



# 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 nineteenth session.

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

2. In the report on requests for urgent action adopted at its nineteenth session,<sup>1</sup> the Committee set out the decisions taken on the 969 requests for urgent action that had been registered up to 31 August 2020. Between that date and 1 April 2021, the Committee received 47 new requests for urgent action, 44 of which were registered. Three requests were not registered as they concerned cases of alleged disappearance in States that had not ratified the Convention: in accordance with established practice, those three requests were forwarded to the Working Group on Enforced or Involuntary Disappearances. Two further requests were not registered as the persons concerned were located. The 44 new registered requests concerned disappearances in Burkina Faso, Colombia, Honduras, Iraq, Mexico, Morocco, Paraguay, Peru and Togo.

3. As at 1 April 2021, the Committee had registered a total of 1,013 requests for urgent action, as shown in the table.

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\* Adopted by the Committee at its twentieth session (12 April–7 May 2021).

<sup>1</sup> CED/C/19/2.



## Urgent action requests registered to 1 April 2021, 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	Paraguay	Peru	Sri Lanka	Slovakia	Togo	Tunisia	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 <sup>a</sup>	-	-	-	-	-	-	-	-	1	1	-	-	-	-	8	1	-	1	-	-	-	-	-	12
<b>Total</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>26</b>	<b>4</b>	<b>24</b>	<b>492</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>424</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1 013</b>

<sup>a</sup> To 1 April 2021**C. Developments since the nineteenth session (to 1 April 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 1 April 2021, the Committee registered 12 new requests for urgent action and sent 17 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. The information provided in the context of the urgent action procedure confirms a number of the trends identified in the reports adopted by the Committee at its eleventh to nineteenth sessions.<sup>2</sup> Since the nineteenth session, approximately half of the cases with regard to which the Committee has registered requests for urgent action have related to events in Iraq.

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

7. 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 issues and trends in some of the States parties over the period under review.

8. During the period under review, the Committee identified the following six issues to be analysed in view of the information received in the context of the urgent action procedure.

<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/16/3, CED/C/17/2 and CED/C/19/2.

**(a) No reply from the States parties concerned or the authors of the requests for urgent action**

9. 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. Most States parties engage with the Committee by providing follow-up information and responding to the Committee's recommendations and requests for information. However, when a State party fails to reply after the third reminder, the Committee sends a further, final reminder, noting the lack of compliance by the State party with its obligations under article 30 of the Convention concerning the urgent action, and indicating that the Committee may decide to make the situation public in its report on urgent action at its following session and in its following report to the General Assembly. As at 1 April 2021, the Committee had sent final reminders to Iraq regarding 280 requests for urgent action.

10. It is to be noted that the Committee has already indicated the lack of compliance by Iraq with its obligations under article 30 of the Convention in its past three reports submitted to the General Assembly.<sup>3</sup> The Committee also highlighted the lack of compliance to the State party at its nineteenth session, in the context of its consideration of the additional information submitted by Iraq under article 29 (4) of the Convention.<sup>4</sup>

**(b) Lack of a search and investigation strategy suited to each case**

11. In almost all the requests for urgent action registered, the Committee raised 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, including a periodically reviewed action plan and timeline. Despite the efforts observed in some cases, the search and investigation usually appeared to be conducted through isolated and often uncoordinated action without any clear strategy. In such cases, the Committee requested the States parties concerned to ensure the design and implementation of a strategy for all stages of the search and investigation in compliance with the principles of due diligence – including the thoroughness, immediacy and exhaustiveness of the investigation and the competence and independence of the professionals in charge – and as established by principle 8 of the guiding principles for the search for disappeared persons.<sup>5</sup> The strategy adopted must determine the activities and due diligence to be carried out in an integrated manner, and its implementation must entail the means and procedures necessary to locate the disappeared persons and to investigate their disappearance. During the reporting period, such recommendations were sent to Argentina, Cambodia, Colombia, Honduras, Iraq, Lithuania and Mexico.

**(c) Lack of coordination between search and investigation procedures**

12. The Committee continued to observe an apparent lack of coordination between search and investigation procedures in the majority of requests for urgent action registered. The 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, or their failure to do so in a systematic manner. The Committee has observed that this lack of coordination has led to a duplication of activities in some cases and to information gaps in others, resulting in delays in both search and investigation. In such cases, the Committee recommended coordination between the authorities in charge of the search and those in charge of the investigation, as established by principle 13 of the guiding principles for the search for disappeared persons.

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

<sup>4</sup> CED/C/IRQ/AI/1.

<sup>5</sup> CED/C/7, annex.

**(d) Lack of coordination between federal and state authorities**

13. In several requests for urgent action concerning disappearances in federal States, the Committee observed a lack of coordination between federal and state authorities in charge of search and investigation. The lack of coordination resulted in investigations being simultaneously undertaken at the federal and state levels, with duplication of action and lack of information about results. In such cases, the Committee consistently recommended coordination between the authorities conducting investigations at the federal and state levels, and clear definition of their respective functions.

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

14. In the majority of cases, the Committee was informed of a lack of information for relatives of disappeared persons about action taken and results achieved in the search and investigation, and obstacles encountered by relatives to effectively participate. In such cases, the Committee recommended 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.

**(f) Main challenges with regard to the implementation of interim measures requested by the Committee**

15. During the period under review, the Committee was informed that some relatives of disappeared persons had been the targets of threats and intimidation after pressing for the investigation of their enforced disappearance or after conducting search activities. Such threats had the same characteristics as in previous review periods, taking various forms, such as death threats, patrols around people's homes and procedural decisions that affected the protection granted to the persons concerned. In such cases, the Committee requested the States parties concerned to take the interim measures necessary to protect the life and safety of the persons affected and to allow individuals to search for missing relatives without being subjected to violence or harassment. The Committee also emphasized the importance of revising protection plans periodically in consultation with their beneficiaries, especially in terms of the modalities of the protection measures and of the institutions in charge of their implementation, in order to ensure the full confidence of the beneficiaries.

**2. Specific trends relating to Iraq and Mexico**

16. 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 91 per cent of all requests for urgent action registered. The Committee considers it necessary to highlight the main trends observed in these cases.

**(a) Iraq**

17. As at 1 April 2021, the Committee had registered a total of 492 cases related to events in Iraq, amounting to 49 per cent of all requests for urgent action registered so far. The Committee is highly concerned that in only 26 of these cases have the disappeared persons been located.

18. The Committee is also concerned by the continued failure of Iraq, despite several reminders, to reply to the majority of the registered requests for urgent action concerning incidents that took place in its territory. During the period under review, four reminders were sent for 280 of the requests for urgent action registered. The Committee notes with concern 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.

19. Where the State party submitted replies to the Committee, they 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. Furthermore, the State party failed to clarify the procedures available to victims.

20. In several of its replies, the State party, as previously, simply asserted that the alleged victims were affiliated with terrorist groups, without providing any further information 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 duty to search for disappeared persons and to investigate their disappearance applied irrespective of their profile or political affiliation.

21. In a number of requests for urgent action, the State party informed the Committee that, in the context of investigations into the alleged enforced disappearance, the forensic department of the Ministry of Health was requesting the presence of disappeared persons' first-degree relatives in case they could identify the disappeared persons among photographs of unidentified bodies. However, the State party did not clarify whether it had already sent the relatives invitations in that regard and, if not, the reasons for not having done so.

22. During the period under review, the Committee registered no additional requests for urgent action with regard to the disappearance of persons who had participated in the protests that had begun in October 2019, mainly in Tahrir Square in Baghdad, or who had provided some kind of support to participants, which the Committee had extensively reflected in its report on requests for urgent action adopted at its nineteenth session. The number of such requests therefore remained at 28, and the State party has yet to provide a reply to 13 of them.

**(b) Mexico**

23. As at 1 April 2021, the Committee had registered a total of 424 requests for urgent actions related to events in Mexico, amounting to 42 per cent of all requests for urgent action registered so far. Of these 424 cases, 46 have been closed as the disappeared persons have been located, while the remaining cases remain open or have been suspended (see paras. 32–33 below). The Committee welcomes the increase in the number of responses provided by the State party regarding registered requests, although reminders were still sent for approximately half of the cases. In the vast majority of cases, upon receipt of the State party's responses, the Committee sent follow-up notes, in which it reiterated various of its previous recommendations related to the preparation and implementation of search and investigation strategies by the competent authorities (see paras. 11–13 above).

24. The Committee has frequently been informed of a lack of coordination between federal and state authorities in charge of search and investigation in Mexico, creating obstacles to or even preventing progress. In some cases, the Committee was informed that state authorities had refused to collaborate with federal authorities. In these cases, the Committee sent follow-up notes requesting that the authorities in charge at the various levels clearly define and coordinate their respective functions (see para. 13 above).

25. In its recommendations to Mexico, the Committee has also highlighted on various occasions the State party's obligation under the Convention to ensure that victims are periodically informed about the steps taken by the authorities in charge of the search and investigation, and to make them part of the process. During the period under review, progress made in the processes remained highly dependent on the initiatives and action of the relatives of the disappeared persons. The possibility for victims to interact with the State party authorities in charge of the search and investigation was key in several cases to enabling some progress. Nonetheless, authors of requests for urgent action frequently signalled the challenges that they faced to ensure that the authorities took into account with due diligence the information that they provided. They also often expressed regret that on-site investigations and comprehensive analyses of the available evidence were frequently lacking.

26. Authors of requests for urgent action related to events in Mexico continued to make frequent allegations 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. When the events had occurred several years previously, authors repeatedly pointed to the responsibility of State party authorities in terms of their lack of diligence, considering their inaction to have become an additional factor of responsibility for the alleged enforced disappearance. 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.

27. During the period under review, the Committee received 45 requests for urgent action referring to cases of alleged disappearance in the State of Nayarit, with the direct or indirect participation of staff of the Office of the Prosecutor General of Nayarit State. In these requests, it was alleged that the former Prosecutor General of Nayarit, Edgar Veytia, who had been convicted of drug trafficking in the United States of America, maintained links to organized crime and had himself been involved in numerous cases of enforced disappearance and other human rights violations in the state. In some of the requests for urgent action, it was further alleged that current staff members of the Office of the Special Prosecutor for the Investigation of Disappeared Persons of Nayarit State had been involved in the cases of enforced disappearance or had worked closely with Mr. Veytia. While the alleged perpetrators had been identified in some of these cases, no investigations had been conducted to establish their responsibility. In such cases, the Committee requested the State party to take the measures necessary to investigate and punish any activity or intervention by authorities that was aimed at hindering effective search and investigation in the context of enforced disappearance, and, in particular, to investigate staff members of the Office of the Prosecutor who might have had links with Mr. Veytia in order to determine their possible involvement in the disappearances in question. The Committee further requested the State party to ensure the competence and independence of the Office of the Special Prosecutor.

28. Authors of requests for urgent action also frequently referred 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. Under that article, States parties are required to take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights. 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. Developments in Burkina Faso, Morocco, Paraguay and Peru

29. **Enforced disappearance of a member of an indigenous group.** During the reporting period, the Committee registered the first request for urgent action with respect to Burkina Faso. The request concerned the alleged enforced disappearance of a member of the Peul ethnic group after having been arrested by members of the Gendarmerie.

30. **Enforced disappearance in the combat against guerrillas.** The Committee also registered the first request for urgent action with respect to Paraguay. The request concerned the alleged enforced disappearance of a girl in the context of an operation led by a joint police and military task force set up to combat the Ejército del Pueblo Paraguayo (Paraguayan People's Army), a guerrilla organization. In its follow-up note, the Committee expressed concern about the absence of information on any concrete measures taken to search for and locate the girl and to investigate her disappearance, including exploring the possibility that she had been detained by the Ejército del Pueblo Paraguayo.

31. **Enforced disappearance in the context of demonstrations.** The Committee registered 13 requests for urgent action with respect to Peru. The requests concerned the alleged enforced disappearance of participants in protests against the president that had taken place in Lima in November 2020. These cases were closed after the detainees were located and released (see para. 37 below).

32. **Enforced disappearance in the context of extradition.** The Committee registered a request for urgent action regarding the disappearance of an individual who had been

extradited from Morocco to Saudi Arabia and whose location had not been disclosed to the relatives by the Saudi authorities. In this case, the Committee requested the State party to cooperate with the Saudi authorities in order to locate the individual and to investigate his alleged enforced disappearance, in accordance with its obligations under articles 14 and 15 of the Convention.

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

33. In accordance with the criteria adopted in plenary by the Committee at its eighth session:

(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.

34. In addition to these criteria, the Committee adopted the following new category of cases at its twentieth session:

(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.

35. As at 1 April 2021, the Committee had closed 89 urgent action cases, discontinued 15 cases and suspended 96 cases. A total of 813 urgent action cases remained open.

36. 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.

37. The Committee welcomes the fact that 106 disappeared persons have been located so far. It particularly welcomes the fact that the persons concerned were located alive in 82 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 Cambodia, Mexico and Peru. Regarding the request relating to Cambodia (No. 782/2020), in which the person was located and detained in Turkey, the Committee nevertheless regretted the State party's lack of cooperation with the disappeared person's State of nationality, Mexico, with a view to assisting the victims and in searching for, locating and releasing the disappeared person, in compliance with article 15 of the Convention.

38. Regarding a request for urgent action relating to Lithuania (No. 569/2019), the Committee was informed by the person on whose behalf the request for urgent action had been submitted and her custodian parent that she was under a witness protection programme, that her location was known and that she did not wish to be represented by the author of the request for urgent action. The case was therefore closed and all parties involved were informed accordingly.