



# 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 on 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 seventeenth session.

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

2. In the report on requests for urgent action adopted at its seventeenth session (CED/C/17/2), the Committee set out the decisions taken on the 782 requests for urgent action that had been registered up to 30 September 2019. Between that date and 31 August 2020, the Committee received 187 new requests for urgent action, 186 of which were registered. One request, in relation to Czechia, was not registered. The 186 new requests registered concerned disappearances in Bolivia (Plurinational State of), Cambodia, Colombia, Cuba, Honduras, Iraq, Lithuania, Mali, Mexico, the Niger and Slovakia. The present report includes a list of the requests for urgent action that have been registered (see table 1).

3. From 2012 to 31 August 2020, the Committee registered a total of 969 requests for urgent action, as shown in table 1.

Table 1

Urgent action requests registered to 31 August 2020, by year and by State party

Year	Argentina	Armenia	Bolivia (Plurinational State of)	Brazil	Cambodia	Colombia	Cuba	Honduras	Iraq	Kazakhstan	Lithuania	Mali	Mauritania	Mexico	Morocco	Niger	Peru	Sri Lanka	Slovakia	Togo	Tunisia	Total
2012	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	5
2013	-	-	-	-	-	1	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	6
2014	-	-	-	1	1	1	-	-	5	-	-	-	-	43	-	-	-	-	-	-	-	51
2015	-	-	-	-	-	3	-	-	42	-	-	-	-	165	-	-	-	-	-	-	-	210

\* Adopted by the Committee at its nineteenth session (7–25 September 2020).



Year	Argentina	Armenia	Bolivia (Plurinational State of)	Brazil	Cambodia	Colombia	Cuba	Honduras	Iraq	Kazakhstan	Lithuania	Mali	Mauritania	Mexico	Morocco	Niger	Peru	Sri Lanka	Slovakia	Togo	Tunisia	Total
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	-	228	-	2	-	-	10	-	-	-	-	-	-	1	250
2020 <sup>a</sup>	1	-	-	-	1	-	-	8	91	-	-	1	-	53	-	1	1	-	1	-	-	158
<b>Total</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>24</b>	<b>4</b>	<b>22</b>	<b>481</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>412</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>969</b>

<sup>a</sup> To 31 August 2020.

### C. Process after registration of urgent action requests: developments since the seventeenth session (to 31 August 2020)

4. In 2019, the Committee registered 250 new requests for urgent action and sent 139 follow-up notes providing States parties with specific recommendations relating to the search and investigation of the case. From 1 January to 31 August 2020, the Committee registered 157 new requests for urgent action and sent 50 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 (OHCHR) and 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 seventeenth sessions (CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2, CED/C/15/3, CED/C/16/3 and CED/C/17/2). Since the seventeenth session, most of the cases with regard to which the Committee has registered requests for urgent action relate to events in Iraq, particularly in the context of the protests that began in October 2019.

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

7. While not intended to be an exhaustive analysis of all the information received concerning each State party with regard to which requests for urgent action have been registered, there follows a description of certain issues that arose in some of the States parties over the period under review, by way of examples of the trends that the Committee observed.

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

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

9. Regarding the great majority of the requests registered, the Committee sent a number of reminders to the States parties concerned or to the authors for a reply to the Committee's recommendations and requests. According to current practice, three reminders are sent to authors; thereafter, if the authors still do not reply, another reminder is sent on an approximately annual basis. States parties usually reply after two or three reminders, as has been the case for, for example, Cambodia, Colombia, Mexico and Tunisia. When the State party does not reply after the third reminder, a final reminder is sent. At the date of writing, the Committee had sent final reminders to Iraq regarding 259 requests for urgent action, with the following wording:

In the last note, sent on [date], the State party was requested to submit to the Committee information and observations with regard to the alleged enforced disappearance in reference, by [date]. The Secretariat notes that this information has not yet been received. In view thereof, the Committee recalls that in compliance with article 30 (2) and (3), the State party has to provide the Committee with information on the situation of the persons sought and on the measures taken to locate them, within a time limit set by the Committee.

The Committee therefore reiterates its request for information to the State party in the context of the urgent action referred to and requests the State party to forward it without further delay and not later than [date].

If no reply is received by that date, the Committee will take note of the lack of compliance by the State party of its obligations under article 30 of the Convention concerning the urgent action, and may decide to make this situation public at its next session through its sessional report on urgent actions and its next report to the General Assembly.

The Committee also draws the attention of the State party to article 30 (4) of the Convention, according to which the Committee shall continue its efforts to work with the State party concerned for as long as the fate of the persons sought remains unresolved.

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 previous two reports submitted to the General Assembly.

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

11. In more than 95 per cent of the requests for urgent action registered, the Committee raised its concerns with regard to the failure by the State party authorities to define and implement a strategy for the search for the disappeared persons and the investigation of their disappearance. Despite the efforts observed in some cases, it seems that searches and investigations are usually conducted in an improvised manner that mainly depends on the availability of information and means, rather than on a comprehensive strategy. In its follow-up notes, the Committee therefore reminded the States parties concerned of their obligations under articles 12 and 24 of the Convention. In such cases, it requested the State party to ensure the design and implementation of a strategy for all stages of the search and investigation process in compliance with the principles of due diligence – including the immediacy and exhaustiveness of the ex officio investigation and the competence and independence of the professionals in charge – and with principle 8 of the guiding principles for the search for disappeared persons (CED/C/7, annex). In this way, 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. The Committee also requested the States parties concerned to assess the established strategy periodically. Such recommendations were sent to Argentina, Brazil, Colombia, Honduras, Iraq, Kazakhstan, Lithuania and Mexico.

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

12. A trend involving lack of coordination between search and investigation has been observed in the majority of requests for urgent action registered. Such a 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. In such cases, the Committee has observed various consequences: in some cases, the authorities in charge of the search and those in charge of the investigation duplicate activities, and in others, the authorities do not have access to information that could be highly relevant in their respective functions. In all circumstances, however, the fragmentation and lack of coordination lead to considerable delays in the procedures.

13. Another form of lack of coordination has been observed in the case of Colombia, where the Commission on the Search for Disappeared Persons has been in charge of coordinating the replies provided by the State party to the requests for urgent action registered. In a number of its replies, the Commission made reference to its mandate to implement the national search plan and to guide the victims of disappearance. The Commission also

indicated, however, its inability to reply to the concerns and recommendations of the Committee insofar as “they did not fall within its mandate”. The Committee noted the information provided, but also noted with regret that, despite its role in coordinating the implementation of the national search plan, the Commission had not taken into account the relevant information in order to reply to the Committee’s concerns and recommendations relating to issues of relevance to the State party authorities concerned. In this case, and in cases relating to other States parties, such as Brazil and Mexico, the Committee requested the State party to ensure that relevant information relating to searches and investigations was made available to all the authorities involved in the process.

**(d) Challenges observed in cases of disappearance in the context of migration**

14. Currently, 13 of the urgent actions that remain open relate to cases of disappearance in the context of migration between Honduras and the United States of America. These cases reflect trends similar to those observed in urgent actions No. 240 to No. 248, which the Committee registered in October 2015 concerning the disappearance of nine Guatemalans in Mexico on their way to the United States, and which were closed in November 2018 after the disappeared persons were located. In each of the 13 cases, the Committee recommended the States parties concerned to adopt search and investigation strategies suited to the specific circumstances of each case, in accordance with principle 9 (2) of the guiding principles for the search for disappeared persons. Under that principle, States that send and receive migrants and refugees should adopt specific search mechanisms that take account of the difficulties associated with migration situations, and should offer guarantees and safe conditions to persons who can give testimony about enforced disappearances linked to migration. The Committee also recalled the obligation of States parties to afford one another the greatest measure of mutual assistance and cooperation, in compliance with article 15 of the Convention, through the development of cooperation agreements and the establishment of competent authorities to enable effective coordination in the search for disappeared persons at each stage of migration. Search authorities in countries of origin, transit and destination should cooperate to ensure the rapid and secure exchange of information and documentation that could help to locate disappeared persons in the country of transit or destination. In full compliance with international standards on non-refoulement, States parties should ensure that the registration of migrants at border controls includes the individual examination of all applications for entry so as to allow for an effective search in the event of a person’s disappearance. The Committee further included recommendations on ensuring that the relatives and representatives of disappeared migrants had the necessary support to gain access to information relevant to their case, and that they could participate in search processes, in accordance with principle 9 (4) of the guiding principles.

**(e) Arbitrary and/or incommunicado detention as the standard context of enforced disappearance**

15. In 12 of the requests for urgent action registered during the period under review, the disappeared person was located after his or her release from a place of detention not officially recognized (8 cases in Iraq and 1 in Mexico), or after the authorities of the State party revealed the current location of the disappeared person in a place of detention (3 cases in Cuba). The Committee, acting in accordance with article 30 (4) of the Convention, closed these urgent actions and requested the State party to take all measures necessary to investigate the disappearance from the date of arrest to the date of release. In cases where the person remained in detention, the Committee discontinued the urgent action and requested the State party to allow the person on whose behalf the urgent action had been lodged to receive periodic visits and to have contact with the outside world, in compliance with article 17 (2) of the Convention. In that context, the Committee informed the authors of the request for urgent action about the possibility of reporting the case to the Working Group on Arbitrary Detention.

16. The Committee followed the same reasoning and procedure with regard to four requests for urgent action registered in relation to the disappearance of Turkish nationals who had been extradited from Cambodia, Iraq and Kazakhstan, respectively, to Turkey, at the request of the Government of Turkey. In these cases, the authors alleged that the Government of Turkey had succeeded in the forcible return of persons accused of political opposition, who had then been subjected to enforced disappearance and detained incommunicado for days or weeks. Following the identification of the place of detention by the State party

concerned, and the confirmation of that information by the authors of the request for urgent action, the Committee closed the relevant urgent actions, in accordance with article 30 (4) of the Convention. In that context, it informed the authors of the request for urgent action about the possibility of reporting the case to the Working Group on Arbitrary Detention. In the case relating to Cambodia, the Committee sent the State party a note verbale requesting it to take all measures necessary to search for, locate and protect the disappeared person, a national from Turkey and Mexico. In view thereof, the Committee requested Cambodia to ensure cooperation and to afford the greatest measure of mutual assistance with Mexico with a view to assisting the disappeared person and his relatives and in searching for, locating and releasing him, in compliance with article 15 of the Convention. The Committee informed the State party that, to facilitate such cooperation, the note verbale had also been shared for information with the authorities of Mexico. The Rapporteurs on urgent action note with satisfaction that Mexico provided a reply to the note verbale, demonstrating its intention to cooperate with the search.

**(f) De facto or de jure archiving of investigations or closure of searches due to lack of a result**

17. The Committee expresses its concern at de facto or de jure decisions of competent authorities to abandon searches or investigations in various cases. Cases are usually subject to de facto archiving several years following the disappearance of a person, when the authorities in charge of the search and investigation no longer take any action and seem to abandon the case. In such circumstances, the relatives of the disappeared person become the sole parties responsible for any progress in the case through the initiatives and action that they take. If they do not take any action, owing to lack of knowledge as to how to proceed or for fear of reprisals, the authorities sometimes accuse them of not having done “what was necessary” (see in particular the urgent actions relating to cases in Colombia and Mexico). In such cases, the replies sent by the State party tend to repeat the same information, without necessarily replying to the concerns expressed and recommendations made by the Committee.

18. Cases are subject to de jure archiving when a formal decision to archive the case is taken by the competent authorities: for example, in one of the requests for urgent action registered with regard to cases in Colombia (urgent action No. 62/2015), the prosecutor in charge of the investigation decided to archive the case “owing to lack of cause or factual circumstances indicating the commission of a crime, or its possible existence as such”. In the case in question, the victim was disappeared on 7 June 2014 in San Andrés, Colombia. The Committee registered the request for urgent action on 31 March 2015. Since then, the Committee has followed up on the case closely, maintaining permanent contact with the State party and the author. Throughout the process, the Committee has sent specific recommendations to the State party relating to the search for the disappeared person and the investigation of his disappearance, including through the presentation of various pieces of relevant evidence. After being informed about the decision of the prosecutor, the Committee recalled that, in accordance with article 24 (6) of the Convention, the State party has the obligation to pursue an investigation until the fate of the disappeared person has been clarified. The Committee also recalled that, as developed in principle 7 of the guiding principles for the search for disappeared persons, the search for a disappeared person should continue until his or her fate and/or whereabouts have been determined with certainty. Given that, in the present case, the activities carried out in the search for the disappeared person had not led to the determination of his fate and/or whereabouts, the Committee requested the State party to reopen immediately the file corresponding to the case of the disappeared person, to ensure that all activities to search for the disappeared person were conducted in compliance with the recommendations previously made by the Committee in the context of the request for urgent action, and to inform the Committee about the action taken to that end.

**(g) Use of forensic evidence and the role of DNA**

19. In the requests for urgent action registered by the Committee, the use of forensic sciences in search and investigation strategies featured in around 65 per cent of cases. In most of them, the role of forensic sciences was at the core of the process. Victims tend to see forensic sciences as the main source of reliable information. Such a view can lead to various challenges, depending on the context of the specific urgent action. One key element is the reliability of the authorities in charge of the forensic evidence: if the authorities have the required resources and training, and fulfil their functions in a comprehensive and technical

manner and with due diligence, forensic evidence can be considered reliable. In such cases, confidence is established between the authorities and the victims, who are informed about the various actions taken, and about the potential and limits of forensic evidence. Victims are also informed about the measures that they can take should they wish to obtain a second opinion. When, on the contrary, the authorities in charge of forensic evidence do not have the required resources and training and do not fulfil their functions with due diligence, and accountability mechanisms are not available, the reliability of any forensic evidence is frequently questioned and the evidence may be manipulated in searches and investigations. Clear examples can be found in the requests for urgent action relating to cases in Argentina, Cambodia and Mexico, where the authors of the requests alleged that the results of the forensic evidence had been manipulated. The legitimacy of the whole process is brought into question, and victims then face difficulties in obtaining a second opinion, whether in terms of identifying specialists and having them admitted by the competent national authorities or of paying the cost of such intervention.

20. In such circumstances, the difficulty of gaining access to forensic evidence is frequently presented by the authorities as an excuse for not taking any further action. They refer to the cost of obtaining the evidence, the lack of adequate laboratories or trained human resources at the national level, and the resulting need to send the evidence abroad as the main reasons for their incapacity to take further action.

21. In such cases, the Committee has in its recommendations recalled that (a) the development of scientific evidence is an integral part of the strategy for the search for disappeared persons and for the investigation of their disappearance; (b) such evidence is not limited to DNA, and must be handled with due diligence and by competent authorities equipped with the necessary human and material resources; (c) reliable mechanisms of accountability must be established; and (d) where there are questions as to the accuracy of the DNA tests performed, an alternative DNA test should be conducted with the assistance of an independent international non-governmental organization specialized in DNA analysis, in order to ensure that the located remains are properly explored and analysed, in compliance with international standards related to the analysis of DNA samples. The Committee has also granted interim measures to protect pieces of evidence until the resources necessary have been made available for their analysis.

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

22. During the period under review, the Committee was informed that relatives of disappeared persons had been the targets of threats and intimidation after pressing for the investigation of their enforced disappearance. 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 therefore again requested the State party 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. Unfortunately, in a number of the requests for urgent action, the authors reported that when the beneficiaries of interim measures had presented the Committee's decision to the competent authorities, they had been informed that such measures had no binding character, or that no action would be taken by the competent authorities to implement the measures. In such circumstances, the Committee reminded the State party concerned that the interim measures prescribed by the Committee were legally binding and imposed an international legal obligation on the State party to comply. The Committee also recalled its own role as the expert body established under the Convention to monitor States parties' implementation of their obligations. Under the Convention, the Committee had the authority to request the State party to take immediate action to search for a disappeared person, and States parties were obligated to consider in good faith the Committee's recommendations in such cases. The Committee also reminded the State party concerned that any failure to implement the interim measures would be incompatible with its obligation to respect in good faith the Committee's urgent action procedure. To date, such notes have been sent to Colombia and Mexico.

## 2. Specific trends relating to Iraq and Mexico

23. During the period under review, Iraq and Mexico were the two States parties with regard to which the most requests for urgent action were registered. The Committee considers it necessary to highlight the main trends observed in these cases.

### (a) Iraq

24. The Committee is greatly concerned about the significant increase in the number of requests for urgent action received with regard to cases in Iraq: as at 31 August 2020, it had registered a total of 481 requests, of which 28 related to disappearances in the context of the protests that had begun in October 2019 in the State party.

25. In the requests relating to the protests, it was alleged that the persons concerned were disappeared after having participated in the marches, mainly in Tahrir Square in Baghdad, or after having provided some kind of support (such as transportation, medical support or food distribution) to individuals taking part in the marches. The authors of the requests also indicated that, according to witnesses or in view of the context of the disappearances, it was likely that the persons had been disappeared by “militias acting with the authorization, support, acquiescence or approval of the State party” or by “members of pro-Government forces, including State-sponsored militias, or State intelligence services”. There are three categories of urgent actions: (a) those in which the disappeared person was located; (b) those in which the State party replied; and (c) those in which no additional information is available and the State party did not reply. The Committee welcomes as a positive development the fact that 12 of the urgent actions relating to persons disappeared in the context of the protests have been closed after the persons were located and released. Table 2 presents all the urgent actions registered in this context, which fall under categories (a) and (c).

Table 2

#### **Urgent action requests registered relating to Iraq in the context of protests that began in October 2019**

<i>Urgent action No.</i>	<i>Name</i>	<i>Status as at 31 August 2020</i>
784/2019	Maytham al-Hilo	Closed following the release of the person
785/2019	Ali al-Holaijy	State party reply pending
786/2019	Youssef al-Ghariri	State party reply pending
792/2019	Maimouna al-Mashhadani	Closed following the release of the person
793/2019	Seba al-Mahdawi	Closed following the release of the person
794/2019	Ahmed Bukli	Closed following the release of the person
797/2019	Omar al-Ekaili	Closed following the release of the person
798/2019	Ahmad al-Falahi	State party reply pending
800/2019	Ali al-Sudani	State party reply pending
801/2019	Shakir al-Khafaji	Closed following the release of the person
802/2019	Zaid al-Bahadeily	Closed following the release of the person
803/2019	Khalil al-Jumaili	State party reply pending
804/2019	Asmaa al-Izzawi	Closed following the release of the person
805/2019	Qutiaba Sudani	State party reply pending
810/2020	Ahmed al-Zubaidi	Author’s comments on State party reply pending
811/2020	Ihsan al-Sheikhly	State party reply pending
812/2020	Maitham al-Eqabi	State party reply pending

<i>Urgent action No.</i>	<i>Name</i>	<i>Status as at 31 August 2020</i>
813/2020	Osama al-Tamimi	State party reply pending
815/2020	Ahmad al-Darraji	Closed following the release of the person
816/2020	Mahmoud al-Shuwaili	State party reply pending
817/2020	Khaled al-Awadi	Closed following the release of the person
820/2020	Majid al-Dulaimi	State party reply pending
877/2020	Sarmad al-Zubaidi	Closed following the release of the person
882/2020	Abdel-Messih Sarkis	State party reply pending
883/2020	Ahmed al-Zubaidi	Closed following the release of the person
884/2020	Majid al-Dulaimi	State party reply pending
885/2020	Tawfeeq al-Tamimi	State party reply pending
887/2020	Nazir al-Jabari	State party reply pending

(i) *Urgent actions in which the disappeared person was located*

26. According to the information provided to the Committee, the disappeared person was located and released in 12 of the requests for urgent action. In all cases, the authors of the requests informed the Committee, which therefore decided to close the procedure, in compliance with article 30 (4) of the Convention, and informed the State party and the authors accordingly. In these cases, the Committee reminded the State party of its obligation to carry out an investigation of the disappearance from the day of the disappearance to the day of release, in compliance with articles 2, 3, 12 and 24 of the Convention. The Committee regrets, that in these cases, the State party did not provide any information following the registration of the case, and that, according to the information available, no action was taken to investigate the disappearances. The Committee is also concerned that, when asked to provide additional information regarding the circumstances of the disappearance and of the release of the disappeared persons, the authors of the requests replied that the victims did not wish to provide details for fear of reprisals. In one case, the victim of the alleged disappearance nonetheless indicated to the Committee that he had been kept blindfolded throughout his detention and that he had suffered serious acts of torture and mistreatment.

(ii) *Urgent actions in which the State party replied*

27. In one case, the State party replied to the urgent action. In its reply, it expressed concern that the Committee had accepted the registration of the alleged case “without thorough verification/examination prior to presenting the alleged case to the State party, and the case was based on probability, not real eyewitnesses or clear evidence indicating who had carried out the kidnapping”. The State party also requested the Committee to provide “any information available about who carried out the alleged abduction, and the place of disappearance”. In this case, the Committee first reminded the State party that the Committee always provided all information, including on possible perpetrators. The Committee also recalled that, under article 30 of the Convention, a request that a disappeared person should be sought and found could be submitted to the Committee in any case of disappearance. The Convention does not require perpetrators to be identified, since it is precisely part of the States party’s obligations to take all action necessary to search for a disappeared person, to investigate the alleged disappearance and to identify the perpetrators. In that connection, the Committee recalled that, in all cases of disappearance, as for all criminal acts, the identification of perpetrators remained a hypothesis until it was fully confirmed by the results of a full, impartial and independent investigation. Information on alleged perpetrators and any other information provided in the context of a request for urgent action was aimed at facilitating the search for the disappeared person, and should be taken into account by the authorities in charge of the case. According to article 30 (4) of the Convention, an urgent action is kept open for as long as the fate of the person sought remains unresolved. Taking all these elements into account, the Committee also reminded the State party, however, that,

in the case concerned, its note verbale of registration had provided information to the State party about the possible perpetrators of the disappearance, and quoted the relevant part of the registration note. The Committee therefore reiterated its requests to the State party, as formulated in its previous note verbale, namely:

(a) To take all the measures necessary to search for, locate and protect the disappeared person, including through the establishment and implementation of a comprehensive strategy of search and investigation concerning the person's disappearance; such a strategy should include an action plan and a timeline, which should be periodically reviewed, in compliance with articles 12 and 24 of the Convention and with principle 8 of the guiding principles for the search for disappeared persons;

(b) In the event that the location of the disappeared person can be confirmed, to put him or her immediately under the protection of the law and to officially inform the Committee, relatives and representatives of the disappeared person about his or her whereabouts, and to take all action necessary to enable his or her immediate and periodic contact with his or her relatives, counsel or any other person of his or her choice;

(c) In the event that the disappeared person is in a place of detention, to officially inform the Committee of his or her detention and allow periodic visits, in compliance with article 17 of the Convention;

(d) In the event that the location of the disappeared person cannot be confirmed, to take immediate action to locate him or her, to clarify his or her alleged enforced disappearance, and to guarantee his or her placement under the protection of the law;

(e) In compliance with the State party's obligations under articles 12 and 24 of the Convention, to take all the measures necessary to identify the perpetrators of the alleged enforced disappearance of the disappeared person, taking into account that the identification of the perpetrators can be of paramount importance during the processes of searching for and locating the person;

(f) To provide the Committee with information on measures taken to implement each of the above-mentioned recommendations, and on the results of these measures.

(iii) *Urgent actions in which no additional information is available and the State party did not reply*

28. At the time of writing, the Committee had not received any reply from the State party with regard to 16 of the requests for urgent action registered in the context of the ongoing protests. Reminders were sent to the State party.

29. With regard to disappearances outside the context of the protests that began in October 2019, the Committee is also concerned by the 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 197 of the requests for urgent action registered; no reply was sent to any of the reminders. Where the State party sent 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. The information provided by family members and intimates of disappeared persons indeed continued to confirm that, in general, they must endure ill-treatment at the hands of State authorities when they requested information or support in connection with searches for disappeared persons or investigations into their alleged enforced disappearance.

30. In several of its replies, the State party also simply stressed that the alleged victims were affiliated with terrorist groups, without providing any further information. 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.

(b) **Mexico**

31. As at 31 August 2020, the Committee had registered a total of 412 requests for urgent actions related to events in Mexico. During the reporting period, in six cases the authors of

the request informed the Committee that the disappeared persons had been located alive, and the urgent actions were therefore closed.

32. Reminders were sent to the State party in 85 per cent of the cases. Upon receipt of the requested information, 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 para. 11 above).

33. 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.

34. 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 inactivity 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 searches and investigations, and requested the State party to investigate allegations that such officials had hindered proceedings.

35. Authors of requests for urgent action also 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. That article provides that, without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State party must 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 the competent 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.

36. The Committee regrets that of the 412 persons on whose behalf the Committee has registered requests for urgent action relating to events in Mexico, 368 remain disappeared. These 368 cases remain open, and the Committee periodically invites the authors and the State party to reply to its requests for comments and observations.

37. In this context, the Committee wishes to make reference to the requests for urgent action registered on 10 October 2014 with regard to the disappearance of 43 students from Ayotzinapa on 26 September 2014, and recall its previous decisions to support the action of the Inter-American Commission on Human Rights, through both the group of independent experts and the follow-up mechanisms set up afterwards, including the recently created interdisciplinary group of experts. In that context, the Committee highlights the importance of avoiding the duplication of interventions by human rights mechanisms. However, it wishes to underline that the mechanisms of the Inter-American Commission on Human Rights are not of the same nature as the urgent action procedure. The Committee further recalls that, in compliance with article 30 (4) of the Convention, all urgent actions will remain open for as long as the fate of the person sought remains unresolved.

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

38. 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.

39. At the time of writing, the Committee had closed 71 urgent action cases and discontinued 13 cases. The Committee is particularly satisfied with the cases in which the disappeared persons were located alive. The Committee wishes to highlight the positive outcomes observed during the period under review in the requests for urgent action registered with regard to the case in the Plurinational State of Bolivia and three cases in Mexico.

40. 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 were taken were still under threat.

41. With regard to the two requests for urgent action relating to cases in Togo and the request for urgent action relating to Sri Lanka, the Committee was informed that the authors of the three requests had submitted them while knowing that no disappearance had taken place. These cases were therefore closed and all parties involved were accordingly informed.

**E. Items discussed by the Committee at its nineteenth session**

42. The Committee reiterated that the increasing number of requests for urgent action registered required an increase in the number of OHCHR staff members dedicated to processing such requests.

43. The Committee increased the size of the working group on urgent actions by one member. The distribution of tasks within the working group remained by working language.

44. The Committee decided to publish its reports on requests for urgent action on the Committee's main web page, in addition to the web page of the relevant session, with a view to increasing their visibility, and, where relevant, to issue press releases on the reports and on the impact of requests for urgent action.