

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations



## The global problem of enforced disappearances: “Outside all protection of the law”

### Annex: Enforced disappearances in 17 countries

This is an Annex to a written statement to the 54th Session of the United Nations Human Rights Council submitted by Lawyers' Rights Watch Canada, NGO with UN ECOSOC consultative status, and endorsed by the following NGOs without consultative status who share the views set out in the written statement and annex: Peacemakers Trust, The 29 Principles, the Network of Chinese Human Rights Defenders (CHRD), the Colombian Caravana, and Memorial Human Rights Defence Centre.

Lawyers and human rights defenders have been subjected to enforced disappearances, or obstruction of their advocacy on behalf of the disappeared, in numerous countries on which Lawyers' Rights Watch Canada or endorsers have conducted advocacy, including the following (alphabetical order).

#### Afghanistan

1. Afghanistan acceded to the *International Convention on Civil and Political Rights* (ICCPR) in 1983 and the United Nations (UN) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT) in 1987 but has not signed or ratified the *Convention for the Protection of all Persons against Enforced Disappearances* (Convention or ICPPED). Tens of thousands of people have been forcibly disappeared in Afghanistan over decades.<sup>1A</sup> Since August 2021, Afghanistan's de facto authorities have disappeared numerous persons<sup>2A</sup> amid destruction of independence of the legal system. Taliban officials have replaced independent judges and taken over the legal profession, precluding women from positions as

<sup>1A</sup> Human Rights Watch, 2017, <https://www.hrw.org/news/2017/08/29/agonies-of-afghanistans-enforced-disappearances>

<sup>2A</sup> Human Rights Watch, 30 November 2021, <https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you-executions-and-enforced-disappearances-afghanistan>

judges and lawyers. There is little or no access to remedies for enforced disappearances or legal representation for families of the disappeared.<sup>3A</sup>

### Canada

2. Since 2018, Canada has indicated it is in the process of consulting all levels of the Canadian government about the possibility of acceding to the ICPPED, but there is no timeline for consultations. Canada has joined consensus General Assembly resolutions calling for increased efforts towards universal ratification and to consider becoming parties “as a matter of priority.”<sup>4A</sup> Canada has urged other countries to ratify the ICPPED or to expedite domestic legislation to criminalize enforced disappearances.<sup>5A</sup>
3. In 2002-2004, Canadian officials provided information to the United States (US) in four separate incidents resulting the arbitrary detention and torture of Canadians under US anti-terrorist provisions. They were placed in unknown locations in Syria. In one case, Canada instituted a 2004-2006 Commission of Inquiry,<sup>6A</sup> after which the Government of Canada in 2007 apologized, compensated the victim in the sum of \$10.5 million, and laid charges against a Syrian official alleged to have tortured him. Three other victims were similarly arbitrarily detained and tortured, at least two of whom were held in secret locations in separate incidents occurring from 2002-2004. After a largely-secret 2006-2008 Commission of Inquiry,<sup>7A</sup> and a rebuke by the UN Committee Against Torture (CAT) in 2012,<sup>8A</sup> Canada apologized and compensated the three victims in 2017 in the amount of \$10.5 million each. However, no Canadian or US officials were ever held accountable for their suspected involvement in these crimes of torture and enforced disappearance.
4. The UN Human Rights Committee in 2006 and the UN Committee Against Torture in 2007 expressed concern about Canada’s failure to provide adequate and effective responses to violence, homicides, and disappearances of Indigenous persons in Canada,<sup>9A</sup> leading to a suggestion of acquiescence in enforced disappearance by the National Inquiry on Missing and

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<sup>3A</sup> Special Procedures, 17 January 2023,

<https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/statements/2023-01-17/202301-stm-sr-ijl-sr-afghanistan-day-endangered-lawyer.pdf>; Christopher Lehmann, ILAC Rule of Law Report 2023 [http://ilacnet.org/wp-content/uploads/2023/01/ILAC\\_Afghanistan\\_Report\\_2023-2.pdf](http://ilacnet.org/wp-content/uploads/2023/01/ILAC_Afghanistan_Report_2023-2.pdf).

<sup>4A</sup> e.g. A/RES/76/158, 7 January 2022, <https://undocs.org/en/A/RES/76/158>.

<sup>5A</sup> UPR info, [https://upr-info-database.uwazi.io/en/entity/ysd79oxso2g?searchTerm=enforced%20disappearance](https://upr-info-database.uwazi.io/en/entity/ysd79oxso2g?searchTerm=enforced%20disappearance;);  
<https://upr-info-database.uwazi.io/en/entity/qxbgodczf9k?searchTerm=enforced%20disappearance>

<sup>6A</sup> Government of Canada, O’Connor Inquiry, 2006 [https://publications.gc.ca/collections/collection\\_2015/bcp-pco/CP32-88-1-1-2006-eng.pdf](https://publications.gc.ca/collections/collection_2015/bcp-pco/CP32-88-1-1-2006-eng.pdf)

<sup>7A</sup> Government of Canada, Iacobucci Inquiry, 2010, [http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal\\_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf](http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf);

<sup>8A</sup> CAT/C/CAN/CO/6, <https://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT-C-CAN-6.pdf>

<sup>9A</sup> CCPR/C/CAN/CO/6, <https://undocs.org/CCPR/C/CAN/CO/6>; CAT/C/CAN/CO/7,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FCAN%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FCAN%2FCO%2F7&Lang=en)

Murdered Indigenous Women and Girls<sup>10A</sup> and a civil society submission by Peacemakers Trust for Canada's 4<sup>th</sup> Universal Periodic Review.<sup>11A</sup>

### Cambodia

5. Cambodia acceded to the ICPPED in 2013<sup>12A</sup> but has been implicated in enforced disappearances of defenders, including the 2020 disappearance in Cambodia of a Thai human rights defender.<sup>13A</sup>

### China

6. China has signed (but not ratified) the ICCPR and has ratified the UNCAT but has not signed or ratified the ICPPED. China's authorities have forcibly disappeared large numbers of persons in China, particularly in the Uyghur region<sup>14A</sup> and Tibet. In addition, tens of thousands of persons, including numerous lawyers and defenders, have been subjected to enforced disappearance.<sup>15A</sup> For example, lawyer Gao Zhisheng was detained on 13 August 2017 and has not been seen since that date despite several communications by UN Special Procedures.<sup>16A</sup> Many people are disappeared for weeks or months at a time through China's system of Residential Surveillance in a Designated Location (RSDL).<sup>17A</sup> Reports of torture and ill-treatment in RSDL are frequent. China has not implemented recommendations of UN Human

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<sup>10A</sup> MMIWG, 2019, 190, [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf), citing in [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/04/20180516\\_MMIWG\\_Quebec\\_HRF\\_Part\\_3\\_Vol\\_6.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/04/20180516_MMIWG_Quebec_HRF_Part_3_Vol_6.pdf) at 43 expert testimony and scholarship of B.L. Gunn, <https://www.canlii.org/w/canlii/2017CanLIIDocs3497.pdf>;

<sup>11A</sup> Peacemakers Trust, 5 April 2023,

<https://www.peacemakers.ca/publications/PeacemakersTrust.UPR.Canada.EID.4April2023CORRIGENDUM.pdf>

<sup>12A</sup> *Ibid.*

<sup>13A</sup> WGEID et al, UA KHM 5/2020,

<https://cambodia.ohchr.org/sites/default/files/othersource/Second%20joint%20letter%20by%20UN%20experts%20to%20the%20government%20regarding%20the%20disappearance%20of%20Satsaksit.pdf> and UA THA 5/2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25351>, Human Rights

Watch (HRW), 4 June 2021, <https://www.hrw.org/news/2021/06/04/cambodia-solve-thai-activists-disappearance>

<sup>14A</sup> OHCHR, 31 August 2022, <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assessment.pdf>;

Amnesty International et al, 30 August 2022, [https://lawyersforlawyers.org/wp-content/uploads/2022/08/Civil-Society-Call-to-End-Enforced-Disappearances-in-China\\_EN.pdf](https://lawyersforlawyers.org/wp-content/uploads/2022/08/Civil-Society-Call-to-End-Enforced-Disappearances-in-China_EN.pdf);

LRWC et al, 20 September 2022, [https://www.lrwc.org/wp-content/uploads/2022/10/LRWC.HRC51.Item3\\_ID\\_WGEID\\_F.pdf](https://www.lrwc.org/wp-content/uploads/2022/10/LRWC.HRC51.Item3_ID_WGEID_F.pdf)

<sup>15A</sup> Special Procedures Communication, AL CHN 2/2022, February 2022,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27049>;

<sup>16A</sup> CHR, August 2023, <https://www.nchr.org/2023/08/china-release-human-rights-lawyer-gao-zhisheng-and-end-the-practice-of-enforced-disappearances/>;

<sup>17A</sup> LRWC et al, 20 September 2022, [https://www.lrwc.org/wp-content/uploads/2022/10/LRWC.HRC51.Item3\\_ID\\_WGEID\\_F.pdf](https://www.lrwc.org/wp-content/uploads/2022/10/LRWC.HRC51.Item3_ID_WGEID_F.pdf);

Amnesty International et al, 30 August 2022,

[https://lawyersforlawyers.org/wp-content/uploads/2022/08/Civil-Society-Call-to-End-Enforced-Disappearances-in-China\\_EN.pdf](https://lawyersforlawyers.org/wp-content/uploads/2022/08/Civil-Society-Call-to-End-Enforced-Disappearances-in-China_EN.pdf);

OHCHR, 23 March 2020, <https://www.ohchr.org/en/press-releases/2020/03/china-un-experts-gravely-concerned-enforced-disappearance-three-human-rights>;

Safeguard Defenders, 2020,

<https://safeguarddefenders.com/en/file/852/download?token=5zxBv50-> and 2021,

<http://safeguarddefenders.com/sites/default/files/pdf/Follow-up%20Submission%20on%20China%E2%80%99s%20mass%20use%20of%20RSDL.pdf>;

WGEID, 23 April–

May 2018, [https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/115\\_China.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/115_China.pdf);

Rights Council Special Procedures<sup>18A</sup> or UN Treaty Bodies<sup>19A</sup> regarding enforced disappearances or RSDL.

### Colombia

7. Colombia ratified the ICPPED in 2012, including its individual communication mechanism (Article 31). In 2022, the Truth Commission of Colombia reported 121,768 unresolved disappearances, most dating from the 1970s.<sup>20A</sup> Violations of the Convention have continued each year since the 2016 Final Peace Agreement,<sup>21A</sup> including reports of more than 300 enforced disappearances during protests in 2021.<sup>22A</sup> Authorities have failed to ensure protection of Indigenous defenders who have been threatened with disappearance while promoting awareness of enforced disappearance.<sup>23A</sup> Lawyers representing disappeared persons have been obstructed by police seeking the whereabouts of clients in places of detention,<sup>24A</sup> and in 2022, sensitive documents and photographs related to cases of enforced disappearances and other violations were stolen from a law office, putting defenders and hundreds of victims at risk; there are concerns about a lack of progress in the investigation of this incident.<sup>25A</sup>

### Iran

8. Iran ratified the ICCPR in 1975 but has not implemented its provisions and has not signed or ratified the ICPPED. Iran has a longstanding pattern of enforced disappearances, including continued failure to disclose or investigate the fate and whereabouts of thousands of political dissidents subjected to enforced disappearance and believed to have been extrajudicially executed during 1988 prison massacres. Bodies of thousands of missing persons are believed to be buried in hidden or bull-dozed mass graves.<sup>26A</sup> Relatives of the disappeared and human rights defenders are obstructed or prosecuted for seeking the truth of these continuing crimes.<sup>27A</sup> Lawyers<sup>28A</sup> and defenders, including women's rights activists, continue to be

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<sup>18A</sup> AL CHN 4/2021,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26337>; AL CHN 12/2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27725>,

<sup>19A</sup> CAT/C/CHN/CO/5,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en);

<sup>20A</sup> Truth Commission of Colombia, August 2022, <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones-1>

<sup>21A</sup> ICJ, 2021, <https://www.icj.org/colombia-icj-report-identifies-necessary-measures-to-ensure-victims-of-enforced-disappearance-and-extrajudicial-killings-can-access-justice/>

<sup>22A</sup> Amnesty International, 2021, <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>, citing <https://defenderlalibertad.com/boletin-informativo-20-paronacional>

<sup>23A</sup> Colombian Caravana, 2022, p. 41, 100, <https://www.lrwc.org/wp-content/uploads/2023/05/Colombian-Caravan-Report-Final-EN.pdf>.

<sup>24A</sup> *Ibid*, Colombian Caravana, p. 99.

<sup>25A</sup> *Ibid*, Colombian Caravana, p. 101.

<sup>26A</sup> Amnesty International, 13 September 2022, <https://www.amnesty.org/en/latest/news/2022/09/iran-walls-erected-around-graves-of-massacre-victims-show-urgent-need-for-international-investigation/>.

<sup>27A</sup> Amnesty International, 27 August 2021, <https://www.amnesty.org/en/documents/mde13/4657/2021/en/>.

<sup>28A</sup> OMCT, 16 June 2021, <https://www.omct.org/en/resources/urgent-interventions/enforced-disappearance-of-human-rights-lawyer-mr-payam-derafshan>.

subjected to enforced disappearances<sup>29A</sup> during arbitrary detentions in which are denied access to lawyers,<sup>30A</sup> tortured,<sup>31A</sup> ill-treated,<sup>32A</sup> or killed.<sup>33A</sup>

### **Lao People's Democratic Republic (Lao PDR)**

9. Lao PDR has ratified the ICCPR and the UNCAT but not the ICPED. Along with members of the Hmong community, those disappeared in Lao PDR include human rights defender Sombath Somphone, who was last seen with police outside a police station in 2012.<sup>34A</sup> In 2018, the UN Human Rights Committee expressed concern about prevalent impunity for enforced disappearance and lack of a legal framework to define and criminalize enforced disappearance.<sup>35A</sup> Lao PDR has failed to disclose the fate and whereabouts of Chinese former lawyer Lu Siwei since his 28 July 2023 arrest amid concern about refoulement to China.<sup>36A</sup>

### **Myanmar**

10. Myanmar has not signed or ratified the ICCPR, the UNCAT or the ICPED. Myanmar's military authorities have had a longstanding practice of incommunicado detention and enforced disappearances.<sup>37A</sup> For example, enforced disappearances have been part of the 2007 crackdown against peaceful protesters during the "saffron revolution"<sup>38A</sup> and atrocity crimes against humanity against Rohingya people.<sup>39A</sup>
11. After the February 2021 coup by Myanmar's armed forces, UN experts reported that "in more than half of the recorded cases [of detentions], there is no information about the whereabouts of the detainees, and there has been no official acknowledgement of their detention by the

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<sup>29A</sup> ICJ et al, 17/10/22, <https://www.icj.org/un-human-rights-council-must-hold-a-special-session-on-iran/>

<sup>30A</sup> Iran Human Rights, 20 October 2021, <https://iranhumanrights.org/2021/10/detained-lawyer-of-iranian-instagram-star-tortured-bit-off-tongue-after-unidentified-injection/>

<sup>31A</sup> *Ibid.*

<sup>32A</sup> OHCHR, 28 September 2022, <https://www.ohchr.org/en/press-releases/2022/09/iran-un-experts-demand-stay-execution-two-women-including-lgbt-activist>.

<sup>33A</sup> Index on Censorship, October 2022, <https://www.indexoncensorship.org/2022/10/women-pay-ultimate-price-for-iran-protests/>; Iran Human Rights Monitor, 5 December 2022, <https://iran-hrm.com/2022/12/05/neda-bayats-enforced-disappearance-and-secret-murder/?amp>.

<sup>34A</sup> WGEID et al, AL LAO 1/2021, 5 February 2021;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26000>

<sup>35A</sup> CCPR/C/LAO/CO/1, <https://www.ohchr.org/en/documents/concluding-observations/ccprlaoco1-concluding-observations-initial-report-lao-peoples>.

<sup>36A</sup> Amnesty International, et al, 1 August 2023, <https://lawyersforlawyers.org/en/ngos-call-on-governments-lao-authorities-to-ensure-the-immediate-release-of-chinese-human-rights-lawyer-lu-siwei/>.

<sup>37A</sup> E.g. E/CN.4/2003/41, [https://digitallibrary.un.org/record/488730/files/E\\_CN-4\\_2003\\_41-EN.pdf?ln=en](https://digitallibrary.un.org/record/488730/files/E_CN-4_2003_41-EN.pdf?ln=en); E/CN.4/2004/33, para 41, [https://digitallibrary.un.org/record/511500/files/E\\_CN-4\\_2004\\_33-EN.pdf?ln=en](https://digitallibrary.un.org/record/511500/files/E_CN-4_2004_33-EN.pdf?ln=en); E/CN.4/2006/34, para 52, [https://digitallibrary.un.org/record/567379/files/E\\_CN.4\\_2006\\_34-EN.pdf?ln=en](https://digitallibrary.un.org/record/567379/files/E_CN.4_2006_34-EN.pdf?ln=en), A/HRC/6/14, 7 December 2007, para 53,54, [https://digitallibrary.un.org/record/613501/files/A\\_HRC\\_6\\_14-EN.pdf?ln=en](https://digitallibrary.un.org/record/613501/files/A_HRC_6_14-EN.pdf?ln=en); A/HRC/7/18, 7 March 2008, para 44, [https://digitallibrary.un.org/record/622852/files/A\\_HRC\\_7\\_18-EN.pdf?ln=en](https://digitallibrary.un.org/record/622852/files/A_HRC_7_18-EN.pdf?ln=en); A/HRC/10/19.

<sup>38A</sup> *Ibid.*, A/HRC/6/14 (2007).

<sup>39A</sup> FIDH, 2020, <https://www.fidh.org/en/region/asia/myanmar/un-body-petitioned-over-enforced-disappearance-of-rohingya-in-rakhine>; IFFMM 2019, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/42/50](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/50) and [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A\\_HRC\\_42\\_CRP.5.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf).

military regime.”<sup>40A</sup> As of 30 August 2021, the Assistance Association of Political Prisoners in Burma reported that 82% of the thousands of people listed as detained by the military junta were being held in unknown locations<sup>41A</sup> with no access to lawyers or family members. The UN Special Rapporteur on the situation of human rights in Myanmar noted in 2021 that “untold numbers” of enforced disappearances are part of the junta’s “reign of terror” that includes not only enforced disappearances but also tens of thousands of extrajudicial killings, thousands of arbitrary detentions including severe torture, child abductions, gender-based violence, and bombing attacks on civilians.<sup>42A</sup> In 2022 and 2023, UN experts have continued to report enforced disappearances of human rights defenders, including particular risks for women defenders.<sup>43A</sup>

### **Philippines**

12. In the Philippines nearly 2,000 enforced disappearances have been recorded since the Marcos administration (1969-1986). In 1986, the Philippines ratified the ICCPR and acceded to the UNCAT. The Philippines has not signed or ratified the ICPPED. In 2012, the Aquino government adopted the Anti-Enforced or Involuntary Disappearance Act making the crime punishable by life imprisonment. However, lack of effective investigations and continued enforced disappearances mean that at least 1,100 remain missing,<sup>44A</sup> including at least one lawyer<sup>45A</sup> and several human rights defenders.<sup>46A</sup>

### **Russian Federation**

13. The Russian Federation has ratified the ICCPR and the UNCAT, but has not signed or ratified the ICPPED. Russia has engaged in a longstanding, systematic practice of enforced disappearances targeting dissidents, journalists, human rights defenders, and opposition political leaders in several regions of the Russian Federation and occupied territories.<sup>47A</sup> In 2016, the Council of Europe Commission on Human Rights noted that the Chechen republic

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<sup>40A</sup> Special Procedures,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26058>.

<sup>41A</sup> AAPP, 30 August 2021, <https://aappb.org/?p=17376>.

<sup>42A</sup> OHCHR, <https://www.ohchr.org/en/press-releases/2021/07/myanmar-un-expert-calls-emergency-coalition-end-juntas-reign-terror?LangID=E&NewsID=27282>.

<sup>43A</sup> OHCHR, <https://www.ohchr.org/en/press-releases/2022/09/myanmar-un-experts-urge-more-help-human-rights-defenders-push-accountability>; OHCHR, A/HRC/52/21, 2 March 2023, [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A\\_HRC\\_52\\_21\\_AdvanceEditedVersion.docx](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A_HRC_52_21_AdvanceEditedVersion.docx).

<sup>44A</sup> Rappler, 29 August 2016, <https://www.rappler.com/newsbreak/iq/210595-things-to-know-enforced-disappearances-philippines/>.

<sup>45A</sup> LRWC, June 2020, p. 4 (Alwyn Mendoza abducted and disappeared February 2019), [https://www.lrwc.org/wp-content/uploads/2020/06/LRWC.ALRC\\_.Philippines.WrittenStatement.HRC44.G2014481.pdf](https://www.lrwc.org/wp-content/uploads/2020/06/LRWC.ALRC_.Philippines.WrittenStatement.HRC44.G2014481.pdf).

<sup>46A</sup> Amnesty International, 2023, [https://www.amnesty.org.uk/files/2023-05/UA05023.pdf?VersionId=\\_sYspec6UWnEO0UVBhYKkuGhEAiGPC59](https://www.amnesty.org.uk/files/2023-05/UA05023.pdf?VersionId=_sYspec6UWnEO0UVBhYKkuGhEAiGPC59); Special Procedures, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26974>; 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26417>; 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25149>; 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25006>,

<sup>47A</sup> CCPR/C/RUS/CO/8, 1 December 2022,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FRUS%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FRUS%2FCO%2F8&Lang=en).

was the “most affected by the scourge of enforced disappearances,”<sup>48A</sup> with thousands remaining unaccounted for. Judgements of the European Court of Human Rights (ECtHR) have found Russia responsible for or acquiescent in numerous enforced disappearances<sup>49A</sup> or for failure to investigate, as in the case of the abduction and murder of Chechen republic defender Natalya Estemirova on 15 July 2009.<sup>50A</sup> Ms. Estemirova was known for investigating serious human rights violations, including enforced disappearances.<sup>51A</sup> Impunity for enforced disappearances is facilitated by harassment of relatives of disappeared persons, human rights defenders and lawyers.<sup>52A</sup>

14. Russia has not complied with ECtHR rulings nor implemented recommendations of the UN Human Rights Committee and UN Working Group on Enforced or Involuntary Disappearances (WGEID). In 2022, the Human Rights Committee expressed grave concern about ongoing enforced disappearances in areas of Ukraine occupied by Russia, including Crimea. Hundreds were disappeared in Ukraine from 2014-2016.<sup>53A</sup> In June 2022, the UN Human Rights Monitoring Mission in Ukraine documented at least 230 cases of enforced disappearances reportedly perpetrated by Russian armed forces or their affiliates during the first 100 days of the current conflict.<sup>54A</sup> Defenders in Ukraine are among those who continue to be forcibly disappeared after being detained and taken to unknown locations where they are held for days, weeks or months without access to families or lawyers.<sup>55A</sup>
15. By 2023, the practice of short-term abductions and enforced disappearances had become prevalent throughout Russia with authorities abducting persons and arbitrarily detaining them in unknown locations, often for less than a day, including torture or ill-treatment, and followed by administrative or criminal charges. Persons suspected of sympathizing with Ukraine are at particular risk.<sup>56A</sup>

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<sup>48A</sup> COE, March 2016, <https://rm.coe.int/missing-persons-and-victims-of-enforced-disappearance-in-europe-issue-/16806daa1c>.

<sup>49A</sup> E.g., *Astamirova v. Russia*, 2003, <https://hudoc.echr.coe.int/eng?i=001-85620>.

<sup>50A</sup> ECtHR, *Estemirova v. Russia*, 31 Aug 2021, <https://hudoc.echr.coe.int/eng?i=001-211591>.

<sup>51A</sup> Amnesty International, 2021, <https://www.amnesty.org/en/latest/news/2021/08/russian-authorities-have-failed-to-properly-investigate-the-murder-of-natalia-estemirova/>.

<sup>52A</sup> COE, March 2016, <https://rm.coe.int/missing-persons-and-victims-of-enforced-disappearance-in-europe-issue-/16806daa1c>.

<sup>53A</sup> WGEID, 2018, <https://www.ohchr.org/en/statements/2018/06/preliminary-observations-working-group-enforced-or-involuntary-disappearances?LangID=E&NewsID=23227>.

<sup>54A</sup> UN HRMMU, <https://ukraine.un.org/en/184833-comment-matilda-bogner-head-un-human-rights-monitoring-mission-ukraine-hrmmu-occasion-100> ; <https://ukraine.un.org/sites/default/files/2021-03/BN%20Enforced%20dis%20Crimea%20ENG.pdf>

<sup>55A</sup> ABA, 2022, [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/justice-defenders/chrd-disappearances-ukraine.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/chrd-disappearances-ukraine.pdf)

<sup>56A</sup> Memorial Human Rights Defence Centre and Stichting Justice Initiative, “Short-term enforced disappearances in Russia”: Submissions in Reply to the Call for Inputs Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on the Notion of Short-Term Enforced Disappearance, August 2023, [https://memorialcenter.org/uploads/Input\\_on\\_short\\_term\\_enforced\\_disappearances\\_in\\_Russia\\_submitted\\_6d6dddfa.pdf](https://memorialcenter.org/uploads/Input_on_short_term_enforced_disappearances_in_Russia_submitted_6d6dddfa.pdf).

### **Saudi Arabia**

16. Saudi Arabia has acceded to the UNCAT but has not signed or ratified the ICCPR or the ICPPED. The WGEID has expressed concern about Saudi Arabia's widespread and systematic enforced disappearances of dissidents, journalists and human rights defenders.<sup>57A</sup>

### **South Sudan**

South Sudan has ratified the UNCAT but has not signed or ratified the ICCPR or the ICPPED. The UN Mission in South Sudan reported in 2014 that enforced disappearances were among the grave human rights violations perpetrated with impunity by both sides of the country's armed conflict.<sup>58A</sup> At least two lawyers have been subjected to enforced disappearance in 2017<sup>59A</sup> and 2023.<sup>60A</sup>

### **Sri Lanka**

17. In Sri Lanka at least 60,000 persons have been disappeared since the late 1980s. Sri Lanka has acceded to the ICCPR and the UNCAT. While Sri Lanka ratified the ICPPED in 2016 and criminalized enforced disappearances in 2018, families of the disappeared continue to wait for effective investigations to uncover the truth of what happened to disappeared loved ones.<sup>61A</sup> Threats of sexual violence and murder were made in 2020 against at least one lawyer representing relatives of persons forcibly disappeared allegedly by Sri Lankan Navy officers in 2008-2009.<sup>62A</sup> The WGEID has expressed concern about impunity for intimidation or obstruction of relatives and human rights defenders investigating the fate and whereabouts of disappeared persons.<sup>63A</sup> The Office of the High Commissioner for Human Rights (OHCHR)<sup>64A</sup> and human rights organizations have raised concern about the possibility of recurrences, including abduction-style arrests of peaceful protestors in 2022.<sup>65A</sup>

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<sup>57A</sup> WGEID, <https://www.ohchr.org/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf>; OHCHR, 9 November 2022, <https://www.ohchr.org/en/press-releases/2022/11/saudi-arabia-allow-immediate-contact-human-rights-defender-held>.

<sup>58A</sup> UNMISS, [https://unmiss.unmissions.org/sites/default/files/unmiss\\_conflict\\_in\\_south\\_sudan\\_-\\_a\\_human\\_rights\\_report.pdf](https://unmiss.unmissions.org/sites/default/files/unmiss_conflict_in_south_sudan_-_a_human_rights_report.pdf).

<sup>59A</sup> WGEID, 2017,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22968>; LRWC, 23 September 2021, <https://www.lrwc.org/south-sudan-continued-pattern-of-widespread-violations-oral-statement-to-the-un-human-rights-council/>.

<sup>60A</sup> WGEID, 14 March 2023,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27918>.

<sup>61A</sup> Amnesty International, November 2020, <https://www.amnesty.org/en/latest/press-release/2020/11/sri-lanka-deliver-justice-truth-and-reparation-to-families-of-the-disappeared/>.

<sup>62A</sup> *Ibid.*

<sup>63A</sup> WGEID, A/HRC/WGEID/127/1, 22 July 2022,

[https://www.ohchr.org/sites/default/files/documents/issues/disappearances/2022-09-22/A\\_HRC\\_WGEID\\_127\\_AEV.docx](https://www.ohchr.org/sites/default/files/documents/issues/disappearances/2022-09-22/A_HRC_WGEID_127_AEV.docx).

<sup>64A</sup> OHCHR, <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-alarming-path-towards-recurrence-grave-human-rights-violations-un>.

<sup>65A</sup> Amnesty International, August 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/08/ASA3759282022ENGLISH.pdf>.



## **Sudan**

18. Sudan has acceded to the ICCPR and in 2021 ratified the UNCAT and acceded to the ICPPED. In September 2022, the WGEID issued a general allegation letter noting that Sudan's authorities had engaged in enforced disappearance for decades to silence human rights defenders, opposition leaders, students, academics, and journalists. Enforced disappearances were noted to last from weeks to several months, during which detainees have been tortured but later freed. Since the 25 October 2021 military coup, military authorities reportedly held hundreds of people in arbitrary, incommunicado detention and subjected many to ill-treatment, enforced disappearance or killing.<sup>66A</sup>

## **Thailand**

19. Thailand has acceded to ratified the ICCPR and the UNCAT. Thailand signed the ICPPED in 2012 but has not yet ratified it. There have been delays in putting into force sections of new domestic legislation criminalizing torture and enforced disappearances which would require officials to record and provide information about arrests.<sup>67A</sup> There are numerous historical enforced disappearances in Thailand as well as enforced disappearances of a human rights lawyer Somchai Neelapaijit in 2004, and several human rights defenders in 2014, 2018, and 2019.<sup>68A</sup>

## **Türkiye**

20. While Türkiye has ratified the ICCPR and the UNCAT, it has not signed or ratified the ICPPED. In 2022, the WGEID noted that “at least 1,352 people have disappeared since the military coup in 1980.” During the 1990s, many missing people never resurfaced. Lawyers and human rights defenders seeking the truth are subjected to intimidation and arbitrary detention.<sup>69A</sup> Since the failed coup of 2016, those subjected to enforced disappearance often reappear. Enforced disappearances, considered to be a “structural problem” by the Ankara Bar Association in Turkey, are used to silence opposition as a “pretext for an effective means to combat terrorism.”<sup>70A</sup>

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<sup>66A</sup> WGEID, September 2022, <https://www.ohchr.org/sites/default/files/documents/issues/disappearances/allegations/general-allegation-sudan-128.pdf>.

<sup>67A</sup> Government of Thailand, 14 February 2023, <https://www.thaigov.go.th/news/contents/details/64935>; HRW, <https://www.hrw.org/news/2023/02/15/thailand-law-torture-disappearance-delayed>.

<sup>68A</sup> LRWC and ALRC, 29 August 2019, <https://www.lrwc.org/thailand-enforced-disappearance-un-statement/>; and WGEID et al, UA KHM 5/2020, *supra* note 68A.

<sup>69A</sup> Amnesty International, June 2022, <https://www.amnesty.org/en/latest/news/2022/06/turkey-police-detain-human-rights-defenders-and-relatives-of-disappeared-people-on-saturday-mothers-people-900th-vigil/>; WGEID, 12 May 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26402>, 10 July 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25420>.

<sup>70A</sup> OMCT, Briefing Note on Enforced Disappearance in Turkey, 2022, [https://reliefweb.int/attachments/77ea96a7-d714-4c09-bba1-cb16eb5853d1/Enforced-Disappearances\\_ENG.pdf](https://reliefweb.int/attachments/77ea96a7-d714-4c09-bba1-cb16eb5853d1/Enforced-Disappearances_ENG.pdf).

### United States

21. The United States (US) has made statements<sup>71A</sup> decrying enforced disappearances and had joined consensus General Assembly resolutions calling for increased efforts towards assisting States to consider becoming parties “as a matter of priority.”<sup>72A</sup> However, the US has not taken steps to do so, although it has ratified the ICCPR and UNCAT. The US has been involved in numerous instances of alleged enforced disappearance during “extraordinary rendition” of persons it suspected of involvement in terrorism,<sup>73A</sup> particularly from 2002 to 2006 (see also Canada above).

The body of the written statement is forthcoming on the UN website in September 2023.

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<sup>71A</sup> US, November 2019, <https://usun.usmission.gov/united-states-explanation-of-position-on-enforced-disappearances/>

<sup>72A</sup> A/RES/76/158, 7 January 2022, <https://undocs.org/en/A/RES/76/158>.

<sup>73A</sup> Human Rights Watch, 2007, <https://www.hrw.org/legacy/backgrounder/usa/ct0607/ct0607web.pdf>; ACLU, 2005, <https://www.aclu.org/documents/fact-sheet-extraordinary-rendition>; 2011, <https://www.aclu.org/news/national-security/rendition-victims-seek-justice-international-tribunal>.