



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
3 November 2023

Original: English

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 present report contains a summary of the main issues that have been arisen in relation to the requests for urgent action received by the Committee under article 30 of the Convention and the Committee's recommendations that it has sent to the States parties concerned in notes on registration and follow-up with regard to those requests, for the period between the end of the twenty-fourth session, on 31 March, and 1 October 2023.

B. Requests for urgent action received

2. In its previous report on requests for urgent action,¹ the Committee provided information on the trends observed among the requests for urgent action, concerning 1,578 disappeared persons, that had been registered up to 31 March 2023. Between that date and 1 October 2023, the Committee received 53 new requests for urgent action, concerning 64 disappeared persons. Of those new requests for urgent action, the Committee decided to register 46 requests, concerning 55 disappeared persons. Of the remaining 7 requests, two requests were not registered because the Committee considered that they did not constitute cases of disappearance as defined in the Convention, four requests did not include sufficient information to establish the facts and one request was submitted concerning an event that had occurred in a State that is not a party to the Convention. In accordance with established practice, the latter request was forwarded to the Working Group on Enforced or Involuntary Disappearances. The 46 newly registered requests concerned disappearances in Colombia, Honduras, Iraq, Mexico and the Sudan.

3. As at 1 October 2023, the Committee had registered requests for urgent action concerning 1,633 disappeared persons, as shown in the table below. Between 1 January and 1 October 2023, the Committee sent 35 notes relating to registered requests for urgent action to follow up on the implementation of its recommendations regarding the search and investigations with regard to the disappearances.

* Adopted by the Committee at its twenty-fifth session (11–29 September 2023).

¹ [CED/C/24/3](#).



Disappeared persons with regard to whom requests for urgent action were registered, as at 1 October 2023, by State party and by year

<i>State party</i>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 ^a	Total
Argentina	—	—	—	—	—	2	—	—	1	—	—	—	3
Armenia	—	—	—	—	—	1	—	—	—	—	—	—	1
Bolivia (Plurinational State of)	—	—	—	—	—	—	—	1	—	—	—	—	1
Brazil	—	—	1	—	—	—	—	—	—	—	—	—	1
Burkina Faso	—	—	—	—	—	—	—	—	1	—	—	—	1
Cambodia	—	—	1	—	—	—	—	2	1	—	—	—	4
Colombia	—	1	1	3	4	3	9	3	2	153	—	3	182
Cuba	—	—	—	—	—	—	1	3	—	188	—	—	192
Honduras	—	—	—	—	—	—	14	—	9	2	—	4	29
Iraq	—	—	5	42	22	43	50	226	103	41	42	3	577
Japan	—	—	—	—	—	—	—	—	—	—	—	1	1
Kazakhstan	—	—	—	—	—	2	—	—	—	—	—	—	2
Lithuania	—	—	—	—	—	—	—	2	—	—	—	—	2
Mali	—	—	—	—	—	—	—	—	1	11	—	—	12
Mauritania	—	—	—	—	—	1	—	—	—	—	—	—	1
Mexico	5	4	43	166	58	31	42	10	57	60	52	61	589
Morocco	—	—	—	—	1	2	—	—	—	2	2 ^b	—	7
Niger	—	—	—	—	—	—	—	—	1	—	—	—	1
Oman	—	—	—	—	—	—	—	—	—	1 ^c	—	—	1
Paraguay	—	—	—	—	—	—	—	—	—	1	—	—	1
Peru	—	—	—	—	—	—	—	—	14	—	—	—	14
Sri Lanka	—	—	—	—	—	1	—	—	—	—	—	—	1
Slovakia	—	—	—	—	—	—	—	—	1	—	—	—	1
Sudan	—	—	—	—	—	—	—	—	—	—	1	1	2
Togo	—	—	—	—	—	—	2	—	1	—	—	—	3
Tunisia	—	—	—	—	—	—	—	1	—	—	—	—	1
Ukraine	—	—	—	—	—	—	—	—	—	—	3	—	3
Total	5	5	51	211	85	86	118	248	192	459	100	73	1 633

^a To 1 October 2023.

^b One of these requests was also sent to Spain.

^c This request was also sent to Sri Lanka.

C. Requests for urgent action that have been discontinued, closed or suspended for the protection of persons for whom interim measures have been taken

4. In accordance with the criteria adopted by the Committee at its eighth, twentieth, twenty-third and twenty-fourth sessions:

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

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

5. As at 1 October 2023, the Committee had closed urgent action cases concerning 454 persons, discontinued cases concerning 40 persons and suspended cases concerning 220 persons. Cases concerning 919 persons remained open.

6. The Committee welcomes the fact that 494 disappeared persons have been located to date. It welcomes in particular the fact that 438 of those persons were located alive. In this regard, the Committee wishes to highlight the positive outcomes observed in requests for urgent action registered during the reporting period with regard to cases in Iraq and Mexico.

D. Developments since the end of the twenty-fourth session

7. Throughout the urgent action procedure, the Committee maintains continual contact with States parties through their permanent missions and with the authors of requests for urgent action. The Committee also enjoys cooperation with the Office of the United Nations High Commissioner for Human Rights and United Nations field presences, which relay information regarding cases and follow up on the implementation of the Committee's recommendations.

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

1. General trends

9. The information received in the context of the urgent action procedure both confirms trends previously identified in the reports adopted by the Committee at its eleventh to twenty-fourth sessions² and illustrates new trends, as described below, including references to specific cases that illustrate relevant developments or trends.

(a) Lack of cooperation with the Committee

10. The Committee is concerned at the lack of cooperation by States parties that fail to respond to requests for urgent action or to address the Committee's recommendations. The Committee recalls that States parties have the obligation, under article 30 (3) of the Convention, to inform the Committee, within a specified period of time, of measures taken to locate and protect the person concerned in accordance with the Convention and, under article 26 (9), to cooperate with the Committee and assist its members in the fulfilment of their mandate.

11. The Committee remains particularly concerned about the continued failure of Iraq to reply to the majority of the registered requests for urgent action concerning cases of disappearance that occurred in its territory and to address the recommendations regarding search and investigation measures. The Committee has noted this lack of compliance by Iraq

² CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2, CED/C/15/3, CED/C/16/2, CED/C/17/2, CED/C/19/2, CED/C/20/2, CED/C/21/2, CED/C/22/2, CED/C/23/2 and CED/C/24/3.

with its obligations under article 30 of the Convention in five of its recent reports submitted to the General Assembly.³

12. Whenever the States parties concerned do not provide follow-up information by the deadlines set by the Committee, the Committee will send up to four reminders. Where a fourth and final reminder is necessary, the Committee will indicate that it may decide to make the situation public in its subsequent report on requests for urgent action and in its subsequent annual report to the General Assembly.

13. As at 1 October 2023, the Committee had sent final reminders and was still awaiting a response from the States parties concerned regarding 171 requests for urgent action, concerning 398 disappeared persons: 157 requests, concerning 533 persons, in Iraq, 13 requests, concerning 20 persons, in Mexico and 1 request concerning 1 person in Mali.

14. The Committee is also concerned about the lack of response from the authors of requests for urgent action in some cases. When authors fail to respond after the State party has provided observations on the search and investigation measures taken, which have then been transmitted to the authors for comments, the Committee will send up to three reminders to the authors. Lack of response from the authors of requests for urgent action prevents the Committee from being able to follow up on its recommendations and will result in the suspension of the follow up to the request.

15. The Committee recalls that States parties and authors of requests for urgent action should inform the Committee immediately if the disappeared person has been located, so that the case can be closed.

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

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

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

(c) Lack of a differential approach

18. The Committee remains concerned at the absence of information from the States parties concerned as to how they have implemented the Committee's recommendations that they adopt a differential approach in cases involving women, children, members of

³ [A/73/56](#), [A/74/56](#), [A/75/56](#), [A/76/56](#) and [A/77/56](#).

⁴ [CED/C/7](#), annex.

Indigenous communities and LGBTIQ+ persons, in accordance with principle 4 of the Guiding Principles for the Search of Disappeared Persons.

(d) Human rights defenders

19. The Committee registered new requests for urgent action concerning human rights defenders in Colombia and Mexico and followed up on registered cases involving human rights defenders. The Committee requested the States parties concerned to take into account the work of the human rights defenders as a possible motive for the disappearance in order to strengthen the prosecutorial hypotheses and search activities. When human rights defenders, their representatives or the victims' counsel requested protection measures in these cases, the Committee requested the States parties concerned to ensure that the beneficiaries' work related to the search for truth, justice and reparation was taken into account in the risk assessment and identification of appropriate protection measures.

(e) Children

20. The Committee registered a case concerning a 15-year-old child who had been allegedly taken for the purposes of labour exploitation in an undetermined location in the State of Michoacán, Mexico. At the time of registration, no measures had been taken for the rescue of the child. The child was located alive days after the registration of the urgent action request.

(f) Reprisals

21. The Committee is concerned at allegations received from the authors of requests for urgent action concerning reprisals, usually involving threats and retaliation against the relatives of disappeared persons or their representatives, aimed at dissuading them from participating in or promoting search and investigation processes. In cases currently open, concerning 317 disappeared persons, representing 31 per cent of open cases, the Committee requested the States parties concerned to take protection measures to preserve the lives and integrity of the individuals concerned and allow them to pursue their search activities without being subjected to violence, intimidation or harassment, in conformity with States parties' obligations under article 24 of the Convention and in the light of principle 14 of the Guiding Principles for the Search for Disappeared Persons. The Committee also requested the States parties concerned to ensure that such measures were taken with the prior consent of the persons requiring protection and were subject to review at their request. Of the 317 disappeared persons concerned in requests for urgent action in which the Committee requested protection measures, 268 had disappeared in Mexico, 20 in Iraq, 13 in Colombia, 10 in Honduras, 1 in Argentina, 1 in Brazil, 1 in Burkina Faso, 1 in Cambodia, 1 in Morocco and 1 in Paraguay.

2. Specific trends by country

(a) Iraq

22. As at 1 October 2023, the Committee had registered requests concerning a total of 577 disappeared persons related to events in Iraq, amounting to 35 per cent of the disappeared persons concerned in all requests for urgent action registered to date. The Committee remains concerned that, according to the information received, only 44 of those disappeared persons had been located, amounting to only 7 per cent of the disappeared persons concerned in all requests for urgent action related to events in Iraq.

23. The Committee notes with concern that there is a direct correlation between the lack of cooperation by Iraq with the urgent action procedure under article 30 of the Convention, as noted in paragraph 11 above, and the alarmingly low number of disappeared persons who have been located in Iraq to date.

24. Where the State party submitted replies to the Committee, the responses generally followed the same trend observed by the Committee in its previous reports, namely, that the State party did not provide any information on action taken to search for disappeared persons or to investigate their alleged enforced disappearance. In those cases, the Committee

reminded the State party that its failure to take action and to provide specific information was not in compliance with article 12 of the Convention, under which States parties were required to examine the allegation promptly and impartially, to undertake without delay a thorough and impartial investigation and to take the measures necessary to prevent and sanction acts that hindered the conduct of an investigation.

25. In cases where the State party claimed that the disappeared person was affiliated with a terrorist organization, the Committee notes that the State party continued to provide copies of the relevant arrest warrants. The Committee continued to observe, however, that, in some of those cases, the arrest warrants provided were issued after the date of the alleged disappearance, whereas they should predate the alleged detention of the persons concerned. The Committee has requested the State party to explain this discrepancy and is still awaiting a response. In some cases, the arrest warrants did not contain any information as to the charges against the disappeared person in question. In one case, the arrest warrant did not contain any personal information regarding the wanted person, such as his date of birth or his family or mother's names, and therefore did not confirm that the wanted person and the disappeared person were the same person.

26. As stated in its previous reports, in some cases, the State party responded that the disappeared persons' relatives had not filed complaints with the relevant authorities, even though they had in fact done so with several administrative and judicial authorities at the national level. In one case, the State party requested certified copies of complaints or reports submitted to the Iraqi authorities. In those cases, the Committee recalled principle 6 of the Guiding Principles for the Search for Disappeared Persons, according to which the obligation to search for and locate a person was triggered as soon as the competent authorities became aware, by any means, or had indications that a person had been subjected to enforced disappearance, the competent authorities should begin the search immediately and expeditiously, on their own initiative, even when no formal complaint or request had been made, a lack of information from relatives or complainants could not be invoked to justify a failure to immediately launch activities to search for and locate the disappeared person and, where doubts arose about the occurrence of an involuntary disappearance, the search should nevertheless begin immediately. The Committee also recalled that the Convention imposed no specific requirements as to which authority should receive complaints alleging enforced disappearance. On the contrary, under article 12 of the Convention, the competent authorities of the State party, where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, are required to undertake an investigation, even if there has been no formal complaint.

(b) Mexico

27. As at 1 October 2023, the Committee had registered requests concerning a total of 589 disappeared persons related to events in Mexico, amounting to 36 per cent of the disappeared persons concerned in all requests for urgent action registered to date. Of those 589 persons, cases concerning 71 persons have been closed, as the disappeared persons have been found at liberty, found and released or found dead, cases concerning 189 persons have been suspended, as the authors of the requests have lost contact with the relatives of the disappeared persons and can no longer provide follow-up information, and cases concerning 329 persons remain open.

28. The Committee welcomes the State party's cooperation in responding to the Committee's numerous requests for information and recommendations with regard to cases and providing information on search and investigation processes. The Committee welcomes in particular the detailed responses provided in some cases. However, as previously reported, the Committee continued to observe a lack of a coordinated and comprehensive search strategy in some cases. The Committee observed in particular a lack of coordination between the various authorities in charge of search and investigation, including with respect to the definition of their respective roles and responsibilities and the sharing of information on action undertaken and results obtained, which resulted on occasion in a duplication of action. The Committee also continued to observe unjustified delays in the adoption of formal search measures, sometimes of up to a year after the search and investigation files had been opened.

29. During the reporting period, the Committee observed in some cases a lack of analysis of the context of violations and inclusion of that context in the search and investigation processes. The Committee observed in particular the lack of consideration to the existing pattern of human rights violations in the states of Michoacán and Nayarit, including enforced disappearances by the military.

30. In another case of disappearances in Michoacán, an official of the state search commission had allegedly informed the relatives of the disappeared person and their representatives that the Commission could not examine investigation folders that were in the Office of the State Prosecutor. Although the Commission later corrected that information, that response raises doubts about the capacity of the officials assigned to the Commission to adequately and professionally perform their functions.

31. Authors of requests continued to report that State authorities were directly or indirectly involved in the events surrounding the disappearances, in some of the cases, and that search and investigation efforts had therefore come to a halt. In such cases, the Committee emphasized to the State party the importance of establishing mechanisms for ensuring the accountability of officials in charge of search and investigation and requested the State party to investigate allegations that such officials had hindered proceedings, in accordance with article 12 of the Convention and in the light of principle 15 of the Guiding Principles for the Search for Disappeared Persons. In some cases, in which the local investigative authorities were alleged to have been involved in the disappearance, the Committee recommended that the State party consider transferring the search and investigation to the federal authorities.

32. The Committee remains concerned about the perilous and vulnerable situation of environmental and other human rights defenders in Mexico. In this regard, the Committee continued to follow up on the disappearance, in January 2023, of two defenders of Indigenous peoples' rights, Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia. The Committee voiced its concern about information it received regarding the lack of cooperation between the authorities responsible for the search and investigation of the case and recalled the need to ensure that information obtained during the investigation informed the search process. The Committee reiterated that the State party should ensure that, during the search and investigation, sufficient weight was accorded to the hypothesis that the human rights work of the disappeared human rights defenders, including their opposition to the expansion of the extractive industries in the area, could be a possible motive for their disappearance.

33. The Committee is also concerned about the disappearance of persons involved in the search and investigation of enforced disappearances in the State party during the reporting period, including the disappearance in the state of Jalisco of a member of search groups who was allegedly taken by force by a group of uniformed and armed men. The disappeared person had previously received threats related to her search and investigation activities and was a beneficiary of protection measures by the Office of the State Prosecutor. Another case includes the disappearance of a forensic anthropologist in the state of Nayarit, in the context of recent disappearances of persons involved in the search for disappeared persons in that state. The Committee requested that the search and investigation procedures take into account his search activities as a possible motive for his disappearance.

34. The Committee noted an increase in the number of urgent action requests related to recent disappearances in Celaya, Guanajuato, allegedly perpetrated by organized crime groups. While the extent of the State party's acquiescence in the specific cases is unclear, the Committee expressed concern about the apparent lack of search and investigation measures. The Committee reminded the State party of its obligations, under article 3 of the Convention, to investigate disappearances committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.

(c) New case of disappearance in Colombia

35. The Committee registered a request for urgent action concerning a social activist who had been allegedly subjected to forced recruitment by Fuerza Alternativa Revolucionaria del Común dissident guerrilla groups in the context of disputes over territorial control. The

Committee requested the State party to adopt a comprehensive search and investigation strategy taking that context into account, in compliance with article 3 of the Convention.

(d) New case of disappearance in Honduras

36. The Committee registered a case of disappearance of two persons whose apartments had been raided and searched a few months earlier by the anti-gang police. The Committee requested information regarding the raids and in particular the information obtained from a confiscated telephone.

(e) New case of disappearance in the Sudan

37. The Committee registered its second request for urgent action concerning events that had occurred in the Sudan. The disappeared person was taken from his house in May 2023 by members of the Rapid Support Forces, after they had raided the house. The victim later appeared in a video broadcast by the Forces. The authors of the request for urgent action noted that, in the light of the ongoing conflict, there were currently no functioning law enforcement institutions that could investigate cases of disappearance and that they were therefore unable to report the case domestically.
