



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 twentieth session.

B. Requests for urgent action received since the Committee's twentieth session

2. In the report on requests for urgent action adopted at its twentieth session,¹ the Committee set out the decisions taken on the 1,013 requests for urgent action that had been registered up to 1 April 2021. Between that date and 15 September 2021, the Committee received 400 new requests for urgent action, 397 of which were registered. One request was not registered as it concerned a case of alleged disappearance in a State that had not ratified the Convention: in accordance with established practice, that request was forwarded to the Working Group on Enforced or Involuntary Disappearances. A second request presented facts that did not constitute a case of disappearance as defined in the Convention. A third request did not include sufficient information to establish the facts. The 397 new registered requests concerned disappearances in Colombia, Cuba, Honduras, Iraq, Mali, Mexico and Morocco.

3. As at 15 September 2021, the Committee had registered a total of 1,410 requests for urgent action, as shown in the table.

* Adopted by the Committee at its twenty-first session (13–24 September 2021).

¹ CED/C/20/2.



Urgent action requests registered to 15 September 2021, by year and by State party

<i>Year</i>	<i>Argentina</i>	<i>Armenia</i>	<i>Bolivia (Plurinational State of)</i>	<i>Brazil</i>	<i>Burkina Faso</i>	<i>Cambodia</i>	<i>Colombia</i>	<i>Cuba</i>	<i>Honduras</i>	<i>Iraq</i>	<i>Kazakhstan</i>	<i>Lithuania</i>	<i>Mali</i>	<i>Mauritania</i>	<i>Mexico</i>	<i>Morocco</i>	<i>Niger</i>	<i>Paraguay</i>	<i>Peru</i>	<i>Sri Lanka</i>	<i>Slovakia</i>	<i>Togo</i>	<i>Tunisia</i>	<i>Total</i>
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 ^a	-	-	-	-	-	-	153	188	2	31	-	-	11	-	21	2	-	1	-	-	-	-	-	409
Total	3	1	1	1	1	4	179	192	25	522	2	2	12	1	437	5	1	1	14	1	1	3	1	1 410

^a To 15 September 2021.

C. Developments since the twentieth session (to 15 September 2021)

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. From 1 January to 15 September 2021, the Committee registered 409 new requests for urgent action and sent 38 follow-up notes.

5. Throughout the 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 (mainly relatives of disappeared persons) and the Committee.

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 and trends in some of the States parties over the period under review, as well as some new thematic developments in the area of social protest.

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 twentieth sessions,² 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 three reminders. When 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 following report to the General Assembly. As at 15 September 2021, the Committee had sent final reminders to States parties regarding 290 requests for urgent action and had received no responses from the States parties concerned: 1 request concerning Mali, 9 requests concerning Mexico and 280 requests concerning Iraq. 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.³

10. The Committee is also concerned about the lack of response by the authors of requests for urgent action in some cases. 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 three reminders. When the authors fail to reply after the third reminder, the Committee sends a final reminder. As at 15 September 2021, the Committee had sent final reminders to authors of requests for urgent action and had received no response in 49 cases: 40 cases concerning Mexico, 5 cases concerning Honduras, 2 cases concerning Colombia, 1 case concerning Peru and 1 case concerning Iraq. The lack of response from the authors of requests for urgent action prevents the Committee from being able to follow up on

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

³ A/73/56, A/74/56, A/75/56 and A/76/56.

its recommendations. If the lack of response is due to loss of contact with the disappeared person's relatives, the authors should inform the Committee thereof and it will suspend its follow-up on the case.

(b) Lack of a strategy suited to each case, lack of coordination between search and investigation procedures, and challenges to the effective participation of relatives in the search and investigation

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.⁴ 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. During the period under review, 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.

13. The Committee was informed 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 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.

(c) Lack of a differential approach

14. 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, 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.

2. Specific trends relating to Iraq and Mexico

15. 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 now account for 79

⁴ CED/C/7, annex.

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, particularly Colombia and Cuba.

(a) Iraq

16. As at 15 September 2021, the Committee had registered a total of 522 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 27 of these cases have the disappeared persons been located, amounting to 5 per cent of all requests for urgent action related to events in Iraq. During the period under review, only one disappeared person on whose behalf a request for urgent action had been filed was located, thereby increasing the gap between the numbers of urgent actions that are open and those that have been closed or discontinued.

17. 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 to date. The Committee is concerned that, in some cases, the State party responded to a final reminder by requesting personal information on the victims, which had already been provided in the initial registration note.

18. 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 usually asserted 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 underlines that judicial access and remedies must be available to all persons, including those affected by terrorism sanctions regimes.⁵ 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.

19. In such cases, the Committee reminded the State party that its failure to provide a specific response, information or clarification was not in compliance with its obligations under the Convention: under article 12, to investigate an alleged case of enforced disappearance promptly and impartially and to take the measures necessary to prevent and sanction acts that hinder the conduct of an investigation; under article 26 (9), to cooperate with the Committee and assist its members in the fulfilment of their mandate; and under article 30 (3), to inform the Committee, within a specified period of time, of measures taken to locate and protect the person concerned in accordance with the Convention.

20. 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

⁵ A/HRC/40/52, para. 75 (g).

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.

21. 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.

22. During the period under review, the Committee received 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 Islamic State in Iraq and the Levant, 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 pressed or proceedings initiated against them. The Committee is still awaiting information from the State party in that regard.

23. 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 the State party to 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.

(b) Mexico

24. As at 15 September 2021, the Committee had registered a total of 437 cases related to events in Mexico, amounting to 31 per cent of all requests for urgent action registered so far. Of these 437 cases, 46 have been closed as the disappeared persons have been found at liberty or found and released, while the remaining cases remain open or have been suspended (see para. 30 below).

25. As noted in its previous report, the Committee continued, during the period under review, to observe a lack of coordination between federal and state authorities in charge of search and investigation, including with respect to definition of their respective responsibilities and sharing of information on action undertaken and results obtained, which resulted on occasions in a duplication of action at federal and state levels. In such cases, the Committee consistently recommended coordination between the authorities conducting investigations at the federal and state levels, including clear definition of their respective functions.

26. The Committee also 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.

3. Cases of disappearance in the context of demonstrations in Colombia and Cuba

27. During the period under review, 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 recalls 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 places the individual outside the protection of the law and constitutes enforced disappearance under article 2 of the Convention.⁶

28. Regarding the events in Colombia, the State party informed the Committee about measures taken to search for the disappeared demonstrators, but shared the difficulties experienced in identifying the 151 persons owing to the absence of identification numbers. The Committee has requested the authors of the requests for urgent action in these cases to provide identification numbers or other personal details. However, no response has been received to date.

29. As to the events in Cuba, the State party informed the Committee that, despite the fact that identification numbers had been provided for only 16 of the 187 disappeared persons, it had been able to locate 180 persons. Of those 180 persons, 152 were being or had been investigated in the context of the protests – 86 were in pretrial detention, and 66 were at liberty or had been released, either under alternative measures to detention or with any charges dropped – and 28 had not been involved in the protests. The State party further informed the Committee that seven persons had not been identified. The authors of the requests for urgent action confirmed that one of these seven persons had been included by mistake, and they provided additional identification information for the other six. The Committee notes with satisfaction the State party's swift action to successfully locate 180 persons, but has requested details of the place of detention of the 86 persons being held in pretrial detention, and confirmation that they have been allowed contact with their relatives, representatives or other persons of their choice. The Committee has also requested additional information regarding the 28 persons who were reportedly not involved in the protests.

⁶ 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.

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

30. 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.

31. As at 15 September 2021, the Committee had closed 89 urgent action cases, discontinued 16 cases and suspended 97 cases. A total of 1,208 cases remained open.

32. 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.

33. The Committee welcomes the fact that 107 disappeared persons have been located so far. It particularly welcomes the fact that the persons concerned were located alive in 83 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 Cuba and Peru.
