from several institutions. The Inter-American Development Bank, USAID, the European Union and the Vice-Ministry for Public Investment and External Financing have turned down the request for cooperation under this heading and other agencies requested have not yet responded to the letters sent.

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

101. Since its establishment, the Working Group has transmitted 48 cases to the Government; of those, 1 case has been clarified on the basis of information provided by sources, 19 cases have been clarified on the basis of information provided by the Government, and 28 remain outstanding.

#### **Observations**

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

### **Bosnia and Herzegovina**

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
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	
General allegations	Yes	Government response	No		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

#### **General allegations**

#### **Summary of the allegations**

103. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

104. It was reported that between 2002 and 2003 the Government of Bosnia and Herzegovina was involved in a practice of renditions and secret detention. The victims of rendition were held in prolonged detention in secret facilities, with no access to the ICRC, no notification to their families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. The role of the Government in this practice allegedly included the detention of persons inside its territory and their extrajudicial transfer overseas. This practice is believed to amount to enforced disappearance.

105. It was further reported that the Government of Bosnia and Herzegovina was allegedly informed of the secret detention of a number of their nationals or residents and provided no information of their fate or whereabouts to their respective families. The Government did not ensure consular access for the victims of rendition, they did not make diplomatic representation on behalf of them to protect their rights and only years later they asked for victims' return.

106. The Working Group regrets that no response was received from the Government.

### Observations

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

### 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	
General allegations	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	N/A		Government response	N/A	

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

### Observations

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

## 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

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

110. 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

111. On 27 May 2009, the Working Group requested an invitation to visit the country.

### Observations

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

## Cameroon

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

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

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

113. Two communications were received from the Government on 7 January and 17 June 2009. The first provided information on one case but it was insufficient to clarify it. The second was not translated in time for inclusion in this report.

### Total cases transmitted, clarified and outstanding

114. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the Government; 15 remain outstanding.

### Observations

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

## Chad

<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: 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>	
29	1	1	0	1	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>
0	N/A	0

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Urgent actions

116. One case was sent to the Government of Chad under the urgent action procedure. It concerned **Issa Palkoubou**, arrested by National Security Officers at the American Languages Centre in N'Djamena in December 2008.

### Standard procedures

117. The Working Group transmitted one newly-reported case to the Government concerning **Ibni Oumar Saleh**, arrested by military officers in February 2008.

### Information from sources

118. Information was received from sources concerning two cases.

### Clarification

119. Following information received by sources, the Working Group decided to clarify one case.

### Total cases transmitted, clarified and outstanding

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

## Observations

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

## Chile

<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: 8</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
816	0	0	8	0	807 <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>
17	Yes	1

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## Information from the Government

122. The Government transmitted two communications dated 18 August 2008 and 24 March 2009. In the first communication the Government provided information on 17 cases. Based on the information received from the Government, the Working Group decided to apply the six-month rule to eight cases. Concerning the other eight cases, the information provided did not lead to clarification. On the remaining case, the Government provided information on the correct spelling of the name of the victim.

123. In the second communication, the Government provided information on three cases. For one case, the Working Group decided to apply the six-month rule at its eighty-ninth session, for another case the Working Group sent the information received to sources for validation. Concerning the third case, the Government informed the Working Group that the name of the victim does not correspond to any case included in the records of the National Truth and Reparation Commission or to the National Reparation and Reconciliation Board.

<sup>1</sup> The Working Group determined that one case was duplicated and was subsequently eliminated from its records.

### Information from sources

124. The source provided information on one case confirming the correct spelling of the name of the victim as provided by the Government.

### Clarification

125. Following the expiration of the six-month rule, the Working Group decided to clarify eight cases.

### Total cases transmitted, clarified and outstanding

126. Since its establishment, the Working Group has transmitted 907 cases to the Government; of those, 23 cases have been clarified on the basis of information provided by sources, 77 cases have been clarified on the basis of information provided by the Government, and 807 remain outstanding.

### Observations

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

## 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: 2</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>	
29	2	0	3	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>	
2		No		0	
General allegations	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

### Urgent actions

128. The Working Group sent two cases under its urgent action procedure to the Government. One concerned **Zhisheng Gao**, one of China's foremost human rights lawyers, who was arrested at his hometown in Jiaxian County, Shaanxi Province, by

security police officers in January 2009. The other one concerned **Yungjun Zhou**, arrested on 25 September 2008, and last seen in March 2009, at Yantian Detention Centre in Shenzhen, Guangdong.

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

129. On 14 April 2009, a communication was received from the Government. Its content is as follows: "Receipt is hereby acknowledged of communication No. G/SO 217/1 CHINA from the United Nations Human Rights Council's Working Group on Enforced or Involuntary Disappearances. The Chinese Government has looked into the matter carefully and wishes to make the following reply. China is a State governed by the rule of law, and its public security authorities deal with cases in strict accordance with the law. Gao Zhisheng is currently on probation in Beijing, and there is no question of any enforced disappearance. The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in a relevant United Nations document."

130. Two other communications were received on 6 June and 9 September 2009. The first regarding one case: the information included was insufficient to lead to a clarification. The second one could not be translated in time for inclusion in this report.

#### **Information from sources**

131. Information was received from sources concerning two cases.

#### **Clarification**

132. Following the expiration of the six-month rule, the Working Group decided to clarify three cases.

#### **Communications from the Working Group**

133. On 12 October 2009, the Working Group, jointly with four other special procedures mechanisms, sent a communication concerning **Ms. Liang Liwan** who had been allegedly abducted on 23 September 2009, because of her activities related to forced evictions and demolitions.

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

134. Since its establishment, the Working Group has transmitted 116 cases to the Government; of those, 11 cases have been clarified on the basis of information provided by sources, 77 cases have been clarified on the basis of information provided by the Government, and 28 remain outstanding.

#### **Observations**

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



## Colombia

<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: 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>	
955	0	8	0	0	963

<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>
37	No	0

General allegations	Yes	Government response	Yes
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	N/A	Government response	N/A

### Standard procedures

136. The Working Group transmitted eight newly-reported cases to the Government. The first seven cases concerned **Israel Roca Martínez, Edilbero Linares Correa, Jaime Barrios Ovalle, Mario Anillo Trochez, Danilo Carrera Aguancha, Hugo Quintero Solano** and **Carlos Ibarra Bernal**, experts of the Technical Investigation Brigade who disappeared together on 9 March 2000, in Manguillo village, La Paz, department of Cesar, while they were exhuming the body of a person who had been killed by the paramilitary group Autodefensas Unidas de Colombia. It is alleged that they were abducted by members of the same paramilitary group. The remaining case concerned **Jose Luis Suarez Eraso**, abducted in Medellin by paramilitary agents with the involvement of the military in January 2009.

### Information from the Government

137. Six communications were received from the Government dated 5 January, 17 February, 20 May, 13 July, 24 and 29 September 2009. The first communication concerns the actions undertaken by the Government to follow-up on the recommendations made by the Working Group after its visit to the country in July 2005, the content of which could not be translated in time for inclusion in this report. The second and third communications provide information on 37 cases, which did not lead to clarification. The fourth and fifth communications include replies to the general allegations sent by the Working Group on 15 May and 22 July 2009, which were not translated in time for inclusion in this report. The last communication provided information on document CONPES 3590 aimed at consolidating the mechanisms of search and identification of disappeared people in Colombia.

**Prompt intervention**

138. On 28 April 2009, the Working Group sent a joint communication, together with another special procedures mechanism, regarding the intimidation suffered by a human rights organization due to its activities related to the investigation of enforced disappearances.

139. On 9 June 2009, the Working Group sent a communication regarding the intimidation suffered by the members of the family of a victim of enforced disappearance on the eve of the trial of the alleged perpetrator. The same family was the subject of a similar communication sent to the Government on 6 October 2006.

**General allegations****Summary of the allegations**

140. Information was submitted by sources to the Working Group concerning obstacles allegedly encountered in the implementation of the Declaration. This information was transmitted to the Government through two general allegations.

141. On the first general allegation, sources reported that, on 12 November 2008, the First Commission of the Colombian Chamber of Representatives approved the Draft Law 044/08, known as the “Victims Law”, which established measures for reparations and protection of victims of the Colombian armed conflict.

142. According to sources, this draft law is discriminatory as victims can only benefit from it provided they register within two years of its approval. In this regard, sources alleged that the draft law fails to acknowledge that disappearances still occur in Colombia because of the ongoing internal conflict and that it also hampers the principle of non-applicability of statutory limitations for crimes against humanity.

143. It was also alleged that the draft law does not allow victims who received compensation to ask for reparation at a later date through judicial procedures. In addition, the draft law reportedly excludes victims of violations of international humanitarian law and restricts the category of perpetrators to certain members of the public forces, including the military and the police, and excludes other categories such as members of the intelligence services.

144. Furthermore, the draft law allegedly excludes from the definition of victim the family members of the disappeared thus preventing them from receiving compensation. It also fails to acknowledge the State’s responsibility in compensating victims as it provides that the State will compensate victims based on the solidarity principle.

145. In the second allegation, sources reported that, despite the fact that the farm “La Alemania”, in Sucre, is known to contain the graves of peasant farmers allegedly murdered in 1997 by paramilitaries, it is not possible to verify whether there are bodies buried there and, if there are, to identify them. It was further reported that the Attorney General’s office found two graves with four bodies and that these bodies had been tipped into a well and thrown behind a house.

146. It was also reported that the Attorney General’s office failed to inform the families of the victims — including the legal co-owners of the farm — that it was going to search for and/or exhume graves. The source further alleged that the lack of rigorous investigations prevents exhumed bodies from being identified thus denying families the possibility of recovering their loved ones. In addition, it was alleged that families do not know at what stage, if any, the Attorney General’s office investigations are, and they are concerned that the remains of the victims, if found, could be kept in boxes labelled “person unknown” and destroyed later, as occurred in other parts of Colombia.

147. The sources also alleged that paramilitaries that took over the farm in 1997, despite some of them being in jail, are intimidating the families who are searching for their relatives thus demonstrating the level of impunity and disregard for justice in Colombia. It was further reported that the site is not protected and therefore the bodies or other evidence may be destroyed.

### Replies from the Government

148. On 13 July and 24 September 2009, the Government replied to both general allegations. The replies could not be translated in time for inclusion in this report.

### Total cases transmitted, clarified and outstanding

149. Since its establishment, the Working Group has transmitted 1,235 cases to the Government; of those, 67 cases have been clarified on the basis of information provided by sources, 205 cases have been clarified on the basis of information provided by the Government, and 963 remain outstanding.

### Observations

150. The Working Group thanks the Government for its report on the implementation of the recommendations made after its visit to the country in 2005 and hopes that this is the beginning of a mutual cooperation to deal with all the recommendations. The Working Group looks forward to start working on a follow-up report.

151. The Working Group expresses concern about the number of cases of intimidation and reprisals. In this connection, it reminds the Government of its obligation to protect against ill-treatment, intimidation or reprisal according to articles 13, paragraph 3 (protection against ill-treatment, intimidation or reprisal) and 13, paragraph 5 (ill-treatment, intimidation or reprisal should be punished) of the Declaration.

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

## Congo

<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>	
114	0	0	0	0	114
<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

General allegations	N/A	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

153. The Government transmitted one communication to the Working Group, dated 17 April 2009, replying to a general allegation sent in 2004 (E/CN.4/2005/65).

### General allegations

#### Reply from the Government

154. In a communication dated 17 April 2009, the Government of the Republic of Congo responded to the Working Group's general allegation sent in 2004. It stated that in 2005, the return of peace and security in large towns and the restoration of administrative services and the judiciary enabled the Brazzaville Criminal Court to hold a session to clarify the "Beach Disappearances" case. In its Judgement No. 006 of 17 August 2005, the Court ordered the Government to pay 10 million CFA francs to each missing person's family. Compensation has been paid in 84 cases in which it has been established that a person had gone missing. Forty-three (43) cases were dismissed because some claimants were not included in the list and others had not signed the declaration of good faith. The judgement of the Brazzaville Criminal Court was confirmed by the Supreme Court of the Congo which increased the compensation awarded to the survivors of the missing persons.

### Observations

155. Following the information provided by the Government on 17 April 2009, the Working Group looks forward to receiving the names of all those persons who disappeared as well as those of the 84 persons whose families received compensation.

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

## Cyprus

<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

General allegations	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## **General allegations**

### **Summary of the allegations**

157. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

158. According to the reports, the Government of Cyprus was involved in 2003 in a practice of renditions and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of the airports of Cyprus to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Governments, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

### **Reply from the Government**

159. On 14 July 2009, a response was received from the Government regarding this general allegation. It stated that the Republic of Cyprus is a party to a number of international legal instruments which govern the transfer and extradition of sentenced persons and has signed a number of relevant bilateral agreements with third countries. For the period in question, the Government records that no suspected flights of secret renditions have used its airports.

160. Regarding the measures undertaken by the Government, the Council of Ministers on 31 August 2006 decided that for suspicious and irregular flights for which there was a request to use the airports in Cyprus, the authorities should request more information and may inspect the interior of such aircrafts.

161. Regarding the investigations undertaken by the Government, and following a request by the Secretary-General of the Council of Europe, an inquiry was launched by the Legal Service of the Republic with all police departments, districts and services concerning unacknowledged deprivation of liberty between 2002 and 2005. No such instance has been ascertained; the Government has never been informed of any illegal activities by foreign secret services on its national territory, nor would it tolerate them. Finally, there are no secret detention centres in its territory nor has the Government been asked by other countries to grant permission for such places of detention.

162. Regarding the remedy available for victims of enforced disappearances and their families, the Government reported that domestic legislation provides for effective investigation, criminal prosecution of those responsible and compensation. There exist safeguards against enforced disappearances including: the prohibition of arbitrary deprivation of liberty, every person arrested must be brought in front of a judge within 24 hours, a person detained illegally can be released immediately under an order of habeas corpus. Investigations can be carried out by independent investigators, the police, commissions of inquiry and the Ombudsman can lead to criminal prosecution and punishment. Members of foreign agencies in the territory of Cyprus are subject to all laws and constitutional provisions of the country. Violations of any of the rights of persons arrested and/or detained gives rise to a civil right to claim for compensation against the State and the person who perpetrated the violation.

### Observations

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

### Czech Republic

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

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

General allegations	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### General allegations

#### Summary of the allegations

164. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

165. According to the reports, the Government of the Czech Republic was involved in 2003 in a practice of renditions and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of the airports of the Czech Republic to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Governments, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

166. The Working Group is concerned about the involvement of the Government, including the police, military and others, in the practice of renditions and secret detention.

167. The Working Group regrets that no response was received from the Government.

### Observations

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

### Democratic People's Republic of Korea

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

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

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

169. The Government transmitted two communications to the Working Group, dated 19 January and 27 April 2009, in which it replied on all outstanding cases. The information was considered insufficient to clarify them.

**Information from sources**

170. Information was received from sources concerning cases.

**Total cases transmitted, clarified and outstanding**

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

**Observations**

172. The Working Group notes that, unfortunately, there has been no further progress with Japan regarding abducted people.

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

**Democratic Republic of the Congo**

<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>	
43	0	1	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	
General allegations	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

**Standard procedures**

174. The Working Group transmitted one newly-reported case to the Government concerning **Joseph Mulinda Habi Buganza**, abducted by Rapid Intervention Police officers in August 1998 in Kinshasa.

**Total cases transmitted, clarified and outstanding**

175. Since its establishment, the Working Group has transmitted 53 cases to the Government; of those, 3 cases have been clarified on the basis of information provided by



sources, 6 cases have been clarified on the basis of information provided by the Government, and 44 remain outstanding.

### Observations

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

### Denmark

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

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

### General allegations

#### Summary of the allegations

177. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

178. According to the reports, the Government of Denmark was involved in 2003 in a practice of rendition and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of the airports of Denmark by planes to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Governments, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

179. The Working Group is concerned about the involvement of the Government, including the police, military and others, in the practice of rendition and secret detention.

180. The Working Group regrets that no response was received from the Government.

### Observations

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

## Dominican Republic

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>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

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

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

### Communications from the Working Group

183. On 14 October 2009, the Working Group, jointly with another special procedures mechanism, sent an urgent communication to the Government concerning the abduction by police officers of **Juan Almonte Herrera** on 28 September 2009. No response was received from the Government.

### Observations

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

## 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>
4	Yes	0

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

185. The Government transmitted one communication dated 1 December 2008, in which information was provided on one outstanding case. The information did not lead to a clarification. Another communication was transmitted on 9 January 2009, concerning the way the information is received by the Working Group. On 15 May 2009, the Government sent a new communication regarding all outstanding cases which did not lead to a clarification. Moreover, a communication dated 29 July 2009 was sent informing the Working Group that the Constitutional Court of Ecuador issued a decision declaring that the text of the International Convention for the Protection of All Persons against Enforced Disappearance fully complies with the Constitution of the country. Finally, a communication was sent on 12 October 2009 in which the Government informed the Working Group that the President of the Republic, by Executive Decree, had ratified the International Convention for the Protection of All Persons against Enforced Disappearance in full and that the Convention would be part of the Ecuadorian legal system once the decree is published in the Official Registry.

### Information from sources

186. Additional information was received from sources regarding one case, including the confirmation of the correct spelling of the name of the victim as provided by the Government in September 2008.

### Meetings

187. The Government of Ecuador met with the Working Group at its eighty-seventh session to discuss developments connected to its outstanding cases.

### Invitation for a visit

188. On 8 January 2009, the Government reiterated its invitation to the Working Group to undertake an official visit to the country in 2009. On 9 January 2009, the Working Group thanked the Government for the invitation but during the meeting it explained that the situation in the country does not require its immediate attention.

### Total cases transmitted, clarified and outstanding

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

### Observations

190. The Working Group thanks the Government for the invitation and for its cooperation.

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

## 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: 18</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
15	17	1	0	0	33
<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	
General allegation	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

### Urgent actions

192. The Working Group sent 17 cases under its urgent action procedure to the Government. The first case concerned **Diaa El-Din Gad**, student and political activist, who was arrested on 6 February 2009, in Semeli district, Quotor, Tanta, Egypt, by members of the security forces. On 2 September 2009, the Working Group sent an urgent action to the

Government concerning **Mohamed Fahim Hussein, Khaled Adel Hussein, Ahmed Adel Hussein, Mohamed Salah Abdel Fattah, Mohamed Hussein Ahmed Hussein, Adel Gharieb Ahmed, Ibrahim Mohamed Taha, Sameh Mohamed Taha, Ahmed Saad El Awadi, Ahmed Ezzat Ali, Samir Abdel Hamid el Metwalli, Ahmed El Sayed Nasef, Ahmed Farhan Sayed Ahmed, Ahmed El Sayed Mahmoud el Mansi, Mohamed Khamis El Sayed Ibrahim, and Yasser Abdel Qader Abd El Fattah Bisar**, who were allegedly abducted by State Security Intelligence agents between 2 and 8 July 2009.

### Standard procedures

193. The Working Group transmitted one newly-reported case to the Government regarding **Adel Salih Musa**, a Sudanese citizen, who disappeared in September 1983 in Aswan, Egypt, as military officers and members of the Egyptian Government were allegedly responsible for his disappearance. In accordance with its methods of work, the Working Group sent a copy of this case to the Government of the Sudan.

### Total cases transmitted, clarified and outstanding

194. Since its establishment, the Working Group has transmitted 41 cases to the Government; of those, 1 case has been clarified on the basis of information provided by sources, 7 cases have been clarified on the basis of information provided by the Government, and 33 remain outstanding.

### Observations

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

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

## 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>	
2 270	0	0	0	0	2 270

<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

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

197. 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. The country visit report is contained in document A/HRC/7/2/Add.2.

### Observations

198. The Working Group sent a letter to the Government requesting a report on the implementation of its recommendations following its country visit in 2007. The Working Group regrets that no such report was received, and requests a response as soon as possible.

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

### Equatorial Guinea

<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>	
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

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

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

## Observations

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

## Eritrea

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
54	0	0	0	0	54

<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

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

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

## Observations

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

## Ethiopia

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

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

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

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

### Observations

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

### France\*

<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

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

\* 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.



206. 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.

### Observations

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

## Gambia

<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

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

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

### Observations

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

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

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

### Standard procedures

210. The Working Group transmitted one newly-reported case to the Government, concerning **Paata Kardava**, who disappeared on 27 August 2008 on Kostava Street, Zugdidi, Georgia. State agents are allegedly responsible for his disappearance.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Germany

<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	No		0
General allegation	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### **Information from the Government**

213. The Working Group received one communication from the Government on 1 October 2009 in reply to the general allegation.

### **General allegations**

#### **Summary of the allegations**

214. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

215. It was reported that, between 2001 and 2005, the Government of Germany was involved in a practice of rendition and secret detention. Victims of rendition were generally held in prolonged detention in secret facilities, with no access to the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance.

216. The role of the Government in this practice allegedly included the facilitation of information by the national intelligence agencies to other intelligence agencies, which is likely to have facilitated the illegal apprehension and transfer of a number of individuals.

217. There were also allegations according to which airports in Germany were used by planes to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearance were transported in and out of Europe. The Government allegedly allowed these planes to land on its territory without adopting any measure to prevent their use for secret detention and rendition.

218. There were also reports that the Government of Germany was allegedly informed of the secret detention of a number of their nationals and provided no information of their fate or whereabouts to their respective families. The Government did not ensure consular access for the victims of rendition, did not make any diplomatic representation on behalf of them to protect their rights, and did not seek to facilitate their return.

219. There is also concern that the Government of Germany participated in interrogations of detainees, held in detention in secret locations. Some of them may have been subjected to torture or other ill-treatment.

220. According to reports received, the Government of Germany was reluctant to investigate thoroughly allegations of enforced disappearance connected to renditions by claiming confidentiality on national security or State secrecy. Prosecutors in Germany investigated cases of abductions and other crimes carried out on their territories or against their nationals which led to extradition requests. It reportedly failed to undertake effective, independent and impartial investigation into the role of State officials and the use of State territory in connection with enforced disappearance. Reportedly, investigations and determinations of human rights complaints in cases of rendition and secret detention were blocked by the Government. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

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

221. On 1 October 2009, a response was received from the Government denying these allegations, stating that neither the German Government nor the national services under its control have participated in the alleged practices or approved them.

222. An independent investigation was commissioned by the Parliamentary Committee of Inquiry and the final report was presented to, and adopted by, the German Bundestag on 18 June 2009. According to the conclusion, out of 20 alleged renditions, only 2 cases could be proved. In both cases the Government was informed only after the rendition of the persons. German authorities had no direct or indirect involvement in the flights or in the preceding arrests. Evidence of further flights could not be produced.

223. The assertion that secret detention centres existed on German federal territory could not be confirmed in the investigations conducted by the independent investigator and the Committee of Inquiry. The existence of secret detention centres on German territory must therefore be denied.

224. Concerning the claim that German authorities provided foreign intelligence services with information that resulted in people becoming victims of enforced disappearance, the Government of Germany stated that the exchange of information between German security agencies and the intelligence agencies of allied States takes place exclusively within the framework of the relevant legal admissibility requirements.

225. Furthermore, the Government of Germany has been informed about four cases of renditions or enforced disappearances concerning the Federal Republic of Germany. The German authorities did not directly or indirectly participate in arresting these persons or in rendering them for imprisonment. In two cases the German missions responsible for consular assistance had no knowledge of their imprisonment and were therefore unable to ensure that their rights were observed or guarantee consular protection; in another two cases the German authorities worked intensively to guarantee consular protection. However, they were denied access to the detainees and were thereby prevented from effectively exercising consular protection.

226. Regarding the measures adopted to guarantee an effective judicial remedy to people deprived of their liberty and the access of the competent authorities to their places of detention, the Government stated that the public prosecutor's office immediately initiated a preliminary investigation on 19 July 2005 when suspicions emerged concerning the rendition of one person. This investigation not only aimed at reconstructing the facts, but also strove to provide the competent authorities with access to persons deprived of their liberty. As soon as the Government became aware that German nationals had been arrested by other States, it engaged in bilateral negotiations in order to guarantee their rights and to secure their release as soon as possible. These negotiations took place within the scope of public international law and primarily by exercising consular protection.

227. Regarding the measures adopted to ensure that persons expelled to other States were not in danger of enforced disappearance, the Government of Germany stated that, in addition to the aforementioned consular protection, it campaigned on behalf of the persons under arrest within bilateral dialogues with the relevant States. Moreover, the Government indicated on several occasions, and at the highest political level, that international obligations and human rights standards were to be observed.

228. Regarding the measures undertaken to ensure that airports on its territory were not used to transport victims of rendition, the Government of Germany reiterated on several occasions that renditions are considered illegal and hence punishable and it officially protested against practices of rendition and detention contradictory to public international law and human rights on several occasions in 2002. The latest edition of the Federal Foreign Office's circular note to all foreign embassies in Germany concerning the regulations on incoming State flights explicitly states that the transport of prisoners outside the normal mutual legal assistance procedures is not permitted.

229. The Government reported that the investigation by the public prosecutor's office initially had priority. The public prosecutor's office has much greater investigative competence than the Federal Office for the Protection of the Constitution as a national intelligence service. This is the desired consequence of the limited investigative powers of the intelligence services. The Parliamentary Committee of Inquiry also commissioned an independent investigator to conduct preliminary preparative inquiries, which produced an initial foundation for the work of the Parliamentary Committee of Inquiry.

230. Regarding which remedy is available for victims of enforced disappearance and their families, the Government stated that it strove to achieve the prompt release of people who were deprived of their liberty. During this common and effective practice of consular protection, family members as well as the legal counsel of the persons under arrest are closely involved and informed.

231. Regarding possible reparation for the victims of enforced disappearances the Government replied that the criteria necessary to justify a claim for the State to assume liability have not been fulfilled and therefore no such reparation will be provided.

### Observations

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

### Greece

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

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

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

### Information from the Government

233. The Working Group received one communication from the Government dated 11 May 2009, regarding the outstanding case. The reply was insufficient to clarify the case.

### Information from sources

234. The Working Group received new information from sources on the case, which did not lead to clarification.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Guatemala

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
2 899	0	0	0	0	2 899

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

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

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

### Information from the Government

238. The Government transmitted three communications, dated 23 September and 19 November 2008 and 11 November 2009.

239. In the first communication, the Government provided information on the measures and investigations undertaken regarding the prompt intervention letter sent by the Working Group on 29 May 2008, on the intimidation and threats suffered by seven persons investigating enforced or involuntary disappearances which occurred in Guatemala.

240. In the second, the Government transmitted a communication with comments on the progress in implementing the recommendations made by the Working Group following its visit to the country.

241. In the third communication, the Government transmitted information which could not be translated in time for inclusion in the present report.

### Observations

242. The Working Group thanks the Government for its report on the implementation of the recommendations made after its visit to the country in 2006. The Working Group is currently preparing a follow-up report.

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

## Guinea

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

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

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

244. 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.

### Communications from the Working Group

245. On 6 October 2009, the Working Group, together with five other special procedures mechanisms, sent a communication concerning the operations carried out by the security forces during the demonstrations that took place in Conakry on 28 and 29 September 2009. According to the information received, the relatives of a number of demonstrators do not have information about their whereabouts.

### Observations

246. The Working Group remains concerned about the situation in Guinea which could create new obstacles in the implementation of the Declaration.

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

## Haiti

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

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



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

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

### Observations

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

### Honduras

<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>	
127	0	0	0	0	127

<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

General allegation	N/A	Government response	N/A
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	N/A	Government response	N/A

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

### Information from the Government

251. On 20 October 2008, the Government transmitted a communication with comments on the progress in implementing the recommendations made by the Working Group following its visit to the country.

### Communications from the Working Group

252. On 28 July 2009, the Working Group sent an urgent communication to the Government concerning **Gerson Evelar Vilches Almendares**, abducted on 24 July 2009 by police officers during the demonstrations in support of President Zelaya.

### Prompt intervention

253. On 6 July 2009, the Working Group sent a prompt intervention jointly with two other special procedures mechanisms to the Government regarding the harassment and threat against Bertha Oliva de Nativí, President of the Comité de Detenidos-Desaparecidos de Honduras (COFADEH).

254. On 30 September 2009, the Working Group sent a prompt intervention jointly with five other special procedures mechanisms regarding the police attack with tear gas against the COFADEH on 22 September 2009.

### Observations

255. The Working Group thanks the Government for its report on the implementation of the recommendations made after its visit to the country in 2007. The Working Group is currently preparing a follow-up report.

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

## India

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 7</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>	
362	0	7	0	0	369
<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>	
19		Yes		0	
General allegation	Yes	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

### Standard procedures

257. The Working Group transmitted seven newly-reported cases to the Government. The cases concerned **Hamanyun Azad**, arrested in Srinager, Jammu and Kashmir, in 1993, **Sajad Ahmed Bazaz**, arrested at his home in Srinager, Jammu and Kashmir, in 1992, **Shabeer Hussain Bhat**, arrested in Srinager, Jammu and Kashmir, in 1994, **Khusheed Amed Butt**, arrested in Baramullah district, Jammu and Kashmir, in 1990, **Javid Ahmad Matto**, arrested in Pulwama, Jammu and Kashmir, in 1993 when he was 13 years old, **Abdul Rashid Mir**, arrested in Kupwara District in 1990, and **Manzoor Ahmed Wani** last seen in Tragpora Village Army Camp, in 2005.

### Information from the Government

258. The Working Group received three communications from the Government on 30 June, 2 July and 20 August 2009, concerning cases, none of which led to clarification.

### Information from sources

259. The Working Group received new information from sources on three cases, which did not lead to clarification.

### General allegations

#### Summary of the allegations

260. The Working Group received information from sources concerning obstacles encountered in the implementation of the Declaration in the country. This information was transmitted to the Government after its eighty-sixth and eighty-eighth sessions through the following general allegations.

261. Regarding the first general allegation, it was reported that the current legal provisions in India hamper the right to a prompt and effective remedy, leading to impunity for cases of enforced disappearances. Allegedly, it frequently requires the order of a Superior Court for police to register complaints against the armed forces when apprehending civilians and not revealing their whereabouts. In addition, investigations are reportedly obstructed by the unwillingness of the armed forces to cooperate with the police, and the reluctance of the police to carry out proper investigations of crimes purportedly involving military personnel.

262. There is also concern that the current legislation, including the Criminal Procedure Code, the Jammu and Kashmir Disturbed Areas Act, the Armed Forces Special Powers Act and the Jammu and Kashmir Public Safety Act, require special sanction from executive authorities to proceed with investigations into alleged crimes committed by State officials. According to the reports received, the Jammu and Kashmir State Government made almost 300 requests to the central Government to prosecute but none were granted. Allegedly, there is no single case where a sanction to prosecute has been given.

263. There were also reports that the ability of victims to have recourse to the judicial process is severely hampered by problems of access, expense, distance, delay and language. Several judges reportedly noted that delays are caused because State officials do not present themselves or file replies. In many cases, State authorities reportedly issue blanket denials or contradictory statements in response to petitions in judicial inquiries. In addition, it is alleged that police complaints are only registered after the Superior Court issues a decision. The case is then often transferred to subordinate courts, which are allegedly severely overburdened and unable to compel State respondents to obey orders.

264. It was also reported to the Working Group that Indian law permits members of the armed forces accused of crimes to be prosecuted by either the military or civilian justice systems. However, the existing legislation such as the Armed Forces Special Powers Act allegedly makes trials by civilian courts unlikely in practice. Court martials are reportedly held in secret and provide no opportunity for families to render their testimony.

265. There is also concern that when the National Human Rights Commission receives complaints of human rights violations by the Armed Forces, it cannot independently investigate the case but can only seek a report from the central government. In addition, the State Human Rights Commission of Jammu and Kashmir is legally unable to order prosecution against members of the security forces without prior sanction by the national Home Ministry.

266. Finally, the Working Group was also informed of alleged harassment, intimidation and coercion of family members to withdraw their complaints. There are some reported cases of violent reprisals for those families seeking redress. In addition, families are allegedly not entitled to any reparation or compensation for the death or disappearances of their family members, even when the perpetrators are identified. The only recourse they have is to receive ex gratia payment, which is only awarded after the families obtain both a death certificate and a certificate from the district authorities indicating that the victim was not involved in militancy. Families are reportedly pressured to drop legal proceedings or withdraw complaints in order to receive ex gratia payment.

267. In a separate allegation it was reported that the Government of India failed to address instances of enforced disappearances in the region of Kashmir, where it is alleged that the number of victims of enforced disappearances is much higher than officially reported.

268. According to the information received, enforced disappearances are being committed by military and paramilitary forces. There are further allegations that these forces at times have informed the families of the disappeared person that the disappeared person has been released, but the victim never returns home. It is also alleged that, on occasion, the family of the disappeared person is told that the disappeared person was killed, while trying to escape, or while engaged in militant activity. It is alleged that some families of the disappeared have been subject to intimidation, and fear reprisals, when attempting to use various remedies to determine the fate and whereabouts of the disappeared person.

269. The Working Group regrets that no response was received from the Government.

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

270. Since its establishment, the Working Group has transmitted 430 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by sources, 51 cases have been clarified on the basis of information provided by the Government, and 369 remain outstanding.

#### **Observations**

271. The Working Group reminds the Government of its obligations under the Declaration, mainly the right to a prompt and effective remedy (art. 9), the obligation to investigate all cases of enforced disappearances (art. 13.1), the obligation to protect against ill-treatment, intimidation or reprisal against those involved in the investigation (13.3), the obligation to make available findings of investigations to those concerned (art. 13.4), and the obligation to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified” (art. 13.6).

272. The Working Group requests the Government to comment on the information contained in the general allegations, which may lead to the clarification of outstanding cases.

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

## Indonesia

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

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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

274. All outstanding cases were retransmitted and regrettably no response was received from the Government. A summary of the situation in the country appears in documents E/CN.4/2006/56 and Corr.1 and A/HRC/10/9.

## General allegations

### Summary of the allegations

275. Information was submitted by sources to the Working Group concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the eighty-sixth session.

276. According to the information received, retired Major General Muchdi Purwopranjono, former Deputy of the State Intelligence Agency, was charged with plotting and ordering the killing of Mr. Munir Said Thalib, former Chairman of the Asian Federation Against Involuntary Disappearances, who was poisoned with arsenic while he was aboard Garuda Airlines, on 7 September 2004, travelling to Geneva to participate in the Inter-Sessional Working Group established to draft the International Convention for the Protection of All Persons from Enforced Disappearances.

277. It was reported that Major General Muchdi Purwopranjono was arrested on 19 June 2008, and in August 2008 the court proceedings started. On 31 December 2008, based on the verdict of the district Court in South Jakarta, Major General Muchdi Purwopranjono was acquitted of all charges and released. The court allegedly did not take into account important evidence brought to light by an independent investigation team formed by virtue of Presidential Decision No. 111/2004 which strongly suggested, through the provision of compelling evidences, the involvement of the State Intelligence Agency in the death of Mr. Munir Said Thalib.

278. Mr. Munir Said Thalib was a prominent human rights defender whose activity in the struggle against enforced disappearance was publicly known. The attack on Mr. Munir Said Thalib's life, apart from being a violation of his rights and those of his relatives, has been committed as a general threat against all those struggling against enforced disappearance, individually or as an association. It is of the utmost importance that the circumstances surrounding Mr. Munir Said Thalib's death are thoroughly and impartially elucidated and that all those responsible are judged by an impartial, independent and competent tribunal, and receive sanctions which take into consideration the gravity of their crimes.

279. The Working Group regrets that no response was received from the Government.

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

280. On 12 December 2006, the Working Group requested an invitation to undertake a mission to Indonesia. The Government responded that it would not be possible to receive the Working Group during 2007 and that greater benefit would be derived from a visit at a later date. A reminder letter was sent on 3 April 2008; the Government has not yet responded.

#### **Observations**

281. The Working Group reiterates its observations made in previous reports, since it received no information from the Government thereon.

282. The Working Group encourages the Government of Indonesia, in cooperation with the Government of Timor-Leste, to communicate with the Working Group to further the clarification of all outstanding cases.

283. The Working Group reminds the Government of its obligations under the Declaration to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13.6).

284. The Working Group reiterates its request for a visit, to which the Government had indicated that the visit could not take place at the proposed time, and looks forward to receiving proposed dates as soon as possible.

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

## 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: 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>	
515	0	0	1	0	514

<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

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	Yes – postponed

### Information from the Government

286. On 8 April 2009, the Government transmitted a communication regarding one case, which led to clarification.

### Information from the sources

287. The Working Group received information from sources confirming the clarification of that case.

### Clarifications

288. Following the information received by the Government, the Working Group decided to clarify one case.

### Communications from the Working Group

289. On 6 April 2009, the Working Group sent an urgent communication to the Government regarding the disappearance of **Yasser Torkman**, arrested by State security officials on 9 March 2009. On 14 October 2009, the Working Group sent a second urgent communication concerning 172 people who were allegedly arrested by the authorities during the demonstration or at their homes following the Presidential election of 12 June 2009, and whose fate and whereabouts remain unknown. On 11 November 2009, the Working Group, jointly with four other special procedures mechanisms, sent an urgent communication to the Government concerning the disappearances of **Hassin Assadi Zibadabi**, who was arrested on 3 November 2009, and **Behnam Nikzad** and **Nafiseh Zare Kohan**, two journalists who were arrested on 4 November while they were covering the demonstrations on the occasion of the thirtieth anniversary of the events concerning the siege of the embassy of the United States of America in Teheran.

### Press release

290. On 7 July 2009, the Working Group issued a press release with five other special procedures mechanisms calling on the Government to uphold its international obligations to ensure that the human rights of all individuals are protected following the presidential elections in the country (the full text of the press release can be consulted at: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/18C01E2D803329F8C12575EC0056E2BD?opendocument>).

### Request for a visit

291. 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. A reminder letter was sent on 20 July 2009, 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 five years have elapsed.

### Total cases transmitted, clarified and outstanding

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

### Observations

293. The Working Group expresses concern that during the period under review two urgent communications were sent to the Government, one regarding 172 persons, and no reply was received.

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

## Iraq

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 18</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>	
16 396	17	1	0	5	16 409
<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	



General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

### Urgent actions

295. The Working Group sent 17 cases under its urgent action procedure to the Government. The first one, sent on 27 February 2009, concerned **Mohammed Gatof Mansour**, alias Mohammed Al-Dainy, an Iraqi Member of Parliament, arrested by security forces on a plane and taken away from Baghdad airport in a convoy of vehicles by security forces in February 2009. Another three communications were sent on 12, 19 and 25 May 2009, concerning 16 members of his entourage, **Shaker Al Bayati, Alaa Khayr Allah Al Maliki, Haytham Khaled Barbooty, Mahmoud Kareem Fahren, Houssein Gattouf Mansoor, Mohamed Hussein Ghadban, Odey Hassan Mansoor, Hashem Kareem Ibrahim, Omar Ibrahim Jasem, Rahman Ahmed Kahrem, Abbas Kazem Khamis, Mahmoud Maksoud, Farkad Jama Taha Yassine, Ali Abdel Taha Yassine**, who were arrested by security forces on different occasions. No response was received from the Government.

### Standard procedures

296. The Working Group transmitted one newly-reported case to the Government. It concerned **Alla Al Dain Abdul Kariem Shakir Salah**, last seen at the Fox Brigade Police Checkpoint, in Al Sadiyah District, Baghdad in July 2007.

### Information from the Government

297. The Government of Iraq transmitted three communications to the Working Group, dated 10 July 2008, 25 June, and 15 October 2009. The first and third communications concerned outstanding cases. The information provided was considered insufficient for clarification. The second communication was not translated in time for inclusion in this report.

### Information from sources

298. The Working Group received information from sources on seven cases.

### Clarification

299. Following the information received by sources, the Working Group decided to clarify five cases.

### Meetings

300. Representatives of the Government met with the Working Group at its eighty-ninth session to discuss developments connected to outstanding cases.

### Total cases transmitted, clarified and outstanding

301. Since its establishment, the Working Group has transmitted 16,544 cases to the Government; of those, 28 cases have been clarified on the basis of information provided by sources, 107 cases have been clarified on the basis of information provided by the Government, and 16,409 remain outstanding.

## Observations

302. The Working Group appreciates the meeting held with representatives of the Government of Iraq and looks forward to continued cooperation.

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

## 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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## General allegations

### Summary of the allegations

304. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

305. According to the reports, the Government of Ireland was involved in 2003 in a practice of renditions and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of its airports to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Governments, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

306. The Working Group regrets that no response was received from the Government.

### Observations

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

## Israel

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

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

### Observations

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

## Italy

<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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### General allegations

#### Summary of the allegations

310. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

311. It was reported that the Government of Italy was involved in 2003 in a practice of renditions and secret detention. Victims of rendition were generally held in prolonged detention in secret facilities, with no access by the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance.

312. The role of the Government in this practice allegedly included the detention of persons inside its territory and their extrajudicial transfer overseas or to the custody of foreign intelligence agencies or others.

313. According to the information received, airports in Italy were used by planes that transported victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed these planes to land on its territory without adopting any measure to prevent their use for secret detention and rendition.

314. According to reports received, the Government of Italy was reluctant to investigate thoroughly allegations of enforced disappearance connected to renditions by claiming confidentiality on national security or State secrecy. Prosecutors in Italy investigated cases of abductions and other crimes carried out on the Italian territory which led to extradition requests. It reportedly failed to undertake effective, independent and impartial investigations into the role of State officials and the use of State territory in connection with enforced disappearance. Reportedly, investigations and determinations of human rights complaints in cases of rendition and secret detention were blocked by the Government. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

315. The Working Group regrets that no response was received from the Government.

### Observations

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

### Japan

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

### Information from the Government

317. The Government transmitted one communication to the Working Group, dated 13 May 2009, including information on one case registered under the Democratic People's Republic of Korea. No information was received from the Government concerning its cases.

## Meetings

318. Representatives of the Government of Japan met with the Working Group at its eighty-seventh, eighty-eighth and eighty-ninth sessions to discuss developments connected to cases.

## Total cases transmitted, clarified and outstanding

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

## Observations

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

## 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>
2	No	0

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

## Information from the Government

321. The Working Group received a communication from the Government dated 15 May 2009, in which it was stated that it had no new information on the two cases under review.

## Total cases transmitted, clarified and outstanding

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

### Observations

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

### Kuwait

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

<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

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

324. The outstanding case was 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.

### Observations

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

**Lebanon\***

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
312	0	0	0	0	312

<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

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

**Information from the Government**

326. One communication was received from the Government on 18 February 2008 which could not be translated in time for inclusion in the 2008 report. It concerned information on one case and on the continuous dialogue with the Syrian counterpart in the framework of the Committee established to address disappearance.

**Total cases transmitted, clarified and outstanding**

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

**Observations**

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

\* 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.



## Libyan Arab Jamahiriya

<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>	
10	0	0	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

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

### Standard procedures

329. According to the Working Group's methods of work, the Government of the Libyan Arab Jamahiriya received a copy of the case concerning **Alsharef Al Hemmally**, abducted by a combined operation of Tunisian and Libyan security forces at Tunis airport in March 2003. This case is recorded under the Government of Tunisia.

### Information from sources

330. Sources confirmed that three individuals, subjects of a communication from the Working Group, were released on 28 March 2009. Sources provided information also on another case.

### Clarification

331. Following the information received by sources, the Working Group decided to clarify one case.

### Communications from the Working Group

332. The Working Group transmitted a joint urgent communication together with the Special Rapporteur on the situation of human rights defenders to the Government regarding the disappearance of **Fouad Ben Amrane, Maitr Fethi Therbel** and **Hoseine El Madani**, arrested by security forces on 26 March 2009.

### Total cases transmitted, clarified and outstanding

333. Since its establishment, the Working Group has transmitted 14 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by sources and 9 remain outstanding.

### Observations

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

### Mauritania

<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

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

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

### Observations

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

## Mexico\*

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 10</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>	
211	6	4	1	2	218

<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>
211	N/A	0

General allegations	N/A	Government response	N/A
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	N/A	Government response	N/A

### Urgent actions

337. The Working Group transmitted six communications under its urgent action procedure. On 19 February 2009, the Working Group transmitted two cases to the Government concerning **Raúl Lucas Lucía** and **Manuel Ponce Rosas** who, on 13 February 2009, were arrested by police officers in a secondary school in Tecoaapa, State of Guerrero.

338. On 2 April 2009, the Working Group transmitted three cases to the Government concerning the minors **Diana Bernal Hernández**, **Julio Castañeda Bernal** and **Adriana Castañeda Bernal**, whose fate and whereabouts remain unknown since December 2008.

339. On 28 April 2009, the Working Group transmitted one case concerning **Víctor Alejandro Robles Mora**, who was abducted by police officers near Nayarit.

### Standard procedures

340. The Working Group transmitted four newly-reported cases to the Government. They concerned **Arturo Tellez Moncada**, arrested by municipal police officers in Pachuca de Soto, State of Hidalgo, on 5 April 2008; **Gabriel Alberto Cruz Sanchez** and **Edmundo Andres Reyes Amaya**, arrested by the military and the police on 25 May 2007 in Oaxaca, and **Jose Francisco Paredes Ruiz**, arrested by agents of the Secretary of the Interior on 22 September 2007, in Colonia la Soledad.

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

**Information from the Government**

341. The Government transmitted four communications dated 8 August 2008 and 26 February, 1 September, and 16 October 2009. In the first communication, information was transmitted concerning excavations carried out in Atoyac de Alvarez.

342. In the second communication, the Government transmitted information on the fate of two disappeared persons. These two cases were clarified by sources.

343. On the third, the Government replied to the communication sent by the Working Group concerning four persons, including one minor, informing of their fate.

344. The last communication could not be translated in time for inclusion in this report.

**Information from the National Human Rights Institution**

345. In a communication dated 18 November 2008, the National Commission on Human Rights provided information regarding 210 outstanding cases which was considered insufficient to clarify them. In one case, the Working Group decided to apply the six-month rule.

**Information from sources**

346. Sources provided information on two cases.

**Clarification**

347. Following the information received by sources, the Working Group decided to clarify two cases.

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

**Communications from the Working Group**

349. The Working Group transmitted three urgent communications to the Government. The first concerned **Miguel Gama Habif** and **Israel Ayala Ramírez** who, on 17 March 2009, were arrested by soldiers in Nuevo Laredo, Tamaulipas. The second communication concerned **José Alfredo Arroyo Juárez**, **Samuel Teroga Rodríguez**, **Pablo Domínguez Montiel** and the minor **Daniel Rueda Becerril** who were arrested by an off-duty police officer on 18 April 2009, in Cuernavaca, Morelos. The third, sent jointly with the Special Rapporteur on Human Rights Defenders, regarded the alleged enforced disappearance of **Santiago, Victoriano** and **Alicio Ponce Lola**, who were abducted on 1 July 2009, by members of the Army. In the same communication, the situation of the attacks suffered by **Margarita Martín de las Nieves** and **Modesta Laureano Petra** was also addressed..

**Prompt intervention**

350. On 10 March 2009, the Working Group sent a joint communication together with three other special procedures mechanisms, regarding the threats and acts of intimidation suffered by the families of two victims of enforced or involuntary disappearances, who were found dead in February 2009.

351. On 9 July 2009, the Working Group sent jointly with one special procedures mechanism, a communication regarding the attacks suffered by other family members of victims of enforced or involuntary disappearances, who were found dead in February 2009.

352. On 8 September 2009, a prompt intervention letter was jointly sent with two other special procedures mechanisms, regarding the threats and acts of intimidation suffered by

representatives of a NGO working on human rights issues, including enforced disappearances.

### Total cases transmitted, clarified and outstanding

353. Since its establishment, the Working Group has transmitted 392 cases to the Government; of those, 24 cases have been clarified on the basis of information provided by sources, 134 cases have been clarified on the basis of information provided by the Government; 16 have been discontinued and 218 remain outstanding.

### Observations

354. The Working Group expresses concern that during the period under review, six urgent actions, some concerning minors, were sent to the Government but it is grateful that the Government responded.

355. The Working Group expresses concern on the number of cases of intimidation and reprisals and reminds the Government of its obligations to protect against ill-treatment, intimidation or reprisal according to articles 13.3 and 13.5 (obligation to punish ill-treatment, intimidation or reprisals) of the Declaration.

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

## Montenegro

<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>Discontinued cases:</i>	
15	0	0	0	0	14	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>General allegation</i>		<i>N/A</i>	<i>Government response</i>		<i>N/A</i>	
<i>Prompt intervention letter</i>		<i>N/A</i>	<i>Government response</i>		<i>N/A</i>	
<i>Working Group request for a visit</i>		<i>N/A</i>	<i>Government response</i>		<i>N/A</i>	

### Information from the Government

357. On 7 October 2009 the Government transmitted information on one case which was forwarded to sources for possible closure.

### Meetings

358. Representatives of the Government met with the Working Group at its eighty-ninth session to discuss developments connected to cases.

### Discontinuation

359. Over the years, the Working Group has made numerous attempts to contact sources of 14 outstanding cases, but to no avail. Exceptionally, the Working Group decided, in accordance with its methods of work, to discontinue consideration of 14 cases. The Working Group believes that it cannot play a role as no follow-up can be given to the cases. These cases can be reopened at any time.

### Total cases transmitted, clarified and outstanding

360. Since its establishment, the Working Group has transmitted 16 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the Government, 14 were discontinued and 1 remains outstanding.

### Observations

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

### Morocco

<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: 19</i>		<i>Cases clarified during the period under review: 0</i>			<i>Number of discontinued cases:</i>	<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>			
58	0	19	0	0	21	56	

<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	No	1

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

### Standard cases

362. The Working Group transmitted 19 newly-reported cases to the Government. They occurred between 1956 and 2005.

### Information from the Government

363. The Government transmitted three communications dated 30 January, 15 May and 2 October 2009.

364. In the first communication information was provided on eight cases. On one case, the Working Group decided to apply the six-month rule at its eighty-eighth session. On two cases, the Working Group sent the information to sources for possible closure. On the other five cases, the information was considered insufficient to clarify them.

365. In the second and third communications, the Government provided information regarding 24 and 20 cases, respectively. These communications could not be translated in time for inclusion in the present report.

### Meetings

366. The Government of Morocco met with the Working Group at its eighty-seventh session to discuss developments connected to the outstanding cases.

### Visit

367. The Working Group undertook a mission to Morocco from 22 to 25 June 2009 (see A/HRC/13/10/Add.1) followed by its eighty-eighth session, held in Rabat from 26 to 28 June 2009.

### Discontinuation

368. Over the years, the Working Group has made numerous attempts to contact the source of 21 outstanding cases, but to no avail. Exceptionally, the Working Group decided, in accordance with its methods of work, to discontinue consideration of 21 cases. The Working Group believes that it cannot play a role, as no follow-up can be given to the cases. These cases can be reopened at any time.

### Total cases transmitted, clarified and outstanding

369. Since its establishment, the Working Group has transmitted 268 cases to the Government; of those, 47 cases have been clarified on the basis of information provided by sources, 144 cases have been clarified on the basis of information provided by the Government, 21 were discontinued, and 56 remain outstanding.

### Observations

370. The Working Group thanks the Government for the cooperation extended during its country visit and for hosting its eighty-eighth session.

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

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

### Mozambique

<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	
General allegations	N/A	Government response	N/A		
Prompt intervention letter	N/A	Government response	N/A		
Working Group request for a visit	N/A	Government response	N/A		

373. 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.

### Observations

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



## Myanmar

<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	4

General allegations	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Information from the Government

375. The Government transmitted one communication dated 13 July 2009, concerning all cases. On the basis of this information the Working Group decided to apply the six-month rule to four of the cases at its eighty-ninth session.

### Total cases transmitted, clarified and outstanding

376. 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 remain outstanding.

### Observations

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

## Namibia

<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

General allegations	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

378. All outstanding cases were transmitted and the Government acknowledged receipt of two recent ones. A summary of the situation in the country appears in document E/CN.4/2006/56 and Corr.1.

### Information from the Government

379. The Government transmitted two communications to the Working Group dated 16 June and 24 September 2009, as reported below.

### General allegations

#### Summary of the allegations

380. Information was submitted by sources to the Working Group concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

381. The Working Group has been informed that there were reasonable grounds to believe that enforced disappearances have occurred and are still occurring on a massive scale in Namibia. Allegedly, Namibia's de facto state of emergency was used to create conditions to perpetrate enforced disappearances.

382. It has been reported that between 27 November 1999 and 20 December 1999, a group of 40 men aged between 14 and 56 disappeared soon after Namibian security forces rounded them up in the Kavango Region. Allegedly, Special Field Force members took these men and accused them of being UNITA (Unitão Nacional pela Independência Total de Angola) sympathizers, supporters, collaborators and members. On 12 August 2000, 18 members of the Kxoe indigenous minority disappeared without a trace. Their disappearance came soon after they had been jointly detained in Western Caprivi by members of the

National Defense Force's First Battalion, and Special Field Force members. They were also accused of sympathizing, supporting and collaborating with UNITA. However, it has been reported that no positive proof has ever been produced and no charges have ever been brought against those disappeared in a court of law as contemplated in article 12 (1) (a) of the Namibian Constitution.

383. The Working Group has also been informed that on 16 August 2000, another group of more than 30 Kxoe San villagers disappeared without a trace following sweeps by Namibian security forces. Reportedly, the villagers were rounded up at Chetto, Bwabwata, Omega, Mutjiku and Bagani villages after they had been accused of "collaborating with UNITA" and/or Caprivi Liberation Army (CLA) guerrillas.

384. It has been further reported that individual persons have allegedly disappeared in the Kavango and Caprivi regions, some at the hands of the National Defense Force's First Battalion members.

385. As a result, it is alleged that several gravesites can be found on the Namibian territory, with the remains of disappeared persons. Gravesites were allegedly found near Oidilona village in the Omulunga area; at Omamwandi village, some 15 kilometres north of the Namibian border; in the bush at Okakango Kongolo area, some 10 kilometres north of the Namibian border; in Oluungu forest near Olupale Village; in the Odila village area; and inside Namibia, between Ohauwanga and Oshingadu villages.

#### **Replies from the Government**

386. On 16 June and 24 September 2009, the Government replied to this general allegation. In the first communication it requested more time as the reply required the input of several departments. In the second communication the Government stated that the Constitution of the country clearly lays out the framework for the protection of human rights of Namibian citizens and that there are enforceable and readily available remedies open to any citizen or resident of Namibia who alleges or feels that any of the rights guaranteed by the Namibian Constitution have been violated. Individuals, unhindered in any way, can seek redress in civil courts or in criminal courts, if the violation amounts to a criminal act, including for the crime of enforced or involuntary disappearance. In criminal cases, individuals can lodge complaints with the police without any expenses involved. Extrajudicial remedies are available through the Office of the Ombudsman at expenses.

387. Namibian police and other law enforcement agencies give serious attention to the crime of enforced or involuntary disappearances through investigations. When the police have reasons to believe that such an act has been committed, the case is properly investigated to enable the criminal process to take its course through courts. Even if the case is dismissed in a trial, it is a possibility to hold an inquest, presided over by a judicial officer. It is clear therefore that Namibia, as a country founded on the principles of the rule of law and democracy, has more than enough remedies available to aggrieved persons.

388. The Government also stated that both the rights to freedom of expression and to life are entrenched in the Namibian Constitution. Referring to the allegations made, the Government stated that a case was brought before the High Court of Namibia by the Legal Assistance Centre on behalf of the relatives of the missing persons, seeking their immediate release. The High Court ruled that the Government could not be held liable to release people that it did not have in custody.

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

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

## Observations

390. The Working Group reminds the Government of its obligations under the Declaration: no State shall practice, permit or tolerate enforced disappearances (art. 2), 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 (art. 3), the obligation to investigate all cases of enforced disappearances (art. 13.1), each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits (art. 13.2), protection against ill-treatment and reprisals (art. 13.3), and to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified” (art. 13.6).

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

## 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: 22</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>	
436	0	22	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	
General allegations	N/A		Government response	N/A	
Prompt intervention letter	N/A		Government response	N/A	
Working Group request for a visit	Yes		Government response	Yes	

## Standard procedures

392. The Working Group transmitted 22 newly-reported cases to the Government. These cases took place in Bardiya district between 1998 and 2004. The Army as well as the police are believed to be responsible for these disappearances.

## Information from the Government

393. The Government transmitted one communication on 2 October 2009, concerning the request of the Working Group to visit the country.

**Information from sources**

394. Information was received from sources concerning one case.

**Press release**

395. On 19 December 2008, the Working Group issued a press release welcoming the report on Conflict-related Disappearances in Bardiya District, presented by the United Nations Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) thanks to which the Working Group received many cases. The Working Group underlined one of the main recommendations of the report, concerning the creation of a commission of inquiry to look into disappearances. It took the opportunity to acknowledge the positive steps taken by the Government of Nepal since its country visit in December 2004. However it underlined that there is still work to be done in the implementation of the recommendations made by the Working Group, such as the criminalization of enforced disappearances in domestic law. It reiterated its request for a follow-up visit to Nepal, in an effort to assist the Government in preventing future disappearances and to address the issues of impunity and reparations (the full text of the press release can be consulted at: <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/D5EE2B6E0334A714C125752400541874?opendocument>).

**Request for a visit**

396. On 12 May 2006, the Working Group requested to undertake a follow-up mission to Nepal. A reminder letter was sent 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 is unable to extend an invitation to visit the country.

**Total cases transmitted, clarified and outstanding**

397. 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 sources, 135 cases have been clarified on the basis of information provided by the Government, and 458 remain outstanding.

**Observations**

398. The Working Group reiterates its previous observation regarding the Government's obligations under the Declaration, "to bring to justice all persons presumed responsible for an act of enforced disappearance" (art. 13), that "persons alleged to have committed any acts referred to in article 4, paragraph 1, shall be suspended from any official duties during the investigation" (art. 16.1) and persons "shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts" (art. 16.2).

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

400. The Working Group reaffirms its request to the Government of Nepal for a country visit aimed at clarifying the 457 outstanding cases.

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

## Nicaragua

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

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

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

402. 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

403. 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. On 20 July 2009, it sent a reminder letter. No response has been received.

### Observations

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

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

## Pakistan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 6</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>	
94	3	3	0	0	100

<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

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

### Urgent actions

406. The Working Group sent three cases under its urgent action procedure to the Government concerning **Zakir Majeed**, who disappeared on 8 June 2009, after being abducted by intelligence agents of the Pakistani Army; **Din Muhammad Baloch**, abducted by State agents on 28 June 2009, from the Ornach Hospital where he was working; and **Ehsan Arjumandi**, abducted by state intelligence agents on 7 August 2009, from a bus when travelling from the Mand district of Balochistan province to Karachi, Pakistan. The Government acknowledged receipt of these cases.

### Standard procedures

407. The Working Group transmitted three newly-reported cases to the Government. The first concerned **Atiq-Ur Rehman**, arrested in June 2004, in Abbottabad District in the North-West Frontier Province of Pakistan by Pakistan's intelligence officers. The second concerned **Naeem Muhammad Naeem**, arrested on 22 September 2007 in Chorangi, North Karachi-Sindh by State authorities. The third case concerned **Zain-Ul-Abeden**, arrested on 4 January 2008, in Gulshan-e-Iqbal, Karachi.

### Information from the Government

408. The Government transmitted one communication dated 10 September 2009, on one case. The information was insufficient to clarify it.

### Total cases transmitted, clarified and outstanding

409. Since its establishment, the Working Group has transmitted 124 cases to the Government; of those, six cases have been clarified on the basis of information provided by

sources, 18 cases have been clarified on the basis of information provided by the Government, and 100 remain outstanding.

### Observations

410. The Working Group expresses concern that during the period under review three urgent actions were sent.

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

## Peru

<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

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

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

### Observations

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



## Philippines

<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>	
619	0	0	0	0	619

<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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

### Information from the Government

414. The Working Group received three communications from the Government, dated 20 November 2008, 2 February and 3 June 2009. The first two concerning one case: the information was considered insufficient to clarify it. The third communication was sent in reply to a communication sent on 29 August 2008, jointly with other three special procedures mechanisms.

### Information from sources

415. Information was received from sources concerning one case, which did not lead to a clarification.

### General allegations

#### Summary of the allegations

416. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-sixth session through the following general allegation.

417. It was reported that notwithstanding the large number of disappearances in the Philippines, the Court of Appeals recently dismissed *amparo* petitions for the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat. According to the information received, the burden to obtain visible or apparent evidence of threats is being placed on the victims rather than on government agencies.

418. There is also concern that one petition was dismissed on the ground that the subjects purportedly chose to remain in the custody of the military. However, if there is no arrest warrant, the Court cannot order that a victim remain in the custody of the Armed Forces.

419. It is alleged that this spate of decisions will only encourage the ongoing impunity.

420. The Working Group regrets that no reply was received from the Government.

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

421. On 24 May 2006, the Working Group requested to undertake a mission to the Philippines. A reminder was sent on 3 April 2008. No response has been received from the Government.

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

422. Since its establishment, the Working Group has transmitted 780 cases to the Government; of those, 35 cases have been clarified on the basis of information provided by sources, 126 cases have been clarified on the basis of information provided by the Government, and 619 remain outstanding.

#### **Observations**

423. The Working Group reminds the Government of its obligations under the Declaration, to prevent ill-treatment, intimidation or reprisal against those involved in the investigation (art. 13.3), to take steps “to ensure that any ill treatment, intimidation, reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished” (art. 13.5) and that “investigations should be conducted for as long as the fate of the victim of enforced disappearance remains unclarified” (art. 13.6).

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

### **Poland**

<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

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

## General allegations

### Summary of the allegations

425. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

426. It was reported that between 2001 and 2005 the Government of Poland was involved in a practice of renditions and secret detention. Victims of rendition were generally held in prolonged detention in secret facilities, with no access to the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance.

427. According to the information received, Poland allowed secret detention facilities in its territory.

428. It was also reported to the Working Group that airports in Poland were used by planes that transported victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in European territory, while in other cases victims of enforced disappearances were transported in and out of European space. The Government of Poland allegedly allowed these planes to land on its territory without adopting any measure to prevent their use for secret detention and rendition.

429. According to reports received, the Government of Poland was reluctant to thoroughly investigate allegations of enforced disappearance connected to renditions. The Government reportedly failed to undertake effective, independent and impartial investigation into the role of state officials and the use of state territory in connection with enforced disappearance. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

### Reply from the Government

430. On 15 June 2009, the Government replied to this general allegation stating that on 11 March 2008, the District Prosecutor's Office in Warsaw instituted proceedings on the alleged existence secret prisons in Poland as well as the illegal transport and detention of persons suspected of terrorism. On 1 April 2009, as result of the reorganization of the Public Prosecutor's Office the investigation was referred to the Appellate Prosecutor Office in Warsaw. In the course of investigation the prosecutors gather evidence which is considered as classified or secret. In order to secure the proper course of proceedings the prosecutors who conduct the investigation are bound by the confidentiality of the case. In this connection it is impossible to present any information regarding the findings of the investigation. Once the proceedings are completed and its results and findings are made public the Government of Poland will present and submit all necessary or requested

information to any international body. The Government of Poland disagrees with statement included in the general allegation that it was reluctant to investigate thoroughly the cases of enforced disappearances connected to renditions and that it reportedly failed to undertake effective, independent and impartial investigation into the role of the state officials and the use of state territory in connection with enforced disappearances.

### Observations

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

### Portugal

<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

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

### General allegations

#### Summary of the allegations

432. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

433. It was reported that the Government of Portugal was involved in 2003 in a practice of renditions and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of the airports of Portugal by planes operated that transported victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Governments, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances

were transported in and out of Europe. The Government allegedly allowed these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

### Reply from the Government

434. On 21 June 2009, the Government replied to this general allegation stating that it is baseless. The alleged involvement of the Government in the practice of rendition and secret detention has been raised previously in two enquiries conducted in 2006 respectively by the Secretary-General of the Council of Europe and by the European Parliament.

435. The Portuguese authorities never issued nor received any request for an overflight or landing authorization of an aircraft of the type allegedly used to transport victims of rendition. There is no evidence that any aircraft of such a type has entered and used Portuguese airspace.

436. Regarding the measures undertaken to ensure that airports in Portuguese territory were not used to transport victims of rendition, the Government replied that strict control mechanisms are in place regarding transiting aircrafts and that they are strictly adhered to although the procedures and the authorities responsible differ in case of civil or military aircrafts.

437. Regarding the investigations which were undertaken, the Government affirmed that in addition to those carried out to reply to the Council of Europe and the European Parliament, which involved several ministries, a specific investigation was undertaken by the Public Prosecution Service from February 2007 to June 2009 and concluded for lack of evidence. The Service is a branch of the Magistracy which is autonomous from the executive power.

438. As for the existence of prompt and effective remedy for victims of enforced disappearances and their families, the Government stated that the Constitution provide those guarantees, specifically in article 27. Those victims who cannot afford a legal representative can rely on the Public Prosecution Service to prepare on their behalf an application for compensation. No victim of enforced disappearances has ever requested reparation by the Portuguese Government.

### Observations

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

### Romania

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

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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## General allegations

### Summary of the allegations

440. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

441. According to the information received, between 2001 and 2005 the Government of Romania was involved in a practice of renditions and secret detention. Victims of rendition were generally held in prolonged detention in secret facilities, with no access to the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance.

442. According to the information received, Romania allowed secret detention facilities in its territory.

443. It was also reported to the Working Group that airports in Romania were used by planes that transported victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in European territory, while in other cases victims of enforced disappearances were transported in and out of European space. The Government allegedly allowed these planes to land on its territory without adopting any measure to prevent their use for secret detention and rendition.

444. According to reports received, the Government of Romania was reluctant to investigate thoroughly allegations of enforced disappearance connected to renditions by claiming confidentiality on national security or state secrecy. The Government reportedly failed to undertake effective, independent and impartial investigation into the role of state officials and the use of state territory in connection with enforced disappearance. Reportedly, investigations and determinations of human rights complaints in cases of rendition and secret detention were blocked by the Government. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

445. The Working Group regrets that no response was received from the Government.

## Observations

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

## 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: 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>	
467	0	0	0	0	467

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

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

## Information from the Government

447. The Government transmitted three communications dated 4 and 25 August and 21 October 2008, including information on two cases, which was insufficient to lead to a clarification. The first two communications, although sent on different dates, include the same information on one case, on which the Working Group decided to apply the six-month rule at its eighty-ninth session. In the third communication, the Government provided information on one case which did not lead to a clarification.

448. During the reporting period, the Government transmitted seven communications. In a first communication dated 21 January 2009, the Government provided the Working Group with the list of civilians in the Republic of South Ossetia presumed to have been abducted by members of the Georgian security forces during the conflict in South Ossetia in August 2008. In a second communication dated 21 January 2009, the Government replied to the prompt intervention letter sent by the Working Group on 9 December 2008.

449. In a communication dated 12 March 2009, the Government provided information on nine cases. The information included was considered insufficient to lead to a clarification.

450. In a communication dated 11 May 2009, the Government provided information on the urgent communication sent on 22 January 2009.

451. In a communication dated 21 July 2009, the Government provided information on one case which did not lead to clarification.

452. In a communication dated 4 August 2009, the Government replied to the request for a visit by the Working Group.

453. In a communication dated 18 September 2009, the Government provided information on nine cases. The information was considered insufficient to lead to a clarification.

#### **Information from sources**

454. Sources provided information on two cases, which did not lead to a clarification.

#### **Communication from the Working Group**

455. On 22 January 2009, the Working Group sent an urgent communication together with other three special procedures mechanisms on the killing of a lawyer and a journalist due to their involvement in investigating enforced or involuntary disappearances. On 11 May 2009, the Government provided information on the course of investigations with regard to circumstances of the murders of the above-mentioned persons.

#### **Prompt intervention**

456. On 9 December 2008, the Working Group sent a prompt intervention together with other two special procedures mechanisms, regarding the break-in and search of the offices of the Memorial Research Centre and the confiscation of digital data and archives. In the communication dated 21 January 2009, the Government replied to this prompt intervention.

#### **Press release**

457. On 21 July 2009, the Working Group, together with other six special procedures mechanisms, issued a press release requesting the Russian authorities to extend an invitation to visit the country to assist the authorities in conducting an independent investigation into a series of killings of human rights defenders, lawyers and journalists in recent years, many of them related to the human rights situation in Chechnya and other Republics of the North Caucasus, including the killing of Natalia Estemirova (the full text of the press release can be consulted at: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D86B6553863678F3C12575FA00433DEC?opendocument>).

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

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

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

459. Since its establishment, the Working Group has transmitted 478 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by sources, one case has been clarified on the basis of information provided by the Government, and 467 remain outstanding.



## Observations

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

## Rwanda

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

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

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

## Information from the Government

461. On 22 October 2008 the Government transmitted a communication, which for technical reasons was not received by the Working Group. It was retransmitted on 4 June 2009, and concerned all outstanding cases. The information was insufficient to clarify the cases.

## Total cases transmitted, clarified and outstanding

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

## Observations

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

## Saudi Arabia

<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: 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>	
3	2	0	1	1	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	No	0

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

### Urgent actions

464. The Working Group sent two cases under its urgent action procedure to the Government. The first case concerned **Abdullah Madjed Sayah Al Nuaimy**, arrested at King Fahd bridge, on the border between Saudi Arabia and Bahrain, by Saudi Arabian police officers in October 2008. According to the Working Group's methods of work, the Government of Bahrain received a copy of the case. The second case concerned **Bilal Abu Haikal**, arrested at the Riyadh airport on 18 July 2009.

### Information from the Government

465. The Government transmitted on 9 September 2009, information regarding one case, which was subsequently clarified by sources.

### Clarification

466. Following the information received by sources, the Working Group decided to clarify one case.

467. Following the expiration of the six-month rule applied at the eighty-fifth session, the Working Group decided to clarify one case.

### Total cases transmitted, clarified and outstanding

468. Since its establishment, the Working Group has transmitted eight cases to the Government; of those, one case has been clarified on the basis of information provided by sources, one case has been clarified on the basis of information provided by the Government, two cases were discontinued and four remain outstanding.

## Observations

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

## 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: 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>	
1	0	0	1	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	0	0

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

## Clarification

470. Following the expiration of the six-month rule applied at its eighty-fifth session, the Working Group decided to clarify the outstanding case.

## Total cases transmitted, clarified and outstanding

471. Since its establishment, the Working Group has transmitted one case which was clarified by the Government.

## Observations

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

## 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

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

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

### Observations

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

## Somalia

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

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

### Standard procedures

475. The Working Group sent one newly-reported case to the Government, regarding the disappearance of **Mahdi Ayub Guled** on 17 June 2007.

### Information from the Government

476. No information was received from the Government concerning the case.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Spain

<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	0	1	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>
3	No	0

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

### Standard procedures

479. The Working Group transmitted to the Government one newly-reported case concerning **Abel Ballart Sans**, last seen in March 1946 in the military barracks of Portant (Vall de Aran).

### Information from the Government

480. The Government of Spain transmitted three communications dated 5 and 26 February and 18 June 2009. In the first communication, the Government requested more information on three of the outstanding cases. The second communication included a reply to the general allegation sent on 16 January 2009, and the third a reply to the general allegation sent on 15 May 2009.

### General allegations

#### Summary of the general allegations

481. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government in two separate allegations after the Working Group's eighty-sixth and eighty-seventh sessions.

482. In the first allegation, it was reported that there have been no investigations into disappearances that took place during the Spanish Civil War and General Francisco Franco's regime even though, under the continuous crimes doctrine for disappearances that remain unresolved, they continue to be committed. Allegedly, the Amnesty Law, adopted in 1977, applied statutory limitations for all crimes committed during the above-mentioned periods, including enforced disappearances. This law reportedly prevents any investigations from taking place. In addition, information was provided about the Historical Memory Law, adopted in 2007, alleging that it fails to address the crime of enforced disappearance, and does not provide victims with an effective remedy, undermining their rights to truth, justice and reparation.

483. It was also reported that thousands of children disappeared in Spain between 1940 and 1954. Some of these children were allegedly placed in orphanages and given up for adoption, and in many cases had their names changed in the National Registry.

484. There is also concern that family members of the disappeared face recurring obstacles and harassment by the authorities when trying to exhume corpses found in clandestine graves that have been uncovered.

485. In a separate allegation, it was reported that the Government of Spain was involved in 2003 in a practice of renditions and secret detention. The role of the Government in this practice allegedly consisted of allowing the use of the airports of Spain by planes to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government, was essential to facilitate and implement the rendition programme. In some cases, these planes were used to detain individuals in Europe, while in other cases victims of enforced disappearances were transported in and out of Europe. The Government allegedly allowed

these planes to land on its territories without adopting any measure to prevent their use for secret detention and rendition.

### **Replies from the Government**

486. The Government replied to the first allegation on 26 February 2009, rejecting the substance of the allegations made and underlining the manifest lack of exactness and precision of the information on which they are based. Regarding the allegation that there have been no investigations into disappearances that took place during the Spanish civil war and General Franco's regime, the Government quoted a number of measures that have been taken since 2004, including the creation of the Historical Memory Documentation Centre, and the passing of a law in 2007, which recognizes and expands rights and establishes measures for persons who suffered persecution or violence during the civil war and dictatorship. The Government further indicated that an order handed down by a judge and a communication of the Directorate-General of Registers and Notaries state the obligation for all those in charge of municipal and consular civil registries and the Central Civil Registry to "allow access to the main and subsidiary Civil Registry of the judicial police designated by the aforementioned Central Investigating Court, for the purpose of identifying possible victims who disappeared after 17 July 1936". The General Commissariat of Judicial Police was created within the Directorate-General of the Police and Civil Guard as the competent body to ascertain whether any cases of criminal liability arose during the civil war and the period of General Franco's dictatorship.

487. Regarding the allegation about the Amnesty Law, the Government replied that while it is provided in certain cases as a form of extinction of criminal liability, there is a need to differentiate between amnesty and pardon, the latter being release from punishment for a previously sanctioned offence, which has first been subject to the process of being brought to trial and criminal proceedings instituted. A distinction should also be made between amnesty and the application of statutory limitations. The latter is based on the premise in law that penalization is deemed inappropriate after a certain amount of time has elapsed if the principle of legal certainty and immediacy is applied rationally in the prosecution and penalization of offences. The application of statutory limitations is not a pardon but a decision not to punish an offence for practical reasons, due to the acceptance by the public authorities of the ineffectiveness of criminal proceedings after a certain lapse of time.

488. The Amnesty Law cannot, and must not, be confused with the so-called "Clean Slate Acts". Moreover, and in conformity with article 9 of the Amnesty Law, its implementation will, in all cases, fall exclusively to the relevant judges, courts and judicial authorities, who will make final decisions on a case-by-case basis in accordance with the procedural laws in force. Investigations into enforced disappearances have been carried out in all cases where a request has been made by an interested party and no decision has ever been handed down based on the Amnesty Law.

489. Regarding the allegation that the Historical Memory Law fails to address the crime of enforced disappearance, the Government replied that its purpose is not to criminalize and penalize the crime of enforced disappearance but to promote measures that might contribute to us learning more about our history and fostering the democratic memory, all in the framework of the spirit of reconciliation.

490. Furthermore, the Historical Memory Law does not specifically focus on the crime of enforced disappearances, since there are already more than 80 existing legislative and regulatory measures to cover this kind of offence and offer forms of moral reparation and compensation (a list of current measures adopted is attached).

491. Regarding the allegation that thousands of children were allegedly placed in orphanages and given up for adoption, and in many cases had their names changed in the

National Registry, the Government replied that it is a too general statement. It is true that during the civil war, children were given up for adoption and changes of name were recorded in the Civil Registry in cases where these children were declared orphans. However, it is also true that the particular circumstances, procedures, and especially the reasons, varied enormously from case to case.

492. Regarding the allegation that family members of the disappeared face harassment when trying to exhume corpses in clandestine graves that have been uncovered, the Government states that the statement is false given that, as explained above, the authorities took a number of legislative and administrative measures to facilitate the process.

493. Regarding the conduct of specific investigations the Government stated that a number of specific investigations have been conducted by the judiciary and the Government has also implemented a number of measures for the purpose of carrying out such investigations.

494. Regarding compensations and reparations for the victims of enforced disappearances, the Government stated that there exist a series of instruments for that.

495. Regarding the specific measures to assist the family members of victims in locating disappeared persons and to compensate them with the due reparations, the Government stated that the legislation includes various provisions for measures and instruments for public administrations to make it easier for interested parties to locate and identify disappeared persons, as a final mark of respect for them. It includes a protocol on exhumations and a mapping of the respective territories where the remains of disappeared persons may be located, provides for the possibility of public authorities to authorize searches for victims and establishes procedures for the direct descendants of the victims to recuperate the remains buried in the communal graves in order to identify them and, where appropriate, transfer them to another location.

496. The Government replied to the second general allegation on 18 June 2009 stating that it has conducted a thorough investigation into allegations that, since 2002, some Spanish airports have been used for the transfer of prisoners. According to all available information, there is nothing to indicate that flights used by Spanish military bases involve acts contrary to Spanish legislation or to Spain's international obligations.

497. The Government of Spain has also requested assurances regarding the use of Spanish civilian airports for stopovers of covert flights for the purpose of transferring prisoners of the "extraordinary rendition" programme.

498. In addition, the Government has requested all possible information concerning stopovers of alleged covert flights and transmitted it to the competent judicial authority: the National High Court (Audiencia Nacional) and has complied with all requests made by that authority.

499. The Government of Spain has made public the results of its investigations and conclusions in this area. The Minister of Foreign Affairs and Cooperation of Spain appeared before the Congress of Deputies in 2005 and 2008 and before the European Parliament in 2006 in order to testify on this matter.

500. The Government is unequivocal in its condemnation of the use of such methods and in its commitment to investigate and clarify the alleged events. Likewise, Spain takes a clear and firm position on the need for scrupulously applying national and international law and respecting human rights in all actions taken by the Government and its agents, and especially with regard to efforts to combat terrorism.



### Total cases transmitted, clarified and outstanding

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

### Observations

502. The Working Group reminds the Government of its obligations under the Declaration, mainly that all acts of enforced disappearances shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness (art. 4.1), and that all acts of enforced disappearances shall be investigated for as long as the fate of the victim of enforced disappearance remains unclarified (art. 13.6).

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

### Sri Lanka

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 100</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>	
5 727	4	96	5	0	5 822 <sup>2</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>
32	Yes	0

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

### Urgent actions

504. The Working Group sent four cases under its urgent action procedure to the Government. One case concerned **Sivakumar (Sinnathambi) Ponnampalam**, last seen in November 2008, at the Manmunaitarai Checkpoint near the Kokkadicholi ferry point, Manmunai, Batticaloa. It is believed that the Police Special Task Force is responsible for

<sup>2</sup> The Working Group determined that 171 cases were duplicated and were subsequently eliminated from its records.

his disappearance. The second case concerned **Vijayanathan Vellasamy**, who disappeared in December 2008, in Trincomalee District. It is believed that Security Forces are responsible for his disappearances. The third case concerned **Sivanantharuben Sivarasa**, who was abducted on 20 April 2009. It is believed that the Navy is responsible for his disappearance. The fourth case concerned **Sountherrajan Kandasamy Sountherrajan**, who was abducted by police officers in Vavuniya Kachcheri, Vavuniya, on 13 June 2009.

#### **Standard procedures**

505. The Working Group transmitted 96 newly-reported cases to the Government. The alleged disappearances took place between 2006 and 2008, mainly in Colombo, Trincomalee, Mannar, Vavuniya and Jaffna. The military, police, and security forces are allegedly responsible for these disappearances.

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

506. The Working Group received 11 communications from the Government.

507. On 16 December 2008, the Government provided information concerning 32 cases. For two cases, the Government provided further information on 4 March 2009 and as a result, the Working Group applied the six-month rule at its eighty-seventh session. Concerning the remaining cases, the information was insufficient to clarify them.

508. On 26 January 2009, information was provided concerning seven cases, which was insufficient to clarify them.

509. On 28 May, 15 July, and 3 August 2009, the Government replied to the joint communication sent on 26 May 2009.

510. On 15 July 2009, the Government also provided information concerning one case which led to a clarification.

511. On 3 August 2009, the Government provided information on one case which was considered insufficient to clarify it.

512. On 3 August, the Government also provided information on the communication sent on 8 July 2009.

513. On 6 October, the Government replied to the joint communication sent on 11 May 2009.

514. Furthermore, the Government submitted two communications dated 7 July and 2 September 2009, in which it provided two lists with a total of 459 possible duplicate cases. During its eighty-ninth session, the Working Group reviewed 171 cases and concluded that they were duplicates. As a result, these cases were deleted from its records. Regarding the remaining cases, the Working Group is in the process of checking the original submissions.

#### **Information from sources**

515. The Working Group received information from sources validating the information previously provided by the Government which led to a clarification.

#### **Clarification**

516. Based on the information provided by the Government, the Working Group decided to clarify five cases, four of them following the expiration of the six-month rule.

### **Communications from the Working Group**

517. The Working Group sent three urgent communications to the Government. The first one sent on 11 May 2009, jointly with the Special Rapporteur on the situation of human rights defenders, concerned **Sinnavan Stephen Sunthararaj**, abducted in Colombo on 7 May 2009. The second one sent on 26 May 2009, jointly with six other special procedures mechanisms, concerned **Thangamutha Sathiyamoorthy, Thurai Raja Varatharajah** and **V. Shanmugarajah**, three doctors who had been treating the sick and wounded in the conflict zone in North-Eastern Sri Lanka, who were last seen on 15 May 2009 at a holding area at Omanthai check point. The last communication, sent on 8 July 2009, concerned **Joyashan Yogendran**, abducted near his home in Batticaloa on 3 May 2009.

518. The Government provided information on the above-mentioned communications.

### **Meetings**

519. Representatives of the Government of Sri Lanka met with the Working Group at its eighty-seventh session to discuss developments connected to its outstanding cases.

### **Request for a visit**

520. On 16 October 2006, the Working Group requested an invitation to undertake a mission to Sri Lanka. 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. A reminder letter was sent on 20 July 2009. No reply from the Government has yet been received.

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

521. Since its establishment, the Working Group has transmitted 12,226 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by sources, 6,535 cases have been clarified on the basis of information provided by the Government, and 5,651 remain outstanding.

### **Observations**

522. The Working Group remains gravely concerned at the number of reported cases of enforced disappearances in the country. The Working Group is alarmed that 100 cases were reported during 2009.

523. The Government of Sri Lanka has communicated extensively with the Working Group but many cases remain outstanding. Therefore, taking into consideration the change of circumstances in Sri Lanka, the Working Group would like to reiterate its request to conduct a mission to Sri Lanka as soon as possible.

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

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

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

## 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: 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>	
173	0	1	0	0	174

<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

General allegation	N/A	Government response	N/A
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	Yes	Government response	No

### Standard procedures

527. The Working Group transmitted one newly-reported case to the Government, concerning **Abdalmutalib Mohamed Fadul Abdalmutalib**, abducted on 28 October 2007, by Military Intelligence officers in Yei, South Sudan.

528. According to the Working Group's methods of work, the Government of the Sudan received a copy, for its information, of the case concerning **Adel Salih Musa**, a Sudanese citizen who disappeared in September 1983 in Aswan, Egypt, being military officers and members of the Egyptian Government responsible for his disappearance. This case is recorded under the Government of Egypt.

### Information from the Government

529. No information was received from the Government concerning cases.

### Prompt intervention

530. On 26 November 2008, the Working Group sent a prompt intervention letter to the Government of Sudan regarding the intimidation suffered by the family of a person who disappeared in 2008. The Working Group regrets that no information has been received from the Government.

### Request for a visit

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

### Total cases transmitted, clarified and outstanding

532. 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 sources, 205 cases have been clarified on the basis of information provided by the Government, and 174 remain outstanding.

### Observations

533. The Working Group also reiterates its request for an invitation from the Government of the Sudan to conduct a country visit to assist the Government in preventing disappearances and in clarifying the 174 outstanding cases.

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

### Sweden

<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

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

### General allegations

#### Summary of the allegation

535. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

536. It was reported that in 2001 the Government of Sweden was involved in a practice of renditions and secret detention. The victims of rendition were held in prolonged detention in secret facility, with no access to the ICRC, no notification to their families and no notification of their legal status and rights. There was no oversight of the conditions of

detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance and to involve other serious human rights violations, including torture or other ill-treatment.

537. The role of the Government in this practice allegedly includes the detention of persons inside its territory and their extrajudicial transfer to the custody of foreign intelligence agencies.

538. There were also reports that the Government of Sweden was allegedly informed by the secret detention of a number of persons falling under its jurisdiction or protection and provided no information of their fate or whereabouts to their respective families. The Government did not seek to facilitate their return.

### Reply from the Government

539. On 8 July 2009, the Government replied to the general allegation stating that it noted that the Working Group made general reference to information received from sources without any further specification concerning the nature of these sources. Unfortunately, based on the general and unspecified information provided by the Working Group, the Government is not in a position to provide substantive answers to the questions posed by the Working Group.

540. With the view to investigate earlier allegations put forward in Swedish media regarding the Government's involvement in renditions, the Government instructed the Swedish Civil Aviation Authority and the LfV Group (Swedish Airports and Air Navigation Services) to carry out an investigation into the exact circumstances of all flights made by aircrafts suspected of being allegedly used to carry out renditions between 1 January 2002 and 17 November 2005. The results of the investigations have been presented in two reports of 7 December 2005 and 15 December 2005 and included more than 19,000 flights, both arrivals and departures. The finding of the reports is that it cannot be concluded that any of these flights were connected to the alleged practice of rendition. These reports have inter alia been submitted to the Secretary General of the Council of Europe. Finally, the Government assures that no enforced disappearances have been sanctioned by the Government of Sweden or Swedish authorities.

### Observations

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

### 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: 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>	
1	0	0	1	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>
1	N/A	0

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

### Information from the Government

542. The Government transmitted one communication to the Working Group dated 20 February 2009 regarding the outstanding case. Based on this information, the Working Group decided to apply the six-month rule.

### Clarification

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

### Total cases transmitted, clarified and outstanding

544. Since its establishment, the Working Group has transmitted one case to the Government, which has been clarified on the basis of the information provided by the Government.

### Observations

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

## Syrian Arab Republic

<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: 10</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>	
18	0	10	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>
4	No	1

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

### Standard procedures

546. The Working Group transmitted 10 newly-reported cases to the Government. The disappearances of **Khalaf Abdel Baki, Kawa Oscan, Munzer Oscan, Nidal Oscan, Riad Oscan, Bengin Rasho, Kadar Ali Rasho, Lokman Rasho** all members of the Kurdish Community of Kamishli, and of **Nabil Khlioui** that took place in 2008. The disappearance of **Mohammed Osama Shusha** took place in 2009.

### Information from the Government

547. The Working Group received three communications from the Government. The first two communications, dated 28 October 2008 and 11 March 2009, stated the same information concerning five cases. Based on this information, at its eighty-ninth session, the Working Group applied the six-month rule to one case. The third communication, dated 21 October 2009, could not be translated in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

548. Since its establishment, the Working Group has transmitted 54 cases to the Government; of those, 14 cases have been clarified on the basis of information provided by sources, 12 cases have been clarified on the basis of information provided by the Government, and 28 remain outstanding.

### Observations

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

## Tajikistan

<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>	
6	0	0	0	0	6
<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



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

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

### Observations

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

### Thailand

<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>	
55	0	0	0	0	52 <sup>3</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>
10	Yes	1

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

### Information from the Government

552. The Government transmitted three communications to the Working Group dated 9 March, 2 April and 19 June 2009. The first communication was a response to a joint communication transmitted on 19 February 2009. The second communication concerned information on seven cases, which was considered insufficient to clarify them, as well as three possible duplications. The third communication concerned one case and, based on this

<sup>3</sup> The Working Group determined that three outstanding cases were duplicates and were subsequently eliminated from its records.

information, the Working Group decided to apply the six-month rule at its eighty-ninth session.

### Prompt intervention

553. On 19 February 2009, the Working Group sent a joint communication together with other two special procedures mechanisms, regarding the intimidation suffered by a human rights organization due to its activities related to the investigation of enforced disappearances.

554. On 31 March 2009, the Working Group sent a second joint communication together with other two special procedures mechanisms, regarding the intimidation suffered by the same organization mentioned above.

555. The Government replied to the communication sent on 19 February 2009 and informed the Working Group that the searches conducted at the human rights organization were fully in accordance with the law and in good faith to prevent any possible acts of violence.

### Total cases transmitted, clarified and outstanding

556. Since its establishment, the Working Group has transmitted 55 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the Government, 2 cases have been discontinued, 3 have been deleted and 52 remain outstanding.

### Observations

557. The Working Group notes with concern the reply from the Government in regard to the searching of the human rights organization and requests further information. The Working Group again reminds the Government of its obligations under article 13.3 of the Declaration, to prevent ill-treatment, intimidation or reprisal against those involved in the investigation, and article 13.5, to take steps “to ensure that any ill treatment, intimidation, reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished”.

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

### The former Yugoslav Republic of Macedonia

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

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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

## General allegations

### Summary of the allegations

559. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the Working Group's eighty-seventh session.

560. According to the reports, in 2004 the Government of the former Yugoslav Republic of Macedonia was involved in a practice of renditions and secret detention. Victims of rendition were generally held in prolonged incommunicado detention in secret facilities, with no access to the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance.

561. The role of the Government in this practice allegedly included the detention of persons inside its territory and their extrajudicial transfer overseas or to the custody of foreign intelligence agencies or others.

562. According to reports received, the Government of the former Yugoslav Republic of Macedonia was reluctant to investigate thoroughly allegations of enforced disappearance connected to renditions. The Government reportedly failed to undertake effective, independent and impartial investigation into the role of state officials and the use of state territory in connection with enforced disappearance. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

563. The Working Group regrets that no response was received from the Government.

### Observations

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

## Timor-Leste

<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

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	No

### Request for a visit

565. On 12 December 2006, the Working Group requested an invitation to undertake a mission to Timor-Leste, in order to facilitate the clarification of outstanding cases. A reminder letter was sent on 3 April 2008.

566. The Working Group regrets that no response has been received from the Government.

### Total cases transmitted, clarified and outstanding

567. Since its establishment, the Working Group transmitted 504 cases to the Government; of those, 58 were clarified on the basis of information provided by the Government of Indonesia and 18 on the basis of information provided by sources; 428 remain outstanding.

### Observations

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

## Togo

<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

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

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

### Observations

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

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

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

### Standard procedures

571. The Working Group transmitted one newly-reported case to the Government. It concerned **Alsharef Al Hemmally**, abducted by a combined operation of Tunisian and Libyan security forces at Tunis airport in March 2003. According to the Working Group's methods of work, the Government of the Libyan Arab Jamahiriya received a copy of the case.

### Information from the Government

572. Information was received on 22 June 2009, from the Government concerning the case, informing the Working Group that following the communication from the Working Group, a judicial inquiry had been opened.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## Turkey

<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>	
63	0	0	0	0	63

<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>	
11	Yes		0
General allegation	N/A	Government response	N/A
Prompt intervention letter	Yes	Government response	No
Working Group request for a visit	N/A	Government response	N/A

### **Information from the Government**

575. The Government transmitted three communications dated 16 February, 6 April and 25 September 2009. In the first communication, the Government provided information on nine cases which did not lead to clarification. In the second, the Government provided information on seven cases; for two cases, the information did not lead to clarification; for five cases, the Working Group sent the information to sources for possible closure. In the last communication, Government provided information on 12 cases, which could not be translated in time for inclusion in this report.

### **Prompt intervention**

576. On 27 August 2009, the Working Group sent a prompt intervention letter jointly with other two special procedures mechanisms, regarding the sentence of one year of imprisonment imposed on **Camal Bektas**, brother of a disappeared person and president of Yakay-der – association that works in assisting relatives of disappeared people. According to the information, he was sentenced for defaming the army's reputation after denouncing the existence of mass graves in Turkey and accusing the army of blocking access to such graves during a conference in July 2008. No information was received from the Government.

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

577. 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 sources, 69 cases have been clarified on the basis of information provided by the Government, one has been discontinued and 63 remain outstanding.

### **Observations**

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

## Turkmenistan

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

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

### Standard procedures

579. The Working Group transmitted one newly-reported case to the Government concerning **Boris Shikhmuradov**, former Minister of Foreign Affairs, who disappeared on 25 December 2002 in Ashgabat.

### Information from sources

580. Information from sources was received on the case and did not lead to a clarification.

### Total cases transmitted, clarified and outstanding

581. Since its establishment, the Working Group has transmitted 3 cases to the Government, of those, 2 have been clarified on the basis of the information provided by the Government, and 1 remains outstanding.

### Observations

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



## Uganda

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

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

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

### Communications from the Working Group

583. On 3 June 2009, the Working Group transmitted one urgent communication jointly with other three special procedures mechanisms, regarding the disappearance of **Aaron Kamondo Byemba**, Chairperson and Chief of Research for the Women for Dignity and Development Foundation, who was arrested at his home on 31 May 2009.

### Total cases transmitted, clarified and outstanding

584. Since its establishment, the Working Group has transmitted 22 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by sources, 2 cases have been clarified on the basis of information provided by the Government, and 15 remain outstanding.

### Observations

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

## Ukraine

<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>
4	Yes	0

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

### Urgent actions

586. On 28 April 2009, the Working Group sent one case under its urgent action procedure to the Government concerning **Mr. Eugenie Nikolayevich Puplic**, who was arrested at his friend's house in the Dzerzynskyyi district, Kryvyyi Rih, Ukraine, by police officers. His fate and whereabouts remain unknown.

### Information from the Government

587. The Government of Ukraine transmitted two communications dated 5 February and 23 June 2009, both concerning the outstanding cases. However, the Government responses were insufficient to constitute clarifications.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## United Arab Emirates

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

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

### Standard procedures

590. The Working Group transmitted one newly-reported case to the Government, concerning **Alsadiq Sidiq Adam Abdullah**, who disappeared at the Abu Dhabi Airport on 23 September 2007 and was allegedly abducted by United Arab Emirates police forces.

### Information from the Government

591. On 27 August 2009, the Government sent information regarding the outstanding case, which could not be translated in time for inclusion in the present report.

### Total cases transmitted, clarified and outstanding

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

### Observations

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

## United Kingdom of Great Britain and Northern Ireland

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

<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

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

### General allegations

#### Summary of the allegations

594. Information was submitted by sources concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after its eighty-seventh session.

595. It was reported that between 2002 and 2003 the Government of the United Kingdom of Great Britain and Northern Ireland was involved in a practice of renditions and secret detention. Victims of rendition were generally held in prolonged detention in secret facilities, with no access to the ICRC, no notification to families and no notification of their legal status and rights. There was no oversight of the conditions of detention and the treatment of the detainees. There was also no information about the procedures in place to decide about their detention and its duration. This practice is believed to amount to enforced disappearance and to involve other serious human rights violations, including torture or other ill-treatment.

596. The role of the Government in this practice allegedly included the detention of persons inside its territory and their extrajudicial transfer overseas or to the custody of foreign intelligence agencies or others.

597. Reportedly, national intelligence agencies have also facilitated information, which is likely to have facilitated the illegal apprehension and transfer of a number of individuals.

598. According to the information received, airports in the United Kingdom were used by planes to transport victims of rendition. Those planes stopped over in those airports during the process of transferring, taking, delivering, or returning detainees from the rendition. It is believed that the use of these planes, without the control and scrutiny of the Government,

was essential to facilitate and implement the rendition programme. The mentioned Government allegedly allowed these planes to land on its territory without adopting any measure to prevent their use for secret detention and rendition.

599. There were also reports that the Government of the United Kingdom was allegedly informed of the secret detention of a number of their residents and provided no information of their fate or whereabouts to their respective families. The Government did not ensure consular access for the victims of rendition and did not seek to facilitate their return.

600. It was also reported to the Working Group that the United Kingdom allowed the operation of secret detention facilities in Diego Garcia, a United Kingdom overseas territory in the Indian Ocean. It is alleged that this practice facilitated the occurrence of enforced disappearances.

601. According to reports received, the Government of the United Kingdom was reluctant to investigate thoroughly allegations of enforced disappearance connected to renditions. The Government reportedly failed to undertake effective, independent and impartial investigation into the role of state officials and the use of State territory in connection with enforced disappearance. No remedies have been provided for the victims and their families, which includes, in some cases, the establishment of the fate and whereabouts of people who have disappeared.

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

602. On 17 August 2009 the Government of the United Kingdom replied to this general allegation stating that it unreservedly condemns any practice of “extraordinary rendition” to torture and any deprivation of liberty that amounts to placing individuals outside the protection of the law. Since 2001 it has not given permission for any rendition flights to pass through United Kingdom territory or airspace. Contrary to previous assurances, the British Government was informed that in February 2008 two cases of rendition flights refuelled at the United Kingdom Overseas Territory of Diego Garcia.

603. The Government was not aware of the flights at the time, and did not give permission for them to use British territory. It would only grant such permission if it was satisfied that the rendition would accord with United Kingdom law and our international obligations.

604. With regard to allegations of a detention facility on Diego Garcia, the British Government was informed that they have not interrogated any terrorist suspect or terrorism-related detainee on Diego Garcia in any case since 11 September 2001, and that allegations of a holding facility on the island are inaccurate.

605. Regarding the investigations undertaken into issues related to rendition, the Government provided copies of a report on detention, dated 2005, and a report on rendition, dated 2007, which were produced by the Intelligence Security Committee (ISC), the United Kingdom body charged with oversight of the policy of the intelligence and security Agencies. The Committee concluded, and the Government agreed, that “where there is sufficient evidence of unlawful activity on board an aircraft in United Kingdom airspace, be it a rendition operation or otherwise, this would be investigated by United Kingdom authorities”.

#### **Observations**

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

## 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: 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>	
22	0	0	0	0	22

<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	2

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

### Standard procedures

607. According to the Working Group's methods of work, the Government of Uruguay received a copy of the case concerning **Jorge Hugo Martínez Horminoguez**, who disappeared in Pozo de Quilmes in Argentina in 1978, after being arrested by Argentinean and Uruguayan army officers. This case is recorded under the Government of Argentina.

### Information from the Government

608. Two communications were received from the Government dated 19 June and 1 July 2009. On both communications, the Government provided information on two cases, following which the Working Group decided to apply the six-month rule at its eighty-ninth session.

609. In the same communications, the Government provided information on the case of **Jorge Hugo Martínez Horminoguez**, which was transmitted to the Government of Argentina.

### Total cases transmitted, clarified and outstanding

610. Since its establishment, the Working Group has transmitted 31 cases to the Government; of those, 1 case has been clarified on the basis of information provided by sources, 8 cases have been clarified on the basis of information provided by the Government, and 22 remain outstanding.

## Observations

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

## Uzbekistan

<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>	
7	0	0	0	0	7

<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>
7	No	0

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

## Information from the Government

612. The Government transmitted one communication dated 28 January 2009, regarding seven cases. The Working Group decided that the Government's response was insufficient to constitute clarifications.

## Total cases transmitted, clarified and outstanding

613. Since its establishment, the Working Group has transmitted 19 cases to the Government; of those, 1 case has been clarified on the basis of information provided by sources, 11 cases have been clarified on the basis of information provided by the Government, and 7 remain outstanding.

## Observations

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

## Venezuela (Bolivarian Republic of)

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

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

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

### Information from the Government

615. On 14 April 2009, the Government provided information on 7 cases. The information was insufficient to consider the cases clarified.

### Total cases transmitted, clarified and outstanding

616. Since its establishment, the Working Group has transmitted 14 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the Government, and 10 remain outstanding.

### Observations

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



## Viet Nam

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

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

### Information from the Government

618. The Government transmitted one communication to the Working Group on 13 February 2009, providing information on the case. The Working Group decided that the information was insufficient to constitute a clarification.

### Information from sources

619. On 7 July 2009, sources sent a communication to the Working Group regarding the case.

### Total cases transmitted, clarified and outstanding

620. Since its establishment, the Working Group has transmitted 2 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the Government, and 1 remains outstanding.

### Observations

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

## 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: 4</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>	
1	4	0	0	1	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

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

### Urgent actions

622. The Working Group sent four cases under its urgent action procedure to the Government. The first three concerned **Kasem Ali Kassem Al Ghouli** and his two sons, **Mohamed Kassem Ali Al Ghouli** and **Ibrahim Kassem Ali Al Ghouli**, who were abducted from their home on 23 February 2009, by armed agents of the political police service dressed in civilian clothes. The fourth case concerned **Mohamed Al Magaleh**, editor of the Socialist Party's website "Al Eshteraki", who was abducted on 17 September 2009 allegedly by government's agents outside his house in Sa'ada, North Western Yemen.

### Information from sources

623. The Working Group received new information from sources on one case, which led to clarification.

### Clarification

624. Following the information received by sources, the Working Group decided to clarify one case.

### Communications from the Working Group

625. On 29 September 2009, the Working Group sent an urgent communication to the Government jointly other three special procedures mechanisms, concerning **Mohamed Al Magaleh**, which was subsequently filed as case before the Working Group.

### Total cases transmitted, clarified and outstanding

626. Since its establishment, the Working Group has transmitted 155 cases to the Government; of those, 2 cases have been clarified on the basis of information provided by sources, 135 cases have been clarified on the basis of information provided by the Government, 14 have been discontinued and 4 remain outstanding.

### Observations

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

### 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: 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>	
4	1	0	0	1	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

General allegation	Yes	Government response	No
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	N/A	Government response	N/A

### Urgent actions

628. The Working Group sent one case under its urgent action procedure to the Government. It concerned **Jestina Mungarehwa Mukoko**, who disappeared after being arrested by State agents in December 2008, in Mashonaland Central Province.

### Information from sources

629. Sources provided information on one case, leading to its clarification.

### Clarification

630. Following the information received by sources, the Working Group decided to clarify one case.

## **General allegations**

### **Summary of the allegations**

631. Information was submitted by NGOs to the Working Group concerning obstacles reportedly encountered in the implementation of the Declaration. This information was transmitted to the Government after the eighty-sixth session through the following general allegation.

632. The Working Group has been informed of the escalating phenomenon of enforced or involuntary disappearances of political party members and human rights defenders in Zimbabwe.

633. Allegedly, victims have been abducted from their homes or other locations by known or unknown individuals or groups. Sources inform that the silence of authorities in the face of such atrocities can only be perceived as acquiescence and a fuelling of impunity in regard to such violations.

634. It has been reported that victims of enforced disappearance have been subjected to systematic attacks, arrests, detention and persecution by state agents before they disappeared. It has further been reported that some victims were tortured in police custody and denied access to legal practitioners.

635. Sources report that there is an urgent need for the authorities to take concerted and visible action to identify the perpetrators of the crime of enforced or involuntary disappearances and hold them accountable.

636. The Working Group has been informed that the Zimbabwe Republic Police needs to take immediate, concrete and visible measures to minimize the occurrence of enforced or involuntary disappearances and its associated impunity.

637. The Working Group regrets that no response was received from the Government.

### **Request for a visit**

638. On 20 July 2009, the Working Group requested the Government for an invitation to undertake a mission to Zimbabwe. No reply has yet been received.

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

639. 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 sources, one case has been clarified on the basis of information provided by the Government, and four remain outstanding.

### **Observations**

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

## Palestinian Authority

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

<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

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

641. 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.

## IV. Areas of concern, conclusions and recommendations

642. In 2009, the Working Group transmitted 456 newly-reported cases of disappearance to 25 Governments, 54 of which allegedly occurred during 2009. The Working Group used the urgent action procedure in 60 of these cases, which allegedly occurred within the three months preceding the receipt of the report by the Working Group. During the reporting period, the Working Group was able to clarify 36 cases of disappearance.

643. The Working Group is grateful for the cooperation received from a number of Governments. Nevertheless, it remains concerned that of the 82 States with outstanding cases, some Governments have never replied to the Working Group's communications. Some Governments provide responses that do not contain relevant information. The Working Group urges those Governments to fulfil their obligations under the Declaration and the resolutions of the General Assembly and the Commission on Human Rights and its successor, the Human Rights Council. The cooperation of States is indispensable for discovering the fate or whereabouts of disappeared persons around the globe.

644. The Working Group acknowledges the efforts of States, many human rights defenders, non-governmental organizations, lawyers and others who untiringly work to know the fate or whereabouts of disappeared persons in very adverse circumstances in all parts of the world and reiterates its solidarity with the victims of enforced disappearance and their families.

645. The Working Group continues to express its concern over the growing number of cases of enforced disappearances around the world.

646. The Working Group continues to be concerned about measures being taken while addressing terrorism and its implications for enforced disappearances. These include the enactment of legislation that restricts personal freedoms and weakens due process, random arrests committed during military operations, arbitrary detentions and extraordinary renditions, which amount to enforced disappearances. The Working Group calls upon States to take legislative, judicial and administrative or other measures to deal with this issue. The Working Group would like to reiterate its general comment on article 10 of the Declaration which states that “under no circumstances, including states of war or public emergency, can any State interests be invoked to justify or legitimize secret centres or places of detention which, by definition, would violate the Declaration, without exception”.

647. The Working Group is concerned that in many instances the military forces are allegedly responsible for many cases of enforced disappearance.

648. The Working Group reminds States that enforced disappearance is a continuing offence and a continuous human rights violation for as long as the fate or whereabouts of the victim remains unclarified. States therefore should bear this in mind when enacting statutes of limitation.

649. The Working Group calls upon States to take specific legislative, administrative, judicial or other measures to prevent and eradicate enforced disappearances. States should also take specific measures under their criminal law to define enforced disappearances as an autonomous criminal offence and to bring their existing legislation in line with the Declaration.

650. The Working Group notes that in certain parts of the world impunity for enforced disappearance remains a problem. For this reason, the Working Group reminds States of their obligations under the Declaration to prevent impunity by taking lawful and appropriate steps to bring to justice those alleged to have committed enforced disappearances. The Working Group calls upon States to prosecute individuals who have committed enforced disappearances by competent ordinary courts at all stages of the legal process.

651. In the general comment that it adopted this year, the Working Group recognized “that the definition given by Article 7(1) of the Statute of the International Criminal Court now reflects customary international law and can thus be used to interpret and apply the provisions of the Declaration”. It calls on States, competent international organizations and tribunals to fully acknowledge this conclusion and draw all the legal consequences flowing from it.

652. The Working Group would like to emphasize the right to truth, which should be enjoyed by all victims of enforced disappearance. The Working Group recommends that States adopt measures to promote truth and reconciliation in their societies, as a means of implementing the right to truth and the right to integral reparation of victims of enforced disappearances. Based on its experience, the Working Group acknowledges that such processes are often crucial to prevent repetition of enforced disappearances and to clarify cases, by uncovering the truth of the fate or the whereabouts of disappeared persons. However, the Working Group underlines that reconciliation between the State and the victims of enforced disappearance cannot happen without the clarification of each individual case. The Working Group also stresses that measures taken to promote reconciliation should not be used as a substitute for bringing perpetrators to justice, in accordance with the principles provided for in the general comment on article 18.

653. The Working Group also reminds States of its general comment referring to article 19 of the Declaration, which states that “in addition to the punishment of the perpetrators and the rights to monetary compensation, the right to obtain redress for acts of enforced disappearance under article 19 of the Declaration also includes the ‘means for as complete a rehabilitation as possible’”.

654. The Working Group notes a pattern of threats, intimidation and reprisals against victims of enforced disappearances, including family members, witnesses and human rights defenders working on such cases and calls upon States to take specific measures to prevent such acts, punish the perpetrators and protect those working on enforced disappearances.

655. As it is men who are usually the direct victims of enforced disappearances, it is the wives, mothers and children who often bear the consequences of the enforced disappearances and who are the persons most affected. The Working Group calls upon States to provide sufficient support to those affected by enforced disappearances. For this reason, the Working Group intends to explore and study the effect of enforced disappearances on women and children.

656. Country visits are an integral part of the fulfilment of the Working Group’s mandate, as they allow the Working Group to highlight country practices in addressing enforced disappearances, to assist States in reducing obstacles to the implementation of the Declaration, and to ensure access to those family members who might not be able to attend the Working Group’s sessions in Geneva. The Working Group would like to thank the Governments that have extended invitations to visit their countries or have hosted the Working Group’s sessions. However, because informal confirmations and even standing invitations are not sufficient, the Working Group invites all the Governments that received a request by the Working Group for a visit to respond with specific dates as soon as possible.

657. The Working Group notes with satisfaction that, as of November 2009, 81 States have signed and 16 States have ratified the International Convention for the Protection of all Persons from Enforced Disappearance. It reiterates that the Convention’s entry into force will help strengthen the capacities of States to reduce the number of disappearances. The Convention will bolster the hopes and the demands for justice and truth by victims and their families. The Working Group once again calls upon Governments that have not signed and/or ratified the Convention to do so as soon as possible so that the Convention can enter into force in the near future. It also calls upon States, when ratifying the Convention, to accept the competence of the Committee to receive individual cases, under article 31, and inter-State complaints under article 32 of the Convention.

658. Noting that the Working Group celebrates its thirtieth anniversary in 2010, it believes that the International Day of the Disappeared, traditionally observed by civil society on 30 August, ought to be commemorated by the United Nations and by all people around the world. Therefore the Working Group calls upon the United Nations to proclaim 30 August United Nations International Day of the Disappeared, with a view to the eradication of enforced disappearances.

659. In the past two years, the Working Group has more than doubled its volume of work both in terms of number of cases processed and the number of communications sent to the Governments while having its staff reduced in 2009. Should the Working Group want to keep its present level of capacity to handle cases, not increase the small backlog that it presently has, continue the fruitful dialogue with Governments, and deal with a specific range of issues like women and children, it will clearly need more support. The Working Group calls upon the United Nations to secure additional appropriate resources and an increase in the level of staffing.

## Annexes

### Annex I

#### **Revised methods of work of the Working Group on Enforced or Involuntary Disappearances**

Adopted on 14 November 2009

##### **A. The mandate**

###### **Legal basis for the mandate**

1. The Working Group on Enforced or Involuntary Disappearances' methods of work are based on its mandate as stipulated originally in Commission on Human Rights resolution 20 (XXXVI) and as developed by the Commission and its successor the Human Rights Council in numerous further resolutions. The parameters of its work are laid down in the Charter of the United Nations, the International Bill of Human Rights, Economic and Social Council resolution 1235 (XLI) and the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearance, adopted by the General Assembly in its resolution 47/133 of 18 December 1992 (hereinafter referred to as "the Declaration").

###### **Humanitarian mandate**

2. The basic mandate of the Working Group (WGEID) is humanitarian in nature, aimed at assisting families in determining the fate and whereabouts of their disappeared relatives who are placed outside the protection of the law. To this end, the WGEID endeavours to establish a channel of communication between the families and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases which families, directly or indirectly, have brought to the Group's attention are investigated with a view to clarifying the fate or whereabouts of the disappeared persons. In transmitting cases of disappearance, the WGEID deals exclusively with Governments, basing itself on the principle that Governments must assume responsibility for any violation of human rights on their territory.

###### **Monitoring mandate**

3. In addition to its original mandate, WGEID has been entrusted by the General Assembly, the former Commission on Human Rights and the Human Rights Council with various tasks. In particular, WGEID is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and to provide to Governments with assistance in its implementation.

4. The Working Group reminds the Governments of their obligations not only in the context of clarifying individual cases but also that of taking action of a more general nature. It draws the attention of Governments and non-governmental organizations to general or specific aspects of the Declaration, it recommends ways of overcoming obstacles to the realization of the Declaration, it discusses with representatives of Governments and non-governmental organizations how to solve specific problems in the light of the Declaration, it assists Governments by carrying out on-the-spot visits, organizing seminars and providing similar advisory services. WGEID also makes observations on the implementation of the Declaration when the concerned Government has not fulfilled its



obligations related to the rights to truth, justice and reparation. The WGEID adopts general comments whenever it considers that a provision of the Declaration requires further clarification or interpretation.

#### **Definition of enforced disappearance**

5. As defined in the preamble of the Declaration, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.

#### **Definition of perpetrators**

6. The Working Group operates for purposes of its work on the basis that, in accordance with the definition contained in the Preamble of the Declaration, enforced disappearances are only considered as such when the act in question is perpetrated by State actors or by private individuals or organized groups (e.g. paramilitary groups) acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government. Based on the above, WGEID does not admit cases when they are attributed to persons or groups not acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, such as terrorist or insurgent movements fighting the Government in its own territory.

## **B. Handling of cases**

#### **Urgent procedures**

7. Cases of enforced disappearances that occurred within the three months preceding receipt of the report by the Working Group are transmitted to the Minister for Foreign Affairs of the country concerned by the most direct and rapid means. Their transmission can be authorized by the Chairperson on the basis of a specific delegation of power given to him by the Working Group. Cases which occurred prior to the three-month limit, but not more than one year before the date of their receipt by the Secretariat, provided that they had some connection with a case which occurred within the three-month period, can be transmitted between sessions by letter, upon authorization by the Chairperson. WGEID notifies sources that an urgent action has been sent to the concerned Government, thus helping it to enter into communication with the authorities about the specific case.

#### **Standard procedures**

8. Cases of enforced disappearances that are reported after three months are placed before WGEID for detailed examination during its sessions. Those which fulfil the requirements outlined above are transmitted, upon the Working Group's specific authorization, to the Governments concerned with the request that they carry out investigations in order to clarify the fate or whereabouts of the disappeared person, and inform the Working Group of the results. These cases are communicated by letter from the Group's Chairperson to the Government concerned through the Permanent Representative to the United Nations Office at Geneva.

9. Any substantive additional information which the sources submit on an outstanding case is placed before the Working Group and, following its approval, transmitted to the Government concerned.

**Admissibility of cases of enforced or involuntary disappearances**

10. Reports of disappearances are considered admissible by the Working Group when they originate from the family or friends of the disappeared person. Such reports may, however, be channelled to WGEID through representatives of the family, Governments, intergovernmental organizations, non-governmental organizations and other reliable sources. They must be submitted in writing with a clear indication of the identity of the sender; if the source is other than a family member, it must have direct consent of the family to submit the case on its behalf, and it must also be in a position to follow up with the relatives of the disappeared person concerning his or her fate.

11. The Working Group does not deal with situations of international armed conflict.

**Elements for admissibility**

12. In order to enable Governments to carry out meaningful investigations, the Working Group provides them with information containing at least a minimum of basic data. In addition, WGEID constantly urges the senders of reports to furnish as many details as possible concerning the identity of the disappeared person and the circumstances of the disappearance. The Working Group requires the following minimum elements:

(a) Full name of the disappeared person and, if possible, age, gender, nationality, and occupation or profession;

(b) Date of disappearance, i.e. day, month and year of arrest or abduction, or day, month and year when the disappeared person was last seen. When the disappeared person was last seen in a detention centre, an approximate indication is sufficient (for example, March or spring 1990);

(c) Place of arrest or abduction, or where the disappeared person was last seen (indication of town or village, at least);

(d) Parties, acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, presumed to have carried out the arrest or abduction or to be holding the disappeared person in unacknowledged detention;

(e) Steps taken by the family to determine the fate or whereabouts of the disappeared person, or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive;

(f) A case should be submitted to the Working Group by a reliable source, which, if other than a family member, must indicate whether the reported victim's family has given their direct consent that this case be submitted to WGEID on their behalf.

13. If a case is not admitted, the Working Group sends a response to the source indicating that the information received did not fulfil the established requirements, in order to permit the source to provide all relevant information.

**Situations of vulnerability**

14. With respect to reported cases of disappearances, the Working Group highlights the condition of people in situations of vulnerability, including women, children, the elderly, persons with disabilities, and other vulnerable groups.

**Pregnancy**

15. In the case of the disappearance of a pregnant woman, the child presumed to have been born during the mother's captivity should be mentioned in the description of the case

of the mother. The child would be treated as a separate case when witnesses reported that the mother had actually given birth to a child during detention.

#### **Cases concerning two or more countries**

16. Reports on a disappearance indicating that officials from one country are directly responsible for or involved in a disappearance in another country, or in cases where officials from more than one country were directly responsible for or involved in the disappearance would be communicated to all Governments concerned. However, the case would only be counted in the statistics of the country in which the person was reportedly arrested, detained, abducted or last seen. The same principles are applied with respect to the transmission of urgent appeals, general allegations and prompt interventions.

#### **Outstanding cases**

17. The WGEID considers cases as outstanding for as long as they have not been clarified, closed or discontinued in accordance with the methods of work. This principle is not affected by changes of Government in a given country nor in the event of State succession.

#### **Reminders**

18. The WGEID reminds every Government concerned once a year of the cases which have not yet been clarified and three times a year of all urgent action cases transmitted since the previous session. On request, the WGEID provides to the Government concerned or the source, to the extent possible, updated information on specific cases.

#### **Government replies**

19. All replies received from Governments concerning reports of disappearances are examined by the WGEID and summarized in the Group's annual report to the Human Rights Council. Any information given on specific cases is forwarded to the sources of those reports, who are invited to make observations thereon or to provide additional details on the cases.

#### **The six-month rule**

20. Any reply of the Government containing detailed information on the fate or whereabouts of the disappeared person is transmitted to the source. If the source does not respond within six months of the date on which the Government's reply was communicated to it, or if it contests the Government's information on grounds which are considered unreasonable by the WGEID, the case is considered clarified and is accordingly listed under the heading "Cases clarified by the Government's response" in the statistical summary of the annual report. If the source contests the Government's information on reasonable grounds, the Government is so informed and invited to comment.

#### **Clarification**

21. Clarification occurs when the fate or whereabouts of the disappeared persons are clearly established as a result of investigations by the Government, inquiries by non-governmental organizations, fact-finding missions by the WGEID or by human rights personnel from the United Nations or from any other international organization operating in the field, or by the search of the family, irrespective of whether the person is alive or dead.

**Closed cases**

22. The Working Group may decide to stop pursuing a case when the competent authority specified in the relevant national law issues a declaration of absence as a result of enforced disappearance or, alternatively, a declaration of presumption of death, and the relatives or other interested parties have manifested, freely and indisputably, their desire not to pursue the case any further. These conditions should at all times respect the right to integral reparation.

**Discontinuation of cases**

23. In exceptional circumstances, the WGEID may decide to discontinue the consideration of cases where the families have manifested, freely and indisputably, their desire not to pursue the case any further, or when the source is no longer in existence or is unable to follow up the case and steps taken by the WGEID to establish communication with other sources have proven unsuccessful.

**Reopening of cases**

24. If sources provide well-documented information that a case has been considered clarified, closed or discontinued erroneously, because the Government's reply referred to a different person, does not correspond to the reported situation or has not reached the source within the six-month period referred to above, the WGEID transmits the case to the Government anew, requesting it to comment. In such instances, the case in question is again listed among the outstanding cases and a specific explanation is given in the Group's report to the Human Rights Council, describing the above-mentioned errors or discrepancies.

**C. Other protection mechanisms****Urgent appeals**

25. When credible allegations are received that a person has been arrested, detained, abducted, or otherwise deprived of his liberty and has been enforcedly disappeared or is at risk of being disappeared, the Working Group will transmit those allegations to the Minister for Foreign Affairs of the Government concerned by the most direct and rapid means requesting said Government to carry out investigations to clarify the fate or whereabouts of the person(s) concerned and to inform the Working Group about the results. The transmission of urgent appeals is authorized by the Chairperson on the basis of a specific delegation of power given to him by the Group.

26. Urgent appeals will be reflected in the annual report of the Working Group, but will not be counted in the statistics of the Government concerned. However, should the information contained therein be provided in accordance with the requirements listed under "Admissibility of cases of enforced or involuntary disappearances" and "Elements for admissibility", the urgent appeal will become a standard or urgent case as appropriate in which case the Government concerned will be informed by separate communication.

**Prompt interventions**

27. Cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other non-governmental organizations, human rights defenders or individuals concerned with disappearances are transmitted to the pertinent Governments, with the appeal that they take steps to protect all the fundamental rights of the persons affected. Cases of that nature, which require prompt intervention, are transmitted directly to the

Ministers for Foreign Affairs by the most direct and rapid means. To that end, the WGEID has authorized its Chairperson to transmit such cases between sessions.

#### **General allegations**

28. The WGEID regularly transmits to the Governments concerned a summary of allegations received from relatives of disappeared persons and non-governmental organizations with regard to obstacles encountered in the implementation of the Declaration in their respective countries, inviting them to comment thereon if they so wish.

#### **Cooperation with other mechanisms**

29. If a case or allegation contains information relevant to other thematic mechanisms of the Human Rights Council, the information is transmitted to the mechanism concerned.

30. Where appropriate, the WGEID may join other mechanisms in the actions they take within the scope of their respective mandates.

### **D. Activities of the Working Group**

#### **Country missions**

31. The WGEID carries out visits to countries on invitation, but also takes the initiative of approaching Governments with a view to carrying out visits to countries, when considered appropriate. Such visits are intended to enhance the dialogue between the authorities most directly concerned, the families or their representatives and the WGEID, and to assist in the clarification of the reported disappearances. The WGEID also undertakes visits to examine the practices carried out by Governments to clarify cases of enforced disappearances, as well as the programmes and measures adopted to implement the Declaration and to guarantee the rights of the victims, including the right to integral reparation. The WGEID reports to the Council on its country visits in an addendum to its annual report.

#### **Follow-up**

32. With regard to countries in which visits have been carried out, the WGEID periodically reminds the Governments concerned of the observations and recommendations formulated in the respective reports, requesting information on the consideration given to them, and the steps taken for their implementation or the constraints which might have prevented their implementation. The WGEID may also take the initiative to carry out follow-up visits.

#### **Sessions**

33. The WGEID meets three times a year to consider the information brought to its attention since its previous session. Its sessions are held in private. However, the WGEID works intersessionally and regularly meets with representatives of Governments, non-governmental organizations, family members and witnesses.

#### **Reports**

34. The WGEID reports annually to the Human Rights Council on the activities which it has carried out from the end of Council's previous session up until the last day of the WGEID's third annual session. It informs the Council of its communications with Governments and non-governmental organizations, its meetings and missions. Reports on missions are contained as addenda to the main report. The WGEID reports on all cases of

disappearance received by the Group during the year, on a country-by-country basis, and on the decision it has taken thereon. It provides the Council with a statistical summary for each country of cases transmitted to the Government, clarifications, and the status of the person concerned on the date of clarification. It includes graphs showing the development of disappearances in countries with more than 100 transmitted cases as of the date of the adoption by the WGEID of its annual report. The WGEID includes conclusions and recommendations in its report and makes observations on the situation of disappearances in individual countries. The WGEID further reports on the implementation of the Declaration and the obstacles encountered therein, and periodically reports on broader issues surrounding the phenomenon of enforced disappearance.

**Participation of experts**

35. When the information under consideration concerns a country to which one of the members of the WGEID is a national, that member does not participate in the discussion.

**Titles**

36. Titles are for reference only and should not be considered as part of the methods of work.

## Annex II

## Decisions on individual cases taken by the Working Group during the reporting period

Countries	Cases which allegedly occurred during the reporting period	Cases transmitted to the Government during the reporting period		Clarification by:		
		Urgent actions	Normal actions	Government	Non-governmental sources	Discontinued cases
Albania	-	-	1	-	-	-
Algeria	1	1	211	-	3	-
Argentina	1	1	3	-	-	-
Bangladesh	-	-	1	-	-	-
Chad	1	1	1	-	1	-
Chile	-	-	-	8	-	-
China	2	2	-	3	-	-
Colombia	-	-	8	-	-	-
Democratic Republic of Congo	-	-	1	-	-	-
Egypt	17	17	1	-	-	-
Georgia	-	-	1	-	-	-
India	-	-	7	-	-	-
Iran	-	-	-	1	-	-
Iraq	17	17	1	-	5	-
Libya	-	-	-	-	1	-
Mexico	4	6	4	1	2	-
Montenegro	-	-	-	-	-	14
Morocco	-	-	19	-	-	21
Nepal	-	-	22	-	-	-
Pakistan	3	3	3	-	-	-
Saudi Arabia	1	2	-	1	1	-
Serbia	-	-	-	1	-	-
Somalia	-	-	1	-	-	-

<i>Countries</i>	<i>Cases which allegedly occurred during the reporting period</i>	<i>Cases transmitted to the Government during the reporting period</i>		<i>Clarification by:</i>		
		<i>Urgent actions</i>	<i>Normal actions</i>	<i>Government</i>	<i>Non-governmental sources</i>	<i>Discontinued cases</i>
Spain	-	-	1	-	-	-
Sri Lanka	2	4	96	5	-	-
Sudan	-	-	1	-	-	-
Switzerland	-	-	-	1	-	-
Syria	-	-	10	-	-	-
Tunisia	-	-	1	-	-	-
Turkmenistan	-	-	1	-	-	-
Ukraine	1	1	-	-	-	-
United Arab Emirates	-	-	1	-	-	-
Yemen	4	4	-	-	1	-
Zimbabwe	-	1	-	-	1	-



## Annex III

### Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2009

Countries/entities	Cases transmitted to the Government				Clarification by:			Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead		
	Cases	Female	Cases	Female							
Afghanistan	3	-	3	-	-	-	-	-	-	-	
Albania	1	-	1	-	-	-	-	-	-	-	
Algeria	2 939	19	2 912	18	9	18	9	10	8	-	
Angola	10	1	3	-	7	-	-	-	7	-	
Argentina	3 449	773	3 290	739	107	52	28	5	126	-	
Bahrain	2	-	-	-	-	2	-	1	-	-	
Bangladesh	4	3	3	2	1	-	1	-	-	-	
Belarus	3	-	3	-	-	-	-	-	-	-	
Bhutan	5	-	5	-	-	-	-	-	-	-	
Bolivia	48	3	28	3	19	1	19	-	1	-	
Brazil	63	4	13	-	46	4	1	-	49	-	
Bulgaria	3	-	-	-	3	-	-	-	3	-	
Burkina Faso	3	-	-	-	3	-	-	-	3	-	
Burundi	53	-	52	-	-	1	1	-	-	-	
Cambodia	2	-	-	-	-	-	-	-	-	2	
Cameroon	19	-	15	-	4	-	4	-	-	-	
Chad	34	-	30	-	3	1	2	1	1	-	
Chile <sup>a</sup>	907	65	807	64	77	23	2	-	98	-	
China	116	13	28	4	77	11	51	35	2	-	
Colombia	1 235	122	963	92	205	67	157	24	91	-	
Congo, Republic of	114	3	114	3	-	-	-	-	-	-	

<i>Countries/entities</i>	<i>Cases transmitted to the Government</i>				<i>Clarification by:</i>			<i>Status of person at date of clarification</i>			<i>Discontinued cases</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>Cases</i>	<i>Female</i>	<i>Cases</i>	<i>Female</i>							
Democratic People's Republic of Korea	9	5	9	5	-	-	-	-	-	-	
Democratic Republic of Congo	53	11	44	11	6	3	9	-	-	-	
Denmark	1	-	-	-	-	1	-	1	-	-	
Dominican Republic	4	-	2	-	2	-	2	-	-	-	
Ecuador	26	2	4	-	18	4	12	4	6	-	
Egypt	41	-	33	-	7	1	1	7	-	-	
El Salvador	2 661	332	2 270	295	318	73	196	175	20	-	
Equatorial Guinea	8	-	8	-	-	-	-	-	-	-	
Eritrea	54	4	54	4	-	-	-	-	-	-	
Ethiopia	119	2	112	1	3	4	2	5	-	-	
France	1	-	1	-	-	-	-	-	-	-	
Gambia	2	-	1	-	-	1	-	-	-	-	
Georgia	1	-	1	-	-	-	-	-	-	-	
Greece	3	-	1	-	-	-	-	-	-	2	
Guatemala	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	207	34	127	21	37	43	54	8	18	-	
India	430	12	369	10	51	10	32	7	22	-	
Indonesia	165	2	162	2	3	-	3	-	-	-	
Iran (Islamic Republic of)	532	99	514	99	13	5	7	2	9	-	
Iraq	16 544	2 311	16 409	2 294	107	28	121	6	9	-	
Israel	3	-	2	-	-	1	-	-	-	-	
Japan	4	3	4	3	-	-	-	-	-	-	
Jordan	2	-	2	-	-	-	-	-	-	-	
Kazakhstan	2	-	-	-	-	2	-	-	-	-	
Kuwait	1	-	1	-	-	-	-	-	-	-	

<i>Countries/entities</i>	<i>Cases transmitted to the Government</i>				<i>Clarification by:</i>			<i>Status of person at date of clarification</i>			
	<i>Total</i>		<i>Outstanding</i>		<i>Government</i>	<i>Non-governmental sources</i>	<i>At liberty</i>	<i>In detention</i>	<i>Dead</i>	<i>Discontinued cases</i>	
	<i>Cases</i>	<i>Female</i>	<i>Cases</i>	<i>Female</i>							
Lao People's Democratic Republic	6	-	-	-	-	5	-	4	1	1	
Lebanon	320	19	312	19	2	6	7	1	-	-	
Libya Arab Jamahiriya	14	1	9	1	-	5	4	1	-	-	
Malaysia	2	-	-	-	-	1	-	1	-	1	
Mauritania	1	-	1	-	-	-	-	-	-	-	
Mexico	392	31	218	21	134	24	77	18	63	16	
Montenegro	16	1	1	-	1	-	-	1	-	14	
Morocco	268	28	56	7	144	47	139	2	50	21	
Mozambique	2	-	2	-	-	-	-	-	-	-	
Myanmar	7	1	5	-	2	-	1	1	-	-	
Namibia	3	-	3	-	-	-	-	-	-	-	
Nepal	672	72	458	56	135	79	152	60	1	-	
Nicaragua	234	4	103	2	112	19	45	11	75	-	
Nigeria	6	-	-	-	6	-	6	-	-	-	
Pakistan	124	2	100	2	18	6	22	2	-	-	
Paraguay	23	-	-	-	20	-	19	-	1	3	
Peru	3 009	311	2 371	236	253	385	450	85	103	-	
Philippines	780	94	619	74	126	35	108	19	29	-	
Romania	1	-	-	-	1	-	1	-	-	-	
Russian Federation	478	26	467	24	1	10	11	-	-	-	
Rwanda	24	2	21	2	-	2	1	1	-	1	
Saudi Arabia	8	-	3	-	2	1	1	2	-	2	
Serbia	1	-	-	-	1	-	1	-	-	-	
Seychelles	3	-	3	-	-	-	-	-	-	-	
South Africa	11	1	-	-	3	2	1	1	3	6	
Somalia	1	-	1	-	-	-	-	-	-	-	
Spain	4	-	4	-	-	-	-	-	-	-	
Sri Lanka <sup>b</sup>	12 226	155	5 651	87	6 535	40	103	27	6 445	-	

Countries/entities	Cases transmitted to the Government				Clarification by:			Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead		
	Cases	Female	Cases	Female							
Sudan	383	37	174	5	205	4	208	-	-	-	
Switzerland	1	-	-	-	1	-	-	-	-	-	
Syrian Arab Republic	54	3	28	3	12	14	17	5	4	-	
Tajikistan	8	-	6	-	-	2	1	-	1	-	
Thailand <sup>c</sup>	55	5	52	5	1	-	1	-	-	2	
Timor-Leste	504	36	428	28	58	18	50	23	2	-	
Togo	11	2	10	2	-	1	1	-	-	-	
Tunisia	18	1	1	-	12	5	1	16	-	-	
Turkey	182	11	63	3	69	49	68	24	26	1	
Turkmenistan	3	-	1	-	2	-	-	2	-	-	
Uganda	22	4	15	2	2	5	2	5	-	-	
Ukraine	5	2	4	2	1	-	-	-	1	-	
United Arab Emirates	2	-	1	-	1	-	1	-	-	-	
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	
United Republic of Tanzania	2	-	-	-	2	-	2	-	-	-	
United States of America	1	-	-	-	1	-	-	-	-	-	
Uruguay	31	7	22	3	8	1	4	4	-	-	
Uzbekistan	19	-	7	-	11	1	2	10	-	-	
Venezuela	14	2	10	1	4	-	1	-	3	-	
Viet Nam	2	-	1	-	1	-	-	-	-	-	
Yemen	155	-	4	-	135	1	63	-	73	14	
Zambia	1	1	-	-	-	1	-	1	-	-	
Zimbabwe	6	1	4	1	1	1	-	-	1	-	
Palestinian Authority	3	-	3	-	-	-	-	-	-	-	

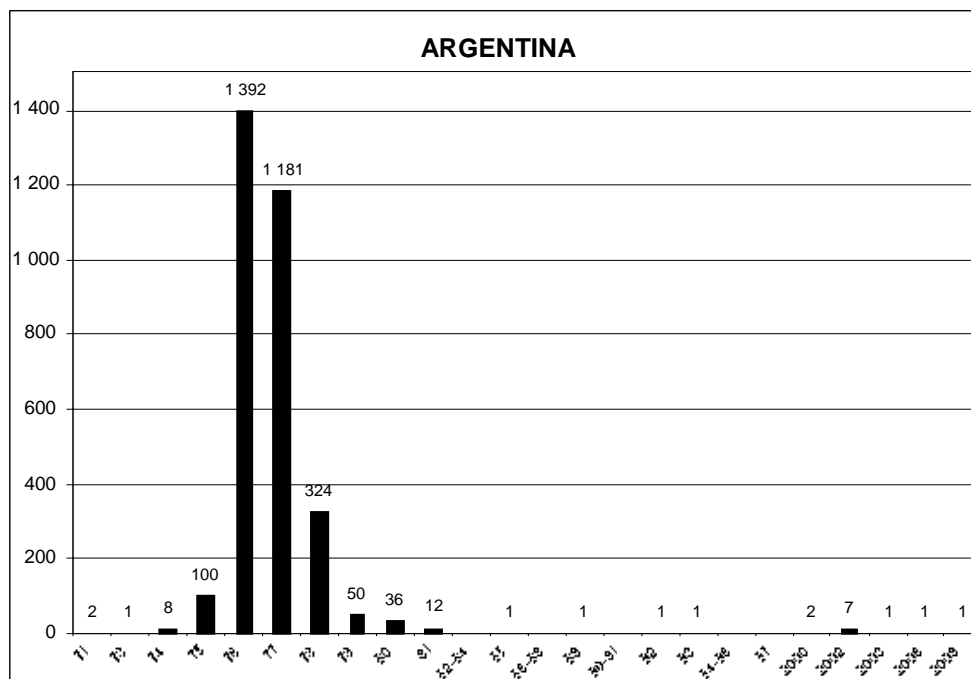
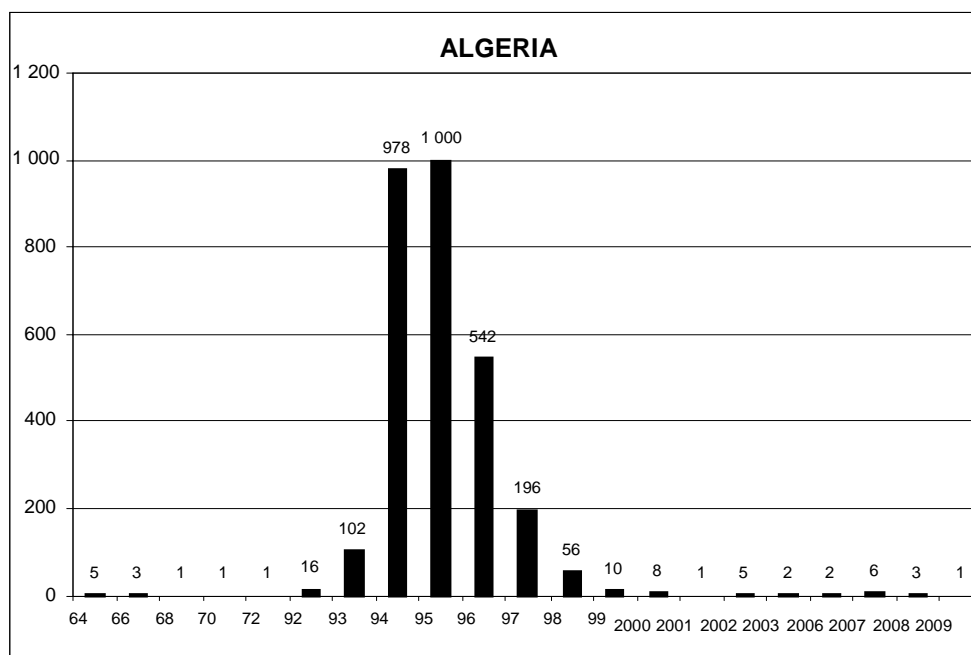
<sup>a</sup> The Working Group determined that one case was duplicated and was subsequently eliminated from its records.

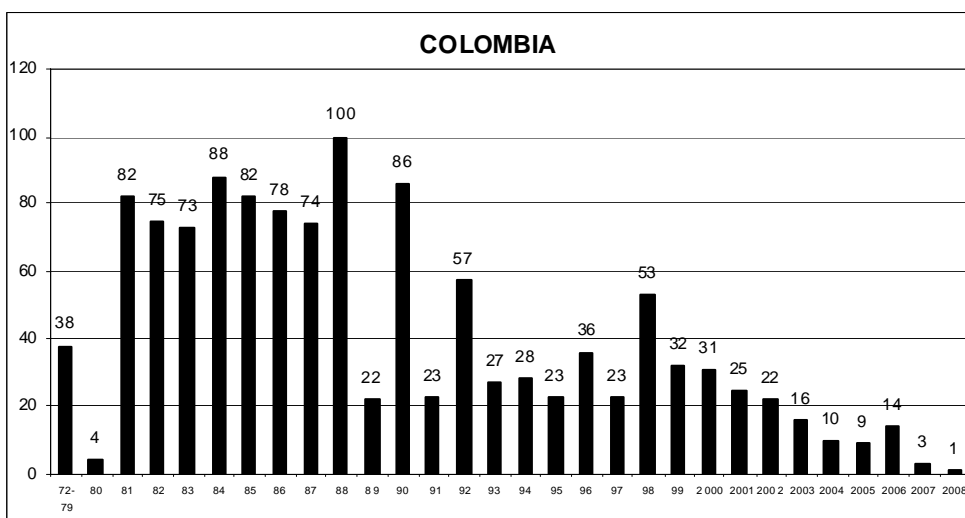
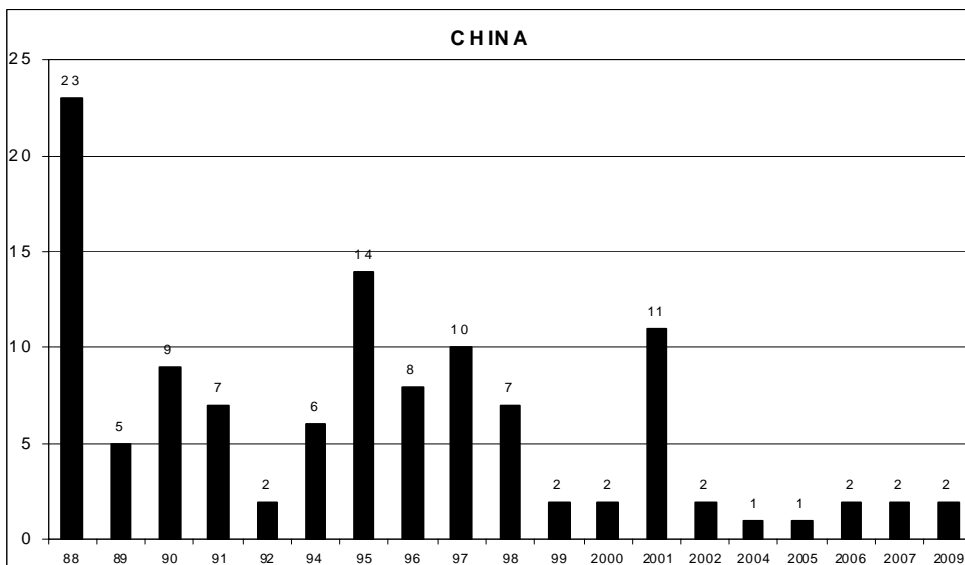
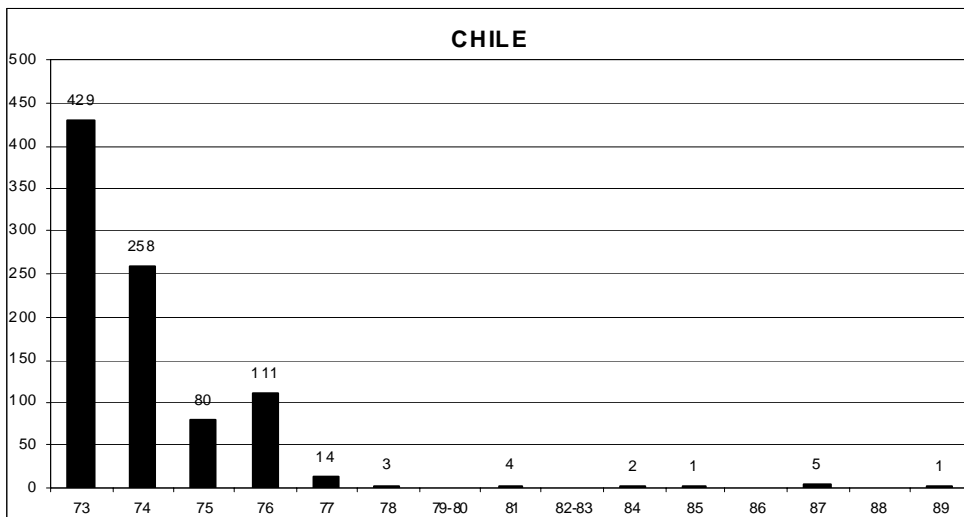
<sup>b</sup> The Working Group determined that 171 cases were duplicated and were subsequently eliminated from its records.

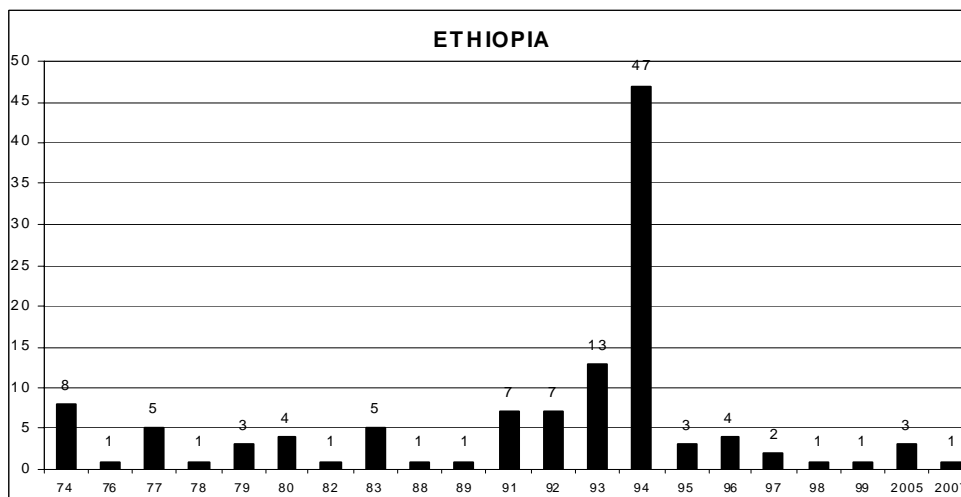
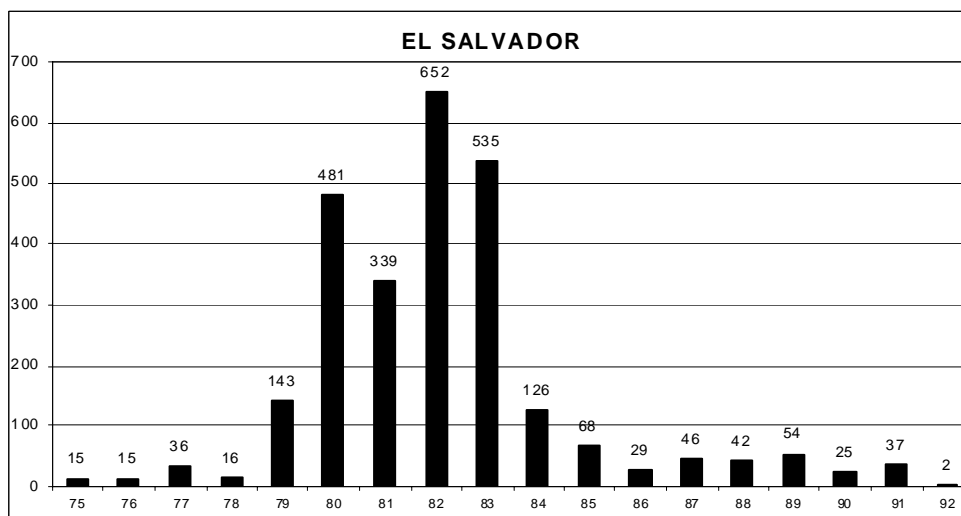
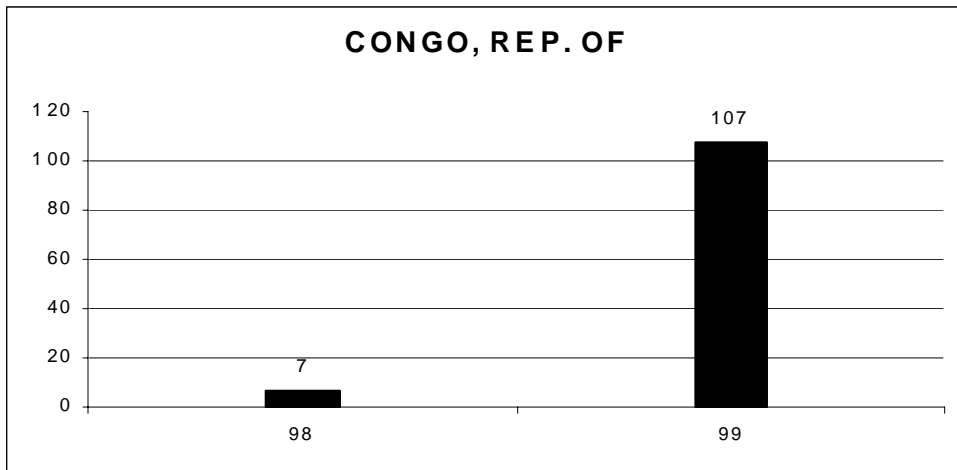
<sup>c</sup> The Working Group determined that three cases were duplicated and were subsequently eliminated from its records.

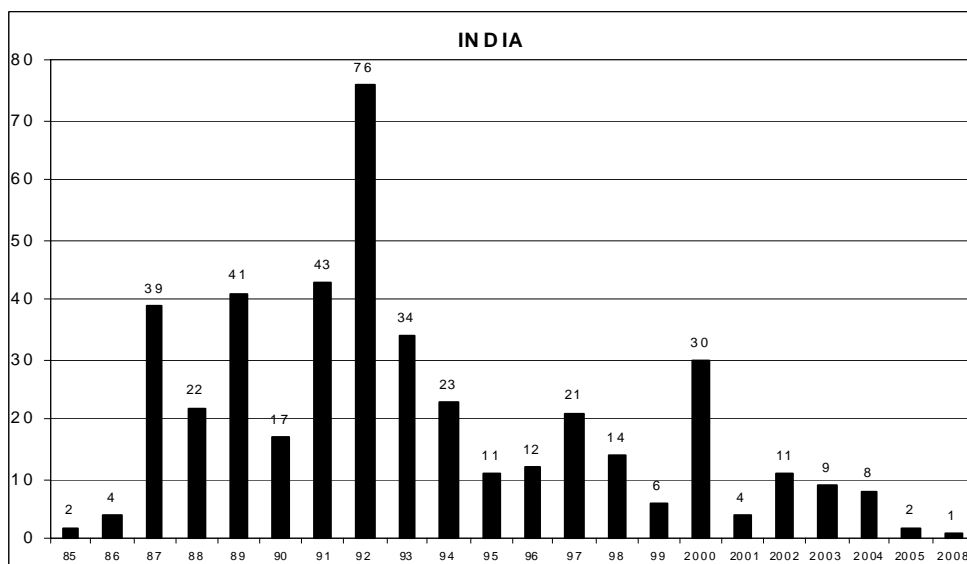
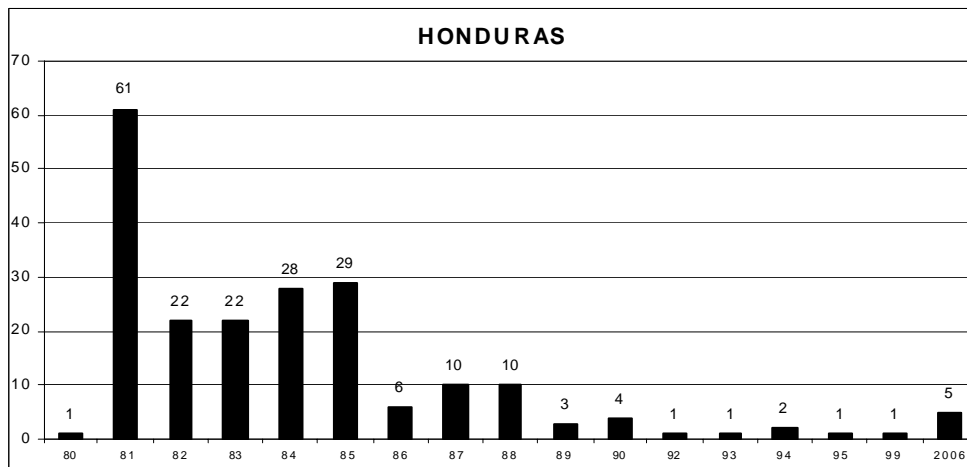
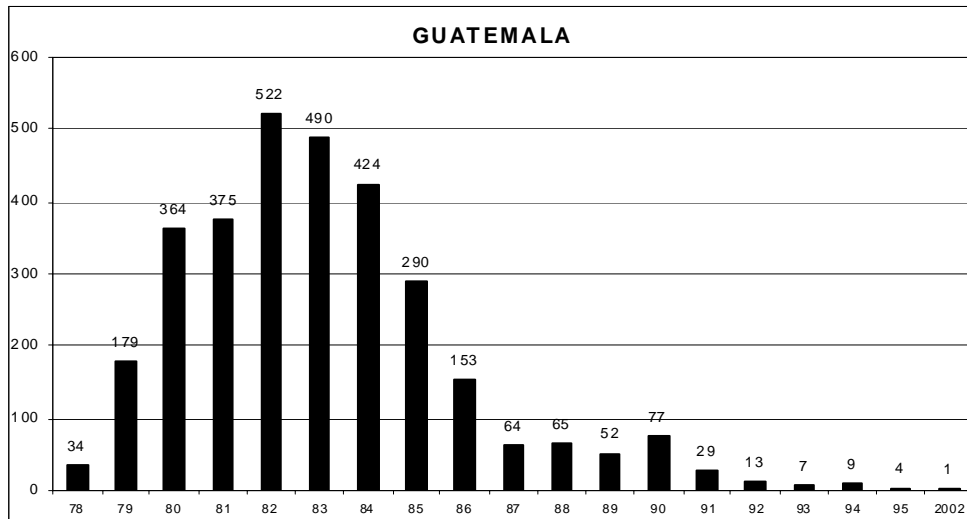
## Annex IV

**Graphs showing the development of disappearances in countries with more than 100 transmitted cases during the period 1980–2009**

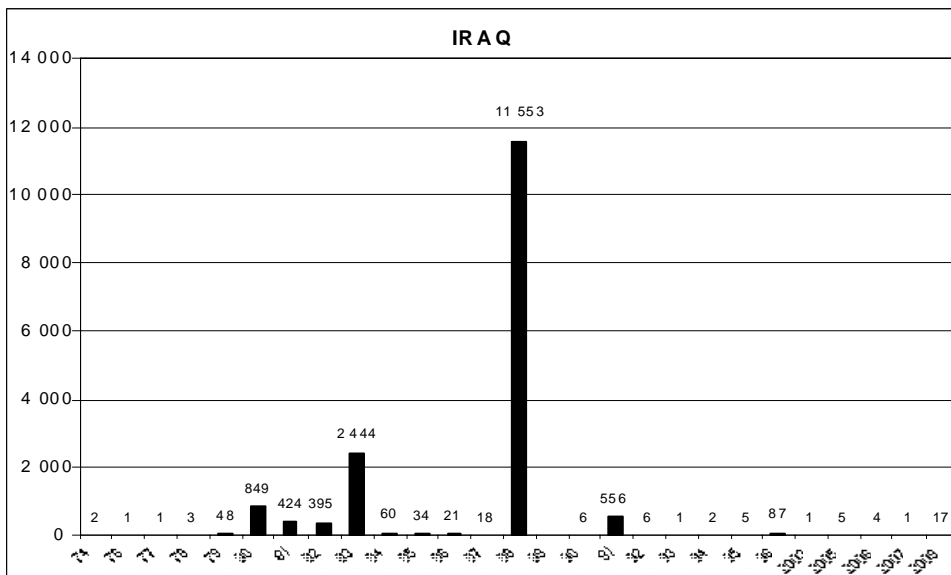
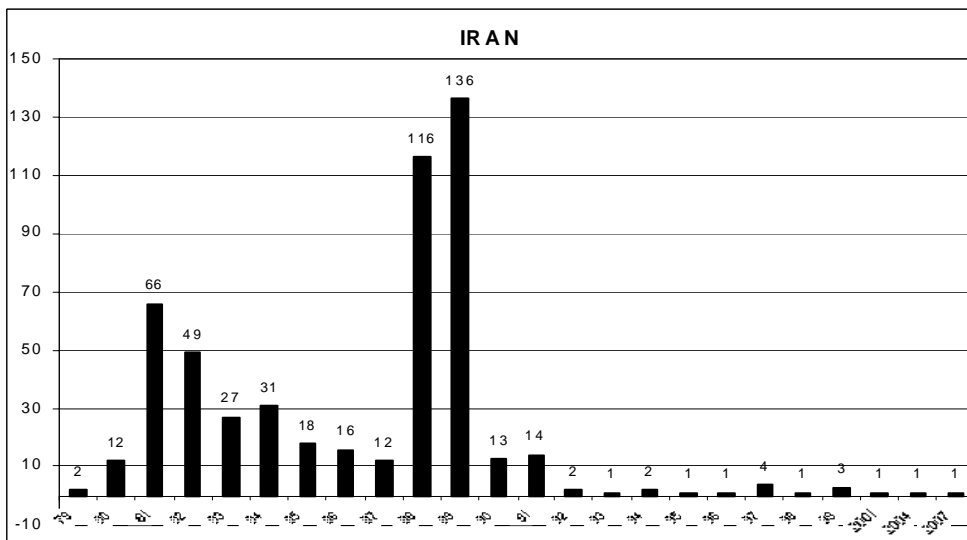
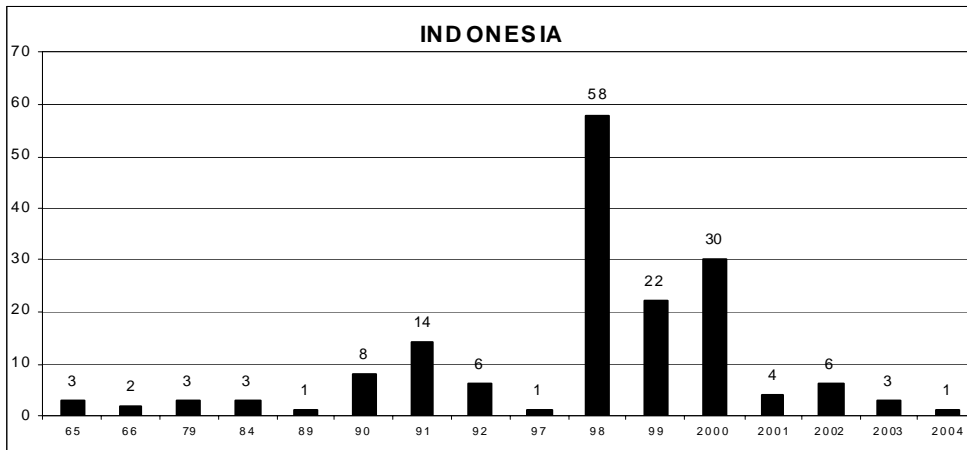


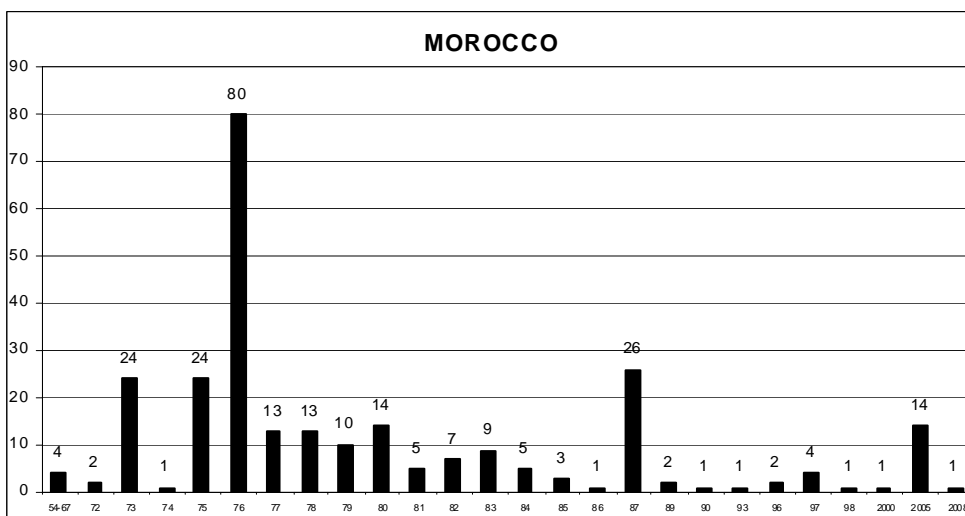
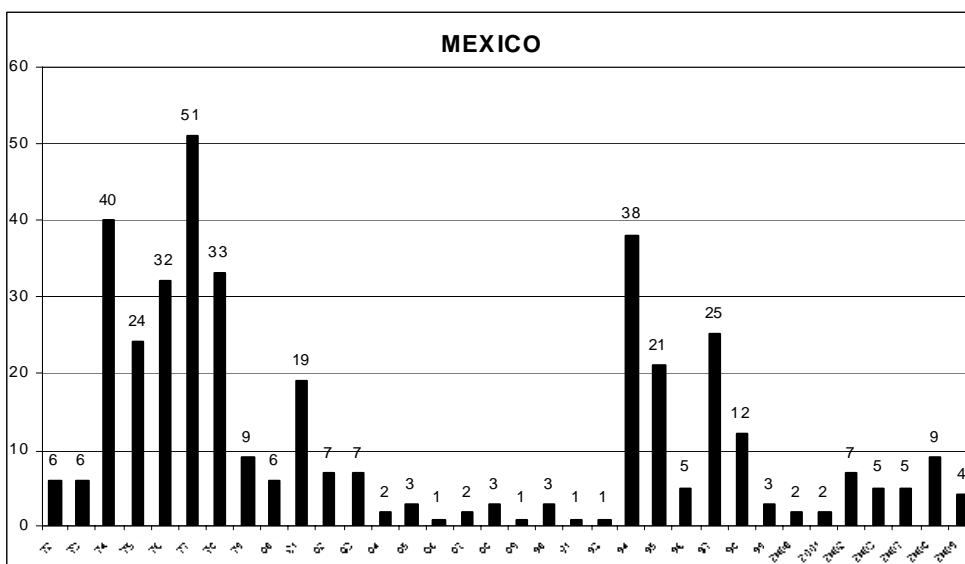
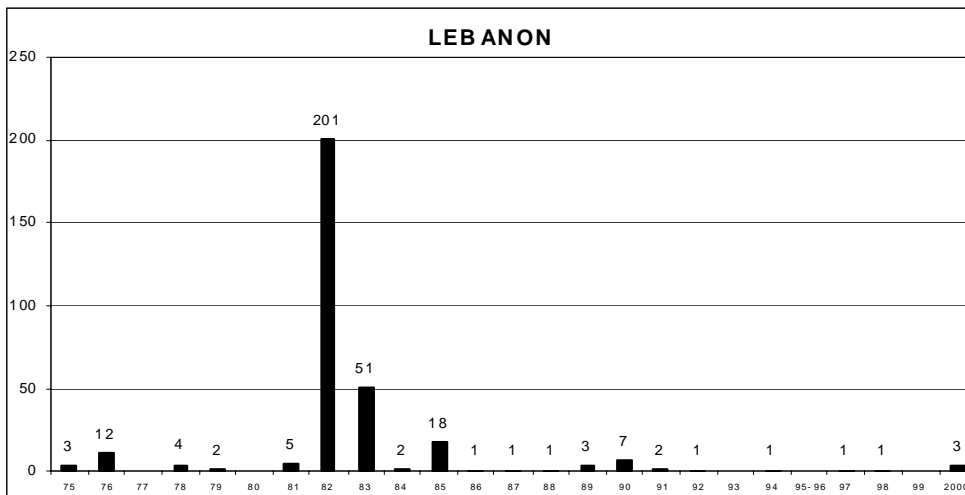


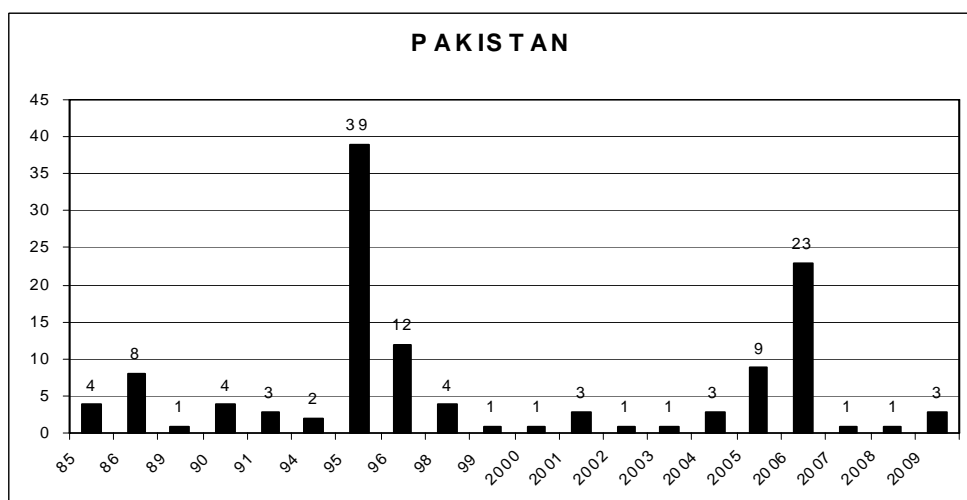
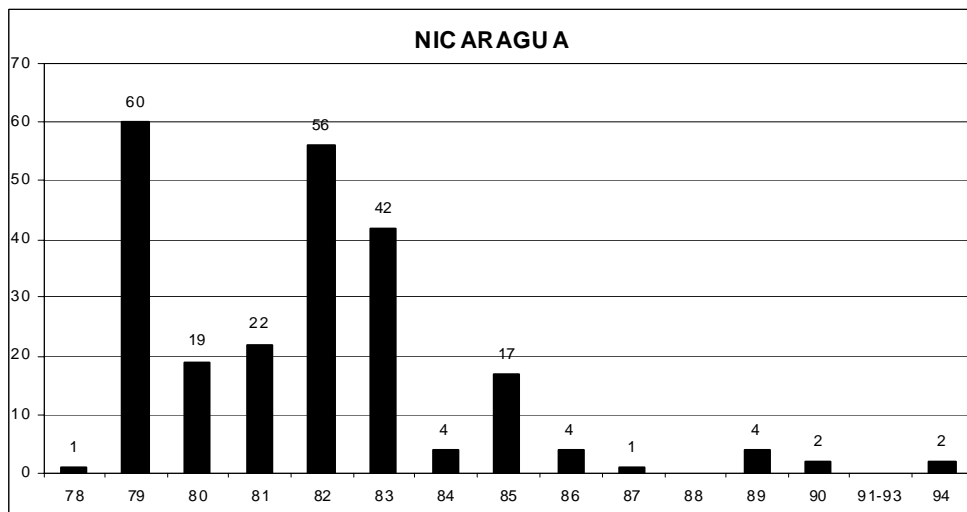
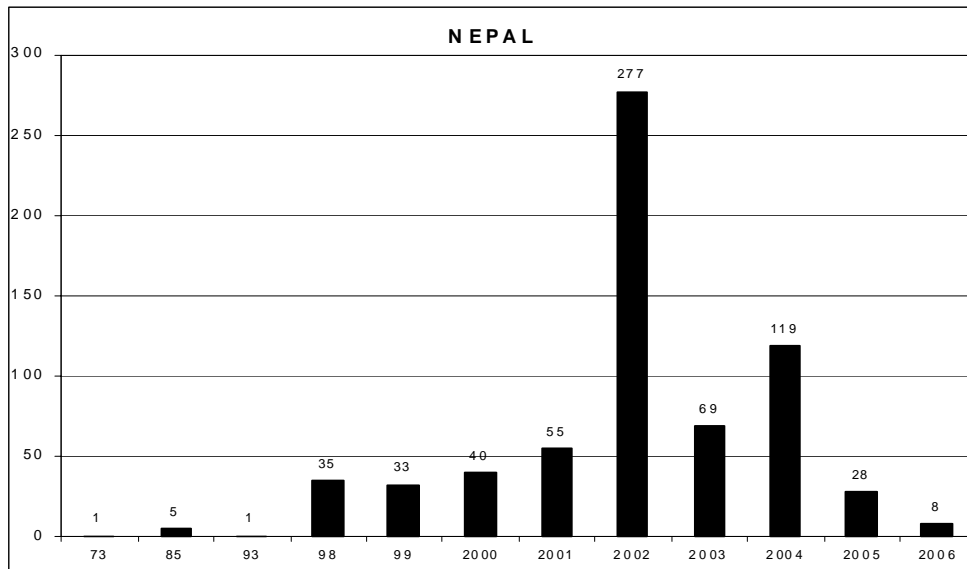


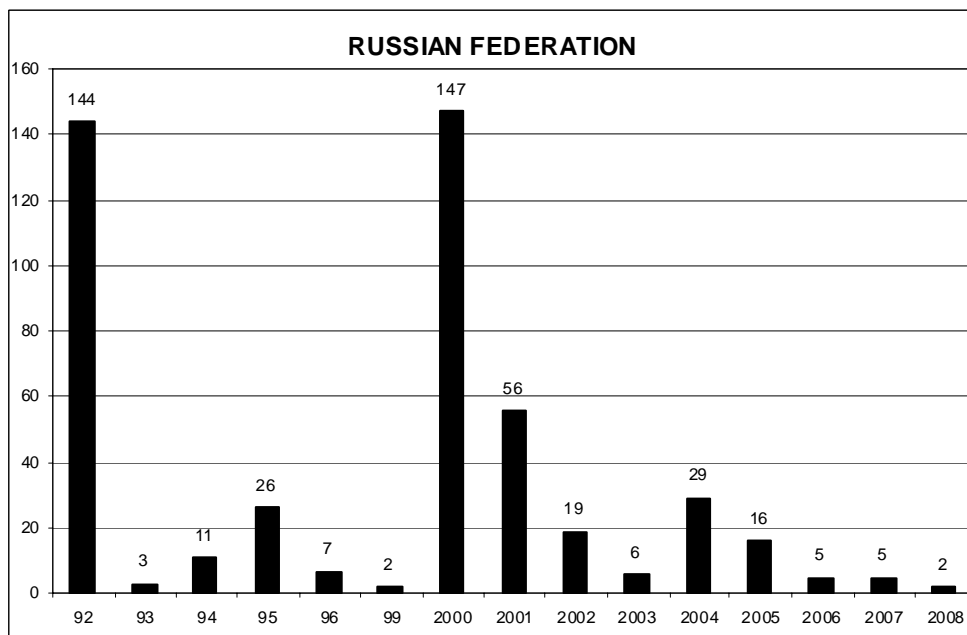
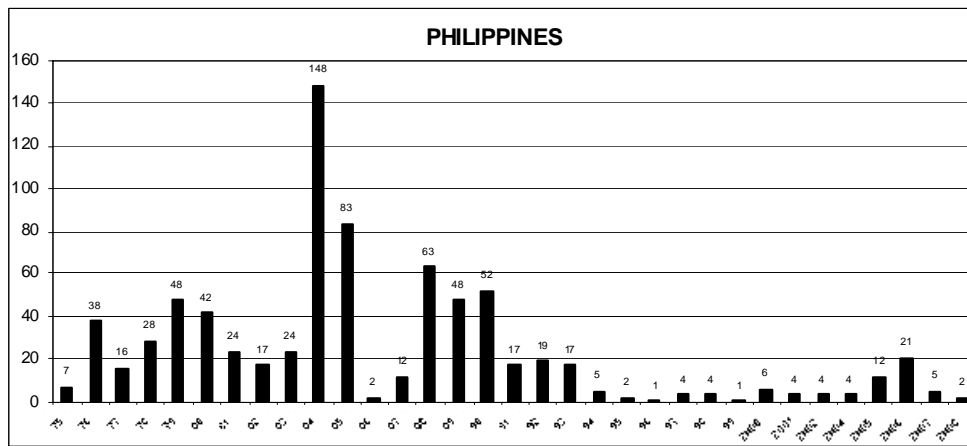
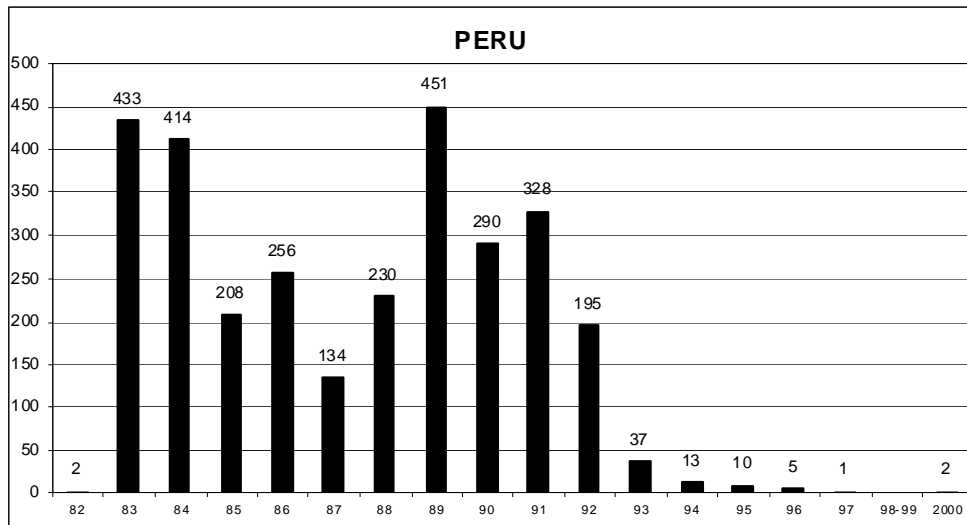


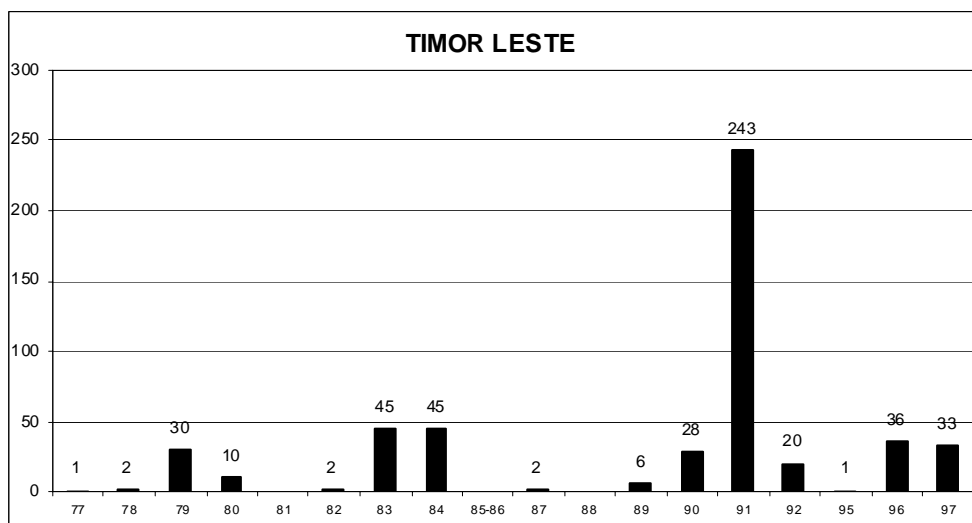
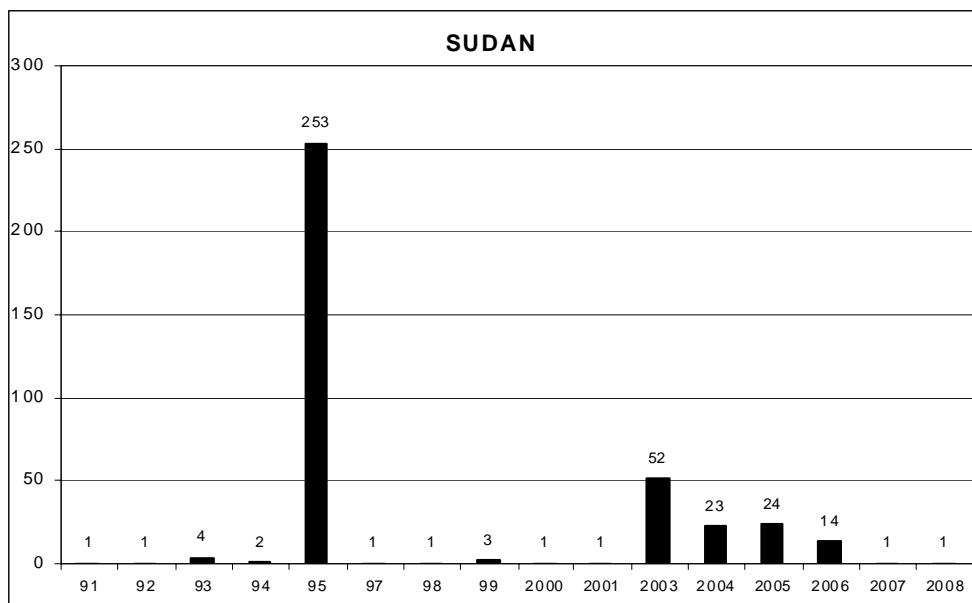
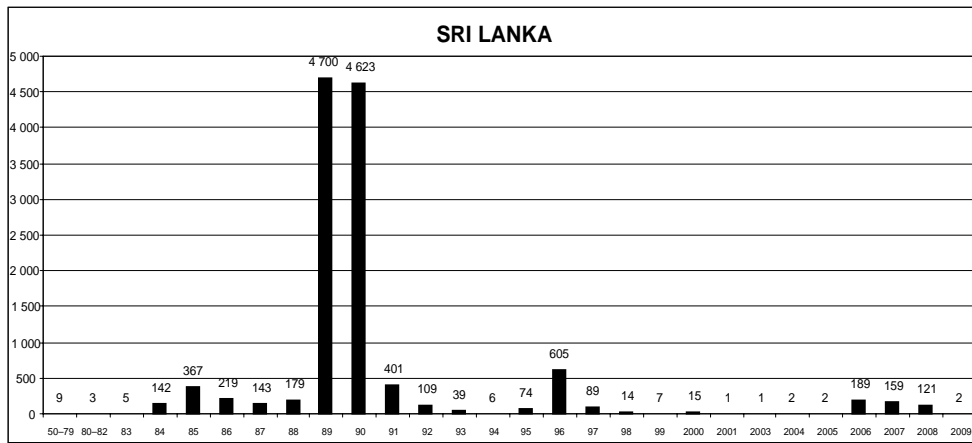


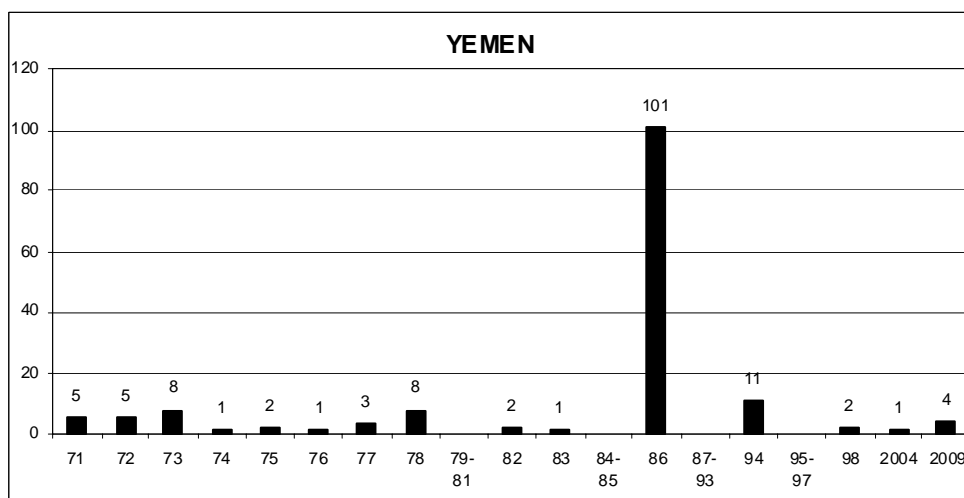
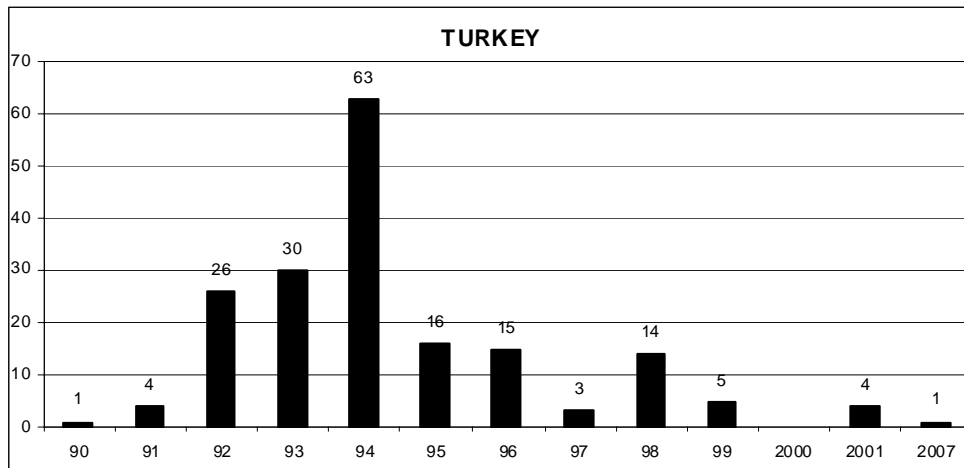












## Annex V

### **Lists of names of newly-reported cases, from countries where there were more than 10 newly transmitted cases during the reporting period**

#### **Algeria**

<b>Case No.</b>	<b>First name</b>	<b>Last name</b>
10002502	Kamel	Abassi
10002503	Messaoud	Abdellouche
10002269	Noureddine	Abdemouch
10002271	Ramdane	Ahmia
10002272	Ahcene	Akchiche
10002273	Youcef	Akchiche
10002277	Farid	Amiour
10002504	Ibrahim	Amir
10002505	Abdelouafi	Ammour
10002506	Farouk	Amrouche
10002279	Yahia	Aouabdia
10002507	Abdelmalek	Aouisset
10002508	Mohamed	Ardji
10002280	Abdelhamid	Atamna
10002509	Mustapha	Ayad
10002510	Bouzid	Badache
10002511	Salaheddine	Badri
10002281	Brahim	Badrouni
10002512	Zine	Bahia
10002513	Abdelmalek	Bahloul
10002514	Abderezak	Bahloul
10002515	Mekki	Bahloul
10002285	Youcef	Bahloul
10002516	Rachid	Bakhtiar
10002517	Saadi	Bechioua
10002518	Mohamed	Belabbes
10002286	Youcef	Belabed
10002291	Mouloud	Belabhim
10002519	Adda	Belaouala
10002289	Ahcene	Belayouar

10002520	Ahmed	Belgherras
10002521	Benothmane	Belhout
10002522	Houari	Benabdelkader
10002293	Abdelouahab	Benamor
10002523	Belkacem	Benarab
10002298	Bouزيد	Benchaita
10002524	Fayçal	Bendjabou
10002526	Foudil	Benlagra
10002527	Sofiane	Benmehena
10002299	Omar	Benokba
10002300	Said	Benokba
10002301	Mokhtar	Bensaidia
10002302	Douadi	Bettiche
10002303	Nabil	Bouab
10002528	Nabil	Bouad
10002529	Larbi	Bouaffou
10002530	Abdelhek	Bouainah
10002531	Abdelmadjid	Bouainah
10002532	Assuoni	Bouaissa
10002533	Messaoud	Boualem
10002309	Rabeh	Boubacir
10002310	Boukhemis	Boubekis
10002534	Boukhmis	Boubkis
10002535	Amar	Boucetouh
10002311	Abderrahmane	Bouchenak
10002536	Ferhat	Boucher
10002537	Slimane	Boucherit
10002538	Lakhdar	Bouchiba
10002312	Smail	Boudioudja
10002313	Messaoud	Boudjatit
10002539	Mahmoud	Boudjemaa
10002314	Rachid	Boudjenana
10002540	Mohamed	Boudour
10002541	Salah	Boudour
10002542	Allaoua	Boudraa
10002543	Salah	Boufarik
10002318	Khoudir	Boufeneya
10002329	Ammar	Boughacha
10002330	Nadir	Boughedda
10002331	Rabeh	Bougherra



10002544	Chaïb	Bouguelmouna
10002332	Rabah	Bouhadjera
10002334	Bachir	Bouhbila
10002545	Abdelwahab	Boukadoum
10002342	Samir	Boukahnoune
10002546	Mohamed	Boukedjmar
10002547	Brahim	Boukerma
10002348	Mohamed	Boukhedoua
10002548	Mokdad	Boukrouche
10002350	Youcef	Boulahchiche
10002549	Khaled	Boulaiche
10002550	M'Hand	Boulaiche
10002551	Nourredine	Boulaouidat
10002552	Abdelhakim	Bouleghrabal
10002353	Abdelmalek	Bouleghrabel
10002553	Hassen	Boulekrouche
10002355	Ahcene	Boulekrouche
10002554	Benaïssa	Boulenouar
10002525	Foudil	Boulfelfel
10002357	Farid	Boumaza
10002361	Abdeslam	Bounab
10002555	Houcine	Bounaira
10002372	Rabah	Bourekoua
10002556	Ammar	Bousseniou
10002557	Sofiane	Boustil
10002388	Kamel	Boustil
10002385	Ammar	Boustouh
10002333	Rabeh	Boutaleb
10002335	Azzedin	Boutef
10002558	Azdin	Boutouf
10002559	Mustapha	Bouzaout
10002560	Abdelkrim	Bouzemi
10002367	Ahcene	Bouzeria
10002561	Said	Bouzenad
10002562	Ahcene	Bouzinia
10002563	Omar	Brahimmet
10002564	Toufik	Brahimi
10002565	Laarbi	Chakour
10002369	Kamel	Chelihi
10002371	Messaoud	Cheraïtia

10002373	Lyes	Chine
10002374	Mahrez	Dahmani
10002376	Djamel	Didi
10002380	El Khelfa	Drouri
10002381	Larbi	El Atli
10002383	Mohamed	Feliout
10002384	Brahim	Ferkous
10002387	Said	Gherda
10002392	Brahim	Grandi
10002566	Messaoud	Guechi
10002396	Messaoud	Guenoune
10002397	Abderezak	Haddad
10002398	Noureddine	Haddad
10002400	Abdelhak	Hamadou
10002401	Mokhtar	Hamadou
10002567	Ali	Hamed
10002568	Mokhtar	Hamidi
10002569	Ammar	Hani
10002407	Khireddine	Kaddou
10002406	Bachir	Kaddour
10002410	Rabah	Kecis
10002412	Rachid	Kecis
10002411	Tahar	Kecis
10002570	Boudjemaa	Kermiche
10002571	Abdelkader	Khelfi
10002414	Smail	Khelifi
10002572	Djamel	Khellaf
10002573	Rais Ali	Khellil
10002393	Mokdad	Khila
10002574	Laadjel	Koriche
10002575	Rachid	Laghouiter
10002576	Zoubir	Laghouiter
10002577	Amar	Laïb
10002476	Mokhtar	Lakmiti
10002477	Adel	Laouici
10002578	Madani	Lardjane
10002579	Smaïl	Lekouaghet
10002581	Ahmed	Louati
10002580	Abdelkrim	Loucif
10002582	Noui Ben Oumis	Maarroof

10002583	Mohamed	Madani
10002480	Abdelkrim	Mati
10002482	Abdelhadi	Mechamdioua
10002481	Ali	Medjitna
10002484	Ahmed	Mehamdioua
10002485	Ali	Mehamdioua
10002584	Makhalet	Mehchach
10002585	Abderrahmane	Mekili
10002586	Benali	Mellal
10002487	Hicham	Menghour
10002587	Abderrazak	Mengouchi
10002488	Bachir	Menighed
10002588	Omar	Mennouche
10002489	Ahcene	Mennouche
10002491	Hocine	Mennouche
10002492	Nasreddine	Mennouche
10002495	Omar	Merrouche
10002497	Ahmed	Milate
10002498	Mbarek	Milate
10002496	Mohamed	Milate
10002589	Mohamed	Mirenasse
10002590	Tahar	Mohammedi
10002500	Derradji	Mouadji
10002499	Rabeh	Mouadji
10002591	Abdelkader	Nekaa
10002592	Abed	Noufel
10002593	Daoud	Nouioua
10002594	Ahmed	Ouali
10002595	Mohamed	Oualid
10002596	Amar	Rabehi
10002597	Ahmed	Rahmouni
10002598	Khaled	Rais
10002599	El Oussani	Ratil
10002600	Slimane	Rebhi
10002601	Abdelhamid	Reffada
10002602	Boumedienne	Rekabi
10002605	Hafid	Rezig
10002606	Rabah	Rezig
10002603	Lakhdar	Rezki
10002604	Younes	Rimiki

10002607	Rachid	Rouag
10002608	Benyebka	Sabri
10002609	Benabdellah	Sadellah
10002610	Walid	Sadoki
10002611	Kada	Sahraoui
10002612	Fatima	Sellef
10002613	Kheira	Sellef
10002614	M'hamed	Semar
10002615	Messaoud	Taari
10002616	Salah	Yahiaoui
10002617	Djelloul	Yendjah
10002618	Mohamed	Yettou
10002619	Mohamed	Zahafi
10002620	Mokhadem	Zakma
10002621	Bachir	Zebar
10002622	Belgachemi	Zenagui
10002623	Abdelkader	Zeraig
10002624	Sidi Mohamed	Zoubirou
10002625	Ali	Zougari
10002626	Mouloud	Zougari

## Iraq

Case No.	First name	Last name
10002664	Shaker	Al Bayati
10002678	Alaa Khayr Allah	Al Maliki
10002672	Haytham Khaled	Barbooty
10002667	Mahmoud Kareem	Fahrn
10002677	Hossein	Gattouf Mansoor
10002674	Mohamed Hussein	Ghadban
10002676	Odey	Hassan Mansoor
10002666	Hashem Kareem	Ibrahim
10002675	Omar	Ibrahim Jasem
10002669	Wissam Ibrahim	Jasem
10002679	Ryad Ibrahim	Jassem
10002668	Rahman Ahmed	Kahrem
10002665	Abbas Kazem	Khamis
10002673	Mahmoud	Maksoud
10002670	Farkad Jama Taha	Yassine
10002671	Ali Abdel Taha	Yassine

**Morocco**

<b>Case No.</b>	<b>First name</b>	<b>Last name</b>
10002758	Mohamed	Ababou
10002761	El Yazid	Agoudar
10002759	Ali Ben Lahsan	Arif
10002760	Mohamed	Arrachid
10002762	Mohamed	Bouffous
10002790	Sidi Sadik	Boutanguiza
10002788	Said	Craita
10002794	Sidi Ahmed	El Aalem
10002791	Mohamed Eddine	El Baiti
10002797	Sidi Brahim	El Yousfi
10002796	Mustapha	El Youssoufi
10002793	Ahmed	Ezimere
10002765	Lahbib	Halab
10002763	Sidi Abderrahmne	Lakhlifi
10002764	Sidi Habibou Allah	Lakhlifi
10002792	Ahmed	Lakouara
10002789	Ali Salem	Mouldar
10002766	Sidi Khlihanna	Rais
10002795	Laaroussi	Souiah

**Sri Lanka**

<b>Case No.</b>	<b>First name</b>	<b>Last name</b>
10002680	Nishahthan	Aberajah
10002681	Anandarajah	Amirthanathan (Jeya)
10002682	Satkunaregan	Anandarajah
10002449	Nishanth	Apputhurai
10002683	Enoch Hobert Justin	Arokiam Enoch
10002684	Roshani	Arulwasaham
10002458	Chandrathas	Balachandran
10002466	Balaih	Balachandran
10002742	Yogaraja	Chandramohan
10002685	Kamalathas	Daniel
10002686	Theoginus	Gnanapragasan (Nathan)
10002687	Ariyaratnam	Gopinath
10002688	Anton	Hadson Lorantine
10002448	Stephen	Jayasinghe

10002689	Stevon	Jayasinghe
10002690	Arulthasan	Jeyanthiran
10002745	Velu	Jeyaseelan
10002691	Abdul Kareem	Jiyaan
10002441	Parimelakar	Kandasamy
10002692	Ratheeban	Kandasamy
10002461	Rasathurai	Kanthan
10002693	Sivapalan	Kathiresan
10002694	Yakkovu	Kingsilin Joseph (Edward)
10002460	Kanagasingam	Krishnapillai
10002695	Subramaniam Suresh	Kumar
10002468	Chellaih	Kumarasooriyar
10002696	Gnanarasa	Lester Vasanthan
10002697	Santhiyogu Jorge	Lionel Figurado
10002699	Sarankan	Mahendrarajah
10002700	Sasiharan	Manmatharasa
10002701	Anton Sunystan	Manuel Figurado
10002702	Roshan Raj	Manuelpillai Charles Joseph
10002717	Ravinathan	Maragathan
10002446	Tomson Mousac	Mariathas
10002451	Pushpakanthan	Markandu
10002447	Kannathas	Mohanathas
10002703	Suresh	Muruges
10002454	Perinparasa	Nadaraja
10002705	Mohanan	Nagarathinam
10002467	Sivatharsan	Navaratnam
10002706	Raju Nicholas	Newton (Vinno)
10002465	Sutharsan	Palanivetpillai
10002708	Sinthadurai Irudeiyaraja	Perera
10002450	Prashanth	Perumal
10002443	Partheepan	Ponnampalam
10002459	Kirubairasa	Ponnuthurai
10002709	Mahindan	Poobalasingam
10002462	Kandasamy	Purusoththaman
10002453	Subramaniam	Puspatheepan
10002442	Rajakumar	Ramachandran
10002710	Arulanantham	Rameshkumar (Rama)
10002711	Pirabakaran	Ramuppillai
10002712	Suthakaran	Rasalingam
10002713	Anton Suganthan	Rasarathnam Mariathas

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10002714	Anthony Ranjan	Rasendran
10002715	Thavarasa	Rasenthiram
10002455	Jegatheeswaran	Rasupathy
10002716	Arirasasingam	Raveenthiran
10002718	Mahendren Judson	Roche (Segar)
10002719	Sivasakthy	Sabapathippillai
10002720	Ratnam	Sachchithanathan
10002721	Suthakaran	Sakthivel
10002456	Prabaharan	Santharasa
10002722	Sinthathurai Jude	Satheeskumar
10002744	Karuppaiah	Savarian
10002723	Anthony Raj Dalima	Sebastian (Ranjith)
10002463	Kandaih	Selvakkumar
10002724	Sathees	Selvarasa
10002444	Sivanantham	Selvaratnam
10002470	Nadarajah	Shanthalingam
10002725	Thuraisingam	Sinnathurai
10002726	Anpalagan	Sivaganam
10002727	Sivamajuran	Sivarasa
10002469	Sivaramanaan	Sivassothy
10002728	Thangarasa	Sivasubramaniam
10002743	Sivasiritharan	Sivasubramaniam
10002445	Rasikaran	Somalingam
10002729	Thuraisingam	Somasundaram
10002730	Anton	Soosaipillai
10002731	Patkunanathan	Sukirthan
10002732	Uthayakumar	Suppiah
10002464	Thiraviyam	Susikumar
10002733	Kumaraswamy	Suthahar
10002452	Ganes	Suvendran
10002734	Kumarakulasingam	Tharsikan
10002735	Rasendram	Thavaseelan
10002736	Thilairajan	Thilaiyampalam
10002738	Varnakanthan	Varnakulasingam
10002739	Kanthasamy	Vimalasothirajah
10002457	Visvaruban	Vivekanantharasa
10002440	Vykunthakumar	Vykunthavasan
10002740	Hilbert Tharshan	Yaakappu Mazanode
10002741	Satheeswaran	Yogarasa

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