



General Assembly

Distr.: General
25 July 2014

Original: English

Human Rights Council Working Group on Enforced or Involuntary Disappearances

Post-sessional document*

103rd session (7–16 May 2014)

I. Introduction

1. The present document reflects the communications and cases examined and other activities by the Working Group on Enforced or Involuntary Disappearances at its 103rd session, held from 7 to 16 May 2014.

II. Communications

2. Between its 102nd and 103rd sessions, the Working Group transmitted 40 cases under its urgent action procedure, to Bahrain (2), Cambodia (1), China (5), the Dominican Republic (1), Egypt (3), Indonesia (1), Pakistan (18), the Syrian Arab Republic (1), Thailand (1), the United Arab Emirates (5) and Yemen (2).

3. At its 103rd session, the Working Group decided to transmit 81 newly reported cases of enforced disappearance to 15 States. The Working Group also clarified 23 cases, in Bahrain (1), China (2), Egypt (1), Morocco (1), Sri Lanka (1), the Syrian Arab Republic (2), and the United Arab Emirates (15). Two cases were clarified on the basis of information provided by the Governments and 21 on the basis of information provided by sources.

4. Between its 102nd and 103rd sessions, the Working Group, following its prompt intervention procedure, transmitted, jointly with other special procedure mechanisms, five communications, to Bangladesh (1), Guatemala (1), Pakistan (1) and Sri Lanka (2). The Working Group also transmitted, jointly with other special procedure mechanisms, five urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had been forcibly disappeared or were at risk of disappearance in China, Mexico, the Russian Federation, Ukraine and the United Arab Emirates.

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5. At its 103rd session, the Working Group also reviewed four general allegations, concerning Bosnia and Herzegovina, Libya, Mexico and Spain.

III. Information concerning enforced or involuntary disappearances in States reviewed by the Working Group during the session

Algeria

Standard procedure

6. The Working Group transmitted 22 cases to the Government of Algeria.
7. The first case concerned Mr. **Abderrahim Atik**, allegedly arrested on 8 January 1996 by the police in front of his house in Kouba.
8. The second case concerned Mr. **Adil Torki**, allegedly arrested on 11 September 1994 by the police of Cheraga in the environs of Staouali.
9. The third case concerned Mr. **Benaoumeur Araf**, allegedly arrested on 16 October 1994 in Arzew by members of the military security.
10. The fourth case concerned Mr. **Noureddine Aras**, allegedly arrested on 13 November 1994 in Oran by members of the military security in plain clothes.
11. The fifth case concerned Mr. **Omar Arif**, allegedly arrested on 25 October 1993 by government forces in Oran.
12. The sixth case concerned Mr. **Abdessalem Ayad**, allegedly arrested in mid-November 1994 by soldiers in the village of Oued Zitoune in Daïre de Sabra in the Wilaya of Tlemcen.
13. The seventh case concerned Mr. **Khleil Bayour**, allegedly arrested on 2 July 1994 at his workplace in Blida by military officers.
14. The eighth case concerned Mr. **Miloud Belabbas**, allegedly arrested on 26 March 1994 in Oran by members of the military security.
15. The ninth case concerned Mr. **Karim Belabid**, allegedly arrested on 22 April 1999 in Tizi Ouzou by members of the military security.
16. The tenth case concerned Mr. **Mohamed Belaidi**, allegedly arrested on 17 August 1994 in Tizi Ouzou by soldiers of the barracks of Tadmait.
17. The eleventh case concerned Mr. **Kadda Beldjillali**, allegedly arrested on 15 February 1997 by the police at his workplace in Oran municipality.
18. The twelfth case concerned Mr. **Mohamed Beldjillali**, allegedly arrested on 16 February 1997 in Oran by the police.
19. The thirteenth case concerned Mr. **Mokhtar Beldjillali**, allegedly arrested on 15 August 1997 in Oran by the police.
20. The fourteenth case concerned Mr. **Benyamina Belguendoz**, allegedly arrested on 22 November 1995 by members of the military security in plain clothes in Ain Biya Bethioua in the Wilaya of Oran.
21. The fifteenth case concerned Mr. **Mohamed Belkadi**, allegedly arrested on 4 June 1994 in Oran by military officers.

disappeared and the lack of proper investigation by the State. The Government, through the Programme on Human Rights and International Humanitarian Law and the National Search Commission, informed the Working Group that several mechanisms had been established in order to fully prevent and investigate enforced disappearances in Colombia, such as the definition of enforced disappearance as an autonomous crime (Law No. 589), the Urgent Search Mechanism, the National Registry of Disappeared Persons, the National Search Plan for Disappeared Persons and the Information System Network for the Disappeared and Corpses. Also, a legal status for relatives of victims of enforced disappearance had been established and regional round tables had taken place.

59. On 14 April 2014, the Government transmitted a communication regarding one outstanding case registered under Ecuador. The information provided was considered insufficient to lead to the clarification of the case.

Democratic People's Republic of Korea

Standard procedure

60. The Working Group transmitted four cases to the Government of the Democratic People's Republic of Korea. In accordance with the methods of work of the Working Group, the Government of the Republic of Korea also received copies of those cases.

61. The first case concerned Mr. **Gye Byeong-yeol**, allegedly abducted from school on 10 August 1950 by the forces of the Democratic People's Republic of Korea.

62. The second case concerned Mr. **Gye Youn-chan**, at the time of the alleged disappearance under the age of 18, allegedly abducted on 10 August 1950 by soldiers from the Democratic People's Republic of Korea from his home in the Republic of Korea.

63. The third case concerned Mr. **Hong Beom-pyo**, allegedly forcibly drafted in July 1950 from the Republic of Korea by the Army of the Democratic People's Republic of Korea.

64. The fourth case concerned Mr. **Kim Ha-jun**, allegedly last seen at Seodaemun Prison, in the Republic of Korea, in the custody of the Army of the Democratic People's Republic of Korea before he was transferred to the Democratic People's Republic of Korea.

Information from the Government

65. On 9 April 2014, the Government transmitted a communication regarding 22 outstanding cases. The information provided was considered insufficient to lead to clarification of the cases.

Information from sources

66. The sources provided information on one outstanding case.

Observations

67. At its 103rd session, the Working Group considered the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63), which was submitted to the Human Rights Council at its twenty-fifth session, in March 2014. The Working Group expresses grave concern at the findings of the commission that crimes against humanity have been and are being committed in the Democratic People's Republic of Korea. As stated in the report of the commission, those crimes include a wide range of human rights violations, among them enforced disappearance. The Working Group is concerned that such crimes have been committed against persons from other countries

who were systematically abducted or denied repatriation, in order for the Democratic People's Republic of Korea to gain labour and other skills. The Working Group is closely following the situation in the Democratic People's Republic of Korea. The Working Group is increasingly receiving information on the reported systematic abduction and enforced disappearance of persons from other countries since 1950.

68. As highlighted by the Working Group in its general comment on enforced disappearance as a crime against humanity (A/HRC/13/31 and Corr.1, para. 39), when there are claims of practices of enforced disappearance which may amount to crimes against humanity, the Working Group will evaluate these claims and, if appropriate, will refer them to the competent authorities, be they international, regional or domestic. Given the seriousness of the situation, the Working Group decided at the session to express its grave concern in relation to the enforced disappearances in the country by writing to the President of the Human Rights Council, the President of the General Assembly, the President of the Security Council and the Secretary-General, asking for the adoption of any appropriate action that they may deem appropriate. The Working Group informed the Government of the Democratic People's Republic of Korea of the initiative of sending those letters on 12 June 2014.

Democratic Republic of the Congo

Standard procedure

69. The Working Group transmitted one case to the Government of the Democratic Republic of the Congo. The case concerned Mr. **Fabien Kitoy**, allegedly arrested in November 1964 by officers of the Armée Nationale Congolaise. According to the information received, before being allegedly arrested, Mr. Kitoy was reportedly taken into custody by the Ministry of the Interior.

Dominican Republic

Urgent action

70. On 4 April 2014, the Working Group, following its urgent action procedure, transmitted one case to the Government of the Dominican Republic concerning Mr. **Randy Viscaíno González**, allegedly last seen on 13 December 2013 at Los Frailes II police station, in Santo Domingo Este, after being reportedly arrested by officers of the aforementioned police station.

Ecuador

Information from the Government

71. On 14 April 2014, the Government of Ecuador transmitted a communication regarding four outstanding cases. The information provided was considered insufficient to lead to the clarification of the cases.

Egypt

Urgent action

72. The Working Group transmitted three cases to the Government of Egypt under its urgent action procedure.