



Report on Enforced Disappearances

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Analysis of the Interactive Dialogue with
the Working Group on Enforced or
Involuntary Disappearances during the
63rd Session of the United Nations Human
Rights Council (September-October 2026)



EXECUTIVE SUMMARY

This report analyzes the 63rd session of the United Nations Human Rights Council that took place from September 2026 to October 2026, specifically the interactive dialogue with the Working Group on Enforced or Involuntary Disappearances. The findings are stark: 1,723 new cases in a single year—the highest on record—with over 50,000 cases currently under active consideration. The Working Group faces an unprecedented operational crisis due to UN liquidity constraints. Across multiple regions, systematic disappearances target entire categories of people: political dissidents, journalists, human rights defenders, minorities, women, and children.

The Amman Center for Human Rights Studies and affiliated organizations have documented enforced disappearances across the Middle East and North Africa (MENA) as among the gravest and most systematic human rights violations in the region. This report reflects our regional focus while situating the phenomenon within global patterns and international legal frameworks.

The statistics reveal a critical regional deficit. In MENA, only 6 of 22 Arab League members have ratified the International Convention for the Protection of All Persons from Enforced Disappearance (27.3%)—substantially below the global ratification rate of 40.4% (78 of 193 UN Member States). This ratification crisis has concrete consequences: in 14 Arab countries, families of disappeared persons cannot submit formal complaints to the Committee on Enforced Disappearances (CED), the treaty-based body that requires Convention ratification. However, the universal Working Group on Enforced or Involuntary Disappearances (WGEID) continues to engage all States, regardless of ratification status, through case transmission, urgent appeals, and humanitarian engagement. The distinction is critical: ratification creates legal obligations under the Convention and access to the Committee's mechanisms, non-ratification removes both, though the universal Working Group continues engagement through case transmission and international advocacy.

Yet the report also documents examples of change. Uruguay has implemented recommendations. Guatemala has invited scrutiny. Gambia has enacted new legislation. Civil society organizations continue documenting truths that states deny. The Working Group persists despite resource constraints. This is not a moment of despair but a moment demanding urgent action and accountability.

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ACHRS FINAL STATEMENT

PART I: LEGAL FRAMEWORK AND THE ARAB RATIFICATION CRISIS

This part establishes the legal foundation for understanding enforced disappearance as a grave violation of human rights and examines the ratification failure of Arab states to adopt and implement the international legal framework designed to prevent this crime.

The two main international mechanisms designed to protect against enforced disappearance are examined: the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances. However, this analysis focuses primarily on the Working Group, as evidenced by its engagement during the 63rd session of the UN Human Rights Council. The Working Group's universal mandate renders it the most relevant mechanism for comprehensively addressing the global crisis of enforced disappearances, particularly in regions where ratification rates remain critically low.

I. THE INTERNATIONAL CONVENTION (2006) AND THE ARAB RATIFICATION CRISIS

Understanding the legal framework established by the 2006 Convention is essential to grasping the gravity and continuing nature of enforced disappearance. Yet, despite the clarity of its provisions, the limited ratification of the Convention by Arab States reveals a significant gap between the international recognition of this crime and the regional commitment to ensuring effective legal protection and accountability.

A. DEFINING THE CRIME: THE INTERNATIONAL CONVENTION (2006)

The International Convention for the Protection of All Persons from Enforced Disappearance (2006) provides the foundational definition in Article 2: "Enforced disappearance" means 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.¹

This definition is not merely technical language. It reveals the essential nature of enforced disappearance: it is not a single act of violence occurring at a specific moment. It is a continuous crime. The victim is not simply arrested or detained, they are systematically erased from the legal system itself: denied access to courts, contact with family, humanitarian aid, or any mechanism for protection. Their existence becomes a state secret. This systematic erasure from legal protection is what distinguishes enforced disappearance from other grave violations and what makes it so devastating for victims and their families.

The crime continues for as long as the state maintains this concealment and denial. A family member disappeared in January. The state refuses to acknowledge the detention in February. The family searches for answers in March. Five years pass with no information. Ten years. The crime does not end with the initial arrest, it is renewed with each passing day that the state denies knowledge, each month that the family is denied answers, each year that the disappeared person remains outside the protection of law. Only when the state acknowledges the person's fate and whereabouts, when investigations are conducted, when responsibility is established, and when families receive truth and justice does the continuous crime end.

This understanding is fundamental to addressing enforced disappearances effectively. It means that prevention alone is insufficient. Investigation is necessary but not enough. Prosecution must follow. Reparations must be provided. And guarantees of non-recurrence must be established. Only a comprehensive approach to accountability can address this continuous violation.

[1] United Nations Office of the High Commissioner for Human Rights, "International Convention for the Protection of All Persons from Enforced Disappearance," available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

B. THE RATIFICATION CRISIS: A STRUCTURAL FAILURE

Despite the clarity of this definition and the universal recognition of enforced disappearance as a grave violation, a fundamental legal and political failure characterizes the MENA region and indeed the global system. The Arab region is made of 22 states, yet only six have ratified the International Convention: Iraq, Mauritania, Morocco, Oman, Sudan, Tunisia. Two more Arab countries signed it without ratification: Algeria and Lebanon. This means that the majority of Arab states remain completely outside this binding international legal framework.

This regional deficit is particularly striking when compared to global ratification rates. Globally, 78 of 193 UN Member States (40.4%) have ratified the Convention. In the MENA region, only 6 of 22 states (27.3%) have ratified it, which places Arab countries substantially below the global average. This means that the Arab region, despite having a very high concentration of documented enforced disappearances, has the lowest rate of legal commitment to preventing and prosecuting this crime.

In 14 Arab countries, families of disappeared persons cannot submit cases to the Committee on Enforced Disappearances established under the Convention, and cannot access this international monitoring mechanism. While the Committee's powers are limited to issuing recommendations rather than enforceable orders, ratification still establishes binding legal obligations and creates at minimum a documented record, public scrutiny, and diplomatic accountability. Without ratification, states have no formal international legal obligation to prevent, investigate, or prosecute enforced disappearances, and disappearances occur largely outside international oversight.

Signature without ratification produces no binding legal effect. When Algeria and Lebanon signed the Convention, they demonstrated awareness of the problem and international recognition of obligations. Yet without ratification, these signatures are empty gestures as they create no legal binding, no enforcement mechanism, no protection for citizens. A family in Algeria or Lebanon cannot use the Convention as a basis for an international complaint. The state faces no legal consequences for non-compliance.

This ratification crisis represents a fundamental failure to establish the legal architecture necessary to protect citizens from enforced disappearances and to provide justice to victims and their families. It is a failure that demands urgent action from all Arab states, beginning with Algeria and Lebanon moving from signature to ratification, and continuing with the initiation of ratification procedures by all remaining Arab League members.

However, this does not mean these states escape all international oversight. The Working Group on Enforced or Involuntary Disappearances, established in 1980 under a mandate derived from the UN Charter itself, operates independently of the Convention. Its mandate is universal: it covers all UN Member States regardless of ratification status. This means that even non-ratifying states are subject to case transmission, urgent appeals, and international humanitarian engagement by the Working Group.

During the 63rd HRC session, Morocco, Egypt and Iraq participated in the interactive dialogue with the Working Group. Egypt, which has not ratified the Convention, engaged with the Working Group's particular mandate. This demonstrates that international mechanisms continue to engage with states regardless of Convention status, though the legal consequences and accountability mechanisms differ significantly between ratifying and non-ratifying states.

This ratification crisis still represents a fundamental failure to establish the legal architecture necessary to protect citizens from enforced disappearances and to provide justice to victims and their families. It demands urgent action from all Arab states, beginning with Algeria and Lebanon moving from signature to ratification, and continuing with the initiation of ratification procedures by all remaining Arab countries.

II. THE SCALE OF THE CRISIS

The scale of enforced disappearances worldwide reveals the persistence of a grave human rights crisis, driven by diverse perpetrators, evolving justifications, and the enduring consequences for victims and their families. These global trends are particularly acute in the Middle East and North Africa, where widespread disappearances, prolonged conflicts, and persistent barriers to accountability underscore the urgent need for effective international and regional responses.

A. WORLDWIDE DIMENSION

The global crisis of enforced disappearances has reached unprecedented proportions. During the reporting period from May 2025 to May 2026, the Working Group on Enforced or Involuntary Disappearances documented 1,723 new cases transmitted to 36 states. This represents the highest annual number recorded in over a decade. The trajectory is alarming: demand is accelerating while capacity remains stagnant.

The magnitude of the overall crisis is staggering. The Working Group currently monitors over 50,000 cases under active consideration. This number represents not abstract statistics but individual human beings: each with families, each with a story, each denied the protection of law. An unprecedented 8,000+ additional cases are awaiting registration, review, or processing. These cases sit in a queue waiting for attention while witnesses disappear, evidence is destroyed, and perpetrators evade accountability.

The perpetrators: who commits these disappearances?

Enforced disappearances are perpetrated by diverse actors operating across state and non-state boundaries. State actors bear primary responsibility in many cases: military and security forces, police and law enforcement agencies, intelligence services, and judicial systems complicit in concealment all use disappearances as a tool of control and repression. Non-state actors also perpetrate these crimes systematically: armed opposition groups and militias, terrorist organizations, private security forces acting with state acquiescence, and transnational criminal organizations. Critically, in many cases non-state actors operate with implicit or explicit state knowledge and support, blurring the distinction between state and non-state responsibility.

What justifications are cited for these disappearances?

States and non-state actors invoke national security, counter-terrorism operations, maintenance of political control, armed conflict, and public order. Yet the method remains constant regardless of justification: placing persons outside the protection of law and concealing their fate.

The context and methods of enforced disappearances have evolved significantly since the Working Group's establishment in 1980. The context and methods of enforced disappearances have evolved significantly since the Working Group's establishment in 1980. According to the opening remarks of the Rapporteur of the Working Group on Enforced and Involuntary Disappearances (WGEID) during the interactive dialogue at the 63d session, when the group was created in the 1980s, disappearances were primarily associated with military dictatorships.

By the 2000s, counter-terrorism frameworks, particularly post-9/11, became a primary justification² for disappearances. This shift poses a critical problem: no internationally agreed definition of terrorism exists, even within the UN system. This definitional void enables vast abuse. The High Commissioner for Human Rights has reminded states that counter-terrorism legislation must be aligned with international human rights law, specifically through compliance with the international principles of legality and legal certainty.³

[2] Council on Foreign Relations, "The 9/11 Effect and the Transformation of Global Security," available at: <https://www.cfr.org/articles/the-9-11-effect-and-the-transformation-of-global-security>.

[3] United Nations Office of the High Commissioner for Human Rights, "Fact Sheet No. 32 (Rev.1): Human Rights and Counter-Terrorism," available at: <https://www.ohchr.org/sites/default/files/documents/publications/fact-sheet-no-32-rev-1-rights-terrorism-counter-terrorism-web.pdf>.

Yet in practice, national definitions of terrorism remain largely left to the discretion of individual states, leading to vastly varying interpretations in domestic counter-terrorism legislation. These disparate definitions have enabled policies and practices that systematically violate the fundamental freedoms of individuals and populations, including enforced disappearances.

Enforced disappearance has become a truly global phenomenon. It is now characterized by systematic use in active armed conflicts, normalized repression in authoritarian contexts, transnational enforcement across borders, deliberate targeting of children and vulnerable populations, and use as a tool to suppress democratic guarantees and silence dissent.

The human impact is devastating and continuous. Unlike other human rights violations that occur at a specific moment and end, enforced disappearance extends far beyond the initial arrest. The immediate impact includes deprivation of liberty outside legal protections, torture and degradation while disappeared, and denial of due process. But the extended impact, which often lasts for years or decades, is equally grave: families are denied information about their loved one's fate, unable to grieve or conduct funeral rites, facing economic consequences from loss of breadwinner and inability to inherit property, experiencing psychological trauma that extends across generations, and entire communities are silenced through fear as neighbors and friends disappear.

The Working Group clarified 374 cases during the reporting period. This achievement represents success in the sense that the Group was able to establish the fate and whereabouts of 374 disappeared persons. Yet a sobering statistic emerges from these clarifications: nearly 60% were made only after the disappeared person's death was established. This means that in the majority of cases where the Working Group succeeded in determining what happened, the person had already died in custody, was summarily executed, or perished under unknown circumstances. This statistic demonstrates a fundamental truth: time is the most critical factor in enforced disappearances. Rapid intervention could save lives while delay inevitably results in tragedy. Every month of waiting for the Working Group to review a case could be the difference between life and death.

B. MENA REGION FOCUS

The Middle East and North Africa contains some of the most severe documented cases of enforced disappearances globally. The scale of the crisis in the region demands urgent international attention and concrete action.

Syria presents the starkest illustration of systematic, state-sponsored disappearances. According to the Syrian Network for Human Rights (SNHR), at least 181,312 individuals were arbitrarily detained or forcibly disappeared between 2011 and 2025. This figure includes 5,332 children and 9,201 women.⁴ These are not estimates or projections—they are documented cases with names, dates, and circumstances. This represents systematic enforced disappearance on an unprecedented scale by a single state over a 14-year period. The figure continues to grow as new cases are documented and confirmed.

Iraq faces an equally catastrophic situation. Estimates of disappeared persons range from 250,000 to one million individuals.⁵ While the range reflects uncertainty about the total, even the lower figure represents one of the highest concentrations of disappeared persons globally. Disappearances span multiple conflict periods and are attributed to state security forces, militia groups, and terrorist organizations. The chaos of multiple armed conflicts, state collapse, and transnational interventions has created a situation where thousands of persons have been disappeared with virtually no accountability.

[4] Syrian Network for Human Rights (SNHR), "Fourteenth Annual Report on Enforced Disappearances in Syria: On the Occasion of the International Day of the Victims of Enforced Disappearances," August 2025, available at:

<https://snhr.org/blog/2025/08/30/fourteenth-annual-report-on-enforced-disappearances-in-syria-on-the-occasion-of-the-international-day-of-the-victims-of-enforced-disappearances/>

[5] Amnesty International, "Families of the Disappeared in the Middle East Wait More Than a Million Years Collectively for Their Loved Ones," August 2023, available at:

<https://www.amnesty.org/en/latest/campaigns/2023/08/families-of-the-disappeared-in-the-middle-east-wait-more-than-a-million-years-collectively-for-their-loved-ones/>

Lebanon has officially documented 17,415 cases of enforced disappearance, primarily stemming from the civil war period but continuing into recent years.⁶ While Lebanon has signed the Convention, it has not yet ratified it, leaving victims without formal international recourse.

Yemen has documented 1,547 cases of enforced disappearance, though hundreds more are suspected.⁷ Perpetrators include both state forces and armed groups, particularly the Houthi militia which has been documented operating secret detention centers. Yemen's state response has been complicated by armed conflict, state fragmentation, and limited capacity.

Egypt has documented 4,253 cases of enforced disappearance between 2015 and 2023.⁸ These disappearances primarily target political dissidents, human rights defenders, and protesters. Egypt acknowledges some cases as mistakes or criminal acts by individual officials, while disputing others as politically motivated allegations. This defensive posture, combined with limited transparency, makes independent verification difficult.

Across the MENA region, enforced disappearances follow systematic patterns of targeting. Political dissidents and opposition activists are deliberately disappeared to suppress political opposition. Human rights defenders and journalists are targeted to silence documentation and criticism. Peaceful protesters are disappeared to crush dissent. Ethnic and religious minorities such as Kurds, Shiites, and sectarian groups are targeted for their identity. Women, children and refugees are increasingly documented as deliberate targets.

The impact extends far beyond individuals, entire communities are terrorized through the disappearance of their members. Societies lose institutional memory and civic participation as fear silences dissent and citizens withdraw from public life. The fabric of society is torn apart, trust in institutions is destroyed, and entire populations live under the shadow of state repression.

This is the reality of enforced disappearances in the MENA region. It is a reality that demands international accountability, comprehensive legal frameworks, genuine state cooperation, and unwavering support for victims and their families.

PART 2. THE 63RD HRC SESSION: CRISES, RESPONSES, AND ACCOUNTABILITY GAPS

The discussions at the 63rd Human Rights Council session exposed the tension between the Working Group's growing responsibilities and its increasingly constrained operational capacity, highlighting the human consequences of inadequate resources. At the same time, its thematic work on memorialization and the right to truth underscored the importance of victim-centred approaches as part of a broader framework of justice and accountability, while contrasting examples of State cooperation revealed both the possibilities for constructive engagement and the persistent obstacles to effective implementation.

I. WORKING GROUP WORK AND OPERATIONAL CHALLENGES

The 63rd Human Rights Council session provided an opportunity to examine the challenges raised by the Working Group on Enforced or Involuntary Disappearances, from the operational constraints undermining its mandate to the substantive issues of memorialization, the right to truth, and accountability. The interactive dialogue also offered insight into the varying responses of States to the Working Group's findings and recommendations, revealing both avenues for constructive cooperation and persistent gaps in the implementation of international human rights obligations.

[6] *Id.*

[7] *Id.*

[8] *Id.*

A. THE OPERATIONAL CRISIS: FUNDING AND CAPACITY

A central concern articulated throughout the 63rd session was the severe operational limitations confronting the Working Group. The Chair emphasized that the Working Group currently monitors over 50,000 cases under active consideration, while an unprecedented 8,000 additional cases await registration, review, or processing. During the reporting period from May 2025 to May 2026, the Working Group received 1,723 new cases transmitted to 36 states—the highest annual number recorded in over a decade. This represents an accelerating demand that fundamentally mismatches the Group's available capacity.

Critically, the Working Group's capacity has not expanded to meet this demand. Rather, it has contracted due to the UN's ongoing liquidity crisis, which directly impacts the special procedures system through insufficient voluntary financial contributions. The consequences are concrete: planned country visits could not be undertaken due to budget constraints rather than state non-cooperation. The operational crisis is not merely administrative because it carries profound human costs.

As the Chair noted, for many families, the Working Group is the only international mechanism to which they can turn in cases of enforced disappearance. When a submission cannot be reviewed promptly, the Working Group may lose the opportunity to intervene during the period when urgent international attention could make the greatest difference while the person is still alive. This statement encapsulates a fundamental reality: operational constraints directly translate into lost opportunities for urgent intervention and, potentially, lost lives. Every month of delay in case review represents a narrowing window during which international pressure might secure the release of a disappeared person or clarify their fate before death occurs.

As we say before during the reporting period the Working Group clarified 374 cases during the reporting period but nearly 60% were made only after the disappeared person's death was established in custody, was summarily executed, or perished under unknown circumstances. Time is the most critical factor in enforced disappearances.

B. THEMATIC FOCUS: MEMORIALIZATION AND THE RIGHT TO TRUTH

The Working Group presented a substantial thematic study on "Enforced Disappearances and Memorialization," establishing memorialization as a crucial form of reparation, an integral component of the right to truth, and an essential mechanism for guarantees of non-recurrence. The study emphasizes that effective memorialization must be grounded in international human rights law and developed in close cooperation with victims and their families.

However, the Working Group issued a critical clarification that warrants emphasis: memorialization is not a substitute for justice and accountability. Rather, it must complement and reinforce comprehensive accountability mechanisms including truth-seeking mechanisms, justice and prosecution of perpetrators, reparations to victims and families, and institutional reforms designed to prevent recurrence. States cannot satisfy their international obligations through memorialization alone, it must form one component within a broader justice framework.

Effective memorialization is characterized by several essential elements: victim and family-led initiatives, state financial and institutional support for these initiatives, digitalization and preservation of archives documenting disappeared persons, integration into education and national memory, and respect for the diverse needs of different victims and families across time and communities.

The Working Group highlighted examples of effective memorialization wherein families themselves lead initiatives while states provide essential support structures. The People Memorial Park in Barda, Nepal, exemplifies this model: operated under municipal guardianship yet managed and directed by the families of disappeared persons themselves. Such arrangements demonstrate that memorialization achieves its full potential when families retain agency and leadership while states commit resources and institutional backing.

The discussion reflected broad consensus that memorialization serves a vital function in acknowledging disappeared persons, preserving their memory, and supporting families' grieving and healing processes. However, this function is realized only when memorialization is embedded within a comprehensive approach encompassing truth-seeking, justice, reparations, and institutional change.

Beyond memorialization specifically, the Working Group presented a follow-up report on Uruguay following a 2022 country visit, demonstrating a broader model of constructive state engagement. Uruguay's approach illustrates that states can cooperate meaningfully with the Working Group, implement its recommendations, and achieve demonstrable progress while simultaneously acknowledging remaining challenges and gaps requiring further attention. Uruguay stands as a contrasting model to the defensive and deflecting responses exhibited by many states during the 63rd session.

The Working Group also received invitations for country visits from Bangladesh, Canada, Maldives, and the Republic of Korea, states expressing willingness to engage in direct dialogue on enforced disappearances and accountability. These invitations represented opportunities for the Working Group to document progress, identify remaining challenges, and recommend institutional reforms. However, these planned visits could not be undertaken due to UN funding constraints, representing yet another manifestation of the operational capacity crisis described above. The inability to conduct these visits represents a concrete loss: the Working Group was unable to engage directly with states on critical issues of accountability, reform, and progress toward justice.

II. PATTERNS OF STATE ENGAGEMENT

The interactive dialogue with the Working Group during the 63rd session revealed three broad patterns in how States respond to the Group's findings. These patterns are not fixed categories. Several States display features of more than one, and the same State may shift between them depending on the case under discussion. Nonetheless, the distinctions are analytically useful, and a consistent trend emerges across them: the willingness of a State to engage with enforced disappearance depends heavily on the temporal distance of the violations in question. States engage readily with abuses committed decades ago and become markedly more guarded when the discussion turns to disappearances that are ongoing, recent, or attributable to current state conduct.

A. CONSTRUCTIVE ENGAGEMENT

Several States presented their engagement with the Working Group as a process of institutional reform, and a number of them offered concrete evidence in support of that claim. Their interventions were characterized by the acknowledgment of past or present cases, the reporting of legislative and institutional measures, and an openness to further recommendations.

Uruguay occupied a central place in this category, as the Working Group presented a follow-up report on its 2022 country visit, which demonstrated that a State can implement recommendations, record measurable progress, and still identify the gaps that remain.

Bangladesh reported the passage, in the preceding week, of the Prevention and Remedy of Enforced Disappearance Bill 2026, which criminalizes enforced disappearance, facilitates the search for disappeared persons, and provides for compensation and rehabilitation. The Bangladeshi delegation linked this measure to its accession to the International Convention and to a technical visit by the Working Group in June 2025.

The Gambia reported that 12 of the 14 outstanding cases before the Working Group had been clarified through its Truth, Reconciliation and Reparations Commission, that a special prosecutor had been appointed, and that an anti-enforced disappearance bill was under consideration. Ecuador stated that it accepted the Working Group's recommendations on a national search mechanism and on access to information, and that its National Assembly had begun reforming the relevant organic law. Chile described a National Plan for Search, Truth and Justice that has produced a State register of victims of enforced disappearance.

Indonesia presented its memorialization initiatives as part of a non-judicial process addressing past violations. In each case, the State is engaging with a past that has been, at least partly, processed. The present-tense questions raised by the Working Group are approached with markedly greater caution.

Mexico offers a more complex case within this category. Its delegation reported that between 2023 and 2026 it had identified more than 22,000 persons previously recorded as disappeared, in cooperation with the United Nations Population Fund. Yet the same session included a statement by a non-governmental organization that the Committee on Enforced Disappearances had initiated a procedure under Article 34 of the Convention concerning Mexico, and a further statement cited a figure of more than 130,000 disappeared persons.

The discrepancy between reported progress and the scale of the crisis may illustrate a recurring analytical concern: constructive rhetoric and constructive practice are not always the same, and the second must be assessed against independent data.

B. DEFENSIVE AND CONTESTED RESPONSES

A second group of States accepted the legitimacy of the Working Group's mandate in principle while contesting its findings, methodology, or evidentiary basis. Their interventions often combined affirmations of cooperation with sharp objections to particular allegations.

The Egyptian delegation provides a clear example. It stated that "Egypt reaffirms its commitment to constructive and serious cooperation with the working group" and that it regularly replies to the Working Group's communications. It then argued that "certain parties" were abusing the Working Group's mechanisms "for political reasons," that some reported cases concerned persons who had never been arrested, and that others had been detained on criminal charges and were under prosecution. The Egyptian delegation asked the Group to verify its complaints against the mandate and to reconsider cases that had remained open for a long time without verifiable information. The language of cooperation thus coexists with a substantive challenge to the reliability of the Group's caseload.

Tanzania adopted a more confrontational posture. It stated that it "strongly reject[s]" the Working Group's "imbalanced account" of the October 2025 general election, argued that claims of such gravity must rest on "precise, verifiable, and independently assessed evidence," and noted that a presidential commission of inquiry and a criminal investigation commission had been established to examine the events. The Tanzanian delegation requested that the independence of these bodies be respected and that no conclusions be drawn while investigations remained pending.

Rwanda similarly rejected attribution of enforced disappearances in eastern DRC to its authorities, asked the Working Group to provide the cases, evidence, and methodology underlying the allegation, and argued that, in a conflict environment in which more than 260 armed groups operate, attribution "cannot be assumed."

China and the Democratic People's Republic of Korea stated that the Working Group had used false information to discredit their human rights situation, as part of a politically motivated smear campaign.

India invoked Article 21 of its Constitution, the writ of habeas corpus, the National Human Rights Commission, and the Right to Information Act as safeguards against enforced disappearance, presenting these as sufficient protections against the phenomenon.

The defensive posture is not, in itself, illegitimate. The demand for verifiable, case-specific evidence and for transparency about methodology is a recognized element of due process, and the Working Group itself acknowledged the importance of evidentiary rigor. The analytical concern arises when procedural objections are deployed in place of substantive engagement, when the existence of domestic safeguards is cited as evidence that particular disappearances did not occur, or when the Group's mandate is characterized as political in ways that foreclose further dialogue.

C. DEFLECTING STATES

A third group acknowledged the gravity of enforced disappearance but situated primary responsibility with non-state armed actors. This framing allows a State to affirm its commitment to the issue while limiting its own exposure to attribution.

Sudan stated that "rebel militias in Sudan are committing crimes against ordinary citizens" and "have been using enforced disappearance as a policy," citing a figure of more than 15,000 cases from its Commission of Inquiry and calling upon the Working Group and the Council to exert pressure on the militias.

Yemen expressed "grave concern regarding the use by the Houthi militia of systematic enforced disappearance as a repressive weapon," described secret detention sites and the incommunicado detention of United Nations staff, and called on the Council to exert pressure on the militia.

Afghanistan, whose intervention concerned the authorities that control the country, described enforced disappearance as "an instrument of repression" directed at women, former officials, journalists, and civil society members, and stressed that "the absence of official numbers must not be mistaken for the absence of the crime."

The Working Group's response to these interventions is analytically significant. Its Vice-President acknowledged that the Group had addressed non-state actors through its procedure on acts tantamount to enforced disappearance, which it has operated since 2019. She further noted that, in both contexts, allegations of enforced disappearances had also been brought to the attention of the two States concerned. The Working Group's clarification demonstrates that the attribution strategy described by Sudan and Yemen, however accurate it may be with respect to particular cases, does not exhaust the State's responsibility under international law, and that the Group continues to transmit allegations against State authorities as well.

Taken together, these patterns reveal three trends that merit emphasis in the analysis. The first is temporal asymmetry. Engagement is most fluid when the violations concern the distant past, as in the cases of Peru, Morocco, Croatia, and Indonesia, and least fluid when they concern present or recent conduct, as in the cases of Tanzania, Sudan, Yemen, and Afghanistan. A non-governmental organization's observation during the session captured this dynamic in relation to Argentina: while the State's memorialization policies address the disappearances of the past dictatorship, enforced disappearances under democratic governments are not included in those policies.

The second trend is the displacement of contestation from substance to procedure. Several defensive States do not deny that disappearances occur in general; they contest the attribution of particular cases, the sufficiency of evidence, or the independence of the Group's sources.

The third trend concerns the relationship between capacity and engagement. The invitations for country visits extended by Bangladesh, Canada, Maldives, and the Republic of Korea could not be realized because of the liquidity crisis. The constraint therefore falls not only on the Working Group's operational capacity but also on the constructive dialogue that its visits would have sustained, which means the resource crisis weakens precisely those channels through which engagement is most productive.

PART 3. KEY REGIONS, TRANSNATIONAL CRISIS, AND URGENT RECOMMENDATIONS

This third part examines the recent evolution of enforced disappearances, which increasingly occur in the context of armed conflicts and are taking on a growing transnational dimension. Building on this observation, it explores the emerging crises that are reshaping the Working Group's mandate before addressing the urgent recommendations needed to strengthen international cooperation, improve prevention and protection, and ensure accountability.

I. FOCUS ON ENFORCED DISAPPEARANCES IN CONFLICT ZONES AND EMERGING CRISES

While enforced disappearances in active conflict zones have become an increasingly prominent feature of the Working Group's mandate, the crisis extends beyond the territorial boundaries of individual States. The same patterns of concealment and denial are increasingly evident in cross-border abductions, deportations, and transfers, exposing significant gaps in international protection and accountability.

A. PALESTINE, UKRAINE, AND ACTIVE CONFLICTS: A NEW PHASE OF THE MANDATE

The 63rd session revealed that the centre of gravity of the Working Group's caseload has shifted towards active armed conflicts. The Czech Republic recalled that, for more than four years, the largest number of submissions received by the Working Group has concerned disappearances linked to the Russian invasion of Ukraine, and Poland put the backlog for these cases at more than 7,500. Two contexts recur throughout the 63rd session more than any others: the occupied Palestinian territory and Ukraine. Other conflicts, notably Sudan, Yemen, and Afghanistan, were also raised, but none with the same frequency as these two. This concentration marks a departure from the pattern described at the Group's establishment in 1980, when enforced disappearances were primarily associated with military dictatorships. Conflict now generates disappearances on a scale and at a speed that the existing mechanisms were not designed to absorb, and the Group's operational constraints, described above, bear most heavily on these cases. The Vice-President of the Working Group also referred to both contexts in her closing remarks, when she noted that the Group is in contact with "a wife in Ukraine, [and] a mother in Gaza." Other conflicts, notably Sudan, Yemen, and Afghanistan, were raised repeatedly, but none with the same frequency as these two.

Ukraine was addressed by Ukraine itself, speaking on behalf of the Group of Countries, by the Ukrainian Parliament Commissioner for Human Rights in a video statement, by the Czech Republic, and by Poland. The Group of Countries called on the Working Group to give particular attention to prisoners of war, missing service personnel, disappeared civilians, and children whose fate remains unknown. The Ukrainian Parliament Commissioner reported that almost 16,000 Ukrainian civilians were considered missing at the end of 2025, and that the whereabouts of only 840 had been confirmed through the International Committee of the Red Cross. Poland recalled the Working Group's finding that the disappearance of deported and transferred Ukrainian children is widespread and systematic, which it characterized as amounting to a crime against humanity. The Czech Republic asked the Group how memorialization of disappearances can be supported in temporarily occupied regions of Ukraine, and Poland asked what States can do to protect archives and memorial sites in situations of ongoing conflict and occupation.

Palestine was addressed by Iraq, speaking on behalf of the Group of Arab States, by Malaysia, by Turkey, by the State of Palestine, and by a civil society organization in a video statement. Iraq characterized the disappearances as "an integral part of a genocidal war launched by the occupying power against the Palestinian people," and emphasized the right of Palestinian families to know the fate of their loved ones and to have access to witness statements. Malaysia described the persistence and expansion of enforced disappearance of Palestinians in Gaza as "deeply alarming," and expressed particular concern at the disappearance of children, their prolonged administrative detention without charge, and the disappearance of persons while seeking humanitarian assistance. Turkey expressed alarm at escalating reports of mass enforced disappearance of Palestinians, including children, and called for the fate of all those forcibly disappeared to be clarified without delay. The State of Palestine stated that cases involving children "continue to escalate at an alarming rate," and described families denied information on detained relatives, persons reported as not detained after being seen taken away, and persons who die in custody while their bodies are withheld. It argued that recovery equipment remains restricted while rubble is removed from sites where human remains may lie, and concluded that "the issue is no longer lack of evidence, but lack of consequences." The civil society statement cited official Palestinian figures of more than 11,000 Palestinians forcibly disappeared since October 2023, approximately half of them women and children. These figures are attributed to their sources and were not independently verified in the session.

Taken together, these interventions indicate that the mandate is entering a new phase. Enforced disappearance in active conflict is no longer exceptional; it is systematic, it affects children and civilians in large numbers, and its consequences extend across borders through deportation

and transfer. The Working Group's response must therefore address not only individual cases but also the conditions in which disappearance is produced and concealed. Access to sites, preservation of evidence, and cooperation between parties to a conflict become decisive, as the statements from Palestine and Ukraine both emphasized. The interventions reviewed here do not include a response from the Government of Israel, and the account of the situation in the occupied Palestinian territory in this section therefore rests on the statements of the speakers who addressed it.

B. THE TRANSNATIONAL CRISIS: AN EMERGING THREAT

The 63rd session also confirmed that enforced disappearance is no longer confined within national borders. The European Union noted in its statement "recorded acts of transnational repression" alongside the rising number of reprisals against direct victims. The Working Group's reporting pointed to the same dynamic in the Burundian context, where national intelligence agents were reported to be involved in abductions and to pursue human rights defenders and members of the diaspora in neighbouring countries. Civil society organizations present at the session described the pressure, threats, and abductions directed at refugees and defenders living abroad, and warned that such practices extend the repression of dissent beyond the territory of the State concerned. Other interventions referred to the transfer of individuals between jurisdictions, including the deportation of persons from one State to another, where their fate and whereabouts became unknown. The problem is not only one of perpetrators operating across borders, but of the protection gaps that open when a person changes legal jurisdiction.

Available documentation indicates that individuals facing extradition or deportation proceedings face a heightened risk of enforced disappearance, a pattern described in regional documentation of transnational repression in the MENA region. Transfers of this kind frequently take place without transparency, without accountability mechanisms, and without international oversight, which means that the person concerned may fall outside the monitoring of any institution capable of tracing them.

Although this transfer was not raised during the 63rd session of the Human Rights Council, ACHRS considers the recent transfers of detainees from North-East Syria to Iraq a critical example of the transnational dimension of enforced disappearance, given their scale and the absence of public information on the legal status and whereabouts of those transferred. Following an agreement between the United States, Syria, and Iraq, the United States transferred approximately 5,700 detainees from North-East Syria to Iraq beginning on 21 January 2026. According to Iraq's Supreme Judicial Council, the detainees hold the nationalities of 42 countries, including Syrians, Iraqis, and third-country nationals.⁷

Those transfers appear to violate the principle of non-refoulement and that the detainees are held in another country without proper safeguards. It warns that they are at risk of enforced disappearance, unfair trials, torture, ill-treatment, and violations of the right to life. This risk must be read against the scale of the problem in Iraq itself. Estimates of disappeared persons range from 250,000 to one million individuals, and even the lower figure represents one of the highest concentrations of disappeared persons globally.⁸ Disappearances span multiple conflict periods and are attributed to state security forces, militia groups, and terrorist organizations.

According to Human Rights Watch, the Iraqi prison system is rife with enforced disappearance, torture, and ill-treatment. Iraq still lacks a law criminalizing core international crimes, so suspects are tried under the 2005 Anti-Terrorism Law, which mandates the death penalty for group affiliation.⁹ Neither the Iraqi authorities nor the United States Central Command provided information on access to legal counsel or on the whereabouts of detainees when asked.¹⁰ Transferring thousands of persons into a system with these characteristics, without a public account of their legal status, makes their fate a central question for the Working Group.

[7] Human Rights Watch, Iraq: Alleged ISIS Detainees Transferred from Syria at Risk of Abuse (New York: Human Rights Watch, 17 February 2026), <https://www.hrw.org/news/2026/02/17/iraq-alleged-isis-detainees-transferred-from-syria-at-risk-of-abuse>

[8] Amnesty International, « Families of the Disappeared in the Middle East Wait More Than a Million Years Collectively for Their Loved Ones », *supra* note 5.

[9] Human Rights Watch, Iraq: Alleged ISIS Detainees Transferred from Syria at Risk of Abuse, *supra* note 7.

[10] *Id.*

Transnational repression allows perpetrators to exploit the gaps between legal systems. A person fleeing the security forces of one country may be transferred to another, where the first State's knowledge of the case ends and the second State's obligation to account for the person is not established. Families lose track of their relatives across borders, the authorities of the two States may contradict one another, and international coordination fails. The disappeared person is, in effect, erased twice: first from the legal record of the State that detained them, and then from any international accounting of the crisis. Addressing this phenomenon requires that the Working Group, the Committee on Enforced Disappearances, and States treat transfers and cross-border detention as a distinct category of risk, with specific monitoring, notification, and cooperation obligations.

I.URGENT RECOMMENDATIONS AND AFFIRMATION OF ACCOUNTABILITY

The recent evolution of enforced disappearances, particularly their increasing prevalence in conflict zones and their expanding transnational dimension, highlights the urgent need to strengthen existing mechanisms of prevention, protection, and accountability. Addressing these challenges requires both reaffirming the central role of the Working Group and translating international commitments into concrete action by the United Nations and Member States. The following recommendations therefore focus on reinforcing the Working Group's mandate, closing legal and institutional gaps, and ensuring that victims and their families obtain truth and justice.

A.AFFIRMATION OF THE WORKING GROUP

ACHRS affirms the central role that the Working Group has played for more than four decades. Since its establishment in 1980, it has brought some 65,000 cases to the attention of States, and for many families it remains the only international channel available to them, as several delegations noted during the session. The renewal of its mandate, which France, Morocco, Argentina, and Japan presented as a resolution before the Council, reflects the continued confidence of Member States in its work. We regard this confidence as warranted, and we call on all States to support the renewal without reservation. Recognition of the Group's work must, however, be matched by the means to carry it out.

B.CALL ON UN AND MEMBER STATES

We call upon this Council to demand concrete action from Member States, and we set out five priorities.

First, all Arab States must proceed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Ratification is not a symbolic gesture. It creates binding obligations under the Convention, including the duty to criminalize enforced disappearance under domestic law, and it gives the Committee on Enforced Disappearances competence to examine the State's compliance. Through the periodic reporting procedure, States parties and the Committee can also identify patterns of enforced disappearance, such as their frequency and duration, on the basis of which strategic action plans may be designed.

Second, Article 5 of the Convention provides that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law, and that it attracts the consequences provided for under that law. The Convention thus refers to the existing framework of international criminal law rather than establishing a separate criminal jurisdiction. Any prosecution before the International Criminal Court would nevertheless depend on the jurisdictional conditions of the Rome Statute. Among the members of the MENA Region, four are States Parties to the Rome Statute: Djibouti, Jordan, the State of Palestine, and Tunisia. Tunisia is the only one of these five that is also a party to the Convention. The present effect of these overlapping memberships is therefore limited, but they provide a basis for progress in the future. We note that the Convention marks its twentieth anniversary this year, and that several States used the occasion to encourage ratification.

Third, States must adopt comprehensive national legislation that criminalizes enforced disappearance as a distinct offence, and establishes

mechanisms for prompt investigation and prosecution, guarantees the rights of families to information, and provides reparation to victims. Such legislation must also include detention safeguards, including access to legal counsel and judicial review of detention, as the Working Group's technical cooperation with several States has shown.

Fourth, the Committee on Enforced Disappearances and the Working Group must be strengthened and adequately resourced. The Working Group's caseload has grown while its capacity has contracted because of the United Nations liquidity crisis, and planned country visits have been cancelled for lack of funds. Member States should provide sustained voluntary contributions to the special procedures system, and the Council should ensure that the Group's operational needs are met from the regular budget. States should also respond to the Working Group's communications and accept its country visits, since these channels depend on the cooperation of the States concerned.

Fifth, States must address the transnational dimension of enforced disappearance. Transfers of detainees between jurisdictions, including transfers that risk exposing persons to abuse, must be subject to transparency, judicial safeguards, and international notification, consistent with the principle of non-refoulement. States that transfer persons must be able to account for their fate and whereabouts, and the Working Group should be informed of such transfers as a matter of priority.

Finally, memorialization must be pursued as part of a comprehensive approach to justice, in which victims and families lead and the State provides support, as the examples presented during the session demonstrate. Memorialization may not replace investigation, prosecution, reparation, or institutional reform.

ACHRS FINAL STATEMENT

The Amman Center for Human Rights Studies (ACHRS) works to promote and protect human rights in the Arab region. We close this report by recalling that enforced disappearance is among the gravest violations of human rights, and that the interventions heard during the 63rd session confirmed that the crime is not receding. It is spreading into active conflicts, into the transfer of persons across borders, and into the silence that surrounds the children and civilians whose fate remains unknown.

ACHR addresses three audiences.

To the disappeared and to the families who search for them: the Working Group, a growing number of States, and civil society organizations continue to ask where they are and what has happened to them. ACHRS affirms that the right to know the truth about a disappeared person's fate belongs to them, and that the absence of an answer does not end the obligation to provide one.

To States, ACHRS asks for specific steps. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and criminalize enforced disappearance in domestic law. Cooperate with the Working Group and the Committee on Enforced Disappearances, respond to their communications, and receive their visits. Ensure that any transfer of detainees across borders is subject to transparency, judicial safeguards, and notification. Give the Working Group the resources it needs to carry out its mandate.

To those who carry out, order, or conceal enforced disappearances: concealment does not end the crime, and no transfer across a border removes the duty to account for the person transferred. ACHRS will continue to document violations in the region and to call for accountability.

Amman, 19 October 2026

The Amman Center for Human Rights Studies

BIBLIOGRAPHY

International Conventions

International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006, entered into force 23 December 2010).

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002).

UN Reports

Human Rights Council, 63rd session, interactive dialogue with the Working Group on Enforced or Involuntary Disappearances, 11th and 12th meetings (September 2026)

A/HRC/63/28: Enforced or involuntary disappearance - Report of the Working Group on Enforced or Involuntary Disappearances (22 July 2026).

A/HRC/63/28/Add.1: Enforced disappearance and memorialization - Report of the Working Group on Enforced or Involuntary Disappearances (2 September 2026).

Office of the United Nations High Commissioner for Human Rights, Fact Sheet No. 32 (Rev.1), Human Rights, Terrorism and Counter-terrorism, <https://www.ohchr.org/sites/default/files/documents/publications/fact-sheet-no-32-rev-1-rights-terrorism-counter-terrorism-web.pdf>

Reports and articles from non-governmental organizations and research institutions

Amnesty International, "Families of the Disappeared in the Middle East Wait More Than a Million Years Collectively for Their Loved Ones" (August 2023), <https://www.amnesty.org/en/latest/campaigns/2023/08/families-of-the-disappeared-in-the-middle-east-wait-more-than-a-million-years-collectively-for-their-loved-ones/>

Council on Foreign Relations, "The 9/11 Effect and the Transformation of Global Security", <https://www.cfr.org/articles/the-9-11-effect-and-the-transformation-of-global-security>

Human Rights Watch, "Iraq: Alleged ISIS Detainees Transferred from Syria at Risk of Abuse" (17 February 2026), <https://www.hrw.org/news/2026/02/17/iraq-alleged-isis-detainees-transferred-from-syria-at-risk-of-abuse>

Kidwai, Saman Ayesha, "Syrian ISIS Prisoner Transfers to Iraq: Challenges", Manohar Parrikar Institute for Defence Studies and Analyses (9 February 2026), <https://idsa.in/publisher/comments/syrian-isis-prisoner-transfers-to-iraq-challenges>.

MENA Rights Group, "Enforced disappearances in the context of transnational repression in the MENA" (10 February 2026), <https://menarights.org/en/documents/enforced-disappearances-context-transnational-repression-mena>

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