



Enforced Disappearance in Africa Targeting Individuals with Regards to Their Exercise of Freedom of Thought, Conscience, Religion and Belief

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Jubilee Campaign is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the Republic of Yemen as a contribution to the Universal Periodic Review.

Set My People Free is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, and to experience equality and justice in their home countries.

Africa Working Group is a network of organisations focusing on freedom of religion and belief in Africa. The Africa Working Group is active in the International Religious Freedom Roundtable DC where individuals and organizations from all faiths and none have, for over 12 years, come together to raise issues of religious persecution around the world, including advocating for the release of religious prisoners of conscience.

Coptic Solidarity is a non-profit organization working towards equal citizenship rights of the indigenous Copts of Egypt and supporting those in Egypt working for democracy, freedom and the protection of the fundamental rights of all Egyptians.

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1. Past/ongoing initiatives focusing on enforced disappearance in Africa.

We have worked together with other civil society actors on flagging individual cases which included short-term enforced disappearance as well as the unfortunate trend of abductions and forced marriage of women and girls by criminal gangs in Egypt and Nigeria.

Abdulbaqi Saeed: Egyptian authorities forcibly disappeared the UNHCR registered Yemeni asylee on the 15th December 2021. Only in January was the family able to visit him in-person for the first time. Jubilee Campaign together with Set My People Free and Middle East Concern flagged his case with the UN Special Rapporteur on freedom of religion or belief who together with the Working Group on Enforced and Involuntary Disappearances, the Working Group on Arbitrary Detention and the UN Special Rapporteur on extrajudicial executions, Special Rapporteur on the promotion and the protection of right to freedom of expression, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on minority issues flagged his case to the Egyptian government on the 30th June 2022 [UA EGY 4/2022]. Egyptian authorities continue to detain Abdulbaqi Saeed in the 10th of Ramadan prison, as of 1 November 2023. Egyptian authorities have denied the UNHCR access to Abdulbaqi Saeed.

Slimane Bouhafis: On August 25th, 2021, presumed Algerian authority-sponsored plain-clothed security operatives abducted, forcibly disappeared and refouled Slimane Bouhafis from Tunisia to Algeria. On September 1, 2021, Bouhafis appeared in an Algerian court, where a judge opened a criminal investigation against him. Slimane Bouhafis was a UNHCR registered refugee in Tunisia and a survivor of imprisonment on the grounds of his belief in Algeria under its anti-blasphemy laws. Algerian authorities initially detained Slimane on several different charges, including blasphemy. Algerian authorities continue to detain him.¹

Abduction and forced marriage and coerced conversions: Coptic Solidarity has reported how the government of Egypt has not prosecuted anyone responsible for the abducting of Coptic women or girls leaving the assumption that the government of Egypt has acquiesced. Families of victims of the abducted girls by criminal gangs face threats themselves when seeking assistance at local police stations and posting on social media for their release. Victims are disillusioned by the process of reporting their missing family members due to authorities' refusal to lodge official complaints, citing that the woman or girl went willingly, or the authorities themselves are involved in falsifying police investigations and organizing the formal sessions of conversion to Islam at Al Azhar of the women and girls, making access to justice nearly impossible since the woman and girl is then under Islamic jurisdiction.² **Women and**

¹ Tamurt Info, *Slimane Bouhafis : Ma Vie est en Danger*, 13 June 2020, <https://tamurt.info/2020/06/13/slimane-bouhafis-ma-vie-est-en-danger-en-tunisie/168777/>

Jubilee Campaign, *RPOC Slimane Bouhafis*, August 2022, <https://jubileecampaign.org/suleiman-bouhafis/>

Amnesty International News, "Algerian Refugee Deported from Tunisia Now Imprisoned in Algeria", September 2021, <https://www.amnesty.org/en/latest/news/2021/09/algerian-refugee-deported-from-tunisia-now-imprisoned-in-algeria/>

Amnesty International, *Urgent Action: Slimane Bouhafis*, August 2023, <https://www.amnesty.org/en/documents/mde28/7149/2023/en/>

² Coptic Solidarity, *Jihad of the Womb*, September 2020, <https://www.copticsolidarity.org/wp-content/uploads/2020/09/jihad-of-the-womb-report-fa.pdf>

girls from the Coptic community are particularly targeted since their religious identity is often clearly visible with the lack of hijab.

In Nigeria government action with regards to prosecuting those involved in the enforced disappearance of women and girls, especially of religious minority backgrounds is minimal. In addition, there is a reluctance by families to register since the chances that they will succeed in getting their child back is a difficult process.³ In Nigeria, schoolgirls are particularly targeted as the logic applied by the militant groups is that only non-Muslim women pursue an education.

In Libya, two competing governments, one in Tripoli that has received the backing of most of the international community and the other faction that is ruling from the eastern part of the country have been responsible for several enforced disappearances in the country. We have received reports that 10 Christians are in custody in total, by both factions, with some of them sentenced to death for apostasy.⁴

2. Possible reasons for the low registration/reporting of cases of enforced disappearances in the region. [Please provide information on whether families, human rights defenders, humanitarian workers, prosecution, judges and lawyers or persons in charge of investigations and search face reprisals, threats and harassment for their work and, if so, in which form (and how this could be prevented and mitigated).]

Family members of victims of enforced disappearance are also at risk. Several are reluctant to try and register cases since there is already a standard practice of where police will at times not register them and will argue that the victims in cases of abductions went willingly. In the case of Yemeni Christian Abdulbaqi Saeed in Egypt, the family tried to register his arrest with the police, but there will usually be follow-up questions on the religious identity of the person and what they did. These questions place families who are Christians in practice but with Muslim names or other apostates from Islam at risk since apostasy from Islam is still not accepted by the Muslim-majority in Egypt or officially recognised by the authorities in Egypt. This further discourages families of victims of enforced disappearance, especially from religious or belief minorities, from reporting their case. Egypt along with the nearly 20 countries which criminalize blasphemy of Islam and harass apostates from Islam include information about religion

Caroline Doss Esq, "Protect the Girl Child: Combat Slavery, Abduction, Forced Marriage and Coerced Conversion of Women and Girls," UNGA parallel event sponsored by Jubilee Campaign et al, Bahais International Office, New York, 13 October 2023, <https://youtu.be/fIRXGQQpIfc?feature=shared>

³ Fatima Njoku, "NGO CSW67 parallel event: Coerced Religious Conversions, Forced and Child Marriage in Egypt, Pakistan and Nigeria", sponsored by Jubilee Campaign, Stefanos Foundation, et. Al., March 2023, The Salvation Army International Social Justice Commission 221 East 52nd Street, New York.

Amnesty International News, "Nigeria must show genuine commitment to ending enforced disappearances", August 2022, <https://www.amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/>

Stefanos Foundation, "CSW67 documentary-Coerced Religious Conversions, Forced and Child Marriage in Nigeria" [YouTube], March 2023, <https://youtu.be/TwV-5xivXes?feature=shared>

⁴ The Guardian, "Six Libyans Face the Death Penalty for Converting to Christianity", May 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>

on the identity cards and IDs are necessary to file a police report.⁵

As a result of the inaction by the police, several families of victims of enforced disappearances in Egypt take to social media or demonstrations, authorities however, meet these peaceful actions with persecution. The family of a minor Coptic girl, Marna, who disappeared on December 2, 2021, gathered two days later with Copts from the village of al-‘Amoudain in al-Minya to protest her disappearance and the police’s lack of action; the police then reportedly broke up the protest utilizing tear gas and arrested 22 Copts, many of whom were relatives of the girl.⁶ In the context of Egypt there is also systematic legal discrimination and neglect of ethnic Copts in Egypt which makes law enforcement reluctant to assist. Family members who have decided to use social media have also received threats from the traffickers.⁷

In addition, lawyers who represent victims of enforced disappearance who are from these vulnerable groups or later charged with blasphemy face threats from state and society. In the context of Egypt, Egyptian security institutions particularly monitor lawyers of minority rights especially when the lawyers themselves belong to religious minority groups or are women who do not conform to social norms. Reprisals by authorities on lawyers and other human rights defenders include detention, asset freezes and travel bans. Authorities arrested Coptic attorney Hani Farouk Gedran Guirguis on June 4, 2022 in Case No. 9369 for speaking out against the abduction of Coptic women. Authorities charged him for “deliberately spreading false news” and other charges for bringing attention to the case on social media.⁸

The high-profile case of Mariam Ibraheem in Sudan who faced adultery charges from her Muslim family on her father’s side when she married a Christian man when she was over 25+ years, provides an example of the threats placed on human rights defenders.⁹ The Muslim family said Mariam’s marriage to her Christian husband was not valid since Mariam Ibraheem is considered a Muslim, her family’s objection to

⁵ Coptic Solidarity, *Jihad of the Womb*, September 2020, <https://www.copticsolidarity.org/wp-content/uploads/2020/09/jihad-of-the-womb-report-fa.pdf>

Caroline Doss Esq, “Protect the Girl Child: Combat Slavery, Abduction, Forced Marriage and Coerced Conversion of Women and Girls,” UNGA parallel event sponsored by Jubilee Campaign et al, Bahais International Office, New York, 13 October 2023, <https://youtu.be/f1RXGQQpIfc?feature=shared>

⁶ Coptic Solidarity, “Disappearance of Another Coptic Christian Girl Underscores Egypt’s Abysmal Record”, 15 December 2021, <https://www.copticsolidarity.org/2021/12/15/disappearance-of-another-coptic-christian-girl-underscores-egypts-abysmal-record/>

⁷ Caroline Doss Esq, “Protect the Girl Child: Combat Slavery, Abduction, Forced Marriage and Coerced Conversion of Women and Girls,” UNGA parallel event sponsored by Jubilee Campaign et al, Bahais International Office, New York, 13 October 2023, <https://youtu.be/f1RXGQQpIfc?feature=shared>

⁸ Coptic Solidarity, “Detention Renewed Again for Lawyer Who Protested the Kidnapping of Coptic Women”, 21 July 2022, <https://www.copticsolidarity.org/2022/07/21/detention-renewed-again-for-lawyer-who-protested-the-kidnapping-of-coptic-women/>

Coptic Solidarity, “Challenges of Being a Minority Lawyer in Egypt”, 8 February 2023, <https://www.copticsolidarity.org/2023/02/08/challenges-of-being-a-minority-lawyer-in-egypt/>

⁹ Amnesty International UK, “Meriam Ibrahim freed from death row in Sudan”, 12 January 2018, <https://www.amnesty.org.uk/meriam-ibrahim-freed-death-row-sudan-apostasy-pregnant-mother>

a 25-year-old woman's choice of spouse received backing from Islamic religious authorities. Contrarily the same Islamic authorities will accept the marriage of underage girls from non-Muslim households solely based on the words of the girl or forced husband saying they willingly came to convert to Islam and wanted to get married. The complicity of both state and religious authorities in the process of criminalising apostasy and blasphemy, and coerced conversions makes tracing and holding the perpetrators accountable nearly impossible. The lawyers and human rights defenders in the case of Mariam Ibraheem had already been active in defending human rights cases – which was helpful, but even so the state and religious authorities' pressure was so high that the lawyers, after representing Mariam Ibraheem and securing her release, had to flee the country. One of the lawyers has returned to Sudan but only after the repeal of the anti-apostasy law in Sudan in July 2020 and the fall of the Omar Bashir regime.

In light of the above, for the legal protection of human rights defenders and families continued pressure and advocacy for the repeal of anti-blasphemy and anti-apostasy laws is key. There are already significant grassroots movements calling for the repeal of these laws but they need further support and amplification from the Office of the High Commissioner on Human Rights and other UN bodies.¹⁰

3. Experiences, good practices, lessons learned, emerging trends and specific features and potential solutions regarding:

a) Enforced disappearance in the context of migration;

It is paramount that the UNHCR and relevant organizations receive training for their staff regarding existing threats facing individuals who are survivors of religious persecution, specifically under anti-apostasy or anti-blasphemy laws in Islamic countries. It is important that they understand the importance of expediting these cases since the risks of enforced disappearance and subsequent arbitrary detention or refoulement are quite high even in the country of refuge since apostasy or blasphemy are often criminalized in these neighboring countries, similar to how LGBTQ is criminalised. Slimane Bouhafis for example had his case regarding resettlement pending with the UNHCR for nearly two years. Slimane Bouhafis himself expressed concern that there were Algeria government informants working in the UNHCR - fast forward a year, and Slimane Bouhafis was forcibly disappeared and refouled to Algeria.¹¹

¹⁰ Jubilee Campaign, “Charter Re-Released on World Day Against Death Penalty”, October 2022, <https://jubileecampaign.org/charter-re-released-on-world-day-against-death-penalty-calls-on-the-final-11-countries-who-continue-to-sanction-the-death-penalty-for-apostasy-and-blasphemy-to-repeal-such-laws/>

¹¹ Tamurt Info, “Slimane Bouhafis: Ma Vie est en Danger”, 13 June 2020, <https://tamurt.info/2020/06/13/slimane-bouhafis-ma-vie-est-en-danger-en-tunisie/168777/>

Jubilee Campaign, *RPOC Slimane Bouhafis*, August 2022, <https://jubileecampaign.org/suleiman-bouhafis/>

Amnesty International, “Algerian Refugee Deported from Tunisia Now Imprisoned in Algeria”, September 2021, <https://www.amnesty.org/en/latest/news/2021/09/algerian-refugee-deported-from-tunisia-now-imprisoned-in-algeria>

Amnesty International, *Urgent Action: Slimane Bouhafis*, August 2023, <https://www.amnesty.org/en/documents/mde28/7149/2023/en/>

For long-term protection UNHCR should not be blind to societal prejudices former Muslims and secular Muslim refugees and religious minorities face in countries which allow for Islamic law in whole or in part in their legal system. Where blasphemy of Islam is criminalised and official recognition as an apostate from Islam is impossible in practice and at worst criminalised, the risks of domestic or transnational arrests/enforced disappearances are great.

The existence of these discriminatory laws in the penal code and also in the family law, have a chilling effect on the rights of individuals to exercise their freedom of thought, conscience, religion and belief, especially apostates from Islam and religious minorities.

As mentioned above there is a reluctance to register cases with the police when the victims' families are themselves apostates from Islam as religious identity is usually requested when registering with the police or authorities and is visible in the ID cards. Moreover apostasy from Islam is criminalised with the death penalty in two states in Africa and blasphemy is criminalised with the death penalty in four states. Libyan authorities have also started arresting and sentencing individuals to death for apostasy in violation of its constitution.

b) Enforced disappearance and women and children (covering also the issue of illegal intercountry adoptions and its intersections with enforced disappearance) and lessons learned;

Again, there is an importance in targeting the complicity and impunity enjoyed by state and non-state actors including religious authorities in the child and forced marriage and coerced conversions of women and girls. **The Mandate of the WGEID should engage with the UN Special Rapporteur on freedom of religion or belief in how to target the root causes behind the targeting by state and non-state authorities of religious and ethnic minority women.**

The violation of freedom of thought, conscience, religion and belief of women via laws - both state and religiously mandated - which deny the freedom to change or leave a religion or belief and treat religious identity as nationality only conferred by men - place religious minority women and girls at greater risk of enforced disappearance.¹²

Practical steps to ensure legal remedy is the continuous training of human rights lawyers – including emphasis on the freedom of thought, conscience, religion and belief of women and girls. Work with states to remove discriminatory family laws and national identity card laws which confer religion via the religion of the father. As is the case in Nigeria, local leaders work to ensure the implementation of the Child Rights Act and other relevant legal frameworks, so they can become a reality on the ground. The Office of the High Commissioner on Human Rights should provide support for local NGOs providing legal aid and support for victims and survivors of abductions.

c) Enforced disappearance and economic, social and cultural rights;

Enforced disappearances have a huge impact on the affected communities in their enjoyment of the rights to adequate food, to adequate housing, to education, to health, to social security, to take part in cultural

¹² Dr. Ewelina, “Let the Children Be Yazidis”, *Forbes*, 3 April 2019, <https://www.forbes.com/sites/ewelinaochab/2019/04/03/let-the-children-be-yazidis/>

life, to water and sanitation, and to work. Firstly, in the context of abducted women and girls by non-state actors these rights are completely or at least significantly curtailed and placed in conditions in the forced marriages which the UN Special Rapporteur on contemporary forms of Slavery and the Special Rapporteur on sexual exploitation of children has described as slavery-like conditions and torture.

Moreover, in instances where enforced disappearances have targeted the male breadwinner of the family this has also had negative impacts on the families' ability to survive and has also placed the children at further risk of sexual exploitation, abduction and forced marriage.

In addition to the financial strain imposed by the enforced disappearance of a family member who is the acting breadwinner, the family also has to place their resources in searching for their loved one and also additional legal fees. The psychosocial toll on the family because of the experienced enforced disappearance has negative impacts regardless of length, whether short or long-term enforced disappearance.

d) Acts tantamount to enforced disappearances perpetrated by non-State actors exercising de facto control over a territory or population;

This can be seen in areas where Boko Haram has control of areas where the abduction and trafficking of women and girls occurs with impunity in Nigeria.

In Somalia enforced disappearances have remained an issue since the restoration of centralized government in 2012. The Islamist Militant Group Al-Shabaab along with the Government of Somalia have carried out enforced disappearances against individuals based on their religion or belief.¹³

Another location where there is an insurgency ongoing and which has had both government forces and militant groups use enforced disappearances during the conflict is the Democratic Republic of the Congo. As election day in the country approaches in December 2023 the issues within the country don't seem to be rising to the level of scrutiny that other countries are.

In Libya, the inability to hold elections has created a situation where there are two competing governments, one in Tripoli that has received the backing of most of the international community and the other faction that is ruling from the eastern part of the country. We have received reports that 10 Christians are in custody in total by both factions.

The quick intervention and rescue of an abducted missionary in Niger with US citizenship by US forces played a key role in securing his release. Criminal gangs have a history of selling their hostages to larger and more militarized armed groups – which render the rescue even more arduous. Therefore, quick intervention by state authorities and others following an abduction is important to secure a prisoner's release.¹⁴ With regards to the prolonged enforced disappearance by Islamic State West Africa of Leah Sharibu it is important to keep attention but more importantly concrete actions available. Targeting

¹³ Open Doors, *Somalia Dossier*, January 2023, <https://opendoorsanalytical.org/wp-content/uploads/2023/01/Somalia-Media-Advocacy-Dossier-ODI-2023.pdf>

¹⁴ The Hill, "Trump Hails Big Win for US Special Forces After Hostage Rescued in Nigeria", October 2020, <https://thehill.com/homenews/administration/523754-trump-hails-big-win-for-us-special-forces-after-hostage-rescued-in/>

impunity is also key in addressing the rampant enforced disappearances carried out by non state actors, by establishing a Commission of Inquiry in Nigeria, for example, to investigate the violence that remains unmitigated in Nigeria, especially the killings, forcible displacement of indigenous populations committed by Islamist jihadist militias, Fulani Islamist militants and other criminal gangs; including the enslavement and coerced conversions of religious minority women and girls.

It is also important to address the religious ideology that prompts Islamist militant groups to target religious minority women, girls and others by advancing freedom of thought, conscience, religion and belief education to counter teachings calling for the killing of apostates from Islam and the dehumanisation of religious minorities as infidels. Similar training of media to have the freedom of thought, conscience, religion and belief lens and gender perspective in reporting on cases of enforced disappearances in Africa is paramount.

For example, recently a prominent Nigerian news outlet misleadingly titled an article saying, enslaved Christian schoolgirl Leah Sharibu is married off to an ISWAP Commander after “divorcing” her first husband. Such erroneous reporting in a situation of a girl in duress shows a lack of education both of Islamic Law [which makes divorce for women extremely difficult if at all] and the mischaracterisation of the enslavement and sexual exploitation of Leah Sharibu through a neutral and positive wording of “marriage”.¹⁵ **Erroneous reporting regarding the victims of enforced disappearances adds to the pain the family of the victims are already going through. Reporting should and must clarify when information is being reported from the perspective of the perpetrators and also provide context when an individual who is a victim of an enforced disappearance or abduction “converts” to a religion or belief.**

e) Enforced disappearance in the context of transnational transfers;

In Sweden there have been over 900 children that have been forcibly disappeared from Sweden with around 48% being victims of honour-related violence and taken to either Somalia or Iraq.¹⁶

Somalia has not ratified the Hague Convention which makes it difficult to return the forcibly disappeared child unless the local authorities cooperate with the state or if the parent freely returns with the child. We urge all states to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction to facilitate the restoration of the missing and forcibly disappeared children.

The cases highlighted in section 1 – Slimane Bouhafis and Abdulbaqi Saeed – are examples of the

¹⁵ Vanguard Nigeria, “Leah Sharibu Married off to ISWAP Commander After Divorcing First Husband”, 27 September 2023, <https://www.vanguardngr.com/2023/09/leah-sharibu-married-off-to-iswap-commander-after-divorcing-first-husband-report/#:~:text=One%20of%20the%20security%20sources,another%20commander%2C%20Ali%20Abdallah>

Friday Olorok, “Leah Sharibu: Recent Reports Confusing, Disheartening, Unsubstantiated Rumours – Parents”, *Punch Nigeria*, 28 September 2023, <https://punchng.com/leah-sharibu-recent-reports-confusing-disheartening-unsubstantiated-rumours-parents/>

¹⁶ Swedish Public Service, “SVT Kartlägger - Minst 900 Barn har Förts ut Ur Sverige på Fem År” [“Swedish Public Service Maps At Least 900 Children Forced out from Sweden in the Last Five Years”], 19 March 2023, <https://www.svt.se/nyheter/inrikes/svt-kartlagger-minst-900-barn-har-forts-ut-ur-sverige-pa-fem-ar>

importance of the UNHCR flagging for expedited resettlement individuals who are survivors of religious persecution for laws which exist in the country of refuge or where societal norms still support the criminalisation of apostasy or blasphemy of Islam, and to recognise exMuslims [whether Christian or atheist or subscribe to any other belief group] as an especially vulnerable refugee, similar to the *modus operandi* for LGBTQ individuals.

f) So called short-term enforced disappearances;

As mentioned in the examples in the first section. Several short-term enforced disappearances have occurred in cases of blasphemy allegations or similar accusations often in conjunction with arbitrary detention. The risks of torture in these situations are high and reprisals towards the family both by society and state actors are a real fear. **Quick intervention by UN bodies [UNHCR] and Embassy staff of other countries is paramount to ensure the safety of both the forcibly disappeared and their family members.**

g) Good practices and lessons learned in the investigation of enforced disappearance and in the search for disappeared persons;

- In summary:

- **The importance of quick intervention cannot be understated. The collective and collaborative action by civil society, Embassy staff and media is often key. It is good practice to start the investigation as soon as possible. In another jurisdiction - in Asia - the disappearance of Pastor Raymond Koh in Malaysia was only investigated years after which makes finding the disappeared more difficult and the chances that they are already murdered much greater;**
- **Human Rights training of lawyers, media and judicial authorities is key to provide assistance and effective reporting for future enforced disappearance;**
- **Repeal of anti-apostasy and anti-blasphemy laws are key for the strengthening of the work of human rights defenders and to end the targeting of religious minority women and girls;**
- **Education in freedom of thought, conscience, religion and belief, with emphasis on the freedom to adopt and change religion or belief, can have a preventative effect in the enjoyed impunity by non-state and state actors in religiously motivated enforced disappearances;**
- **Understanding of the context by UNHCR staff and other staff on the risk of enforced disappearance of refugees who are survivors [of diverse faiths and beliefs] of religious persecution under Islamic laws is necessary;**
- **As mentioned above there needs to be an understanding of the legal framework individuals find themselves in. States which criminalise blasphemy and apostasy place religious minorities and apostates at significant greater risk of enforced disappearance for carrying out their lives freely and exercising their freedom of**

conscience. In addition, lawyers and others who work to assist these individuals and families risk imprisonment and threats as well;

- **Unfortunately, there is a strong tie between enforced disappearance and extrajudicial executions - which is why it is important states act swiftly.**