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Human Rights Council Working Group on Enforced or Involuntary Disappearances

Post-sessional document

Ninety-ninth session (11-15 March 2013)

I. Introduction

1. Further to its comments in its last annual report, submitted to the Human Rights Council at its 22nd session (A/HRC/22/45 and Corr.1, para. 5) the Working Group on Enforced or Involuntary Disappearances has adopted the practice of producing post-sessional documents to allow the translation of reporting on its activities, including all relevant country-specific information on enforced disappearances around the world. It commenced this practice at its ninety-eighth session, when in addition two general comments adopted concerning children and enforced disappearances and women affected by enforced disappearances were also reproduced as post-sessional documents (A/HRC/WGEID/98/1 and A/HRC/WGEID/98/2 respectively).
2. As of the present session, post-sessional documents will reflect communications and cases examined by the Working Group during each session. The annual report of the Working Group will contain hyperlinks to the post-sessional documents adopted after each session in the reporting period.
3. The present document reflects communications and cases examined by the Working Group during its ninety-ninth session, held from 11 to 15 March 2013.

II. Communications

4. Between the ninety-eighth and the ninety-ninth sessions, the Working Group transmitted 10 cases under its urgent action procedure to China, India, Kenya, Pakistan, the Syrian Arab Republic and Thailand.
5. During the ninety-ninth session, the Working Group decided to transmit 60 newly reported cases of enforced disappearance to 15 States. The Working Group also clarified three cases, in Pakistan, Sri Lanka and Switzerland. Of the three cases, two were clarified on the basis of information provided by Governments, and one on the basis of information provided by sources.
6. Between the ninety-eighth and the ninety-ninth sessions, the Working Group transmitted three communications under its prompt intervention procedure to Mexico and

Sri Lanka. All were sent as joint communications with other special procedures mandates. The Working Group also transmitted four 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 Bangladesh, China, the Gambia and the Lao People's Democratic Republic. All communications were sent jointly with other special procedures mechanisms.

7. During the ninety-ninth session, the Working Group also adopted one general allegation concerning India.

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

1. Algeria

Standard procedure

8. The Working Group transmitted one case to the Government under its standard procedure, concerning Mr. **Fateh Merighed**, who was allegedly arrested on 26 November 1994, at a roadblock in Boudjouada city, Djimla, by members of the national police brigade of Djimla, accompanied by paramilitaries.

Information from the Government

9. On 5 February 2013, the Government transmitted an updated version of a communication which had been handed to the Working Group during its ninety-seventh session. This information was partially processed for inclusion in the present document. Information concerning 25 cases was reviewed and was not considered sufficient to lead to the clarification of the cases.

2. Angola

Standard procedure

10. The Working Group transmitted two cases to the Government under its standard procedure.

11. The first case concerned Mr. **Silva Alves Kamulingue**, who was allegedly abducted on 27 May 2012, by members of a pro-Government militia known as the "Kaenches", near a hotel on Avenida de Portugal, Luanda.

12. The second case concerned Mr. **Isaias Sebastiao Cassule**, who was allegedly abducted on 29 May 2012, also by members of the "Kaenches", opposite Mercado Angola-Cuba in the Cazenga neighbourhood, Luanda.

3. Argentina

Information from the Government

13. On 15 May 2012, the Government transmitted one communication which could not be processed in time for inclusion in the 2012 annual report (A/HRC/22/45 and Corr.1). The communication contained general information from the Government on progress regarding human rights and enforced disappearances. The communication also concerned

was drafted, and that it will not affect the fight against impunity in Colombia. The Working Group also notes that enforced disappearance is among the crimes which are excluded from the military jurisdiction, in accordance with article 16 of the Declaration. The Working Group wishes to emphasize that the reform shall not in any way affect the principle that all acts of enforced disappearances, irrespective of the perpetrator, should at all times fall under the competence of the ordinary criminal justice system. This includes the preliminary investigation phase, which is essential for the establishment of facts and clarification of responsibilities, in particular in cases of investigation of crimes that may be linked to enforced disappearances but do not necessarily qualify *prima facie* as such, including arbitrary detention and abuse of authority.

9. Democratic People's Republic of Korea

Standard procedure

40. The Working Group transmitted one case to the Government under its standard procedure concerning Mr. **Seong-hwan Lee**, who was allegedly arrested on 4 September 1950, at his home in Seoul, Republic of Korea, by a State Political Security Department Officer of the Democratic People's Republic of Korea.

Information from the Government

41. On 21 January 2013, the Government transmitted information in relation to 15 outstanding cases. The information provided was not considered sufficient to lead to the clarification of the cases.

Press release

42. On 27 February 2013, the Working Group, jointly with three other special procedures mechanisms, issued a press release concerning allegations of serious human rights violations, including enforced disappearances, in the context of an extensive labour camp system, also known as kwan-li-so, for political prisoners. This press release, which followed a general allegation transmitted on 3 October 2012, called, inter alia, for an international inquiry into human rights abuses in the Democratic People's Republic of Korea.

Observations

43. The Working Group regrets that no reply has been received to the general allegation dated 3 October 2012 and reiterates the call upon the Government to fully cooperate with the inquiry mechanisms appointed by the Human Rights Council. The Working Group also encourages the Government to cooperate with the Working Group to help it to carry out its mandate effectively as set out in paragraph 14 of Human Rights Council resolution 21/4.

10. Egypt

Standard procedure

44. The Working Group transmitted nine cases to the Government under its standard procedure. The first case concerned Mr. **Mohamed Seddiq Tawfiq Mohamed**, who was allegedly arrested on 28 January 2011 by the State Security Investigation Services after leaving home to join the demonstration in Tahrir Square, Cairo.