



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Report on requests for urgent action submitted under article 30 of the Convention\*

#### A. Introduction

1. Pursuant to rules 57 and 58 of the Committee's rules of procedure, all requests for urgent action submitted for its consideration under article 30 of the Convention should be brought to the attention of the Committee. The full text of any such request may be made available in the language of submission to any member of the Committee at the request of that member. The present report summarizes the main issues that have been touched upon in relation to the requests for urgent action received by the Committee under article 30 of the Convention and the decisions taken on those requests since the twenty-first session.

#### B. Requests for urgent action received since the Committee's twenty-first session

2. In the report on requests for urgent action adopted at its twenty-first session,<sup>1</sup> the Committee set out the decisions taken on and the trends observed among the 1,410 requests for urgent action that had been registered up to 15 September 2021. Between that date and 8 April 2022, the Committee received 85 new requests for urgent action, 81 of which were registered. Two requests were not registered as in each case the disappearance had commenced before the entry into force of the Convention for the State concerned: in accordance with established practice, those requests were forwarded to the Working Group on Enforced or Involuntary Disappearances. A third request did not include sufficient information to establish the facts. A fourth request was not registered as the disappeared person was located immediately after the urgent action request was filed. The 81 new registered requests concerned disappearances in Iraq, Mexico, Oman, the Sudan and Ukraine.

3. As at 8 April 2022, the Committee had registered a total of 1,491 requests for urgent action, as shown in the table.

4. In 2020, the Committee registered 192 new requests for urgent action and sent 102 follow-up notes providing States parties with specific recommendations relating to the search and investigation of the enforced disappearance. In 2021, the Committee registered 459 new requests for urgent action and sent 90 follow-up notes. The Committee highlights the sharp increase in the total number of new requests for urgent action registered in 2021 compared to the previous year, at 240 per cent.

\* Adopted by the Committee at its twenty-second session (28 March–8 April 2022).

<sup>1</sup> CED/C/21/2.



## Urgent action requests registered to 8 April 2022, by year and by State party

Year	Argentina	Armenia	Bolivia (Plurinational State of)	Brazil	Burkina Faso	Cambodia	Colombia	Cuba	Honduras	Iraq	Kazakhstan	Lithuania	Mali	Mauritania	Mexico	Morocco	Niger	Oman	Paraguay	Peru	Sri Lanka	Slovakia	Sudan	Togo	Tunisia	Ukraine	Total
2012	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	5	
2013	-	-	-	-	-	-	1	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	5	
2014	-	-	-	1	-	1	1	-	-	5	-	-	-	-	43	-	-	-	-	-	-	-	-	-	-	51	
2015	-	-	-	-	-	-	3	-	-	42	-	-	-	-	166	-	-	-	-	-	-	-	-	-	-	211	
2016	-	-	-	-	-	-	4	-	-	22	-	-	-	-	58	1	-	-	-	-	-	-	-	-	-	85	
2017	2	1	-	-	-	-	3	-	-	43	2	-	-	1	31	2	-	-	-	1	-	-	-	-	-	86	
2018	-	-	-	-	-	-	9	1	14	50	-	-	-	-	42	-	-	-	-	-	-	-	2	-	-	118	
2019	-	-	1	-	-	2	3	3	-	226	-	2	-	-	10	-	-	-	-	-	-	-	-	1	-	248	
2020	1	-	-	-	1	1	2	-	9	103	-	-	1	-	57	-	1	-	14	-	1	-	1	-	-	192	
2021	-	-	-	-	-	-	153	188	2	41	-	-	11	-	60	2	-	1	1	-	-	-	-	-	-	459	
2022 <sup>a</sup>	-	-	-	-	-	-	-	-	-	20	-	-	-	-	8	-	-	-	-	-	-	-	1	-	2	31	
<b>Total</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>179</b>	<b>192</b>	<b>25</b>	<b>552</b>	<b>2</b>	<b>2</b>	<b>12</b>	<b>1</b>	<b>484</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1 491</b>

<sup>a</sup> To 8 April 2022.

## C. Developments since the twenty-first session (to 8 April 2022)

5. Throughout the urgent action procedure, the Committee maintains constant contact with States parties through their permanent missions, and with the authors of requests for urgent action through notes, letters, meetings and telephone calls. The Committee also relies heavily on the cooperation of the Office of the United Nations High Commissioner for Human Rights and other United Nations field presences that often relay information between the authors of requests for urgent action and the Committee and follow up on the implementation of the Committee's recommendations.

6. While not intended to be an exhaustive analysis of all the information received under the urgent action procedure, the following paragraphs contain a description of general and specific issues, trends and developments in some of the States parties over the period under review.

### 1. General trends observed during the reporting period

7. The information received in the context of the urgent action procedure confirms a number of the trends previously identified in the reports adopted by the Committee at its eleventh to twenty-first sessions,<sup>2</sup> including the trends described in the following paragraphs.

#### (a) Lack of cooperation with the Committee

8. Whenever the States parties concerned or the authors of requests for urgent action do not provide follow-up information by the deadlines set by the Committee, the Committee will send up to four reminders. If a State party fails to reply after the third reminder, the Committee sends a final reminder, indicating that the Committee may decide to make the situation public in its report on requests for urgent action at its following session and in its

<sup>2</sup> CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2, CED/C/15/3, CED/C/16/2, CED/C/17/2, CED/C/19/2, CED/C/20/2 and CED/C/21/2.

following report to the General Assembly. As at 8 April 2022, the Committee had sent final reminders and received no response from the States parties concerned regarding 350 requests for urgent action: 298 requests concerning Iraq, 51 requests concerning Mexico and 1 request concerning Mali. The Committee considers that a State party's failure to respond to a request for urgent action is not in compliance with its international obligation to cooperate in good faith with the Committee and, in particular, with its obligation under article 30 (3) of the Convention to inform the Committee about the measures taken to locate and protect the disappeared person.

9. The Committee is particularly concerned about the continued failure of Iraq to reply to the majority of the registered requests for urgent action concerning cases of disappearance that occurred in its territory. The Committee has noted this lack of compliance by Iraq with its obligations under article 30 of the Convention in its past four reports submitted to the General Assembly.<sup>3</sup>

10. The Committee is also concerned about the lack of response from the authors of requests for urgent action. When authors fail to respond after the State party has provided observations, which have then been transmitted to the authors for comments, the Committee will send up to four reminders. If the authors fail to reply after the third reminder, the Committee sends a final reminder. As at 8 April 2022, the Committee had sent final reminders and received no response from the authors concerned regarding 93 requests for urgent action: 71 requests concerning Mexico, 7 requests concerning Colombia, 13 requests concerning Honduras, 1 request concerning Iraq and 1 request concerning Peru. Lack of response from the authors of requests for urgent action prevents the Committee from being able to follow up on its own recommendations. Authors should inform the Committee if they have lost contact with the disappeared person's relatives, in which case the Committee will suspend its follow-up on the case, or if the person has been located, in which case it will close or discontinue the case (see para. 41).

**(b) Lack of a strategy suited to each case and lack of coordination between search and investigation procedures**

11. In the context of its follow-up to requests for urgent action, the Committee continued to raise its concerns with regard to the failure by States parties to define and implement a comprehensive strategy for the search for the disappeared persons and the investigation of their disappearance in compliance with articles 12 and 24 of the Convention. In such cases, the Committee had previously requested the States parties concerned to design and implement a strategy for search and investigation, which should include an action plan and timeline and should be evaluated periodically, in accordance with principle 8 of the guiding principles for the search for disappeared persons.<sup>4</sup> However, in the majority of such cases, States parties continued to report on isolated and uncoordinated action for search and investigation that revealed the absence of any such strategy and prevented or hindered any meaningful progress in the location of the disappeared persons concerned.

12. On the basis of the information received from States parties, the Committee continued to observe an apparent lack of coordination between search and investigation procedures in the majority of requests for urgent action registered. This lack of coordination is usually due to the failure of the competent State authorities to share the information and evidence that they have obtained in fulfilling their respective mandates, leading in some instances to a duplication of activities and in others to information gaps, and again resulting in the stagnation of the search and investigation processes or in unnecessary delays in the location of the disappeared persons and identification of perpetrators. In such cases, the Committee continued to stress the importance of coordination between the authorities in charge of the search and those in charge of the investigation, so that any information obtained by either may be used efficiently and expeditiously by the other, in accordance with principle 13 of the guiding principles for the search for disappeared persons.

<sup>3</sup> A/73/56, A/74/56, A/75/56 and A/76/56.

<sup>4</sup> CED/C/7, annex.

**(c) Challenges to the effective participation of relatives in the search and investigation**

13. During the period under review, the Committee continued to receive reports of obstacles faced by the relatives of disappeared persons to effectively participate in the search and investigation, including lack of information on measures taken by the relevant authorities in the search and investigation and the results achieved. In some cases concerning Iraq, the State party invited the relatives of disappeared persons to participate in search and investigation procedures through its notes to the Committee, instead of directly addressing such invitations to the relatives themselves. In this regard, the Committee continued to recommend that the States parties concerned implement clear and official mechanisms to periodically inform relatives and representatives of disappeared persons about the status of the search and investigation, and to allow their full participation in both, giving them access to any relevant information on progress and results, in accordance with article 24 of the Convention and principle 5 of the guiding principles for the search for disappeared persons.

14. The Committee is highly concerned at reports that it has received regarding several requests for urgent action concerning disappearances in Nayarit State, Mexico, that evidence was lost from the investigation files when they were transferred from Nayarit State Prosecutor's Office to the Federal Prosecutor's Office, and that the relatives of the disappeared persons have not had access to the files since the transfers. The Committee is also concerned at allegations that it has received regarding a request for urgent action concerning a disappearance in Jalisco State, Mexico, that Jalisco State Prosecutor's Office refused to provide copies of the investigation file to relatives of the disappeared person, on the grounds that the file contained classified information.

**(d) Lack of a differential approach**

15. The Committee recalls that the search for persons in situations of vulnerability requires special procedures, experience and knowledge to meet their particular needs. In requests for urgent action involving women, including transsexual women, the Committee systematically requested that all stages of the search procedures be conducted with a gender perspective and by specialized staff, including female staff. Similarly, the Committee requested that a differential approach be adopted in cases of the disappearance of children, including respect for the principle of the best interests of the child in all stages of the search procedure. Notwithstanding, the Committee has received no information to date from the States parties concerned as to how these recommendations have been implemented in practice.

**(e) Delays to search and investigation due to the coronavirus disease (COVID-19) pandemic**

16. In the context of one request for urgent action concerning events in Mexico, the Committee was informed of delays in the search procedure due to the coronavirus disease (COVID-19) pandemic. In that case, the Committee stressed that, while it was conscious that the COVID-19 pandemic could have led to restrictions that entailed obstacles or delays in the search and investigation procedures, those procedures must not be paralysed by such restrictions. The Committee further called for urgent and coordinated measures to proceed with the search and investigation.

**(f) Reprisals**

17. The Committee received allegations by the authors of requests for urgent action of reprisals, usually involving threats and retaliation against the relatives of disappeared persons, aimed at dissuading them from participating in or promoting search and investigation processes. In 290 currently open cases, the Committee requested that the States parties concerned take protection measures to preserve the lives and integrity of the individuals concerned and allow them to pursue their search activities without being subjected to violence, intimidation or harassment, in conformity with State parties' obligations under article 24 of the Convention and in the light of principle 14 of the guiding principles for the search for disappeared persons. The Committee further requested that the States parties concerned ensure that such measures were taken with the prior consent of the persons requiring protection and were subject to review at their request. In 2021, the Committee requested protection measures regarding 60 requests for urgent action registered that year:

44 requests concerning disappearances in Mexico, 13 requests concerning Iraq, 1 request concerning Honduras, 1 request concerning Morocco and 1 request concerning Paraguay (1 case). The Committee is concerned at information that it has received that, despite State parties' responses that protection measures had been taken, the beneficiaries were unaware of such measures and continued to be subjected to threats and intimidation. The Committee is particularly concerned at allegations that it has received regarding requests for urgent action in Nayarit State, Mexico, that witnesses who had been called to testify were detained just before they were due to appear, and could not testify as a result.

## 2. Specific trends relating to Iraq and Mexico

18. During the period under review, Iraq and Mexico remained the two States parties with regard to which the most requests for urgent action were registered, and they now jointly account for 69 per cent of all requests for urgent action registered. Nevertheless, the Committee has also received an increasing number of requests with regard to other States parties. During the period under review, the Committee received the first request for urgent action concerning events in Oman (see para. 38 below).

### (a) Iraq

19. As at 8 April 2022, the Committee had registered a total of 552 cases related to events in Iraq, amounting to 37 per cent of all requests for urgent action registered so far. The Committee is highly concerned that, according to the information received, in only 34 of these cases have the disappeared persons been located, amounting to only 6 per cent of all requests for urgent action related to events in Iraq. During the period under review, five disappeared persons on whose behalf requests for urgent action had been filed were located. The Committee is concerned that, even when the disappeared persons were released from detention, or located in detention, it was the authors of the requests for urgent action and not the State party who informed the Committee. The Committee expressed concern about the State party's failure to inform the Committee about such developments in its notes closing or discontinuing the cases in question.

20. In one of these cases, the disappeared person was in detention and was allowed limited direct and phone contact with his relatives, but not his lawyer. In this case, the Committee recalled article 17 (d) and (f) of the Convention: under article 17 (d), States parties must guarantee that any person deprived of liberty is authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law; and under article 17 (f), States parties must guarantee that any person deprived of liberty or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, is entitled in all circumstances take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful.

21. The Committee notes with concern that there is a direct correlation between the lack of cooperation by Iraq with the urgent action procedure under article 30 of the Convention, as noted in paragraph 9 above, and the alarmingly low number of disappeared persons who have been located in Iraq to date.

22. Where the State party submitted replies to the Committee – which it did in less than half of the registered cases – the responses generally followed the same trend observed by the Committee in its previous reports, namely that the State party did not provide any information on action taken to search for disappeared persons or to investigate their alleged enforced disappearance. As previously, the State party continued to assert in a number of cases that the disappeared persons were affiliated with terrorist groups, without providing any further information or evidence about any specific criminal charges brought, proceedings initiated or arrest warrants issued against them. In these cases, the Committee reminded the State party that the Convention provided for no exceptions to its obligation to search for disappeared persons and to investigate their disappearance, irrespective of their profile or of any suspicions against them. Similarly, the Committee emphasized that judicial access and remedies must be available to all persons, including those affected by terrorism sanctions

regimes.<sup>5</sup> The Committee also requested the State party to provide copies of arrest warrants or any official documents that listed the disappeared persons as wanted by the Iraqi authorities, and, if specific criminal charges and proceedings had been brought against them, to officially notify their relatives and representatives, and to place them immediately under the protection of the law to enable the preparation of their defence and to protect and promote their right to due process. The Committee welcomes the State party's recent responses to this request whereby it did provide copies of the relevant arrest warrants, and another response whereby it acknowledged the disappeared person's death and provided information on the location of the remains. The Committee is hopeful that the State party will continue to engage with it more systematically and to keep relatives informed as to the whereabouts of disappeared persons and the search and investigation measures taken, regardless of affiliation.

23. In some cases, the State party responded by stating that the disappeared persons' relatives had not filed complaints with the relevant authorities, even though they had in fact done so with several administrative and judicial authorities at the national level. In these cases, the Committee recalled principle 6 of the guiding principles for the search for disappeared persons, according to which: the obligation to search for and locate a person is triggered as soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to enforced disappearance; the competent authorities should begin the search immediately and expeditiously, on their own initiative, even when no formal complaint or request has been made; a lack of information from relatives or complainants cannot be invoked to justify a failure to immediately launch activities to search for and locate the disappeared person; and where doubts arise about the occurrence of an involuntary disappearance, the search should nevertheless begin immediately.

24. In two cases, the State party contended that the authors were acting without the consent of the alleged victims, noting that the disappeared persons' mother had stated that she had not authorized the requests. The Committee responded that the requests for urgent action complied with the requirements of the Convention: under article 30 (1), a request may be submitted to the Committee by the relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest. The Committee added that the identity of authors of requests for urgent action was confidential.

25. In some of the cases registered with the Committee, the State party responded by addressing, through the Committee, an invitation to the relatives of disappeared persons to present themselves at the forensic department of the Ministry of Health to examine photographs of unidentified bodies, in case they were able to identify the disappeared persons concerned. The Committee noted that these invitations should be directly addressed to the relatives themselves, who should be periodically informed of any results in the search and investigation.

26. As during the previous review period,<sup>6</sup> the Committee continued to receive a number of new requests for urgent action with regard to the disappearance of persons in 2017. It was reported that, when the Iraqi security forces were about to enter Hadar District, in Ninawa Governorate, approximately 50 Sunni families fled in their vehicles towards the village of Oleba. Militia affiliated with the Iraqi security forces reportedly arrested the men, who were blindfolded and handcuffed and taken to the Hadar crossroad. The Committee also received a number of new requests for urgent action with regard to the disappearance of persons in 2015 in the context of military operations by the Popular Mobilization Forces against Da'esh, as a result of which families had been displaced. According to the information before the Committee, the Popular Mobilization Forces arrested the men and never returned them to their families. In both such types of cases, the Committee requested the State party to confirm whether the disappeared persons were being detained in any formal or informal place of deprivation of liberty and, if so, to guarantee that they would be authorized to communicate with and be visited by their family, counsel or any other person of their choice, in compliance with article 17 (2) (d) of the Convention, and to inform the Committee about any charges

<sup>5</sup> A/HRC/40/52, para. 75 (g).

<sup>6</sup> CED/C/21/2, para. 22.

pressed or proceedings initiated against them. The Committee is still awaiting information from the State party in that regard.

27. With regard to one request for urgent action registered in 2019, the Committee received information that the disappeared person's father, who, on numerous occasions, had called for his son's release and for criminal sanctions to be imposed against the perpetrators, had been shot dead in Amarah. In view thereof, the Committee requested that the State party take immediate measures to relocate the victims' relatives, who were at risk of reprisals, to a safer region. According to the latest information received from the authors, the State party has expressed its willingness to facilitate the relocation of those concerned. However, the Committee remains concerned that the relatives have not yet been relocated despite the continuing threat to their lives.

28. The Committee also registered two requests for urgent action concerning disappearances by a non-State actor. The requests concerned two Yazidi siblings who were disappeared at the hands of Da'esh. On 15 August 2014, Da'esh fighters gathered all the inhabitants of the village of Kuju and took the women and children to different locations in Iraq and the Syrian Arab Republic. The family of the disappeared persons lodged a complaint with the Iraqi courts, in Dahuk, but to no avail. The Committee therefore requested that the State party take immediate action to search for, locate and protect them, in compliance with article 30 of the Convention.

**(b) Mexico**

29. As at 8 April 2022, the Committee had registered a total of 484 cases related to events in Mexico, amounting to 32 per cent of all requests for urgent action registered so far. Of these 484 cases, 46 have been closed as the disappeared persons have been found at liberty or found and released, 98 cases have been suspended as the authors of the requests have lost contact with the relatives of the disappeared persons and can no longer provide follow-up information, and 340 cases remain open.

30. As during previous review periods, the Committee continued to observe a general lack of coordination between the various authorities in charge of search and investigation, including with respect to the definition of their respective roles and responsibilities and the sharing of information on action undertaken and results obtained, which resulted on occasions in a duplication of action. In such cases, the Committee noted with concern that the measures taken appeared isolated and that formal action by certain institutions did not reveal an integrated, efficient and coordinated strategy for search and investigation. In particular, it recommended coordination between the authorities conducting investigations at the federal and state levels, including clear definition of their respective functions.

31. In some cases, the State party claimed to have adopted a coordinated and comprehensive search strategy. However, the Committee observed that, in practice, the authorities in charge of the search had taken formal measures to request information from other institutions only, and had not established a search plan or complied with the national protocol for the search for disappeared persons. The Committee also observed unjustified delays in the adoption of search measures, sometimes of up to one year.

32. The Committee continued to highlight the State party's obligation under the Convention to ensure that victims were periodically informed about the steps taken by the authorities in charge of the search and investigation, and to make them part of the process. Authors continued to allege that State authorities were directly or indirectly involved in the events surrounding the disappearances and that search and investigation efforts had come to a halt. In such cases, the Committee emphasized to the State party the importance of establishing mechanisms for holding to account the State officials in charge of search and investigation, and requested the State party to investigate allegations that such officials had hindered proceedings. Lastly, authors continued to refer to the challenges faced by the relatives of disappeared persons to gain access to the support to which they are entitled under national legislation and article 24 (6) of the Convention. In each such case, the Committee indicated to the State party the measures required depending on the specific needs of the relatives of the disappeared person, regarding, for example, access to food, education, housing or health services. The Committee also recalled the obligation of the competent State

party authorities to inform the relatives of the disappeared person about the content, scope and time frame of the support to which they were entitled from those authorities. The Committee requested the State party to ensure that the beneficiaries' situation and needs were duly taken into account by the Executive Commission for Victim Support when formulating and revising support plans.

33. During the period under review, the Committee registered five requests for urgent action relating to the disappearance of members of indigenous communities in Oaxaca. The authors presented these cases in a generalized context of disappearances and other grave human rights violations perpetrated against indigenous communities in Mier y Terán, Guerrero Grande and Ndoyonoyuji, allegedly in connection with historical disputes between logging companies and municipal authorities, on the one hand, and the communities, on the other, over the land and forests. The Committee is awaiting the State party's response on the measures taken to search for these persons and to investigate their disappearance.

34. The Committee continued to receive information from authors according to which judges did not properly apply the writ of habeas corpus. In Mexico, this legal remedy is known informally as *amparo buscador*, referring to the remedy of *amparo* as provided for in the Constitution and in the *Amparo* Act (2013). Under the remedy of *amparo buscador*, judges have the power to order other authorities to present a disappeared person before the courts and provide information about him or her. Judges are also entitled, under the remedy, to personally visit the location in which the disappeared person is presumed to be held, in order to gather information directly. According to the information received, however, and notwithstanding the existing guidelines issued by the National Search Commission,<sup>7</sup> judges continued to treat such cases as if they entailed regular writs of *amparo*, requesting that the disappeared persons themselves appeared in court to ratify the filing of the proceedings, and later dismissing the proceedings when the disappeared persons failed to do so.

### 3. Developments in Colombia, Cuba, Oman, the Sudan and Ukraine

#### (a) Cases of disappearance in the context of demonstrations in Colombia and Cuba

35. In 2021, the Committee registered 151 cases in the context of social protests in several cities in Colombia since 28 April 2021, and 187 cases related to the social protests that began in Cuba on 11 July 2021. The requests for urgent action concerned demonstrators who had allegedly been detained by security forces, and the security forces had later denied the demonstrators' relatives information on their whereabouts. The Committee recalled that failure to register a detention, even for brief periods of time, followed by refusal to acknowledge the deprivation of liberty or to disclose information on the disappeared person's whereabouts placed the individual outside the protection of the law and constituted enforced disappearance under article 2 of the Convention.<sup>8</sup>

36. Regarding the 151 cases in Colombia, the Committee received a response from the State party indicating that it was unable to provide information regarding the situation of the disappeared persons owing to the failure by the authors to provide sufficient information to allow proper identification of the victims, in particular their identification numbers. In 74 of these cases, despite the Committee's repeated requests to the authors for additional information, including a final reminder sent on 6 November 2021, the Committee received no additional, more detailed information from the authors to enable identification. The Committee therefore considers that the authors of these requests for urgent action have been unable to establish that the persons concerned were indeed disappeared. With regard to the 77 remaining cases, the authors responded to the Committee's request by providing a report on the general situation surrounding the demonstrations, and individual information on a number of cases that, with the exception of only six cases, did not correspond to those submitted to the Committee. In five of these six cases, the authors simply stated that the

<sup>7</sup> Mexico, National Search Commission, *El amparo buscador: una herramienta contra la desaparición forzada de personas – guía para familiares y personas juzgadoras* (2021).

<sup>8</sup> See the joint statement by the Committee and the Working Group on Enforced or Involuntary Disappearances, 26 August 2016. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E).

persons remained disappeared, but failed to provide any additional information, such as the full names and sex of the disappeared persons or any additional information on the circumstances. In the sixth case, the authors alleged that the disappeared person had been transferred to a centre for juvenile offenders within 48 hours of his arrest. The Committee has received no information to suggest that the person was unable to communicate with his relatives during that period, and notes that he appears to have posted on social media 24 hours after his detention. In the light of all the above, the Committee decided to suspend one case and close the remaining 150 cases.<sup>9</sup> Nonetheless, the Committee regrets that, despite the scarcity of the information provided, the State party did not attempt to provide case-specific information through verification against detention registers.

37. Regarding the 187 cases in Cuba, the Committee received case-specific information from the State party, despite the scarcity of the information provided by the authors with regard to the cases and the identification of the disappeared persons. The Committee decided to close 142 of the cases, because the persons had already been released from detention or had been placed under house arrest, or, in a minority of cases, because the authors were unable to dispute the information provided by the State party and provide any additional information to suggest that the persons remained disappeared. The Committee also decided to discontinue 18 of the cases, because the location of the disappeared persons had been confirmed but they remained in detention. The Committee decided to keep the remaining 27 cases open and to request additional information from the State party. The Committee expresses concern at the repeated allegations of incommunicado detention of protesters, in some cases for up to several months, and recalls that this practice, which can be conducive to enforced disappearance, should be exceptional, in order to avoid harm to the detainee's life or integrity and to protect investigations. The Committee recalls in this regard that, under article 17 (2) (d) of the Convention, States parties have an obligation to guarantee that any person deprived of liberty be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law.

**(b) Disappearance of a migrant domestic worker in Oman**

38. During the period under review, the Committee registered a request for urgent action concerning a Sri Lankan domestic worker who had disappeared in Oman after having reported to her husband that she had been assaulted by the family for whom she was working. In a subsequent telephone call, the employment agency informed the worker's family that she was in police custody. The authors of the request for urgent action noted that migrant domestic workers who had been subjected to human rights violations in Oman faced many obstacles to gaining access to domestic remedies and risked imprisonment and deportation for "absconding", even when fleeing exploitation or abuse. The Committee requested that the State party immediately establish a comprehensive strategy for the search and investigation, and that it cooperate with the authorities of Sri Lanka in order to ensure the greatest measure of mutual assistance in the search for the disappeared person, and mutual legal assistance, in compliance with articles 14 and 15 of the Convention.

**(c) Disappearance of a human rights defender in the Sudan**

39. During the period under review, the Committee registered its first request for urgent action concerning a disappearance in the Sudan. According to the information received by the Committee, a group of 30 armed and masked men raided the house of the victim, a human rights defender, and detained her. The Committee subsequently received information that the victim had been released from detention in February 2022. The urgent action was therefore closed.

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<sup>9</sup> The case that was suspended is one of the 74 in which the Committee received no reply from the authors. In this case, since the State party referred to a similar name that appears in the National Register of Missing and Disappeared Persons, the Committee decided exceptionally to suspend the urgent action in case the authors later confirm that this name is indeed referring to the person in question.

**(d) Cases of disappearance in Ukraine**

40. During the period under review, the Committee registered its first two requests for urgent action concerning cases of disappearance in Ukraine. The victims were both detained by unidentified uniformed persons. According to the information before the Committee, one of the victims, who had a disability, had his walking stick removed and was thrown to the floor at the time of his detention. The victim was held incommunicado in an unknown location for three days. He was beaten to force him to testify about his alleged involvement in the armed groups of the self-proclaimed Donetsk People's Republic, and criminal proceedings were subsequently initiated against him.

**D. Urgent actions that have been discontinued, closed, kept open or suspended for the protection of persons for whom interim measures have been taken**

41. In accordance with the criteria adopted by the Committee at its eighth and twentieth sessions:

(a) An urgent action is discontinued when the disappeared person has been located but is still detained; this step is taken because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and placed outside the protection of the law;

(b) An urgent action is closed when the disappeared person has been found at liberty or found and released, or has been found dead, provided that his or her family members and/or the authors do not contest these facts;

(c) An urgent action is kept open when the disappeared person has been located but the persons for whom interim measures have been granted in the context of the urgent action are still under threat; in such cases, the intervention of the Committee is limited to following up on the interim measures;

(d) An urgent action, and the Committee's follow-up to it, is suspended when the author of the request for urgent action has lost contact with the family members of the disappeared person and can no longer provide follow-up information; a suspended urgent action may be reopened if the author informs the Committee that he or she has resumed contact with the family members.

42. As at 8 April 2022, the Committee had closed 389 urgent action cases, discontinued 35 cases and suspended 102 cases. A total of 965 cases remained open.

43. In two urgent action cases in which the disappeared persons had been found dead (No. 12/2014, relating to Colombia, and No. 8/2013, relating to Mexico), the urgent actions remained open because the persons for whom interim measures had been taken were still under threat.

44. The Committee welcomes the fact that 426 disappeared persons have been located so far. It particularly welcomes the fact that the persons concerned were located alive in 402 cases. In this regard, the Committee wishes to highlight the positive outcomes observed in requests for urgent action registered during the period under review with regard to cases in Colombia, Cuba, Iraq, Mexico, Morocco and the Sudan.

**E. Decisions by the Committee at its twenty-second session**

45. The Committee decided that when a case that has been registered as a request for urgent action is subsequently registered as an individual communication, the Committee will suspend the urgent action and pursue the case under the individual communications procedure. When a case is submitted simultaneously as a request for urgent action request and as an individual communication and is registrable under both procedures, the Committee will register both the request for urgent action and the individual communication and will subsequently suspend the urgent action.

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