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New Technologies and Enforced Disappearances

The Working Group on Enforced or Involuntary Disappearances – Exploring a New World between Opportunities and Challenges

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4.1 Introduction

Over the past decade, the subject of the human rights impact of new technologies[1] – both in terms of challenges posed by such technologies to the protection of fundamental rights and freedoms and of opportunities that they may offer to enhance the enjoyment of those rights – attracted increasing attention. Studies on the matter are growing in number and in the scope of the analysis of the multiple ramifications of the subject.[2] In the context of the Special Procedures of the United Nations Human

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[1] The expression 'new technologies' will be used in a broad sense across the chapter. For more details, see Section 4.3.

[2] See, among others, J. Liddicoat, *Human Rights and the Internet* (Cambridge University Press, 2021); S. Dubberley, A. Koenig and D. Murray (eds.), *Digital Witness* (Oxford University Press, 2020); D. Lochak, 'Les fondements des droits de l'Homme au défi des nouvelles technologies: Conclusions générales', in O. de Frouville and J. Tavernier (eds.), *La Déclaration universelle des droits de l'Homme, 70 ans après: les fondements des droits de l'Homme au défi des nouvelles technologies* (Pedone, 2019), pp. 203–17; M. K. Land, J. D. Aronson (eds.), *New Technologies for Human Rights Law and Practice* (Cambridge University Press, 2018); L. Panella, *Nuove tecnologie e diritti umani: profili di diritto internazionale e di diritto interno* (Editoriale Scientifica, 2018); J. Coccoli, 'The challenges of new technologies in the implementation of human rights: An analysis of some critical issues in the digital era' (2017) 1, 2 *Peace Human Rights Governance* 223–50; A. E. Pérez Luño (ed.), *Nuevastecnologías y derechoshumanos* (Tirant Lo Blanch, 2014). See also the Special Issue (vol. 19, no. 1, 2021) of the *Journal of International Criminal Justice* on 'New Technologies and the Investigation of International Crimes', and the Issue (no. 913, 2021) of the *International Review of the Red Cross* on 'Digital Technologies and War'.

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Rights Council, this has become a cross-cutting issue: mandate-holders have convened expert consultations, set guidance and provided recommendations to States and other stakeholders. More than 100 reports have been published by Special Procedures, addressing issues that span from the investigation of the use of digital technologies for surveillance – especially of human rights defenders – mass digital surveillance and internet shutdowns, to the use of digital technologies to contribute to the discovery and management of mass graves, to the emerging notion of 'cyber-torture'.

While some mandates, such as the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Special Rapporteur on the Right to Privacy or the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, have been at the forefront of the study of the subject concerned, as of 2023, the Working Group on Enforced or Involuntary Disappearances (WGEID) had never analyzed it in detail. In September 2021, the WGEID announced its intention to conduct a thematic study on new technologies and enforced disappearances, which, after two rounds of expert consultations (respectively held on 9 February 2022 and 11 May 2022) and the collection of inputs from interested stakeholders,[3] was eventually presented to the Human Rights Council in September 2023.[4]

After concisely illustrating the main results of the work of Special Procedures on human rights and technologies in general, this chapter will only briefly present the gestation and contents of the thematic study on new technologies and enforced disappearances of the WGEID. However, the principal aim of the chapter is to analyze a different aspect, namely the role played – if any – by new technologies, and in particular digital, information and communication technologies, in the regular activities of the WGEID. In this regard, the main functions of the WGEID (i.e., communications, prompt intervention letters, urgent appeals, general allegations and country visits) will be concisely illustrated and the opportunities that new technologies may offer to perform such activities will be explored. The impending consequences of the use of new technologies in the realm of country visits will also be considered, as well as the potential of awareness-raising and technical cooperation offered by the WGEID.

[3] The call for inputs circulated by the WGEID and the contributions received (excluding those for which confidentiality was requested) are available at www.ohchr.org/en/calls-for-input/2023/call-inputs-thematic-study-working-group-enforced-or-involuntary.

[4] WGEID, Study on New Technologies and Enforced Disappearances (WGEID Thematic Study), UN Doc. A/HRC/54/22/Add.5, 11 September 2023.

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Furthermore, the challenges currently posed to the WGEID and its 'counterparts' by the use of new technologies in terms of security, verification and accessibility will be presented.

The chapter contains suggestions on how to seize the opportunities and to mitigate the challenges at stake with a view at identifying innovative methods to carry out the mandate of the WGEID that ultimately can enhance its effectiveness in the struggle against enforced disappearance and in assisting victims in the realization of their rights to truth, justice and reparations. The concluding remarks offer a reflection on how some of the findings and observations made with regard to the WGEID could be relevant also for the work of the Committee on Enforced Disappearances (CED) and should therefore be taken into account when imagining the future of this Treaty Body.

4.2 New Technologies and Human Rights as a Cross-cutting Issue for United Nations Special Procedures

New technologies and their impact – positive or potentially harmful – on the enjoyment of fundamental rights have been a subject of growing concern for the United Nations Human Rights Council,[5] which adopted several recommendations on the matter. Through resolution 41/11 of 11 July 2019, the Human Rights Council mandated its Advisory Committee to study the subject and this led, in 2021, to the publication of a report on the impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights.[6] In the report, the Advisory Committee observed that 'new technologies are giving rise to profound new challenges and unforeseen human rights issues'[7] and concluded that 'the accelerating speed at which new technologies are developed and proliferate seems

[5] Albeit this chapter does not focus nor analyze in-depth this aspect, it is noteworthy that also the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations High Commissioner for Human Rights have increasingly dealt with the subject of new technologies and human rights. Among others, see, respectively Report on Internet Shutdowns: Trends, Causes, Legal Implications and Impacts on a Range of Human Rights, UN Doc. A/HRC/50/55, 13 May 2022; and Report on the Impact of New Technologies on the Promotion and Protection of Human Rights in the Context of Assemblies, including Peaceful Protests, UN Doc. A/HRC/44/24, 25 June 2020.

[6] Advisory Committee of the Human Rights Council, Report on Possible Impacts, Opportunities and Challenges of New and Emerging Digital Technologies with regard to the Promotion and Protection of Human Rights, UN Doc. A/HRC/47/52, 19 May 2021.

[7] Ibid., para. 73.

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inevitable, but the impact of new technologies on human rights can be effectively shaped through the joint efforts of multiple stakeholders'.[8]

The Human Rights Council's resolutions, as well as the mentioned initiatives and reports, coincide on the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the subject. In particular, emphasis is placed on how the dialogue between technology and telecommunication companies, civil society organizations and United Nations human rights mechanisms (be they Special Procedures or Treaty Bodies) needs to be enhanced as a crucial component to ensure the development of adequate responses. However, at present, there seems to be a lack of regular communication and common background among these actors.[9]

Indeed, 'new technologies' have been identified as one of the cross-cutting thematic issues of concern for the Special Procedures of the Human Rights Council.[10] Over the past decade, Special Procedures mandate-holders have convened expert consultations and issued more than 100 thematic reports revolving around the subject, which provide recommendations to States and other stakeholders with a view at developing and implementing new technologies in a manner that complies with international human rights law. These reports span from the human rights impact of robotics and automation, artificial intelligence, drones and lethal autonomous weapon systems.[11]

The existence of a plethora of reports shows the complexity of the matter at hand, as well as a certain lack of coordination among mandate-holders, as, sometimes, the subjects examined in the reports seem to overlap and the reports themselves do not always cross-reference or build

[8] Ibid., para. 72.

[9] In this regard, it is noteworthy that that the United Nations High Commissioner for Human Rights has been reaching out and establishing partnerships with technology companies (e.g., www.business-humanrights.org/en/latest-news/technology-for-human-rights-new-partnership-between-un-high-commissioner-for-human-rights-microsoft/). However, as of today, a general framework and a coherent approach to the matter are missing. Since 2021, the International Service for Human Rights has launched an initiative to streamline the existing efforts and somehow 'bridge the gap' (see ishr.ch/latest-updates/business-human-rights-new-technologies-and-human-rights-mind-the-gap/).

[10] See www.ohchr.org/en/special-procedures-human-rights-council/cross-cutting-thematic-issues.

[11] For a non-exhaustive compilation of Special Procedures' reports relevant to new technologies, see www.ohchr.org/sites/default/files/Documents/HRBodies/SP/List_SP_Reports_NewTech.pdf.

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upon each other. This aspect confirms that there is a need for a more holistic and coordinated approach, also to optimize the use of human, financial and technical resources.

A common trait of these reports is that they acknowledge the dual nature of the relationship between human rights and new technologies, whereby existing challenges are recognized, at the same time paying attention to how technologies can be instrumental in enhancing the promotion and protection of human rights.

Limiting here the scope of the examination to those reports that focus on gross human rights violations and international crimes and new technologies, a few seminal studies can be quoted, including three issued respectively in 2010, 2015 and 2020 by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the relevance of new technologies in the context of human rights fact-finding, targeted killings and accountability and extrajudicial executions and robotic technologies;[12] the use of information and communication technologies to secure the right to life;[13] and on how digital technologies can contribute to the discovery and management of mass graves.[14] The approach followed in these three documents can be regarded as instrumental in paving the way for the WGEID to undertake similar research on the existing relationship between new technologies and enforced disappearances.

4.3 The Working Group on Enforced or Involuntary Disappearances Joins the Pack: The Thematic Study on New Technologies and Enforced Disappearances

In its first forty years of activity, the WGEID did not conduct any in-depth reflection on the subject of new technologies and enforced disappearances or on the impact that such technologies might have in carrying out its mandate. Hence, it is with some delay, compared to other Special Procedures that, at its 125th session, in September 2021, the WGEID

[12] Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report on the Relevance of New Technologies in the Context of Human Rights Fact-finding, Targeted Killings and Accountability, and Extrajudicial Executions and Robotic Technologies, UN Doc. A/65/321, 23 August 2010.

[13] Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report on the Use of Information and Communication Technologies to Secure the Right to Life, UN Doc. A/HRC/29/37, 24 April 2015.

[14] Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report on Mass Graves, UN Doc. A/75/384, 12 October 2020.

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announced its intention to conduct a thematic study on new technologies and enforced disappearances.

The WGEID clarified that, for the purposes of the study, the expression 'new technologies' is used in a broad sense, to refer to technological innovations that occurred mostly over the past twenty years, including hardware and software information and communication technologies (ICT), encompassing satellite imagery, geographic information science and remote sensing, digital social networks and online datasets, the use of artificial intelligence and development of machine-learning, as well as digital forensic and biodata.[15] The same broad interpretation of the expression concerned will be applied for the purposes of this chapter.

As other Special Procedures have already done, the WGEID has also emphasized that new technologies have a dual relationship with human rights-related issues. On the one hand, repressive governments, as well as other actors, such as criminal networks, armed groups and non-State actors, can use new technologies against human rights defenders and activists to curb their fundamental rights, including through surveillance, monitoring, intrusion, disinformation campaigns and online harassment and cyber-attacks. In this realm, other stakeholders, such as technology corporations, also play a crucial – and so far somewhat under-analyzed – role through the development of hardware and software used to hamper the activity of human rights defenders. On the other hand, new technologies are today indispensable in documenting and investigating human rights violations, obtaining and preserving evidence and promoting accountability for human rights violations, including enforced disappearances.

Accordingly, the WGEID studied how new technologies (a) are being used against human rights defenders and civil society organizations, including relatives of disappeared persons and their representatives and which kind of protective strategies are – or can be put – in place; (b) can be effectively applied to facilitate the search for disappeared persons, ensuring that their fate and whereabouts are established promptly and in a reliable and secure manner; and (c) can be used to obtain evidence of the commission of enforced disappearance, especially bearing in mind that this crime under international law is by its own nature shrouded in secrecy and, as such, poses formidable evidentiary obstacles to identify and bring to justice perpetrators.

[15] WGEID Thematic Study, para. 3.

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This chapter aims at exploring one of the matters not dealt with in the thematic study, that is the role played – if any – by new technologies, and in particular digital, information and communication technologies, in the regular activities of the WGEID.

4.4 New Technologies in the Regular Activities of the Working Group on Enforced or Involuntary Disappearances: Between Opportunities and Challenges

Indeed, does the fact that for several decades the WGEID did not expressly deal with new technologies mean that they do not play any role in its day-to-day activities and the way it discharges – or could discharge – its mandate? The following sections will analyze the current situation, as well as opportunities that could be explored for the future.[16] Furthermore, the cross-cutting main challenges – existing or potential – concerning the issues of security, verification and accessibility are illustrated.

While a detailed examination of the composition, mandate and functioning of the WGEID is beyond the scope of the present chapter, a general understanding is indispensable for present purposes. The WGEID is composed of five independent experts and meets in sessions three times per year. To discharge the mandate, the experts are supported by a Secretariat, composed of staff provided by the Office of the High Commissioner for Human Rights (OHCHR). While the experts serve in their personal capacity and are not staff of the United Nations, the members of the Secretariat are and they support the mandate-holders fulfilling their functions, through, among others, research and analysis, as well as legal, methodological and fact-finding expertise.

The WGEID was established by resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights with the mandate to examine questions relevant to enforced disappearance of persons.[17] The mandate

[16] For a broader reflection on the impact of new technologies, and especially ICTs, on the work of Special Procedures, see E. McPherson and T. Probert, 'Special procedures in the digital age', in A. Nolan, R. Freedman and T. Murphy (eds.), *The United Nations Special Procedures System* (Brill Nijhoff, 2017), pp. 261–70.

[17] The last relevant resolution to renew the mandate of the WGEID, Resolution 54/14, was adopted by the Human Rights Council on 11 October 2023. On the basis of its original mandate, the WGEID developed its methods of work: the version in use – and to which reference will be made in this chapter – is the one adopted on 10 February 2023 (UN Doc. A/HRC/WGEID/1, hereinafter, methods of work).

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of the WGEID is articulated in various procedures that pursue two main aims: the 'humanitarian' one, that is, to assist families in determining the fate and whereabouts of their loved ones who are reportedly disappeared, and the 'monitoring' one, that is, to identify obstacles in the implementation of the 1992 Declaration on the Protection of all Persons from Enforced Disappearance, adopted by General Assembly resolution 47/133 of 18 December 1992 (the 1992 Declaration).

The WGEID performs its twofold mandate mainly through six procedures. In terms of communications transmitted, there are cases, urgent appeals, prompt intervention letters, general allegations and referrals. Communications on cases aim at assisting in the clarification of the fate and whereabouts of disappeared persons. Urgent appeals are transmitted when there are credible allegations that a person deprived of his or her liberty is at risk of being forcibly disappeared. Prompt intervention letters are used to deal with cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other NGOs, human rights defenders or individuals concerned with disappearances. General allegations on obstacles encountered in the implementation of the 1992 Declaration are transmitted to States, with the request to comment thereon. Referrals are used when the WGEID receives claims of practices of enforced disappearance that may amount to crimes against humanity and it can refer them to the competent authorities, be they international, regional, sub-regional or domestic.

Furthermore, as with all the other Special Procedures, with prior agreement of the State concerned, the WGEID can carry out country visits, through which it aims at enhancing the dialogue with the authorities most directly concerned and the families of the disappeared or their representative and to assist in the clarification of the reported cases of enforced disappearance. Moreover, during the visits the WGEID examines the actions taken by States to prevent, investigate, punish and eradicate enforced disappearance, as well as the policies and measures adopted to implement the 1992 Declaration.

4.4.1 Receiving and Dealing with Communications, Prompt Intervention Letters, Urgent Appeals, General Allegations and Referrals

In the context of its humanitarian mandate, the WGEID receives and examines communications (respectively handled under the 'urgent' or

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the 'standard' procedure, depending on when the alleged enforced disappearance commenced).[18] Pursuant to its methods of work, these communications must be submitted in writing, using a dedicated form, and, if the source of the communication is other than a family member, it must have the explicit consent of the family to submit the case on its behalf.[19]

Besides some general problems concerning security, verification and accessibility, which will be analyzed below,[20] the present section considers how new technologies, and in particular ICT, might have an impact on the format and modality of the submission of communications and on the expression of consent to submit a case, as well as the possibility that the WGEID applies new technologies, such as artificial intelligence or machine-learning, to analyze and deal with all the communications received and currently outstanding.

First, while today the submission of written forms can be processed either via email, regular post, the general online portal of Special Procedures[21] or fax, one may wonder whether other channels (e.g., social media or messaging applications) could or should be also allowed. For instance, would a communication submitted to the WGEID in the form of a comment left in its Twitter account (now X) be regarded as valid and processed accordingly? At present, the answer would most likely be in the negative,[22] but the rationale for such a response does not seem to be particularly solid or elaborated, besides the fact that 'this has never been done before.' Whilst it would be interesting to verify how many communications have been submitted by fax to the WGEID over the past five years, one may argue that setting up a dedicated channel via messaging applications (e.g., WhatsApp or Telegram) might facilitate the submission of communications and be met with favour by potential users and the general public.

[18] Methods of work, paras. 10–11.

[19] Ibid., para. 12. The form to be used to report a case is available at www.ohchr.org/en/special-procedures/wg-disappearances/reporting-disappearance-working-group.

[20] See Section 4.4.4.

[21] Available at spsubmission.ohchr.org.

[22] On 18 August 2022, the United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment publicly affirmed that 'no action can be taken on basis of Twitter allegations alone'. Notably, this was announced through a Tweet (twitter.com/DrAliceJEdwards/status/1560189665151537152). Bearing in mind that Special Procedures are to be seen as a system that, to the extent possible, acts in a coherent and coordinated manner, it is likely that the WGEID would take the same stance.

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The requested written format – confirmed, in more general terms, in the 2008 manual of operations applicable to all Special Procedures[23] – is somehow controversial. Would the WGEID consider a video clip an acceptable format for the submission of a communication? If so, under which conditions? Along the same lines, would a video be considered a legitimate manner to express consent (of the family or of the disappeared persons themselves) to the submission of the case?

Although the WGEID methods of work are silent in this regard and there does not seem to be any consolidated practice on these matters, the notorious case of princess Sheikha Latifa bint Mohammed Al Maktoum comes to mind.[24] In this instance, the princess had recorded a video,[25] whereby she explained why she was at risk of being subjected to an enforced disappearance: in the absence of the consent of her relatives (who, in this very peculiar case, were also the alleged responsible for her disappearance, and, at the same time, should be considered as State agents), could the said video be regarded as the consent of the victim herself to have her case considered by the WGEID? Interestingly, the family of the princess rebutted the allegations that an enforced disappearance was ongoing by submitting pictures that would show Sheikha Latifa in good health and free.

Without entering into the intricacies of the specific case, which, because of its features, is quite unique, the reported example begs at least four questions: If the WGEID considers videos and pictures as valid as formularies and consent forms, at a time where deep fake imagery is less than uncommon, would the WGEID have the technical means and skills to assess the veracity and reliability of these sources? Indeed, if the person who recorded the video then disappears and relatives cannot be considered as reliable sources, who could be considered the 'source' of the communication, with which the WGEID will maintain its correspondence? If the WGEID is to accept videos and pictures as sources of communication, will it do the same with the answers provided by States? Finally – and more in general – would the WGEID be competent and in a position to search, motu proprio, for videos, pictures or digital

[23] Manual of operations, para. 38, available at www.ohchr.org/sites/default/files/Documents/HRBodies/SP/Manual_Operations2008.pdf.

[24] E. Carpanelli, 'The mysterious abduction and confinement of two princesses: A tentative analysis under international law' (2021) 76, 2 *La comunità internazionale* 353–82.

[25] For a summary of the rather intricate case and the relevance played by pictures and videos, see edition.cnn.com/2018/12/24/middleeast/dubai-princess-sheika-latifa-photos-intl/index.html.

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data, among other things, to corroborate or reject the allegations received? None of these questions finds an answer in the methods of work and existing practice of the WGEID and a reflection and the establishment of a clear policy in this regard could be useful.

A separate issue, that nevertheless somehow relates to the actual scope of initiatives that the WGEID can undertake motu proprio, concerns the use of new technologies, such as artificial intelligence or machine-learning, to deal with, and analyze, the remarkable number of cases under active consideration, which, as of 13 May 2023, stand at 47,774.[26] At present, the WGEID examines the communications received with a view at assessing whether they can be registered and transmitted. It equally reviews the responses received from States (or, where applicable, by other actors),[27] in order to evaluate whether they allow to clarify the cases by establishing the fate and whereabouts of the disappeared person concerned. However, the WGEID does not proactively seek additional information on a specific case (e.g., by cross-checking through satellite images or similar),[28] rather focussing on whether the allegations received are credible. Moreover, the WGEID has never examined the bulk of active cases as a whole or for each State to determine, for instance, the existence of specific patterns, relevant contextual elements or even information that may be instrumental in clarifying the fate and whereabouts of the disappeared and in promoting accountability for those responsible for the crimes.

It can be argued that these kind of proactive initiatives would most likely overstretch the boundaries of the mandate of the WGEID and, were they acceptable, they could have already been carried out by the Secretariat, without the need of any new technologies. The methods of work of the WGEID provide that the clarification of a case (i.e., establishing the fate and whereabouts of the disappeared person) can occur, among others, 'as a result of missions by the WGEID'.[29] While it is unclear whether such missions should be equated to the country visits[30]

[26] WGEID, Annual Report for 2022, UN Doc. A/HRC/54/22, 30 July 2023, para. 5.
[27] Since 2019, the WGEID documents also include violations tantamount to enforced disappearance perpetrated by non-State actors that exercise effective control or de facto government-like functions over a territory or population. Methods of work, paras. 32–8.
[28] Methods of work, paras. 24–6. In practice, the WGEID forwards the information received by the State (or other actors) to the source and expects the latter to confirm whether it agrees or not. Moreover, a case can be clarified by the source.
[29] Ibid., para. 27.
[30] See Section 4.4.2.

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conducted by the WGEID (and it would not seem to be the case), the expression nevertheless suggests that the WGEID has some leeway to conduct investigations to clarify a case. It is however unlikely that the members of the WGEID and the Secretariat have the resources (human, technical and material) to perform these kind of investigations motu proprio on a systematic basis, especially bearing in mind the thousands of cases under active consideration.

Both for gathering information or conducting research that might clarify a case and for conducting a comprehensive and thorough contextual analysis of all the active cases before the WGEID, new technologies (in particular, the use of artificial intelligence, machine-learning tools and data mining techniques that can be set to process in a relatively short time-span a considerable volume of data and information) could be a game changer. If this is compatible with the mandate of the WGEID and feasible in terms of human and technical resources of the Secretariat remains to be determined and, in any case, seems worthy of consideration.

More in general, the questions formulated in the previous paragraphs and, in particular, the one concerning the admissibility and feasibility of research conducted motu proprio by the WGEID, may be referred also to its other procedures, namely urgent appeals, prompt intervention letters, general allegations, other communications and referrals.[31] These procedures range from communications sent to governments where a person is at risk of being forcibly disappeared (urgent appeals), to cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other NGOs, human rights defenders or individuals concerned with disappearances (prompt intervention letters). They also encompass instances where there are alleged obstacles in the implementation of the 1992 Declaration (general allegations), or where detailed allegations are received that a State is practicing enforced disappearance or is about to adopt measures that could create obstacles to the implementation of the 1992 Declaration (other communications) or when the WGEID evaluates claims of practices of enforced disappearances that may amount to crimes against humanity and decides whether to refer them to international, regional or sub-regional authorities (referrals).

The procedures under consideration imply – to varying extents – the carrying out of information-gathering activities by the WGEID and the

[31] Methods of work, paras. 39–48 and 57–8.

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corresponding evaluation of its reliability. Indeed, it is clear that the WGEID cannot be equated to mechanisms such as the commissions of inquiry or fact-finding missions mandated by the Human Rights Council. The mandate of these organs is inherently different, and they are expected to proactively search for, examine and evaluate information and data that can be regarded as evidence of the commission of international crimes and gross human rights violations, paving the way to holding perpetrators accountable. To fulfil their tasks, commissions of inquiry and fact-finding missions have taken advantage of new technology, added specialized expertise and refocused approaches to information collection and management. In particular, they appreciated that 'rapid changes in technology and ICTs have impacted investigations, opening up new channels of communication that in turn afford new kinds of access to sources'[32] and that 'telephone, internet based communication tools (e.g. Skype) or related technology may assist in reaching otherwise inaccessible areas.'[33] Accordingly, commissions of inquiry and fact-finding missions progressively incorporated in their staff (either counting on in-house knowledge or involving external experts) persons dedicated to conducting open source intelligence (OSINT), including on digital datasets or, where appropriate, satellite imagery.

For its part, the WGEID is not mandated, nor expected, to conduct investigations and collect evidence, be it to establish the fate and whereabouts of a disappeared person or to determine the identity of perpetrators or someone's involvement in the commission of an enforced disappearance.

Indeed, in carrying out its mandate, the WGEID regularly assesses the 'credibility' of the allegations received, as well as the 'reliability' of the sources, always guided by its humanitarian nature and the pro persona criterion. Neither the methods of work of the WGEID nor the code of conduct for Special Procedures[34] or the 2008 manual of

[32] OHCHR, *Who's Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-finding Missions and Other Investigations* (OHCHR, 2018), p. 52, available at www.ohchr.org/sites/default/files/Documents/Publications/AttributingIndividualResponsibility.pdf.

[33] Ibid., p. 54.

[34] Human Rights Council, Resolution 5/2, 6 December 2007. Notably, Art. 6 (a) requires Special Procedures mandate-holders to 'always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible'. Art. 8 (c) sets forth that, in carrying out 'information-gathering activities' the mandate-holders shall 'rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up'.

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operations[35] clarify in detail how mandate-holders are expected to conduct their due diligence in evaluating these crucial aspects. Leaving aside for the moment the underlying – yet pivotal – issue of verification, which will be considered below,[36] some considerations can be put forward on whether and how new technologies could be used in this crucial phase of the WGEID activities.

First, the WGEID performs research and information assessment, and, in this regard, as commissions of inquiry or fact-finding missions, it may benefit from, among others, OSINT. For such purpose, the WGEID should duly take into account the 2022 Berkeley Protocol on Digital Open Source Investigations, which contains a Practical Guide on the Effective Use of Digital Open Source Information in Investigating Violations of International Criminal, Human Rights and Humanitarian Law.[37] The Protocol – directed at a broad audience, which can encompass also the WGEID – is designed to assist open source investigators to conduct their work in accordance with a professional methodology that is broadly consistent with legal requirements and ethical norms.

Second, the fast-evolving nature of the technologies must be considered. If the WGEID includes the use of new technologies in its assessment of the credibility of the information received, there should be a broader reflection on whether the members of the WGEID and its Secretariat have the technical knowledge and skills and sufficient human resources to deliver. Alternatively, assistance on these matters could be outsourced,[38] although this might encounter – not necessarily insurmountable – problems in view of the confidential nature of most of the information dealt with by the WGEID.

Third, going beyond what the WGEID can – or should – do to ensure a broader use of new technologies in the performance of its mandate, in the context of most of the procedures here described, it regularly interacts with States and requests governments to carry out search activities and investigations and to inform it of the results. The WGEID will then assess the information provided by the State concerned, for instance, with a view to clarifying cases or evaluating the compliance with the 1992

[35] On 'sources of information' used by Special Procedures, see, in particular, paras. 23–7 of the manual of operations. The latter confirms that mandate-holders are expected to perform 'information-gathering' activities.
[36] See Section 4.4.4.
[37] Available at www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf.
[38] More on this point below in Section 4.4.3.

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Declaration. As of today, it does not seem that the WGEID has systematically included in its exchanges with States questions and recommendations on the use of new technologies in search activities and investigations. This option could be explored, with a view to ensuring the addition of this issue in a comprehensive and systematic way in the dialogue with States, ideally promoting the enhancement of the applicable standards.

A final remark that can be made concerns the recipients of the WGEID's allegations or communications regarding obstacles in the implementation of the 1992 Declaration. In this sense, the traditional interlocutors of the WGEID are States.[39] Nevertheless, Special Procedures can – and many regularly do so – address their communications and allegations also to stakeholders other than States, including corporations and technology companies.[40] Hence, if the WGEID were to receive information according to which policies or practices of actors other than States – such as technology companies – are at odds with the 1992 Declaration or raise problems with regard to its implementation – for instance, through the use of digital tools of mass surveillance or spyware programmes[41] to target relatives of disappeared persons or their

[39] For the 'exception' concerning non-State actors that exercise effective control or de facto government-like functions over a territory or population, see note 27.

[40] Among others, see the joint allegation letter concerning Facebook, Instagram and WhatsApp sent in 2021 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on the issue of transnational corporations and other business enterprises, the Special Rapporteur on the minority issues and the Special Rapporteur on the situation in the Palestinian territory occupied since 1967 (spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26567) or the one directed in 2021 to the 'NSO Technologies group' on measures of mass surveillance concerning the use of the Pegasus spyware sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on the issue of transnational corporations and other business enterprises, the Special Rapporteur on the rights to peaceful assembly and of association and the Special Rapporteur on human rights defenders (spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26564).

[41] Spyware, also referred to as 'intrusion software' is a malware that allows an operator to gain access to a targeted device and extract, modify or share its contents. This is achieved by exploiting software vulnerabilities. Pegasus and Candiru are notorious examples of spyware programmes and their use to maliciously monitor the activities of, among others, human rights defenders, has been documented. In this sense, see, among others, High Commissioner for Human Rights, Statement on the Use of Spyware to Surveil Journalists and Human Rights Defenders, 19 July 2021, available at www.ohchr.org/en/2021/07/use-spyware-surveil-journalists-and-human-rights-defendersstatement-un-high-commissioner. Notably, spyware has been used to surveil relatives of disappeared persons, including, for instance, the wife and fiancée of Mr Jamal Khashoggi (www.theguardian.com/world/2021/jul/18/nso-spyware-used-to-target-family-of-jamal-khashoggi-leaked-data-shows-saudis-pegasus).

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representatives[42] – it could address its allegations or communications to these other stakeholders concerned. At present, the methods of work of the WGEID neither contemplate nor rule out explicitly this possibility.

4.4.2 *Country Visits*

Another core procedure of the mandate of the WGEID is that of country visits,[43] which it conducts upon invitation. Since 1980, the WGEID has carried out more than forty visits across the world.[44] The main purpose of these visits is to, inter alia, enhance the dialogue between the authorities most directly concerned, the families or their representatives and the Working Group and to assist in the clarification of the reported cases of enforced disappearance. The Working Group also undertakes visits to examine the actions taken by States to prevent, investigate, punish and eradicate enforced disappearances and to search for disappeared persons, as well as the programmes and measures adopted to implement the Declaration and to guarantee the rights of, among others, the victims.[45]

In practical terms, during a visit, the WGEID meets with national and local authorities (including members of the judiciary, the executive and parliamentarians), members of the National Human Rights Institution, NGOs, associations of relatives of disappeared persons, the United Nations and other inter-governmental agencies and the press. Moreover, the WGEID often uses the opportunity of being on site to visit detention facilities (former or functioning), sites where exhumations have been, or are in the process of being, carried out, as well as memorials.

As of today, country visits and the ensuing reports and follow-up procedure are one of the areas where new technologies have played a very limited – if any at all – role and where, arguably, more could and should be done.

First, it does not seem that the WGEID has regularly included in its visits meetings with authorities and institutions that have a pertinent

[42] These practices are actually well documented and among those analyzed in-depth in the WGEID Thematic Study, paras. 8–25.

[43] Methods of work, paras. 59–64. More in general, when conducting country visits, the WGEID must also adhere to the 2016 Revised Terms of Reference for country visits by Special Procedures mandate-holders of the United Nations Human Rights Council, based on Appendix V, E/CN.4/1998/45.

[44] For the list of country visits carried out and the corresponding reports and follow-up reports, see www.ohchr.org/en/special-procedures/wg-disappearances/country-visits.

[45] Methods of work, para. 59.

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mandate (e.g., in charge of ICT, cyber-security, satellite imagery or development of artificial intelligence) or with experts in new technologies with knowledge of the country situation. The WGEID has not visited centres and sites that might hold valuable information and data related to these subjects. In view of future country visits, this is an aspect that holds some potential.

Second, more in general, pursuant to its methods of work, the WGEID's approach to the gathering of information prior, during and after a visit can be regarded as slightly 'passive' rather than 'proactive', in the sense that it is open to collecting data, reports, testimonies and information that is brought to it from different sources – including, often, in response to calls issued by the WGEID itself – but it does not seem to foresee any direct 'fact-finding' activity or autonomous search and investigation. It is however to be assessed whether initiatives by the WGEID to search for, and gather, data and information during country visits motu proprio is to be ruled out completely. In fact, the terms of reference for country visits common to all Special Procedures require that States visited must guarantee that mandate-holders have 'full access to all *documentary materials* relevant to the mandate'.[46] This phrase may be interpreted in the sense that mandate-holders can identify the material that they consider to be relevant to the mandate, request it to the authorities of the State concerned, and the latter would be under an obligation to provide full access to such material. While it is rather clear that the terms of reference were not drafted thinking of data and information that can be gathered or stored through new technologies, one could argue that the expression 'documentary materials' can encompass satellite imagery, datasets, digital data or biodata to which the WGEID might wish to have access during a country visit. Indeed, the WGEID would then most likely need the support of qualified experts to analyze and interpret the material collected, but this relates to a more general need – which will be examined more in-depth later – to count on persons knowledgeable on new technologies who can be consulted by the WGEID, where necessary and upon request.[47] Nevertheless, one can imagine that the kind of material mentioned, if duly analyzed, might shed light on crucial aspects of the search for disappeared persons, as well as provide useful information related to criminal investigations. This

[46] Revised Terms of Reference for country visits by Special Procedures, para. 5, emphasis added.
[47] See Section 4.4.3.

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could be extremely useful in the assessment performed by the WGEID during a country visit and in the formulation of recommendations to be included in its report.

More in general, the WGEID could envisage systematically including a section in the reports on country visits whereby it examines the use (or lack thereof) of new technologies in the State concerned, duly reflecting its findings in the final recommendations. In this realm, the WGEID should consider the opportunity – prior, during and after a visit – to also gather information on the existing legislation (e.g., concerning data collection and management, regulation – including export and import – of digital surveillance programmes, or cybercrime), as well as on the contracts stipulated by the government concerned to acquire and apply, for instance, spyware programmes and data on the use and frequency of shutdowns or internet disruptions in the country. The information and data collected could be instrumental in the shaping of 'tailored' recommendations and eventually contribute to an overall better understanding of the relationship between new technologies and enforced disappearances.

Finally, it is worth mentioning that specific challenges related to new technologies might arise in the realm of country visits, especially with regard to security, but they will be analyzed below in the dedicated section.[48]

4.4.3 Awareness-Raising and Technical Cooperation

Like other Special Procedures, the WGEID is also mandated to engage in advocacy activities, raise public awareness and provide advice for technical cooperation. In particular, it can provide advisory services, when requested, and provide assistance to governments in the implementation of the 1992 Declaration. The thematic study on new technologies and enforced disappearances can certainly be regarded as a first concrete form of awareness-raising, but, bearing in mind the complexity and constantly evolving nature of the subject, it could be appropriate to design a more articulated strategy and set of activities over the next years.

The methods of work of the WGEID do not elaborate on the nature of the advisory services or the technical cooperation provided and the applicable requirements to activate them.[49] So far, this has taken various forms, including trainings on enforced disappearances for public officials

[48] See Section 4.4.4.
[49] Methods of work, paras. 4 and 6.

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and law enforcement personnel, including judges; direct assistance to States in the process of drafting follow-up reports; or assistance on substantive matters such as draft legislation, the creation of mechanisms devoted to the search for disappeared persons or truth commissions.[50]

At the time of writing, the WGEID has not yet received requests to provide advisory services or technical cooperation on issues directly related to new technologies and enforced disappearances, be it on draft legislation or in the sense of how these can be used to hinder the work of civil society organizations and relatives of disappeared persons or to facilitate the search for disappeared persons and to obtain evidence of the commission of the crime and ensure accountability.

Arguably, it is rather likely that the WGEID will receive requests in this sense in the future, and it is therefore necessary to assess whether it counts on the resources and necessary expertise to deliver on a regular basis. The answer to this question will be somehow influenced by the composition of the WGEID and its Secretariat. Currently, members of the WGEID and of the Secretariat could undisputedly assist on human rights–related issues and may be apt to provide advice relating to the pertinent legal framework or the applicable criteria to assess evidence collected and secured through new technologies. However, they lack an actual background and deep technical expertise on technological matters. Similarly, even if one of the members or of the Secretariat were an expert on digital forensics and biodata, for instance, they may not be equally knowledgeable on artificial intelligence or machine-learning. This can indeed be seen as an area where capacity building and strengthening are in order, although it remains to be determined whether members of the WGEID or its Secretariat would be those better placed to provide advice or technical cooperation on technological matters, or they should rather rely, for such a purpose, upon experts with a different profile, either from within the OHCHR or, where appropriate, externally.

In one of the above-mentioned reports, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions recommended to the OHCHR to appoint a digital content specialist[51] to provide advice with respect to information received from or produced by civilian witnesses

[50] WGEID, Report on the 30th Anniversary of the Declaration on the Protection of All Persons from Enforced Disappearances, UN Doc. A7HRC/51/31/Add.3, 31 August 2022, para. 25.

[51] At present, the OHCHR relies upon a consultant working on 'digital evidence preservation', as well as on a 'technology advisor'.

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and to serve as an interface with external networks of expertise in that area.[52] However, the Special Rapporteur considered it as a 'stopgap solution to ensure quick movement', thus calling on the OHCHR, with the assistance of the appointed specialist, to establish a 'longer-term capacity'.[53]

As already mentioned above,[54] international commissions of inquiry and fact-finding missions today rely upon experts to analyze, for instance, the digital evidence received. However, this staff is appointed to serve these mechanisms and cannot be properly regarded as 'in-house expertise' that could support also other organs – including the WGEID – in performing their mandate.

Bearing in mind the fact that new and emerging technologies go beyond digital content and communication technologies, and that, as pointed out, it is virtually impossible to find one person who is proficient on all the relevant areas, the creation of a roster of experts in new and emerging technologies could be envisaged. Ideally, their support could be obtained on demand by the different United Nations' human rights mechanisms (Special Procedures and Treaty Bodies) in need. In the case of the WGEID, it could consider to team up with one or more experts for the purposes of, among others, providing assistance and technical cooperation to States or other stakeholders on issues related to new technologies and enforced disappearances.

4.4.4 Security, Verification and Accessibility

As anticipated in the previous sections, in light of the current situation and the opportunities concerning the use of new technologies – admittedly, mostly ICT – in the performance of the mandate of the WGEID, the challenges – existing and potential – are cross-cutting and revolve around the three main areas of security, verification and accessibility.

With regard to security, the whole sphere of digital risks is to be considered, thus encompassing data security, as well as surveillance and digital threats both towards the members of the WGEID and the Secretariat and any person engaging with the WGEID.

[52] Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report on the Use of Information and Communication Technologies to Secure the Right to Life, para. 114.
[53] Ibid.
[54] See Section 4.4.1.

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The WGEID regularly receives, deals with and stores sensitive information that, if unduly disclosed, could seriously endanger the security of several people, including persons or groups of persons in situations of great vulnerability. One major challenge is therefore maintaining the confidentiality of such information and protecting it from any sort of threat, including cyber-attacks. The risk is – unfortunately – a very concrete one, as shown by the incident that occurred on 18 January 2022, where personal data and other confidential information concerning more than 515,000 people worldwide, stored in the systems of the Central Tracing Agency of the International Committee of the Red Cross were accessed.[55] On such occasion, among others, platforms containing data on missing and disappeared people, as well as their relatives (including the 'Family Links Answers' application and Website, and the platform 'Trace the Face') were compromised. The investigation on the attack showed that it was a very sophisticated one, conducted with the objective of data extraction.[56]

The WGEID holds very similar information, gathered for analogous purposes. This begs the question of preparedness: Has any measure been put in place, by the WGEID or the OHCHR more in general, to mitigate this risk? Was a cyber-attack on the WGEID database to happen, would there be a security scheme ready to kick in, while ensuring the continuation of critical functions? Fundamental measures of protection of the data received are certainly in place, but a reflection on whether they would be adequate and up-to-date in the face of rapidly emerging and ever-changing technological threats seems in order.

Moreover, it is pertinent to consider whether suitable measures are in force to protect both members of the WGEID and its Secretariat and all persons that engage with it – especially relatives of disappeared persons and their representatives – from forms of digital surveillance (such as spyware programmes) and disinformation or smearing campaigns, including on and through social media.

These kind of considerations shall be extended to those who engage with the WGEID in different contexts, including prior, during and after country visits, and, although the subject might have been dealt with on an ad hoc basis, a more systematic approach and a transparent policy seems

[55] On the incident see WGEID Thematic Study, para. 24.

[56] See the note circulated by the International Committee of the Red Cross in January 2022, available at www.icrc.org/en/document/sophisticated-cyber-attack-targets-red-cross-red-crescent-data-500000-people.

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desirable and should be applied coherently in the implementation of all the procedures of the WGEID. Furthermore, especially with regard to interactions with human rights defenders, activists, civil society organizations and, in particular, relatives of disappeared persons, the WGEID might wish to adopt a more proactive stance and, when contact is established for the first time, share a general warning on the existence of digital threats, along with a reference to (external) resources that can help these stakeholders protect themselves and (more) securely engage in exchanges with the WGEID.

With regard to verification, it has already been pointed out on multiple occasions that, albeit lacking a full-fledged investigative mandate, the WGEID regularly evaluates the reliability of its sources and credibility of the information that it receives from sources, States and any other stakeholder. As with the other Special Procedures, the WGEID is requested to rely on 'objective and dependable facts based on evidentiary standards that are appropriate to its non-judicial character'.[57]

Hence, although the applicable standards are not those of a courtroom, the WGEID is expected to at least perform its due diligence in corroborating the information received.[58] In an era characterized by the use of fictitious accounts and deep fakes, or in situations of metadata paucity, this may prove especially challenging, in particular where there may be a lack of expertise of the members of the WGEID and its Secretariat on the matter, while, in parallel, relevant tactics and tools evolve at an extremely rapid pace.[59] So far, the WGEID has not encountered any specific obstacles in this realm, but for the future further reflection and consideration on how to mitigate potential risks, it could be desirable.

When it comes to accessibility, it must be pointed out that, while new technologies – in particular in the ICT sphere – may play a key role in facilitating access to the WGEID and the use of its procedures – this may not apply in the same terms worldwide. At a time where there still are several coverage gaps, internet shutdowns are increasingly used to curb dissent and to silence human rights defenders, and a significant uneven

[57] See note 34.

[58] See, among others, P. Alston, 'Hobbling the monitors: Should U.N. human rights monitors be accountable?' (2011) 52, 2 *Harvard International Law Journal* 561–649; and N. Rodley, 'On the responsibility of special rapporteurs' (2011) 15 *The International Journal of Human Rights* 319–37.

[59] See, among others, A. Toler, 'How to verify and authenticate user-generated content', in S. Dubberley, A. Koenig and D. Murray (eds.), *Digital Witness* (Oxford University Press, 2020), pp. 185–227.

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adoption of ICT among population still exists, gearing all efforts of the WGEID to the use of digital technologies might result in being detrimental and discriminatory. In this sense, and more in general, bearing in mind the dual relationship between new technologies and human rights and the considerable – and certainly legitimate – expectations that the use of technologies may raise, the need for complementarity must be recalled. New technologies cannot – and should not – replace pre-existing strategies, procedures and approaches but must rather sum up them and enhance the likelihood to obtain significant results, in the case of enforced disappearance facilitating the clarification of cases, favouring accountability and enhancing the applicable legal standards.

Finally, another tenet of accessibility, equally regarding members of the WGEID, its Secretariat and all those stakeholders that engage with the WGEID, relates to the – arguably still limited – level of digital literacy and, more broadly, knowledge and understanding of new technologies – including others that go beyond ICT – and the corresponding implications. At the time of writing, this appears as a major loophole that would need to be adequately addressed before stepping up the use of, and reference to, new technologies, in the day-to-day activities of the WGEID.

4.5 Conclusions

> New technology is not good or evil in and of itself. It's all about how people choose to use it.
>
> —D. Wong

The previous sections show that, when dealing with enforced disappearance, as with other gross human rights violations, new and emerging technologies hold an equal amount of challenges and opportunities and, in broader terms, they cannot – and should not – replace pre-existing strategies, procedures and approaches, especially bearing in mind the risk of deepening the lingering digital divide and worsening instances of marginalization and exclusion or of exposing people to unprecedented threats.

These considerations are reflected in the thematic study of the WGEID:

> The Working Group emphasizes that there should not be over-reliance upon new technologies in this realm and expectations must be realistic: albeit they are going to facilitate the processes concerned, they are not going to solve all the existing problems. Traditional approaches and techniques to documenting, monitoring and reporting should not be

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> abandoned and cannot be entirely replaced by digital material and new technologies.
>
> Complementarity between these strategies should be pursued and actively promoted and traditional human-centred processes must be fomented and strengthened accordingly. In parallel, access to new technologies shall be conceived in a way that does not reproduce or deepen existing digital divide and socio-economic differences and no developing country or relevant stakeholder can be left behind.[60]

While warning of the imperative to identify the existing risks and adequately address them, this chapter suggests that opportunities might actually outweigh challenges. In this sense, besides the adoption and dissemination of the thematic study on new technologies and enforced disappearances, it is here contended that the WGEID could benefit from a thorough reflection on how – and to what extent – new technologies could and should be used in its day-to-day activities. Similarly, it should consider how questions, remarks and recommendations concerning new technologies and enforced disappearances can be systematically included in its work and in all its tasks, including communications, urgent appeals, allegations, referrals, prompt intervention letters, country visits, awareness-raising and technical cooperation. The methods of work of the WGEID do not currently cover any of these matters and, when they will be revised in the future, they should reflect, to the extent possible, the outcome of this debate, also addressing the need for an increased technological literacy among the members of the WGEID and its Secretariat and the desirability to establish, and rely upon, a roster of experts on the multiple disciplines that can be related to new technologies.

At any rate, in its thematic study, the WGEID committed to 'regularly monitor the issue of new technologies and enforced disappearance and to systematically include remarks and recommendations concerning this subject in its activities, including in communications, urgent appeals, allegations, referrals, prompt intervention letters, country visits and awareness-raising. The Working Group also offers assistance to States on the subject through cooperation and advisory services'.[61]

Accordingly, the WGEID called on 'all concerned stakeholders to regularly engage and cooperate with it and report on the negative impact of new technologies in the enjoyment of human rights, especially of

[60] WGEID Thematic Study, paras. 58–9.
[61] Ibid., para. 63.

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human rights defenders and relatives of disappeared persons, as well as on progresses made with regard to the use of new technologies in the search for disappeared persons and in the investigation and promotion of accountability'.[62]

More in general, recalling the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the subject of new technologies and human rights, it is desirable that United Nations Treaty Bodies, including the Committee on Enforced Disappearances (CED), enhance their attention and work on the matter.[63]

Many of the considerations formulated here for the WGEID could apply, mutatis mutandis, to the CED and its functions, including the exam of State reports, urgent actions, inter-State and individual communications, country visits and the referral procedure.[64] Since the WGEID and the CED regularly exchange on matters of common interest and coordinate and cooperate,[65] the subject of new technologies and enforced disappearances, and, at the very least, of how the said technologies could be taken into account in the performance of the respective mandates, should be the subject of joint analysis and action.

In particular, both the WGEID and the CED should aim at systematically including the issue of new technologies in their considerations, observations and recommendations, and, when it comes to the workflow and concrete organization of the respective activities, they should consider the opportunity to adopt and offer up-to-date, secure and user-friendly tools to disappeared people, their relatives, representatives and civil society organizations, ultimately facilitating the work of all those concerned and helping in the eradication and prevention of this crime.

[62] Ibid., para. 64.
[63] In this sense, see also para. 69 of the conclusions of the WGEID Thematic Study.
[64] See Arts. 29–34 of the International Convention for the Protection of All Persons from Enforced Disappearance, New York, 20 December 2006, 23 December 2010, UNTS 2716, UN Doc. A/61/448, C.N.737.2008 (ICPED).
[65] See Art. 28 ICPED and para. 53 of the WGEID methods of work.

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