



**United Nations**

# **Report of the Committee on Enforced Disappearances**

**Seventeenth session  
(30 September–11 October 2019)**

**Eighteenth session  
(4 May (online) and 7 September 2020)**

**General Assembly**

**Official Records**

**Seventy-fifth Session**

**Supplement No. 56**





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*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## Chapter I

### Organizational and other matters

#### A. States parties to the Convention

1. As at 4 May 2020, the opening date of the eighteenth session of the Committee on Enforced Disappearances, there were 62 States parties and 98 signatory States to the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in its resolution 61/177 of 20 December 2006 and opened for signature and ratification on 6 February 2007. In accordance with its article 39 (1), the Convention entered into force on 23 December 2010.

2. The updated list of States parties to the Convention, as well as information on declarations made under articles 31 and 32 and reservations, is available on the website of the Office of Legal Affairs of the Secretariat.<sup>1</sup>

#### B. Meetings and sessions

3. The Committee held its seventeenth session at the United Nations Office at Geneva from 30 September to 11 October 2019. It held 20 plenary meetings. The agenda (CED/C/17/1) was adopted by the Committee at its 294th meeting. The seventeenth session was opened by the Chief of the Civil, Political, Economic, Social and Cultural Rights Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. In his opening statement, he welcomed the newest States parties to the Convention – Dominica, Fiji and Norway – and referred to the importance of promoting further ratification. Argentina, Colombia and Mexico had referred to the guiding principles for the search for disappeared persons (CED/C/7), which the Committee had adopted at its sixteenth session, in April 2019. He emphasized OHCHR support to national efforts to address enforced disappearance and, in general, to the work of the Committee. Regarding the financial situation of the treaty bodies, the overall cash flow situation and the significant shortfall in staffing of the OHCHR Human Rights Treaties Branch remained critical, making the future uncertain. The United Nations High Commissioner for Human Rights had highlighted the 2020 review of the treaty body system as an opportunity to strengthen the impact of the treaty bodies' deliberations on the ground, including through streamlining and harmonizing procedures.

5. In accordance with precautionary measures taken in the context of the coronavirus disease (COVID-19) pandemic, the eighteenth session of the Committee, initially scheduled to be held in Geneva from 30 March to 9 April 2020, was opened online on 4 May 2020, at its 314th meeting. The meeting was attended by experts in locations including Tokyo and Lima and webcast by United Nations Web TV. The session was opened by the Chief of the OHCHR Human Rights Treaties Branch. He referred to the significance of the opening of the current session, since it marked the first time in the history of the treaty bodies that a session was being held online. By taking such a step despite the concessions that it had required, the Committee was demonstrating that the Convention remained a reality for all States and for all victims of enforced disappearance, whatever the circumstances. The ongoing occurrence of enforced disappearance in the context of COVID-19 was of particular concern, and by no means could COVID-19 serve as an excuse for disappearing people. He stressed the important protection and prevention mandate of the treaty bodies, and recalled the importance of promoting further ratification of the Convention. Regarding the 2020 review process, the President of the General Assembly had, on 8 April 2020, appointed the Permanent Representatives of Morocco and Switzerland to the United Nations as co-facilitators to undertake informal consultations and report back to him by September 2020.

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<sup>1</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en).

The work was progressing online, and it was hoped that the process would lead to adjustments in the measures taken pursuant to General Assembly resolution 68/268, including the necessary resources, to enable the treaty body system to respond to the challenges that it faced. He drew attention to the third report of the Secretary-General on the status of the treaty body system (A/74/643).

6. In his opening statement, the Chair of the Committee highlighted the pioneering character of the session, the first ever to be held online, and recalled the Committee's commitment to supporting victims, underlining that the rights and obligations enshrined in the Convention remained a reality whatever the circumstances. The Chair's statement was followed by tribute to victims of enforced disappearance. María Nohemí Barbosa González, the mother of a disappeared person from Colombia, was given the floor to provide her testimony of the challenges that she had faced in the search for her son, and she thanked the Committee for its rapid response and continuous support through its urgent action procedure. It was the first time in the Committee's history that a victim had been given the floor during the opening of a session. Owing to lack of access to an appropriate platform to enable consecutive interpretation, the Committee considered it necessary to postpone the interactive dialogues with States parties that had been scheduled for the eighteenth session. The Committee held a closed meeting online, during which it adopted lists of issues in relation to the reports submitted by Brazil and Panama under article 29 (1) of the Convention, and discussed the provisional agenda of the nineteenth session. The eighteenth session was then suspended and remained open until the first day of the nineteenth session, to enable the Committee to adopt other documents online, including its report to the General Assembly. As the first session of a treaty body to be held online, it was an important source of lessons learned with respect to the organization of other sessions in the COVID-19 context, and provided new elements for reflection on the treaty bodies' methods of work. The Chair of the Committee sent the High Commissioner a letter on the subject, which was subsequently shared with the Chairs of the other treaty bodies and with the two co-facilitators of the 2020 review.

### **C. Membership and attendance**

7. All except one of the members of the Committee attended the seventeenth session of the Committee, and one member was excused during the eighteenth session. A list of the current members, indicating the duration of their terms of office, is available at [www.ohchr.org/EN/HRBodies/CED/Pages/Membership.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/Membership.aspx).

8. In a break with previous practice, the induction of the new members of the Committee had to take place during the seventeenth session, because no financial resources had been available to organize such training beforehand.

### **D. Decisions of the Committee**

9. At its seventeenth session, the Committee decided, inter alia:

(a) To elect by consensus the following members of its Bureau, with due regard to equitable geographical representation:

- Chair: Mohammed Ayat (Morocco);
- Vice-Chairs: Horacio Ravenna (Argentina), Milica Kolaković-Bojović (Serbia) and Olivier de Frouville (France);
- Rapporteur: Teraya Koji (Japan);

(b) To appoint country rapporteurs for the Committee's consideration at its eighteenth session of the reports submitted by Iraq, Mongolia and Switzerland under article 29 (1) of the Convention, and to appoint country rapporteurs to prepare the lists of issues in relation to the reports submitted by Brazil and Panama;

(c) To adopt a list of issues in the absence of the report of Nigeria;

(d) To endorse the common vision of the Chairs of the treaty bodies in relation to the 2020 review of the treaty body system;

(e) To further develop its working methods, particularly in relation to additional information submitted by States parties under article 29 (4) of the Convention;

(f) To adopt a report on requests for urgent action (CED/C/17/2);

(g) To continue its follow-up procedure regarding *Yrusta and Del Valle Yrusta v. Argentina* (CED/C/10/D/1/2013);

(h) To adopt the list of issues to be included on the provisional agenda of its eighteenth session.

10. At its eighteenth session,<sup>2</sup> the Committee decided, inter alia:

(a) To confirm the appointment of country rapporteurs for the Committee's consideration of the reports submitted by Iraq, Mongolia and Switzerland under article 29 (1) of the Convention, postponed to its nineteenth session; to appoint country rapporteurs for the consideration of the report submitted by Colombia; and to appoint country rapporteurs to prepare the lists of issues in relation to the reports submitted by Czechia, Greece and the Niger, and a list of issues in the absence of the report of Mali;

(b) To postpone to its nineteenth session the adoption of concluding observations on the reports submitted by Mongolia and Switzerland under article 29 (1) of the Convention, of concluding observations on the additional information submitted by Iraq under article 29 (4) of the Convention, and of its report on requests for urgent action;

(c) To adopt lists of issues in relation to the reports submitted by Brazil and Panama under article 29 (1) of the Convention;

(d) To adopt its annual report to the General Assembly for submission at the seventy-fifth session of the Assembly;

(e) To postpone the adoption of its new guidelines for the submission of urgent action requests and guidelines for the submission of individual complaints;

(f) To postpone the adoption of its follow-up report on individual complaints regarding *Yrusta and Del Valle Yrusta v. Argentina*;

(g) To postpone its discussion on the development of its working methods, particularly in relation to additional information submitted by States parties under article 29 (4) of the Convention, and in relation to its strategy to promote the ratification of the Convention;

(h) To organize at its nineteenth session a joint meeting with the Working Group on Enforced or Involuntary Disappearances and a joint activity to celebrate the fortieth anniversary of the Working Group and tenth anniversary of the entry into force of the Convention;

(i) To promote the organization of a joint meeting with the other treaty bodies gathered in Geneva over the dates of the nineteenth session of the Committee, namely the Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child;

(j) To adopt the list of issues to be included on the provisional agenda of its nineteenth session.

## E. Adoption of the annual report

11. On 9 June 2020, the Committee adopted its ninth report to the General Assembly, on its seventeenth and eighteenth sessions, in compliance with article 36 (1) of the Convention. Prior to adoption, the rapporteur of the Committee shared the draft report with the Committee

<sup>2</sup> For the eighteenth session, discussions were held and decisions adopted by the Committee during its online meeting on 4 May 2020 and intersessionally.

members, who then had one week to make comments and suggestions in writing. All input provided was included in the draft report. The report was adopted through a procedure of silent approval.

## **Chapter II**

### **Methods of work**

12. During its seventeenth and eighteenth sessions, the Committee used English, French and Spanish as working languages.
13. During its seventeenth session, the Committee discussed the following issues:
  - (a) Methods of work related to articles 29 to 34 of the Convention;
  - (b) Strategy to increase ratification of the Convention;
  - (c) Resources allocated to the Committee;
  - (d) Other matters.
14. During its eighteenth session, the Committee discussed the requirements of online sessions in terms of methodology, technical resources and possible agenda, and the possibility of contemplating online sessions in the future, if necessary, under exceptional circumstances. The Committee also held a meeting to discuss the procedure under article 29 (4) of the Convention.

## **Chapter III**

### **Relations with stakeholders**

#### **A. Meetings with Member States**

15. On 7 October 2019, the Committee held a public meeting with Member States, which was attended by 39 States: Albania, Algeria, Angola, Argentina, Azerbaijan, Belgium, Brazil, Chile, Colombia, Croatia, Cuba, Czechia, Finland, France, Gabon, Germany, Greece, Guatemala, Iraq, Italy, Lebanon, Liechtenstein, Maldives, Marshall Islands, Mauritania, Montenegro, Morocco, Myanmar, Namibia, Paraguay, Peru, Spain, Sri Lanka, Turkey, Ukraine, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of) and State of Palestine. In the course of the meeting, Morocco, France, Albania, the United Arab Emirates, Mexico and Belgium made statements. Morocco underlined that it had been working with Argentina, France and Japan to try to achieve universal ratification of the Convention and would continue to champion that cause. France reiterated its support for the Committee's work and welcomed the adoption of the guiding principles for the search for disappeared persons. France also encouraged the Committee to increase its exchanges with the other treaty bodies and with regional human rights protection mechanisms, in order to ensure maximum coherence of jurisprudence. Albania underlined the importance of the Committee's work, to ensure the effective implementation of the Convention. The United Arab Emirates referred to the issue of disappearance while the person is in transit in a State. Mexico noted a gender imbalance within the newly composed Committee, to be taken into account next time for nominations and elections. Mexico welcomed the Committee's efforts to make use of videoconferencing. Belgium stated that it attached great value to the independence of the treaty bodies, which should be fully resourced, and reiterated its commitment to the treaty body strengthening process and the 2020 review.

16. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, the public meeting with Member States that had been scheduled to be held on 6 April 2020 was cancelled.

#### **B. Meeting with United Nations agencies**

17. During its seventeenth session, the Committee held a private meeting with the High Commissioner for Human Rights. She renewed the support of OHCHR to the Committee and associated the Office with the international community's efforts to increase ratification of the Convention.

18. On 7 October 2019, the Committee held a public meeting with United Nations agencies and mechanisms and intergovernmental organizations. A representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the Committee's adoption of the guiding principles for the search for disappeared persons, in particular the Committee's focus on asylum seekers, refugees and migrants and its position that States should take coordinated measures to prevent disappearance in cross-border contexts. UNHCR welcomed the opportunity to continue working with the Committee – including in the run-up to the first Global Refugee Forum, which was to be held in December 2019 – with a view to protecting asylum seekers, refugees and internally displaced and stateless persons from enforced disappearance.

19. During the eighteenth session, the Committee held a private meeting with the Chief of the OHCHR Human Rights Treaties Branch to discuss the progress of the 2020 review of treaty bodies, and the meeting of Chairs to be held in June 2020.

20. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, the public meeting with United Nations agencies and mechanisms and intergovernmental organizations that had been scheduled to be held on 6 April 2020 was cancelled.

**C. Meetings with non-governmental organizations and civil society**

21. On 7 October 2019, the Committee held a private meeting with representatives of Genève pour les droits de l'homme: formation internationale. The secretariat read out a written statement by the organization "Todos los niños robados son también mis niños".

22. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, the private meeting with non-governmental organizations and civil society that had been scheduled to be held on 6 April 2020 was cancelled.

**D. Meetings with other stakeholders**

23. On 9 October 2019, the Geneva Academy of International Humanitarian Law and Human Rights facilitated a discussion on follow-up to the adoption of the guiding principles for the search for disappeared persons.

24. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, all meetings with other stakeholders planned to be held during its eighteenth session were cancelled or postponed.

## **Chapter IV**

### **Consideration of reports submitted by States parties under article 29 (1) of the Convention**

25. At its seventeenth session, the Committee considered the reports of Bolivia (Plurinational State of) ([CED/C/BOL/1](#)) and Slovakia ([CED/C/SVK/1](#)), and adopted concluding observations on those reports ([CED/C/BOL/CO/1](#) and [CED/C/SVK/CO/1](#)).

26. The dialogue with the Plurinational State of Bolivia was held in a hybrid format, with the presence in person of one representative of the State party and the active participation of delegates in the capital via videoconference throughout the six hours of the dialogue.

27. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, the interactive dialogues scheduled for the eighteenth session for the consideration of the reports of Mongolia ([CED/C/MNG/1](#)) and Switzerland ([CED/C/CHE/1](#)) were postponed to the nineteenth session.

## **Chapter V**

### **Adoption of the report on follow-up to concluding observations**

28. Owing to shortages in human resources in the secretariat, the Committee was unable to proceed with its planned consideration of the follow-up to its concluding observations on Albania, Austria, Gabon, Honduras and Lithuania.

## **Chapter VI**

### **Adoption of lists of issues**

29. At its seventeenth session, the Committee adopted the lists of issues on Mongolia ([CED/C/MNG/Q/1](#)) and Switzerland ([CED/C/CHE/Q/1](#)) and the list of issues in the absence of the report of Nigeria ([CED/C/NGA/QAR/1](#)).

30. At its eighteenth session,<sup>3</sup> the Committee adopted the lists of issues on Brazil ([CED/C/BRA/Q/1](#)) and Panama ([CED/C/PAN/Q/1](#)).

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<sup>3</sup> For the eighteenth session, discussions were held and decisions adopted by the Committee during its online meeting on 4 May 2020 and intersessionally.

## Chapter VII

### Reporting under the Convention

31. At its seventeenth session, the Committee expressed its gratitude to all States parties that had respected the official deadline for submission of their reports, and encouraged all other States parties to follow their example. The Committee expressed its deepest concern at the large number of overdue reports, particularly in the case of Mali and Zambia as those States had been among the first to ratify the Convention. The Committee noted that reports of Belize, Benin, Cambodia, the Central African Republic, Costa Rica, Lesotho, Malawi, Malta, Mauritania, Morocco, Samoa, Seychelles, Sri Lanka, Togo and Ukraine were significantly overdue. Recalling that the timely submission of reports was a precondition for the efficient functioning of the Committee, the Chair urged all States parties to respect their legal obligation to submit reports on time.

32. Between the sixteenth and seventeenth sessions, Brazil, Czechia, the Niger and Panama submitted their reports to the Committee.

33. In February 2020, a first reminder was sent to Benin, Malawi and Seychelles; a second reminder was sent to the Central African Republic and Sri Lanka; a third reminder was sent to Belize, Malta and Ukraine; a fourth reminder was sent to Lesotho and Togo; a fifth reminder was sent to Cambodia and Morocco; a sixth reminder was sent to Costa Rica, Mauritania and Samoa; a seventh reminder was sent to Zambia; and an eighth reminder was sent to Mali.

34. At its eighteenth session,<sup>4</sup> the Committee decided to examine Mali in the absence of a report, and to adopt a list of issues in absence of the report at its nineteenth session.

35. On 7 May 2020, Costa Rica submitted its report to the Committee.

36. A full list of the States parties and the status of their reports is included in the annex to the present report.

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<sup>4</sup> For the eighteenth session, discussions were held and decisions adopted by the Committee during its online meeting on 4 May 2020 and intersessionally.

## **Chapter VIII**

### **Reprisals**

37. The Committee noted with satisfaction that, during the reporting period, it had not received any allegations from individuals of acts of intimidation or reprisal for seeking to cooperate or cooperating with the Committee.

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## **Chapter IX**

### **Consideration of additional information submitted by States parties under article 29 (4) of the Convention**

38. During the period covered by the present report, the Committee received additional information from Argentina ([CED/C/ARG/AI/1](#)), Colombia ([CED/C/COL/AI/1](#)), France ([CED/C/FRA/AI/1](#)), Iraq ([CED/C/IRQ/AI/1](#)), Spain ([CED/C/ESP/AI/1](#)) and Uruguay ([CED/C/URY/AI/1](#)).

39. In accordance with precautionary measures taken in the context of the COVID-19 pandemic, the interactive dialogue scheduled for the eighteenth session for the consideration of the additional information submitted by Iraq was postponed to the nineteenth session.

## Chapter X

### Urgent action procedure under article 30 of the Convention

#### A. Requests for urgent action received and registered since the establishment of the Committee

40. At its eighteenth session,<sup>5</sup> the Committee decided to postpone to its nineteenth session the adoption of its report on requests for urgent action, with the aim of enabling a full discussion of some of the issues. As at 4 May 2020, the date of the opening of the eighteenth session, the Committee had registered a total of 895 requests for urgent action. In the report on requests for urgent action that it adopted at its seventeenth session, the Committee set out the decisions taken regarding the 782 requests for urgent action that had been registered up to 30 September 2019, including the 220 new requests for urgent action that had been registered since its sixteenth session. The 220 new requests concerned incidents in Iraq, Mexico and Tunisia.

41. The table below shows the 782 requests for urgent action that were registered by the Committee from 2012 to 30 September 2019, by year and State party.

#### Urgent action requests registered to 30 September 2019, by year and by State party

Year	Argentina	Armenia	Brazil	Cambodia	Colombia	Cuba	Honduras	Iraq	Kazakhstan	Lithuania	Mauritania	Mexico	Morocco	Sri Lanka	Togo	Tunisia	Total
2012	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	5
2013	-	-	-	-	1	-	-	-	-	-	-	6 <sup>a</sup>	-	-	-	-	7
2014	-	-	1	1	1	-	-	5	-	-	-	43	-	-	-	-	51
2015	-	-	-	-	3	-	-	42	-	-	-	165	-	-	-	-	210
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 <sup>b</sup>	-	-	-	1	1	-	-	209	-	1	-	7	-	-	-	1	220
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>22</b>	<b>1</b>	<b>14</b>	<b>371</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>357</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>782</b>

<sup>a</sup> Urgent action No. 9/2013 refers to two persons. It is therefore counted as two urgent actions.

<sup>b</sup> As at 30 September 2019.

#### B. Process after registration of urgent action requests: developments observed since the sixteenth session (to 30 September 2019)

42. 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.

43. The information provided since the sixteenth session in the context of the urgent action procedure confirms a number of the trends identified in the reports on requests for urgent action adopted at the eleventh to sixteenth sessions ([CED/C/11/3](#), [CED/C/12/2](#), [CED/C/13/3](#), [CED/C/14/2](#), [CED/C/15/3](#) and [CED/C/16/2](#)). Again, most of the cases with regard to which urgent action requests have been registered relate to events in Mexico and Iraq. For the period covered by the present report, the Committee wishes to highlight the following trends relating to the States parties concerned.

<sup>5</sup> For the eighteenth session, discussions were held and decisions adopted by the Committee during its online meeting on 4 May 2020 and intersessionally.

## **1. Developments relating to Mexico and Iraq**

### **(a) Mexico**

44. The State party has responded to all the recently registered requests for urgent action. With regard to follow-up notes, however, its response times are becoming longer: less and less information is being provided, and the replies often show that the search and investigation processes in relation to the disappeared persons have come to a standstill.

45. The information provided by the State party continues to reflect sporadic, isolated and largely formalistic action that does not seem to be part of a previously defined strategy for search and investigation. Steps taken by family members, close contacts or representatives of the disappeared persons are still crucial to ensuring that searches and investigations move forward.

46. In the vast majority of cases, the authors of requests for urgent action are exasperated by the failure to conduct searches and investigations with due diligence. They find it regrettable that there are no on-site investigations or comprehensive analyses of the available evidence or of the information that they provide to the authorities responsible for searches and investigations.

47. Authors continue to make frequent allegations that those authorities are directly or indirectly involved in the events surrounding the disappearances, and that search and investigation efforts have come to a halt. In such cases, the Committee has emphasized the importance of establishing mechanisms for holding State officials in charge of searches and investigations to account, and has requested the State party to investigate allegations that such officials have hindered proceedings.

48. The Committee wishes to emphasize its concern over reports that relatives of disappeared persons have been targeted by threats and intimidation when they have pressed for the investigation of the facts surrounding the enforced disappearance of their family members. These threats take various forms, including death threats, patrols around the relatives' homes and procedural decisions that affect the protection afforded to the persons concerned (for example, the lifting of a measure to protect the identity of a key witness in the investigation by transferring the case file to the Guerrero State Prosecutor's Office). In such cases, the Committee again requests the State party to take the following interim measures: (a) the measures necessary to preserve the life and safety of the persons concerned; and (b) those necessary to ensure that a person can carry out a search for a missing family member without being subjected to violence or harassment. The Committee also requests the State party to take more specific measures whenever necessary (for example, to ensure that the identity of a person is kept confidential despite the transfer of the case file).

### **(b) Iraq**

49. The Committee is deeply concerned by the failure of the State party, despite several reminders, to reply to the majority of the registered requests for urgent action concerning incidents that took place in its territory. Four reminders, which have gone unanswered, were sent for 53 of the registered requests for urgent action. Where replies have been received, the State party has provided no information whatsoever on any action that it has taken to search for the disappeared persons or to investigate their alleged enforced disappearance. Nor have the procedures available to victims been made clear, and the information provided by the relatives of disappeared persons continues to confirm that, in general, they must endure ill-treatment at the hands of State authorities when they ask for information or support in connection with searches for disappeared persons or investigations into their alleged enforced disappearance. The Committee brings to the attention of the General Assembly the State party's lack of compliance with its obligations under article 30 of the Convention concerning the above-mentioned 53 requests for urgent action.

50. In several of its replies, the State party simply stressed that the alleged victims were affiliated with terrorist groups. In the reporting period, for example, the Committee registered 192 new requests for urgent action with regard to the alleged enforced disappearance of 192 persons at the Al-Razaza checkpoint in Anbar Governorate. The Committee was informed that, on 26 October 2014, against the backdrop of the fight against Islamic State in Iraq and

the Levant, many families had fled Jurf al-Sakhr in Babil Governorate for safer areas through the checkpoint in question, which at the time was controlled by Hizbullah brigades. According to reports received by the Committee, the 192 persons were arrested while attempting to go through the checkpoint and were forcibly taken by Hizbullah to an unknown location. Despite repeated complaints by family members to the State party's authorities, their whereabouts remain unknown. The Committee asked the State party to take immediate action to search for and locate the disappeared persons, look into their alleged enforced disappearance, ensure that the disappeared persons were placed under the protection of the law and take the necessary measures to identify those responsible. The State party responded by stating that all the persons referred to in the requests for urgent action had ties to Islamic State in Iraq and the Levant and that seven of them had been killed. This information was shared with the authors of the requests for urgent action for their comments. More generally, the Committee has been informed of, and notes with concern, several cases in which relatives of disappeared persons have been subjected to reprisals after reporting incidents to the competent authorities, and stresses the consequent negative impact on the possibility of individuals requesting the intervention of the authorities in charge of the search for disappeared persons and the investigation of their disappearance.

## **2. Other States parties**

51. There were too few requests for urgent action relating to other States parties for the Committee to identify any trends. Nevertheless, the Committee wishes to highlight certain elements of some of the requests received.

### **(a) Brazil**

52. Another follow-up note was sent to the State party regarding the case of Davi Santos Fiúza (urgent action No. 61/2014). The note acknowledged receipt of the information that the file on the four-year police search and investigation into Mr. Santos Fiúza's disappearance had been sent to the Bahia State Counsel-General's Office, that the police authorities had referred to the possible involvement of 17 members of the Bahia state police (military police) and that the Counsel-General was currently reviewing the case file to determine the individual liability of each of the 17 police officers and bring the perpetrators to justice. In view of the information gathered in the context of the urgent action, however, the Committee deplored the delays in the investigations into the case by the Counsel-General's Office, despite it having been apprised of the results of the police investigations, and the failure to take further steps to search for and locate Mr. Santos Fiúza.

### **(b) Colombia**

53. As stated in the reports from previous sessions, the information provided by the State party on the 21 registered requests for urgent action shows that investigations and searches often come to a standstill a few months after they begin.

54. In connection with urgent action No. 378/2017, No. 379/2017 and No. 380/2017, the Committee was informed that four persons had been arrested and had provided information on the location of the remains of the disappeared children. They had been charged with enforced disappearance. The three children had been found dead in the Cerro Norte neighbourhood of Usaquén in May 2019. This information was passed to the authors of the relevant requests for urgent action for their comments.

### **(c) Togo**

55. With regard to the cases of Atsou Adzi and Messan Koku Adzi (urgent action No. 543/2018 and No. 544/2018), the State party replied on 17 July 2019 that, after investigations into the disappearances in question, its authorities had discovered that Atsou Adzi had died of health problems on 3 January 2014. That claim had reportedly been confirmed by several people, including an uncle, who had organized the funeral, and the head of the community of Gapé. The Togolese authorities claim to have located Messan Koku Adzi on 29 June 2019 in Lomé, where he is apparently living. According to the authorities, he was in contact with his family in Gapé. The authorities investigated the case and concluded that two people had fabricated the story in question. The State party's observations were relayed to the authors of

the requests for urgent action for their comments. The Committee will make a decision on this urgent action in the light of the response provided.

**(d) Tunisia**

56. A request for urgent action was registered during the reporting period in the case of Mohamed Guefassa (urgent action No. 768/2019), an Algerian national who disappeared in Tunisian territorial waters on the night of 2 October 2016, when, travelling irregularly from Algeria to the Italian island of Sardinia, he was intercepted by Tunisian coastguards. According to the information provided to the Committee, Mr. Guefassa may be in illegal detention in Tunisia on terrorism-related charges. The Committee requested the State party to immediately take all measures necessary to search for, locate and protect Mr. Guefassa. The State party had not replied to the Committee's note verbale by the date of the present report. A reminder was sent.

**3. Innovations**

57. Since August 2019, following the adoption and publication of the guiding principles for the search for disappeared persons, the Committee has included specific references to the guiding principles in its follow-up notes in order to make its recommendations to States parties more precise. Whenever appropriate, the guiding principles have also been annexed to the follow-up notes.

**C. Urgent actions discontinued, closed or kept open for the protection of persons to whom interim measures have been granted**

58. 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 is because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and to being placed outside the protection of the law;

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

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

59. At the time of writing, the Committee had closed a total of 52 urgent action cases: in 29 of these cases, the disappeared persons had been found alive and released, and in 23 cases the disappeared persons had been found dead.

60. In addition, the Committee has discontinued 13 urgent action cases because the disappeared persons have been located but remain in detention.

61. In two urgent action cases, it has been determined that the disappeared persons have been found dead but the urgent action remains open because the persons who were granted interim measures are still under threat.

62. In one urgent action case, the author reported that some of her husband's remains had been found. She emphasized, however, that she was not satisfied, as the view of the authorities, in contrast to her own, was that it was unnecessary to continue searching for the rest of his remains. The Committee recalls that, in accordance with principle 7 of the guiding principles for the search for disappeared persons, when only partial remains have been found and identified, any decision to continue the search to locate and identify the missing remains should take into account the actual chances of identifying more remains and the needs expressed by the family members in the context of their cultural norms concerning funerals. Any decision to discontinue the search should be taken in a transparent manner and requires

the prior and informed consent of the family members. The Committee has therefore decided to keep the urgent action open.

#### **D. Decisions taken by the Committee at its seventeenth and eighteenth sessions**

63. The Committee reiterates that, in view of the increase in the number of requests for urgent action that have been registered, there is an urgent need for an increase in the number of staff members in the OHCHR secretariat who are dedicated to processing those requests.

64. At its seventeenth session, the Committee confirmed the composition of its working group on urgent actions and recalled that the division of labour among members was based on the language of the request for urgent action. The secretariat recalled the Committee's working methods in relation to urgent action, which were confirmed in plenary.

65. The Committee confirmed that, whenever necessary, reference would be made to the obligation of States parties, without prejudice to the obligation to continue the investigation until the fate of the disappeared person had been clarified, to take the appropriate steps with regard to the legal situation of disappeared persons whose fate had not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights. In many cases of enforced disappearance, economic and social support was essential to enable the relatives of the disappeared person to participate in the search and investigation processes.

66. The Committee decided to discuss a draft revision of the format for the submission of requests for urgent action, to be prepared by the secretariat in cooperation with the working group on urgent actions, based on the experience gained since the start of the procedure.

67. At its eighteenth session,<sup>6</sup> and given the need to discuss various issues raised in the context of the urgent action procedure over the period covered by the report and the impossibility of doing so via email, the Committee decided to postpone the consideration of its report on requests for urgent action to its nineteenth session.

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<sup>6</sup> For the eighteenth session, discussions were held and decisions adopted by the Committee during its online meeting on 4 May 2020 and intersessionally.

## **Chapter XI**

### **Communications procedure under article 31 of the Convention**

68. No new individual complaints have been registered by the Committee over the period covered by the present report.

69. As regards the *Yrusta and Del Valle Yrusta v. Argentina*, the Committee received additional follow-up information from the State party and transmitted it for comments to the author. The Committee will analyse the information provided upon receipt of all relevant submissions. The follow-up procedure therefore remains open.

## **Chapter XII**

### **Visits under article 33 of the Convention**

70. Since 2013, the Committee has been requesting a visit to Mexico under article 33 of the Convention. In a press conference held on 30 August 2019, the Under-Secretary for Human Rights of the Ministry of the Interior announced several measures by instruction of the President of Mexico, including recognition of the Committee's competence to hear individual cases and acceptance of the Committee's request to visit the country. The Committee sent a reminder to the State party on 25 September 2018.

71. In a note to the State party dated 18 December 2019, the Committee recalled that on 17 October 2019 – in the context of the consideration of the sixth periodic report submitted by Mexico to the Human Rights Committee – the State party's delegation had reported that the President of Mexico had recently ordered Federal Government institutions to accept the competence of the Committee with respect to receiving individual communications, and to invite the Committee to visit Mexico in August 2020 (CCPR/C/SR.3654, para. 63). In the note, the Committee therefore requested information from the State party on the implementation of those measures, and invited the State party to appoint a focal point to enable the Committee and its secretariat to make the necessary arrangements in terms of the logistics, modalities and agenda of the visit reportedly planned for August 2020. As at the date of the present report, the Committee had received no reply to that note.

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## **Chapter XIII**

### **Guiding principles for the search for disappeared persons**

72. In September 2019, the International Committee of the Red Cross and the Swiss Peace Foundation organized a two-day workshop in Amman, at which experts and practitioners from different regions discussed the way forward for the dissemination and implementation of the guiding principles for the search for disappeared persons. Two members of the Committee participated in the workshop.

73. At its seventeenth session, the Committee organized a private meeting with the Swiss Peace Foundation on the results of and follow-up to the workshop. In March 2020, a member of the Committee and a member of its secretariat participated in a follow-up event organized by the Swiss Peace Foundation on strategies to promote coordination between the search for disappeared persons and the investigation of their disappearance.

74. The guiding principles have been translated in German and Nepalese. The OHCHR Office in Mexico released an illustrated version of the guiding principles in Spanish. The Committee is pursuing the dissemination of the guiding principles by including references to them in its recommendations in the context of its urgent action procedure.

## Annex

## States parties to the Convention as at 4 May 2020 and their reporting status

<i>State party (in order of ratification)</i>	<i>Ratification/ accession</i>	<i>Entry into force</i>	<i>Deadline for reporting under art. 29 (1)</i>	<i>Report submitted</i>
<b>Albania*</b>	8 Nov. 2007	23 Dec. 2010	23 Dec. 2012	11 Nov. 2015
<b>Argentina*</b>	14 Dec. 2007	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
<b>Mexico</b>	18 Mar. 2008	23 Dec. 2010	23 Dec. 2012	11 Mar. 2014
<b>Honduras</b>	1 Apr. 2008	23 Dec. 2010	23 Dec. 2012	4 Feb. 2016
<b>France*</b>	23 Sept. 2008	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
<b>Senegal</b>	11 Dec. 2008	23 Dec. 2010	23 Dec. 2012	28 Apr. 2015
<b>Bolivia (Plurinational State of)</b>	17 Dec. 2008	23 Dec. 2010	23 Dec. 2012	28 Sept. 2018
<b>Cuba</b>	2 Feb. 2009	23 Dec. 2010	23 Dec. 2012	24 Apr. 2015
<b>Kazakhstan</b>	27 Feb. 2009	23 Dec. 2010	23 Dec. 2012	3 June 2014
<b>Uruguay*</b>	4 Mar. 2009	23 Dec. 2010	23 Dec. 2012	4 Sept. 2012
<b>Mali*</b>	1 July 2009	23 Dec. 2010	23 Dec. 2012	
<b>Japan*</b>	23 July 2009	23 Dec. 2010	23 Dec. 2012	22 July 2016
<b>Nigeria</b>	27 July 2009	23 Dec. 2010	23 Dec. 2012	
<b>Spain*</b>	24 Sept. 2009	23 Dec. 2010	23 Dec. 2012	26 Dec. 2012
<b>Germany*</b>	24 Sept. 2009	23 Dec. 2010	23 Dec. 2012	25 Mar. 2013
<b>Ecuador*</b>	20 Oct. 2009	23 Dec. 2010	23 Dec. 2012	5 June 2015
<b>Burkina Faso</b>	3 Dec. 2009	23 Dec. 2010	23 Dec. 2012	7 Oct. 2014
<b>Chile*</b>	8 Dec. 2009	23 Dec. 2010	23 Dec. 2012	1 Dec. 2017
<b>Paraguay</b>	3 Aug. 2010	23 Dec. 2010	23 Dec. 2012	28 Aug. 2013
<b>Iraq</b>	23 Nov. 2010	23 Dec. 2010	23 Dec. 2012	26 June 2014
<b>Brazil</b>	29 Nov. 2010	29 Dec. 2010	29 Dec. 2012	30 June 2019
<b>Gabon</b>	19 Jan. 2011	18 Feb. 2011	18 Feb. 2013	10 June 2015
<b>Armenia</b>	24 Jan. 2011	23 Feb. 2011	23 Feb. 2013	14 Oct. 2013
<b>Netherlands*</b>	23 Mar. 2011	22 Apr. 2011	22 Apr. 2013	11 June 2013
<b>Zambia</b>	4 Apr. 2011	4 May 2011	4 May 2013	
<b>Serbia*</b>	18 May 2011	17 June 2011	17 June 2013	30 Dec. 2013
<b>Belgium*</b>	2 June 2011	2 July 2011	2 July 2013	8 July 2013
<b>Panama</b>	24 June 2011	24 July 2011	24 July 2013	30 June 2019
<b>Tunisia</b>	29 June 2011	29 July 2011	29 July 2013	25 Sept. 2014
<b>Montenegro*</b>	20 Sept. 2011	20 Oct. 2011	20 Oct. 2013	30 Jan. 2014
<b>Costa Rica</b>	16 Feb. 2012	17 Mar. 2012	17 Mar. 2014	7 May 2020
<b>Bosnia and Herzegovina*</b>	30 Mar. 2012	29 Apr. 2012	29 Apr. 2014	26 Jan. 2015
<b>Austria*</b>	7 June 2012	7 July 2012	7 July 2014	31 May 2016
<b>Colombia</b>	11 July 2012	10 Aug. 2012	10 Aug. 2014	17 Dec. 2014
<b>Peru*</b>	26 Sept. 2012	26 Oct. 2012	26 Oct. 2014	8 Aug. 2016
<b>Mauritania</b>	3 Oct. 2012	2 Nov. 2012	2 Nov. 2014	
<b>Samoa</b>	27 Nov. 2012	27 Dec. 2012	27 Dec. 2014	
<b>Morocco</b>	14 May 2013	13 June 2013	13 June 2015	

<i>State party (in order of ratification)</i>	<i>Ratification/ accession</i>	<i>Entry into force</i>	<i>Deadline for reporting under art. 29 (1)</i>	<i>Report submitted</i>
<b>Cambodia</b>	27 June 2013	27 July 2013	27 July 2015	
<b>Lithuania*</b>	14 Aug. 2013	13 Sept. 2013	13 Sept. 2015	6 Oct. 2015
<b>Lesotho</b>	6 Dec. 2013	5 Jan. 2014	5 Jan. 2016	
<b>Portugal*</b>	27 Jan. 2014	26 Feb. 2014	26 Feb. 2016	22 June 2016
<b>Togo</b>	21 July 2014	20 Aug. 2014	20 Aug. 2016	
<b>Slovakia*</b>	15 Dec. 2014	14 Jan. 2015	14 Jan. 2017	26 Apr. 2018
<b>Mongolia</b>	12 Feb. 2015	14 Mar. 2015	14 Mar. 2017	27 Dec. 2018
<b>Malta</b>	27 Mar. 2015	26 Apr. 2015	26 Apr. 2017	
<b>Greece</b>	9 July 2015	8 Aug. 2015	8 Aug. 2017	1 Feb. 2019
<b>Niger</b>	24 July 2015	23 Aug. 2015	23 Aug. 2017	1 Aug. 2019
<b>Belize</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
<b>Ukraine*</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
<b>Italy</b>	8 Oct. 2015	7 Nov. 2015	7 Nov. 2017	22 Dec. 2017
<b>Sri Lanka</b>	25 May 2016	24 June 2016	24 June 2018	
<b>Central African Republic</b>	11 Oct. 2016	10 Nov. 2016	10 Nov. 2018	
<b>Switzerland*</b>	2 Dec. 2016	1 Jan. 2017	1 Jan. 2019	21 Dec. 2018
<b>Seychelles</b>	18 Jan. 2017	17 Feb. 2017	17 Feb. 2019	
<b>Czechia*</b>	8 Feb. 2017	10 Mar. 2017	10 Mar. 2019	22 May 2019
<b>Malawi*</b>	14 July 2017	13 Aug. 2017	13 Aug. 2019	
<b>Benin</b>	2 Nov. 2017	2 Dec. 2017	2 Dec. 2019	
<b>Gambia</b>	28 Sept. 2018	28 Oct. 2018	28 Oct. 2020	
<b>Dominica</b>	13 May 2019	12 June 2019	12 June 2021	
<b>Fiji</b>	19 Aug. 2019	18 Sept. 2019	18 Sept. 2021	
<b>Norway</b>	22 Aug. 2019	21 Aug. 2019	21 Aug. 2021	

*Note: States parties marked with an asterisk have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of declarations and reservations made by States Parties is available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en).*

