



Maat's Report on the International Day of the Victims of Enforced Disappearances

GONE FOREVER

**Victims of the Enforced
Disappearance between Corrupt
Justice Mechanisms & Unknown
Destiny**

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General background

Enforced Disappearance is defined as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law (Article 2 and Preamble of the Declaration on the Protection of all Persons from Enforced Disappearance). Enforced Disappearance is characterized by three combined elements: deprivation of liberty against the will of the person; involvement of government officials, at least by acquiescence; and refusal to acknowledge the person's deprivation of liberty or to conceal the fate or whereabouts of the disappeared person.

In a related context, disappearance has a double negative effect that paralyzes both the victim deprived of the protection of the law, frequently subjected to torture and in constant fear for their lives, and on their families who are ignorant of the fate of their disappeared loved ones, and are torn by conflicted emotions of hope and despair. The suffering of these families may extend to long years; they continue to cling to any glimmer of hope that would disclose the whereabouts of their disappeared relatives. Also, enforced disappearance is often used as a strategy to spread terror within communities, and feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole.

Accordingly, the United Nations celebrates, on August 30 of each year, the International Day of Victims of Enforced Disappearance, in an attempt to shed light on the suffering of the victims, put pressure on governments accused of practicing such arbitrary behavior, and try to find ways to help the victims and their families. Commemorating this day was first proposed by Latin American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM), a non-governmental organization founded in 1981 in Costa Rica as a local and regional association of groups actively working against secret imprisonment and enforced disappearance in a number of Latin American countries. It is worth noting that the International Committee of the Red Cross is the only institution that allowed access to certain categories of prisoners, thus enabling minimal contact and inspection about their treatment.

In a related context, and at the global level, the vast majority of victims of enforced disappearance are men; however, women often lead the efforts to find out

what has happened in the minutes, days and years since these disappearances-exposing them to the risk of intimidation, persecution and violence. Enforced disappearance is a serious problem in many countries, in all countries worldwide, including: Iran, Yemen, Syria, Mexico, Bangladesh, Spain, Sri Lanka, democratic Laos, Bosnia and Herzegovina, Qatar, Iraq, South Africa and Zimbabwe. It should be noted that every case of enforced disappearance violates many other rights; such as the person's right to security and dignity, freedom from torture, the right to humane conditions of detention, the right to legal personality and other rights.

Based on the foregoing, and coinciding with the United Nations International Day of the Victims of Enforced Disappearances, **Maat for Peace, Development and Human Rights** reviews, in this report, enforced disappearance in light of international law and international mechanisms related to the investigation of its cases. Maat highlights the crimes of enforced disappearance in some countries of the Middle East, in which many reports have been received regarding these cases such as Iraq, Syria, Qatar, and Yemen, and finally, presents recommendations that we hope the governments of countries will take into account, study, and implement.

Enforced Disappearance in Light of International Law

In international human rights law, enforced disappearance occurs when a person is abducted or imprisoned by a state or political organization or by a third party with the authorization, support or acquiescence of the state or political organization, followed by a refusal to acknowledge the person's fate and whereabouts, with the intent to place the victim outside the scope of the protection of the law. Since the rules of international human rights law are applied in all cases and at all times; including times of armed conflicts, we find that according to international law, any act interpreted as "forced concealment" has been criminalized. The practice of enforced disappearance involves the violation of a number of other rights, including the protection of the right to life, the right to be protected from torture and other cruel, inhuman or degrading treatment or punishment, the right to humane treatment and not to take any action against any detainee or prisoner that may degrade his human dignity, as guaranteed by quite a few international conventions and agreements; such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration for the Protection of All Persons from Enforced Disappearance, and the International Convention for the Protection of All Persons from Enforced Disappearance¹.

¹ الحقوق الأساسية محل الاعتداء في جريمة الاختفاء القسري في ضوء أحكام وقواعد القانون الدولي العام، مجلة الدراسات القانونية، مارس 2023 <https://cutt.us/Jvddf>

In a related context, cases of enforced disappearance may also involve serious violations of international instruments that are not conventions; such as the Basic Principles on the Use of Force, the Standard Minimum Rules for the Treatment of Prisoners, as well as the Code of Conduct for Law Enforcement Officials, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Although the practice of "enforced disappearance" is a crime, it was not expressly criminalized by the Universal Declaration of Human Rights, or the International Covenant on Civil and Political Rights, in addition to other international instruments, they stipulated the prohibition of violating a set of civil rights related to any process interpreted as the crime of "enforced concealment". During the process of enforced disappearance, civil and political rights can be violated such as the individual's right to freedom and security of his person, individual's right to recognition of his legal personality, the right not to be subjected to torture or any form of cruel, inhuman or degrading treatment or punishment, the right to life, the right to identity, the right to a fair trial, and the right to remedies effective treatment, including reparation and compensation, and the right to find out the truth².

The process of enforced disappearance also affects the economic, social and cultural rights of the family of the disappeared person or their dependents, including the right to access health care, the right to education, the right to participate in cultural life, the right to social security, the right to property, the right to family life, and the right to housing. These violations are more evident when the person subjected to enforced disappearance is the "main breadwinner". Most of the individuals who experience enforced disappearance are men, and they are typically the main or only source of financial support for their families, they leave behind vulnerable children and wives, who may face social stigma after the disappearance of their husbands because they might be unjustly accused of crimes or ostracized from society due to the fear of being connected to someone who has been subjected to enforced disappearance. There are also cases in which wives refuse to act as widows, especially in their clothing, and they are rejected by their societies, in addition to that they may be vulnerable to economic and sexual exploitation. Furthermore, mothers of those who have disappeared may face social stigma as they are blamed for not adequately caring for the child who is the victim of the disappearance³.

² نفس المصدر السابق.

³ دراسة بشأن الاختفاء القسري أو غير الطوعي والحقوق الاقتصادية والاجتماعية والثقافية، تقرير الفريق العامل المعني بحالات الاختفاء القسري أو غير الطوعي، (A/HRC/22/45، الفقرة 51)، وأيضاً يمكن الرجوع إلى (A/HRC/WGEID/98/1 و A/HRC/WGEID/98/2)، وأيضاً الفريق العامل المعني بحالات الاختفاء القسري بالأمم المتحدة يؤكد استخدامه كأداة ترهيب ضد المدافعين عن حقوق الإنسان، كوميثي فور جستس، 27 أغسطس 2021. <https://cutt.us/8O9nC>

According to the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 47/133 of 18 December 1992 as a body of principles applicable to all States, enforced disappearance occurs when “persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law⁴.” It should be noted that the Declaration on the Protection of All Persons from Enforced Disappearance is the first international legal document that explicitly states that all persons must be protected from enforced disappearance. In its first article, any act of enforced disappearance is an offense to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights⁵.

It should be noted that the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted as a binding document for all member states acceding to the Convention to protect all persons in those countries from enforced disappearance, in accordance with UNGA Resolution No. 47/133 of December 2006, which stipulates that "enforced disappearance" is a crime against humanity when it is committed as part of a widespread or systematic attack on any group of the civilian population. It is therefore not subject to the statute of limitations. In addition, victims' families the right to seek reparations, and to demand the truth about the disappearance of their loved ones. As Article 1 of the Convention explicitly stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance, and stipulated in its Article No. (4) Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law⁶.

In the same previous framework, the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, also stipulated in Article (7) that the enforced disappearance of persons is a crime against humanity, and the Rome Statute defined “enforced disappearance” as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a

⁴ International Day of the Victims of Enforced Disappearances, 30 August, UN.org, Available at: <https://cutt.us/UdvyK>

⁵ Declaration on the Protection of all Persons from Enforced Disappearance, OHCHR, Available at: <https://cutt.us/sb5Vz>

⁶ الاتفاقية الدولية لحماية جميع الأشخاص من الاختفاء القسري، للاطلاع على مواد/بنود الاتفاقية كاملة، يرجى زيارة الرابط التالي: <https://cutt.us/WSY6K>

State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time⁷.

According to international law, it is the responsibility of states to prevent and eliminate enforced disappearance as a crime. They should also provide compensation to the victims, recognizing the significant impact enforced disappearance has on both civil and political rights, as well as economic, social, and cultural rights. Every state is required to implement effective measures to prevent enforced disappearance and ensure that those affected have access to justice. The goal is to decrease impunity in cases of enforced disappearance and prevent them from happening again. Additionally, it is important to provide social assistance to support families who have lost their main source of income due to a disappearance. In general, all international texts, covenants and instruments consider “enforced disappearance” a crime, those involved in these practices, whether directly responsible or complicit, should face appropriate penalties that reflect the severity of the crime. In addition to that we call on the rest of the world that has not become a party to the International Convention for the Protection of All Persons from Enforced Disappearance to Ratification of the agreement.

International Mechanisms Related to the Investigation of Enforced Disappearance Cases

Mechanisms have been established by the UN and its relevant human rights bodies, which aim to prevent or prohibit enforced disappearance. We review the most prominent UN mechanisms concerned with investigating cases of enforced disappearance as follows:

1. The Working Group on Enforced or Involuntary Disappearances:

The Working Group on Enforced or Involuntary Disappearances was established pursuant to Commission on Human Rights (CHR) resolution 20 (D-30). Under resolution 45/3, the Human Rights Council recently extended the mandate of the Working Group to assist the families of disappeared persons ascertain the fate of their disappeared relatives and their whereabouts, and to help states fulfill their obligations arising from the Declaration on the Protection of All Persons from

⁷ نظام روما الأساسي للمحكمة الجنائية الدولية، للاطلاع على نصوص النظام كاملة، يرجى الرجوع إلى الرابط التالي: <https://cutt.us/GmEKB>

Enforced Disappearance, monitor the extent to which they fulfill these obligations, and help them prevent and eliminate and eliminate enforced disappearances⁸.

In the same context, the WG acts as a link between the families of the victims of enforced disappearance or the organizations that support them on the one hand, and the concerned governments on the other hand; as it receives reports on cases of disappearance from relatives of disappeared persons or human rights organizations representing them, studies and refers them to governments, whom they ask to conduct investigations and keep it updated with the outcomes. The WG follows up on these requests for information on a periodic basis, and cases remain open in the Working Group's database until determining the fate or whereabouts of the person. It should be noted that, since its establishment in 1980, the WG has referred a total of 59,600 cases to 112 States, and the number of cases actually under consideration, the circumstances of which have not been clarified, filed or discontinued, is 46,751, relating to a total of 97 countries⁹.

The Working Group on Enforced or Involuntary Disappearances cooperates with a number of regional human rights mechanisms, such as the Inter-American Commission and Court of Human Rights, the African Commission on Human and Peoples' Rights, the European regional human rights bodies, the international accountability mechanisms, such as fact-finding missions of the Office of the UN High Commissioner for Human Rights (UNHCHR), commissions of inquiry, and the International Criminal Court. Experts working in the Working Group also engage directly with national mechanisms that investigate cases of enforced disappearance and/or search for victims, with the aim of contributing to the strengthening of regional and national policies and the institutional framework to address cases of enforced or involuntary disappearances, and to strengthen support for the families and relatives of victims¹⁰.

2. Committee on Enforced Disappearances (CED):

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was adopted in 2006. On February 6, 2007, the Convention was ratified in Paris and signed by 57 countries, and it was entered into force on December 23, 2010. This Convention is considered a guide for taking specific measures regarding cases related to enforced disappearances. Since 2011, these

⁸ A/HRC/51/31: Report of the Working Group on Enforced or Involuntary Disappearances, OHCHR, 12 Aug 2022. <https://cutt.us/JPJDD>

⁹ Ibid.

¹⁰ About enforced disappearance, OHCHR, Available at : <https://cutt.us/i4Lc1>

procedures have been supervised by the CED, which consists of 10 independent experts who share their knowledge, time and dedication with those who urgently need them - victims of enforced disappearances - as well as reviewing reports submitted by the States Parties to the Convention and monitoring the implementation of the recommendations presented to the States Parties, in addition to the fact that the Committee carries out its daily work on urgent procedures. It is worth noting that as of June 8, 2021, the Committee recorded a total of 1,193 urgent procedures relating to 23 States Parties to the Convention, which represents an increase of 429 urgent procedures since June 2019, but it does not yet show the actual numbers of enforced disappearances all over the world¹¹.

In the same previous framework, and with the development of the circumstances of enforced disappearances over time, the CED has made and is still making huge efforts to proactively address new challenges and assist victims and states in a timely manner, and because of realizing the importance of urgent and effective search for disappeared persons, the Committee adopted in 2019 guiding principles for the search for disappeared persons, which provide step-by-step instructions for the process. It should be noted that within the framework of the Committee's work to protect those who suffer reprisals or intimidation for addressing the Committee in relation to specific cases or a country's situation in relation to enforced disappearance, the Committee adopted guidelines in 2021 to prevent and address intimidation and retaliation against individuals and groups cooperating with. Also, within the scope of its competence, the CED works within the framework of the country visit procedure developed to closely monitor cases in which it receives reliable information indicating that a state party is in serious violation of the provisions of the Convention, such visits constitute essential mechanisms for strengthening cooperation between the Committee and the States parties concerned to eliminate and prevent enforced disappearances¹².

It should be noted that, as with many other thematic human rights issues, the CED and the Working Group on Enforced or Involuntary Disappearances cooperate in providing assistance to States to combat enforced disappearances, and to support victims in their quest for truth, justice, remedies and compensation, and while the Committee's competence is limited to countries that have ratified the Convention, the Working Group is able to consider cases from all countries.

¹¹ The United Nations Response to Enforced Disappearance—No Victim Left Behind, UN.org, 30 Aug 2021. <https://cutt.us/oNS4j>

¹² Ibid.

In a related context, the Committee deals only with cases of enforced disappearance that occurred after the entry into force of the Convention on December 23, 2010. As for countries that have not yet become a party to the ICPPED, the Working Group constitutes the only competent body within the limits of its mandate, and accordingly, its procedures can be activated to determine the fate and whereabouts of the disappeared. For States parties to the ICPPED, both the CED and the Working Group on Enforced or Involuntary Disappearances have jurisdiction within their respective jurisdictions. Despite this, and in a spirit of cooperation and complementarity, the Working Group on Enforced or Involuntary Disappearances has developed a practice whereby, if the group received a request relating to a State party to the Convention, it consults the source (i.e. relatives or representatives of the disappeared person) and then refers the case to the relevant committee in cases of enforced disappearance to take the necessary procedures. In parallel and as a general rule, the Committee does not register an urgent action for a case previously registered by the Working Group¹³.

Enforced Disappearance in the Middle Eastern Countries

In the past, "enforced disappearance" was a crime practiced to a limited extent in some countries of the world, in which undemocratic governments were established. Today, "enforced disappearance" has become a global phenomenon and problem. Almost no country is devoid thereof, and it is no longer a monopoly on a particular region of the world. Enforced disappearance can occur as a result of complex circumstances; such as internal conflicts or a means of political pressure exerted on opponents and opponents, and has recently extended to include human rights defenders who are calling for the disclosure of the fate of the forcibly disappeared. With regard to the Middle East and North Africa region, we find new cases of the disappearance of defenders of environmental rights on an almost daily basis, as is happening in the Islamic Republic of Iran, these cases are also no longer the monopoly of governments or official authorities and their affiliated security services, as is happening in Qatar for example., but also extended to armed opposition groups and terrorist groups as is happening in the Republic of Yemen by the Houthi militia.

In a related context, and despite the confirmation of many human rights organizations that the number of enforced disappearances has increased, the announced numbers remain lower than the real numbers, due to the difficulty of conducting accurate registration and statistics, especially in light of the governments' denial of the practice of enforced disappearance, and things become more difficult in

¹³ About enforced disappearance, OHCHR, Available at : <https://cutt.us/i4Lc1>

areas of armed conflict. which witnesses all kinds of human rights violations; As United Nations statistics indicate, "hundreds of thousands of people have disappeared during conflicts or periods of repression in at least 85 countries worldwide." In the Middle East and North Africa region, state and non-state actors continue to perpetrate the crime of enforced disappearance, including against women, children and the most vulnerable groups in society. In many cases, the crime of enforced disappearance occurs alongside other crimes, such as torture, ill-treatment, sexual violence, and extrajudicial executions, in addition to the devastating psychological and economic effects suffered by survivors and their families¹⁴.

In addition to the fact that impunity is still the prevailing norm in the region, it should be noted that the majority of countries in the Middle East and North Africa are not parties to the ICPPED; Among the 22 Arab countries, only 6 are parties to that agreement, which are; Iraq, Mauritania, Morocco, Oman, Sudan and Tunisia. If we focused on the Republic of Iraq, for example; We will find one of the highest numbers of missing persons in the world, ranging between 250,000 and 1,000,000 Iraqis since 2003, according to the International Commission on Missing Persons, and the crime of enforced disappearance is still being committed today by security officials, non-state actors such as al-Qaeda, Da'esh and other armed groups, and the CED has received allegations of 420 secret detention places, which are often used as places of enforced disappearances. Although the Iraqi authorities have expressed a willingness to investigate disappearances, no effective state-led investigations have yet taken place¹⁵.

In a related context, there are no less than 643 men and boys who were forcibly disappeared in June 2016 by the Popular Mobilization Forces. In the context of the military operations to retake Fallujah from Da'esh¹⁶, and according to available statistics for the period from 2014 to 2020, there are about 11,000 reported cases of missing persons in Iraq, which are feared numbers that are much less than the reality. There are many families who are afraid to report their missing persons, either because of fear of political groups or armed militias or perhaps because of lack of confidence in the feasibility of reporting and the effectiveness of state institutions in reaching tangible results. It is worth noting that this period included the October 2019 protests, in which the disappearance of about 123 Iraqis was documented between October 1, 2019 and March 21, 2020, 98 of whom were found, while 25 are still missing¹⁷.

¹⁴ في اليوم العالمي لضحايا الاختفاء القسري: منظمات محلية وإقليمية ودولية تطالب بوضع حد لهذه الجريمة في البلاد العربية، المبادرة المصرية للحقوق الشخصية، 30 أغسطس 2021. <https://cutt.us/EMEpM>

¹⁵ نفس المصدر السابق.

¹⁶ العراق: يجب على السلطات التحرك للكشف عن مصير 643 رجلاً وصبيًا اختطفهم ميليشيات مرتبطة بالحكومة، العفو الدولية، 5 يونيو 2023. <https://cutt.us/k25D5>

¹⁷ العراق.. الاختفاء القسري جريمة يغذيها الإفلات من العقاب، ارفع صوتك، 29 أغسطس 2022. <https://cutt.us/ZAewP>

As for the Syrian Arab Republic, according to credible reports, approximately 111 thousand citizens have been forcibly concealed from March 2011 until August 2022; it is a crime against humanity involving all parties to the conflict. According to reports, at least 154,398 persons, including 5,161 children and 10,159 women, remain under arrest or detention or enforced disappearance by the parties to the conflict and the forces in control in Syria from March 2011 to August 2022¹⁸.

In the State of Qatar: on 30 July 2023, Qatar's State Security Service arrested Dr. Abdulaziz Ansari¹⁹. The authorities had not allowed him to communicate with his family since his arrest; he contacted the lawyer assigned to his defense only once. At the time of writing, the authorities had not disclosed his place of detention²⁰, and his case was considered an enforced disappearance. Abdelaziz Ansari is a human rights defender and social activist who disappeared forcibly for expressing his views on Twitter. Ansari's family is unaware of his whereabouts, in violation of the United Nations Set of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment²¹. There were also reports that he was being held in solitary confinement. Qatar's government has reminded us that solitary confinement should not exceed permissible limits. Incommunicado detention for more than 30 days contravenes rules 44 and 45 of the United Nations Supreme Standard Rules for the Treatment of Prisoners, "Nelson Mandela Rules"²².

Qatar did not provide a suitable environment for women human rights defenders. Women who have claimed their rights have done their work in intimidating environment contrary to the United Nations Declaration on Human Rights Defenders²³. It has been more than 150 days since the disappearance of Noof al-Maadeed, a 24-year-old human rights defender in Qatar. The Qatari government had forcibly concealed her for close periods of time before releasing her while preventing her from traveling²⁴. On this basis, al-Maadeed came out in a series of Twitter videos criticizing human rights in Qatar, and likening the Qatari government to North Korea. In one video, she told the government, "If you hate me, why don't you let me go." In a video she posted on Twitter in March 2023, she said she had asked for her travel ban to be lifted, but members of Qatar's State Security Service (SSS) bargained with her to leave in exchange for immoral

¹⁸ The eleventh annual report on enforced disappearance in Syria, on the International Day of the Victims of Enforced Disappearance, whose victims are constantly increasing, Syrian Network for Human Rights, August 30, 2022. <https://cutt.us/I5k90>

¹⁹ See the following link, <https://tinyurl.com/2zux2yfm>

²⁰ Ibid

²¹ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, <https://tinyurl.com/pbrpa9md>

²² The United Nations Standard Minimum Rules for the Treatment of Prisoners, <https://tinyurl.com/3me4xf9f>

²³ The Declaration on Human Rights Defenders, <https://www.ohchr.org/en/civic-space/declaration-human-rights-defenders>

²⁴ The human rights situation in Qatar, <https://www.gc4hr.org/human-rights-situation-in-qatar/>

demands; that practices against al-Maadeed began when she criticized human rights in Qatar and restrictions on women's rights²⁵.

In the Republic of Yemen, the Houthi militia adopt an approach based on arbitrary detention and enforced disappearance of individuals within the militia's control areas to intimidate these individuals; these practices have followed different patterns of torture. According to Yemeni local organizations, Militia al-Houthi detained 15 thousand civilians, about 480 of whom died²⁶. Among recent examples, on 12 August 2023, the Bar Association of the areas under the control of the Community reported that the lawyer "A. A. "He was abducted by armed men belonging to my leadership in Militia in cooperation with the security forces in Sana'a and taken to Alia prison in Sana'a due to a judicial dispute with a leader in Militia al-Houthi²⁷. According to the information, Militia has not allowed him to communicate with his family. They did not inform them of the charges against him that was violations of Article XIV of the International Covenant on Civil and Political Rights. On August 10, 2023, the Specialized Court of First Instance of the Sana'a Ole Secretariat held hearings in the trial of 47, including 31 persons who were arbitrarily detained at the building of the Sana'a Security and Intelligence Service of the Houthi militia. According to the detainees' lawyer, they have been subjected to physical violations contrary to their fundamental rights and prevented for more than nine months from contacting their relatives or receiving family visits and living in isolation from the outside world²⁸.

The practice of arbitrary detention and enforced disappearance has led to widespread torture in the militia's prisons. According to Maat, there are 60 secret prisons in the areas under the control of the Houthi Militia. On this basis, the Houthi militia continued to practice various types of abuse, cruel treatment, and torture, in grave violations of the provisions of the Convention against Torture and other core human rights conventions. These are the agreements that the Foreign Minister, who is not recognized by the Houthi militia, said that his administration in Sanaa and in northern Yemen agrees upon²⁹. Among the examples, in August 2023, a Yemeni citizen named "A.A." died under torture inside Militia al-Houthi prison in the Al-Mashnah district of Ibb governorate. Militia al-Houthi refuses to give his family his remains unless they waive the case³⁰. On July 15, 2023, reports claimed that an officer named "F.A." in the Yemeni government's National Army forces had died after being tortured in the

²⁵ See the following link, <https://tinyurl.com/3dc567hp>

²⁶ Event "Death inside Houthi prisons, <https://tinyurl.com/52amukdm> ".

²⁷ The Bar Association accuses "influential Houthis" in Sana'a of kidnapping a lawyer and imprisoning him. <https://ydn.news/?p=11482>

²⁸ The National Prisoners Authority condemns the torture and trial of dozens of abductees and forcibly disappeared persons in Sana'a. <https://www.yemenshabab1.info/locales/86814>

²⁹ Pulling the Trigger Houthi Militia Violations in Yemen after Eight Years of Conflict, <https://tinyurl.com/2dnd8x86>

³⁰ He was severely beaten.. the death of a kidnapped person in the prisons of the Houthi militia in the city of "Ibb", <https://yemenshabab.net/locales/86898>

prison of the Houthi militia in Sana'a³¹. The reports that Maat reviewed indicate that the latter was subjected to various types of torture, including deprivation of sleep for long periods, severe beatings, slapping and kicking, not being exposed to sunlight for long periods, and electric shocks. These facts do not follow by the opening of investigations to hold perpetrators accountable, which makes these practices a recurrent pattern. In the same context, in particular on 4 January 2023, and in a rare confession, Militia al-Houthi, a spokesman for the Houthi Ministry of Interior, said that security forces in the Sahar area of Sa'ada governorate in northern Yemen had abducted a citizen claiming (A.Y) to be "He was subjected to arbitrary arrest and tortured until he died. Maat examined the video that had been circulated in connection with the torture incident and that there had been a result of torture on the victim's body. But the Militia investigations, in that case, had not resulted in redress for the victim or his relatives³².

Finally, we must stress that searching for victims and opening investigations into their disappearance are obligations under international law and states parties to the Convention must carry them out immediately, urgently, and without hesitation for any individual whose disappearance reports or allegations have been received. It is worth noting that the authorities delegated the search should be completely independent and that they fully possess sufficient human and financial resources, in addition to having all the powers to have unhindered access to all relevant information to locate the disappeared person and all of this must be done with the participation and knowledge of relatives' victims. Finally, we remind the international community of its role in supporting and assisting the victims of enforced disappearance and their families, especially in the areas of armed conflict in the Middle East and North Africa, like the Republic of Yemen.

Conclusion

International law prohibits the crime of "enforced disappearance"; it has been prohibited implicitly or explicitly in a few international instruments. The United Nations had established several mechanisms to prevent that crime, which, by the Rome Statute of the Criminal Court, had been considered a crime against humanity. On the International Day of Victims of Enforced Disappearance, we all remember, with great sadness and sorrow, the victims of the enforced disappearance of children, women, and men imprisoned in the prisons of certain Governments and armed groups, such as the Houthi terrorist groups, and are subjected to the worst forms of

³¹ The death of a "captive" officer under torture in a Houthi prison in Sana'a. <https://tinyurl.com/bdxxcer6>

³² Ibid, <https://tinyurl.com/2dnd8x86>

torture and degrading acts of human dignity, often leading to death. Maat calls upon the United Nations and its relevant human rights bodies to provide all possible assistance to victims of enforced disappearance and the families of victims released by Governments or armed groups such as the Houthi Group, through their specialized agencies around the world, and to provide financial support to the Middle East and North Africa States in which armed conflicts exist. We also call on the international community to exert all forms of pressure on the Houthi leadership to prevent the enforced disappearance crimes in places of detention and to halt those grave violations against prisoners and humanity; it is a crime against humanity, as well as the need for independent international investigations, accountability of perpetrators and officials, direct assistance, and rehabilitation of victims' integration into society.

In conclusion, despite the international community's persistent attempts to prevent the crimes of enforced disappearance in many countries, further efforts must be made to eradicate that crime. That crime is practiced with total impunity throughout the world, in conflict zones, and some countries in the Middle East and North Africa. We must note the increasing importance of victims' or relatives' access to their rights under international law, fair remedies, compensation, and rehabilitation.

Recommendations

In conjunction with the International Day of Victims of Enforced Disappearance, we call upon all States to demonstrate their genuine commitment to preventing and eradicating enforced disappearance by ratifying and acceding to the International Convention for the Protection of All Persons from Enforced Disappearance and recommending governments to consider the following:

- Following up on the recommendations of relevant United Nations mechanisms for enforced disappearance prevention and the results of investigations into relevant cases and integrating them into national strategies and plans.
- Ensuring that domestic legislation is consistent with the provisions/articles of the International Convention for the Protection of All Persons from Enforced Disappearance and the need to remove reservations to the Convention.
- Developing more effective measures to ensure easy and accessible access to justice for affected groups, to reduce impunity in cases of enforced disappearance, and to prevent their recurrence.
- Providing mental and physical health care to victims of enforced disappearance for any injuries or illnesses suffered due to enforced disappearance; This includes traumatic stress disorders.

- Establishing mechanisms aimed at assisting and supporting families after the disappearance of the breadwinner in the family, ensuring that the families of the disappeared have access to all their rights, protecting them from social stigma and isolation, and addressing them through social awareness campaigns and other related measures.
- Ensuring that independent investigations into cases of enforced disappearance, so the investigation results should be submitted to public opinion, that appropriate penalties are imposed on those responsible for the crime, that fair and adequate reparation is provided to victims and their relatives, and that they are reintegrated into society.
- Expediting the release of all enforced disappearances without any conditions or restrictions, especially for political opponents, academics, activists, and human rights and environmental defenders.