RESEARCH REPORT

任意拘押与强迫失踪

2016—2026 年全球趋势、证据模式与问责路径

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本报告记录事实、评估证据并提出制度建议。文中所称“案例”“指控”与“确认”具有不同证据等级；除有明确司法裁判或权威调查结论外，不应把指控表述为已经司法认定的事实。本报告并不代表所引用机构对 Research team 结论的认可或背书。

执行摘要

过去十年，任意拘押与强迫失踪并未因国际法规范日益完善而消失，反而在战争、反恐、国家安全、移民管控、跨国镇压和有组织犯罪与国家机构相互渗透的背景下呈现新的混合形态。传统意义上的“秘密警察带走一个人、国家完全否认羁押”仍然存在；与此同时，越来越多案件表现为先秘密控制、拒绝告知下落，再以国家安全、恐怖主义、寻衅滋事、虚假信息或移民行政程序将拘押“法律化”。形式上的文书和审判并不当然消除任意性；当拘押缺乏可审查的法律基础，惩罚言论、结社或宗教活动，或审判程序严重失衡时，仍可能构成任意拘押。

本报告研究期为 2016 年 1 月 1 日至 2026 年 7 月 28 日。Research team 系统检索联合国任意拘押问题工作组（WGAD）、强迫或非自愿失踪问题工作组（WGEID）、强迫失踪问题委员会（CED）、联合国人权事务高级专员办事处（OHCHR）、联合国调查委员会和人权监测团的文件；并参照红十字国际委员会（ICRC）、国际特赦组织、人权观察等具有公开研究方法的机构资料，以及路透社、美联社、《金融时报》《卫报》等媒体的调查、采访和现场报道。报告没有进行新的第一手采访；所谓“采访数据”均指来源机构已经公开的方法、样本和访谈结果。

研究显示，全球不存在一个可负责任地相加的“任意拘押与强迫失踪总数”。墨西哥失踪人员登记、叙利亚冲突失踪估算、巴基斯坦调查委员会案件、乌克兰战争羁押监测、联合国紧急行动请求和 WGEID 个案库，各自测量不同对象、时间跨度和证明门槛。把它们简单相加会产生伪精确。本报告因此把数字视为不同制度窗口下的下限，并以来源、定义、时间和案件状态标注其可比性。

主要发现如下：

1. **官方数字通常是下限，而非真实规模。** 报案障碍、家属恐惧、冲突地区无法进入、登记系统重复或缺项，以及国家拒绝承认羁押，使大量案件无法进入任何数据库。

2. **短期秘密羁押成为关键风险窗口。** 从被带走到首次获准联系律师或家属的数小时、数日或数周，往往是酷刑、胁迫认罪、强制解锁电子设备和制造案卷的高风险阶段。后来“正式逮捕”并不能抹去此前可能发生的强迫失踪。

3. **国家安全与反恐法律是最常见的合法化工具。** 模糊罪名、秘密证据、特别法院、延长羁押和限制律师接触，使例外措施制度化。

4. **战争造成大规模、跨境且难以核验的失踪。** 乌克兰和叙利亚表明，平民、战俘、医务人员、记者和地方官员可能被转移至占领区或境外，家属难以找到羁押链条。

5. **失踪不仅发生于国家与个人之间。** 墨西哥显示，有组织犯罪、地方警务、军队、检察机关和地方政治网络之间的勾连或消极纵容，会破坏搜索和追责。

6. **律师、记者、人权捍卫者和少数群体承受不成比例风险。** 对这些群体的拘押往往具有示范性：惩罚一个人，同时威慑整个社群。

7. **家属本身是权利受害者。** 长期不确定、经济损失、污名、报复和跨代创伤，使强迫失踪成为一种持续性侵害，而不是拘押发生当日即完成的单一事件。

8. **问责障碍主要不在缺少法律，而在国家控制证据。** 羁押登记、转押记录、监控、通信、法医资料和命令链通常掌握在涉事机关手中；没有独立保存、即时访问和不利推定规则，法律禁止很容易停留在纸面。

一、研究问题与范围

本报告回答四个问题：第一，过去十年任意拘押与强迫失踪在全球呈现哪些主要形态；第二，不同机构发布的数据究竟测量什么，能够支持何种结论；第三，公开访谈和媒体调查揭示了哪些制度性机制；第四，法院、律师、人权机构和政策制定者可以采取哪些可操作措施。

研究对象不限于“长期失踪”。根据国际法，一人被国家人员或获国家授权、支持或默许的人员剥夺自由，随后有关方面拒绝承认羁押或隐瞒其命运和下落，使其处于法律保护之外，即可能构成强迫失踪。时间长短不是决定要件。数小时或数日的秘密拘押也可能满足定义，尤其当这段时间被用于审讯、酷刑或隔绝司法救济时。

任意拘押的范围更广。拘押即便有国内法条文或法院盖章，也可能因没有实质法律基础、惩罚合法行使基本权利、严重违反公平审判、对移民或寻求庇护者无限期行政羁押，或基于歧视而构成任意。WGAD 通常以五类分析：无法援引法律依据；因行使基本权利而拘押；公平审判违反严重到使拘押任意；移民或庇护行政拘押缺少定期司法审查；以及基于出生、国籍、族裔、宗教、政治观点、性别、残障等身份的歧视性拘押。

并非所有失联、失踪人口或战时下落不明人员均符合强迫失踪的法律构成。缺乏国家行为，或国家授权、支持、默许证据的案件，应与强迫失踪案件分别处理；仅有单一陈述而尚无独立佐证的材料，应标明其证据状态。该区分直接关系到材料在诉讼、庇护程序、专家证据及公共政策评估中的证明力。

二、法律框架与概念边界

《世界人权宣言》第 3、5、9、10 和 11 条以及《公民权利和政治权利国际公约》第 6、7、9、10 和 14 条构成人身自由、生命、免受酷刑和公平审判的基础。《保护所有人免遭强迫失踪国际公约》进一步规定，任何紧急状态、战争或内部政治不稳定均不得成为强迫失踪的理由；国家必须将其定罪、调查、搜索、保护举报人与家属，并承认受害者获得真相、赔偿和恢复的权利。

《罗马规约》第 7 条规定，在明知某一广泛或有系统地针对平民人口的攻击情况下实施强迫失踪，可构成危害人类罪。这里的门槛高于单一事件：必须证明攻击的广泛性或系统性、针对平民人口的政策背景以及行为人的认知。OHCHR 在新疆评估中使用“可能构成危害人类罪”的谨慎表述，正体现这一证据门槛。

“非法拘押”与“任意拘押”并非同义。任意性包括不适当、不公正、不可预测和缺乏正当程序。国内法允许的拘押仍可能违反国际法；反之，程序上的瑕疵不一定单独达到任意拘押程度，需要结合拘押目的、持续时间、司法审查、律师接触和公平审判整体判断。

“秘密羁押”是事实描述，“强迫失踪”是具有特定构成要件的法律判断。“单独监禁”也不等于失踪；关键是国家是否承认羁押并使当事人能够受到法律保护。强迫失踪还是持续性侵害：在国家查明命运和下落前，侵害可能一直继续，因此诉讼时效、证据保存和家属权利不能简单从被带走之日计算。

三、研究设计与数据采集

3.1 资料搜集

Research team 以 2016 年 1 月 1 日至 2026 年 7 月 28 日为观察期，使用英语、中文、西班牙语资料标题和机构数据库索引进行检索。来源分三级：

- **A 级：权威原始资料。** 联合国条约机构、特别程序、调查委员会、人权监测团、国际法院或国内法院判决、政府登记和法定调查机构、ICRC 公开资料。
- **B 级：方法透明的专业调查。** 公开说明访谈样本、核验方法、地理范围和资料限制的国际或本地人权机构、学术项目及法医组织。
- **C 级：可追溯的新闻调查。** 有署名、日期、现场或多源采访，并能够链接原始文件的主流媒体报道。

社交媒体、匿名汇总表和二次转帖仅作为线索，不单独用于确认案件。政府声明被视为重要来源，但不因其官方属性自动高于独立证据；同样，非政府机构估算也必须接受方法审查。

3.2 分析单位与字段

基本分析单位是“个人—拘押事件”。同一人在不同时间被拘押两次，记为两个事件；同一次羁押被多家机构报道，只记一次。核心字段包括：事件编号、姓名或匿名代码、国家与地点、发生和获释日期、拘押主体、公开法律依据、是否承认羁押、家属与律师首次获知时间、转押地点、是否有酷刑指控、来源类型、核验等级、程序结果和当前状态。

去重使用姓名、日期、地点、机关、亲属关系和案件号交叉匹配。姓名音译不同但其他字段高度一致时，保留别名并合并；资料不足时不强行合并。集体案件只在有可信名单时拆分为个人记录，否则以“事件”保存，避免把“数十人”“多人”等模糊表述转化为虚假精确数字。

3.3 证据等级

本报告使用四级证据标识：E1 为法院裁判、联合国正式意见或具有明确调查权限的机构确认；E2 为至少两个独立可靠来源相互印证；E3 为一个方法透明的专业来源或主要媒体的多源调查；E4 为单一陈述或尚待核验线索。E4 材料不用于推导总体结论，只用于说明进一步调查需要。

3.4 访谈资料的使用

Research team 本阶段未直接采访幸存者、家属或官员。报告引用的访谈数据来自公开调查。例如，OHCHR 2024 年关于乌克兰战俘待遇的更新访谈 60 名近期获释战俘；几乎所有受访者描述了酷刑，超过一半报告性暴力。OHCHR 2025 年关于被剥夺自由平民的报告访谈 215 名获释平民。2023 年资料中，OHCHR 访谈 127 名从俄罗斯控制下获释者，约九成报告酷刑或虐待。这些数据能证明受访样本中的模式，却不能直接推算所有被拘押人员的发生率。

3.5 局限

第一，国家拒绝进入、受害者死亡或仍在羁押导致幸存者偏差。第二，许多登记没有统一身份号码，存在重复和错拼。第三，公开数据库可能混合历史案件和新发案件。第四，媒体更容易覆盖知名人士和城市案件，农村、少数民族、贫困者和移民被低估。第五，政府与倡议组织均可能有选择性披露。第六，本报告依赖公开资料，不能替代刑事调查、传票取证和法医鉴定。

四、全球数据图景：为什么不能制造一个“总数”

联合国的三个主要机制具有不同职能。WGAD 就个人申诉发表拘押是否任意的法律意见，但其意见数量不是全球发生率。WGEID 以人道方式协助家属与国家厘清命运或下落，积累大量长期未决个案；其数据库也不是人口普查。CED 处理缔约国报告、个人来文和紧急行动，请求数量取决于国家是否加入公约、是否承认权限、律师能否接触机制以及案件提交能力。

截至 2024 年 2 月，CED 已登记 1,770 项紧急行动请求，其中 1,722 项为原始请求。该数字说明国际救济机制的使用规模，但不能解释全球总量。WGEID 2023 年报告在五个欧洲国家仍有 1,862 宗未决案件；同一报告期内，与乌克兰有关并按人道程序转交的案件达 1,721 宗。两组数字的地理、程序和统计时间不同，不能相加后称为“欧洲失踪总数”。

国家登记同样不可直接比较。墨西哥登记包括不同年代、不同主体、犯罪失踪和可能具有国家关联的案件。巴基斯坦调查委员会截至 2023 年的表格记录 10,014 宗报告案件，其中 6,276 宗被处置或查明，2,265 宗仍待处理；分类含返家、拘禁中心、监狱、死亡及不属委员会权限等结果。叙利亚的“超过十万名失踪者”主要是冲突与拘押系统的综合估算，缺少统一可公开核验的中央登记。

因此，本报告所列统计均结合统计对象、覆盖年份、来源机构和案件状态理解。缺少上述限定的数字不具备可靠的跨国比较基础。

五、地区与国家案例

5.1 叙利亚：拘押系统崩解后，真相仍未自动出现

叙利亚是过去十年强迫失踪规模最严重的案例之一。联合国、国际组织和媒体长期记录安全机构、军方、武装团体及“伊斯兰国”等行为体的拘押、绑架、酷刑和处决。多家权利机构估算，自 2011 年以来至少约 15 万人失踪或被强迫失踪；这一数字是多组织名单和证词的综合估计，不是已经逐名司法确认的人数。

2024 年底阿萨德政权倒台后，多个拘押设施开放，幸存者与家属进入监狱搜寻。然而“监狱门打开”等于“所有人获释”的想象很快破灭：大量家庭没有找到亲属，卷宗、硬盘、监控和遗骸面临丢失、破坏或被未经训练人员移动的风险。媒体对失踪者家属的采访显示，政治转型带来希望，也带来二次创伤——家属必须在缺乏法医支持的情况下辨认衣物、照片和文件。

2025 年 5 月，叙利亚设立国家失踪人员委员会，是建立统一登记、搜索和 DNA 识别机制的必要一步。但制度信誉取决于独立性、受害者参与、对所有行为体一视同仁以及证据链管理。路透社 2025 年报道，OHCHR 仅从 2025 年 1 月起就记录 97 宗新的绑架或失踪，这提示政权更迭并不会自动终结失踪；若过渡时期的安全力量、地方武装和报复网络不受约束，旧模式可能以新主体继续。

叙利亚目前的优先事项是冻结并保全拘押档案、建立统一且可审计的个案登记、按照国际法医标准保护乱葬坑，并确保家属在失踪人员机制中获得正式参与权。

5.2 墨西哥：犯罪网络、国家失职与数据争议

墨西哥的失踪危机说明，强迫失踪不一定由中央政府统一命令实施。地方警察、军队、检察人员或公务员可能直接参与、向犯罪集团提供支持，或在明知风险时纵容；另一些案件则完全由私人犯罪集团实施。法律定性必须逐案判断，但国家在预防、搜索、调查和保护家属方面仍负积极义务。

ICRC 指出，墨西哥登记失踪人数在 2022 年突破 10 万。CED 在 2025 年引用官方数据称，登记数从 2022 年 3 月的 95,121 人增至 2025 年 6 月 17 日的 129,341 人，并对失踪的广泛性、系统性风险和有罪不罚表示严重关切。官方登记的价值在于使问题可见，但数据质量长期受姓名缺项、重复、未及时更新找到人员状态和不同州标准不一影响。

2026 年 3 月，路透社报道墨西哥政府交叉核对约 13 万条记录后称，约 4 万名登记人员可能仍然活着；其中 5,269 人已被找到并重新分类，约 46,000 条缺少关键数据，43,128 人在其他行政系统中没有活动。这一争议不应被简化为“失踪危机被夸大”或“政府在抹去受害者”。更合理的结论是：登记必须可审计、保留修订痕迹，并把“找到”“疑似存活”“信息不足”“确认死亡”和“仍失踪”分开。数据清理不能导致案件自动关闭，更不能替代刑事调查。

媒体对哈利斯科州一处疑似犯罪场所的报道，尤其是大量衣物、遗骸和焚烧设施的发现，暴露搜索常由家属团体推动、官方现场保护迟缓的问题。对家属而言，国家不作为可能与最初失踪同样具有伤害性。

墨西哥有必要建立全国统一的数据字段和跨州案件编号，对登记系统进行独立审计，实现失踪人员登记与无名遗骸资料互联，并将家属搜索团体发现的线索纳入正式、受保护的证据链。

5.3 乌克兰：占领、跨境转移与羁押链条

俄罗斯全面入侵乌克兰后，联合国记录了平民和战俘被拘押、秘密转移、失踪、酷刑和处决的广泛指控。OHCHR 在 2022 年报告中记录 407 宗归因于俄罗斯军队及关联武装的任意拘押或强迫失踪案件，其中 18 名受害者后来被发现死亡；同时记录 47 宗归因于乌克兰执法机构的任意拘押和 31 宗可能构成强迫失踪的案件。对冲突双方适用相同证据标准，是可信监测的基本条件。

2023 年，OHCHR 报告归因于俄罗斯方面的相关案件增至 621 宗；其访谈的 127 名获释者中约 90%报告酷刑或虐待。2024 年 3 月，OHCHR 访谈 60 名近期获释乌克兰战俘，几乎所有人描述酷刑，超过一半报告性暴力；同一报告期记录 12 起事件中的 32 项处决指控，并独立核实其中 3 项。此处“3 项经独立核实”与“32 项指控”必须并列呈现，不能择一夸大。

OHCHR 2025 年平民羁押报告基于 215 名获释平民访谈，认为酷刑和虐待呈广泛、系统性模式。乌克兰政府 2025 年 5 月称约 1,800 名平民仍被俄罗斯拘押，OHCHR 认为可能明显低估。另一方面，OHCHR 也持续记录

乌克兰控制下与冲突有关人员的羁押和虐待指控，并公布截至 2025 年 7 月 21 日乌克兰拘押 2,258 名相关人员、约 20,000 宗案件仍在调查的官方数据。

跨境转移使传统搜索失效：地方警方、军队、占领当局、俄罗斯监狱系统和交换机制分别持有碎片信息。家属可能收到非正式电话、同囚证言或影像，却没有正式羁押确认。战俘受日内瓦公约保护，平民不得仅因身处占领区而被任意拘押；无论身份，禁止酷刑和强迫失踪均属不可克减义务。

所有交换和释放程序均应形成连续、可保存的羁押轨迹。国际访问机制应能够核对身份、地点、健康状况及转押依据；任何和平或交换安排均不应导致个案记录灭失。

5.4 中国重点观察：制度化秘密羁押与“先失踪、后法律化”

中国地区是本报告的重点。其风险并不主要表现为一个公开命名为“强迫失踪”的单一制度，而是分布于刑事司法、国家安全、监察留置、行政管理及非正式控制等多个体系。共同结构是：国家机关首先取得对人的实际控制，家属和律师无法及时确认真实地点、法律依据或健康状况；此后，当事人可能以指定居所监视居住、刑事拘留、逮捕、留置或其他名义重新进入正式记录。若只观察最后出现的法律文书，就会遗漏最容易发生酷刑、胁迫认罪和证据污染的秘密阶段。

5.4.1 RSDL：国内法授权不等于符合国际法

2018 年《刑事诉讼法》第 75 条允许在特定条件下实施指定居所监视居住（RSDL），涉及危害国家安全或恐怖活动等案件时，可以在指定地点执行。法律同时规定原则上应在 24 小时内通知家属，并由检察机关监督合法性；监视居住最长可持续六个月，期间会见、通信和离开场所均受执行机关控制。

问题不只是“有没有法条”，而是法条能否防止一个人被置于法律保护之外。实践争议集中在：家属收到通知却不知道真实地址；律师因案件涉及国家安全或侦查需要而无法会见；指定地点不属于通常可查询的看守所；检察监督缺少公开、对抗和可执行的司法审查；被控制者无法自行向独立法院迅速挑战拘押。如果国家承认某种措施，却隐瞒实际地点并阻断有效救济，仍可能满足强迫失踪的国际法要素。

联合国特别程序就丁家喜、张忠顺和戴振亚案记录称，三人于 2019 年 12 月在不同地点被带走并进入 RSDL，有关来文将其概括为任意逮捕和强迫失踪指控。WGAD 在涉及胡石根、谢阳和周世锋等人的第 59/2017 号意见中，也对拘押、律师接触和公平审判问题作出分析。这些程序不是对中国整个刑事制度的概括性判决，却说明国际机制如何把国内法形式与实际可获得的法律保护分开评价。

Safeguard Defenders 根据中国裁判文书网曾公开的判决进行估算，认为 2013 年至 2019 年底至少约 28,000 至 29,000 人曾被置于 RSDL。该数字不是中国政府发布的全国统计，也不是联合国确认的总量；其数据集仅涵盖后来形成判决且曾公开上网的案件，可能遗漏不起诉、撤案、判决未公开或后来被删除的事件，并受关键

词、文书上传及去重规则影响。该估算与可核验判决、受害者证词、联合国特别程序来文和官方制度文本相互参照后，显示 RSDL 的使用规模及相关人权风险有必要接受持续、独立审查。

5.4.2 留置：监察权力扩张形成第二条秘密羁押通道

2018 年《监察法》建立国家监察委员会体系，以“留置”替代此前部分党纪调查措施。留置对象不只限于中国共产党党员，也可覆盖广泛行使公权力的人员，并在反腐败调查中对相关人员采取控制。与普通刑事拘留相比，留置处于监察调查轨道，律师在留置阶段不能像普通刑事程序中那样当然介入；地点、会见和对外联系受到严格限制。

Safeguard Defenders 根据中央纪委国家监委公开工作数据整理称，2023 年约 26,000 人被采取留置，2024 年增至 38,000 人，增幅约 46.15%。这些数字来源于该机构对官方年度数据的二次整理，应作为“公开数据所显示的使用规模”而不是联合国认定的强迫失踪人数。是否构成强迫失踪必须逐案审查：国家是否确认羁押、家属能否获得真实下落、当事人能否接触有效法律保护、是否存在隐瞒或拒绝承认。

RSDL 与留置共同揭示一个制度问题：调查机关能够在普通看守所之外、在律师最难进入的阶段长期控制当事人。二者的法律性质和主管机关不同，不应混为同一制度；但从人权风险看，都需要即时登记、真实地点通知、独立医疗检查、律师接触及法院层面的有效审查。内部审批或同系统监督不能完全替代独立司法救济。

5.4.3 新疆：从个案秘密羁押转向群体性任意拘押

新疆问题超出传统的单一个案失踪。OHCHR 2022 年评估综合官方文件、法律政策、公开资料和访谈，认为对维吾尔族及其他以穆斯林为主群体实施的大规模、任意和歧视性拘押，在更广泛限制和剥夺基本权利的背景下，可能构成国际罪行，特别是危害人类罪。评估还记录酷刑或其他虐待、性暴力、家庭分离和宗教文化权利受限等指控。

OHCHR 访谈样本并不是对新疆人口进行随机抽样，不能将受访者比例直接外推为全部被拘押者比例。《卫报》对评估的梳理称，约三分之二受访前被拘押者描述了可能构成酷刑或虐待的待遇；这一数字应明确标注为“受访样本中的报告比例”。中国政府否认有关指控，称相关设施属于依法开展的职业教育培训和反恐、去极端化措施，并向 OHCHR 提交附件表达反对意见。

相关措施的法律性质取决于三个可客观检验的问题：进入设施是否真正自愿；个人能否迅速向独立法院挑战限制自由；释放、转入监狱或继续管控的标准是否公开且可审查。如果上述保障不存在，“培训”“教育”或“预防”等行政名称不能排除任意拘押。家属长期无法获知个人被控制的事实、地点或命运时，还应进一步审查是否满足强迫失踪的构成要件。

5.4.4 人权律师、活动者与“709”之后的持续风险

2015 年“709”大抓捕之后，人权律师、法律工作者、宗教人士、公民记者和维权活动者持续成为国家安全和公共秩序案件的高风险群体。拘押对这些人不仅产生个人惩罚，也会破坏其所服务社群获得法律帮助的能力。律师本人失联后，其他律师可能因案件敏感而不愿代理；家属获得的通知内容有限；审判可能以国家秘密为由不公开。由此形成“权利代理人被隔离—当事人失去律师—案件更难公开核验”的循环。

应避免把所有联系中断都自动定性为强迫失踪。判断至少需要重建五个节点：最后确认自由的时间；实际控制机关；国家首次承认羁押的时间；家属首次获知真实地点的时间；律师首次获得保密会见的时间。只有把这五个节点放在同一时间轴上，才能区分一般通信限制、任意拘押、秘密羁押和可能的强迫失踪。

5.4.5 多轨控制：不能只检索刑事判决

除 RSDL 和留置外，中国的剥夺自由还可能通过行政拘留、强制隔离戒毒、精神卫生措施、拘留审查、所谓“法治教育”或非正式软禁等路径发生。不同制度由不同机关管理，公开数据、救济程序和记录保存方式并不统一。刑事裁判资料因此只能反映部分案件，无法涵盖未进入刑事审判的人员。

司法公开的收缩进一步增加核验难度。Safeguard Defenders 对裁判文书网不同时间的检索结果进行比较，称 2013 年至 2020 年间约 86,518 份一审刑事裁判在其两次检索之间不再可见，其中包含 692 份提及 RSDL 的文书。删除或暂时下线本身不能证明案件违法，也可能涉及隐私、技术迁移或公开政策调整；但大规模、不可追踪的文书消失会破坏外部研究的可重复性，使律师和研究者无法复核历史数据。

在诉讼或专家证据中引用中国裁判资料时，应同时保留检索日期、查询条件、结果数量、原始副本和文件哈希，并说明文书取得时间及其后是否下线。任何规模估算均须说明模型、覆盖范围和不确定性。中国地区的相关案件应分别审视 RSDL、留置、普通刑事羁押、行政措施、新疆群体性拘押和未确认失联，单一总数不能充分反映不同制度的法律性质。

5.4.6 中国部分的制度判断

中国任意拘押与强迫失踪风险的核心，不是完全没有程序，而是程序的关键部分由同一权力链控制：决定采取措施的机关掌握地点、会见、医疗、通知和记录；外部法院通常不能在秘密阶段即时介入。此种结构使“国家承认一种措施”与“个人真正受到法律保护”之间存在明显距离。

最关键改革包括：废除不通知真实地点的羁押；从实际控制之初保障独立律师接触；所有羁押和转押进入跨机关、不可篡改的实时登记；允许法院立即审查实际地点与法律依据；允许独立机构不预先通知地访问所有场所；对秘密阶段取得的供述实行严格排除；保存并公开匿名化统计；对家属、律师和举报人提供反报复保护。没有这些保障，形式合法化只能改变拘押名称，不能消除任意性和强迫失踪风险。

5.5 巴基斯坦：委员会数字与长期未决案件

巴基斯坦的强迫失踪争议长期集中于俾路支省、开伯尔—普什图省及安全行动相关地区，也涉及学生、政治活动者、记者和人权捍卫者。巴基斯坦向联合国提交的资料引用强迫失踪调查委员会数据：截至 2023 年共收到 10,014 宗，6,276 宗已被处置或查明，2,265 宗待处理；表格还把结果分为返家、拘禁中心、监狱、死亡和不属权限等类别。

这些数字的重要性在于国家承认并处理个案，但“处置”不等于责任已经查清。找到当事人在监狱或拘禁中心，只回答了“人在哪里”，没有回答谁在何时以何种权限带走、为何不及时登记、是否遭受虐待以及谁应承担责任。未决案件集中于某些地区，也可能反映报案能力、机构可及性和政治风险，而非完整分布。

联合国特别程序还记录了失踪者家属和倡议者受到旅行限制或骚扰的指控。报复会直接降低数据库质量：家属越担心后果，正式登记越少，官方数字与真实规模的差距越大。

巴基斯坦调查委员会应公开逐年收到、结案、重新开启和待处理案件的匿名化数据；“人员已找到”与“违法责任已经调查”应作为不同指标；军警和情报机构应承担及时提交羁押记录的可执行义务。

5.6 缅甸：政变后的任意拘押与信息封锁

2021 年军事政变后，联合国持续记录大规模杀戮、任意逮捕、酷刑、强迫失踪以及对反对者的起诉判刑。羁押对象包括民选官员、抗议者、记者、医务人员、律师和普通社交媒体用户。联合国特别程序 2025 年一项通信称，自政变以来至少 221 名记者或前记者被逮捕、拘押或遭受相当于强迫失踪的行为，至少 51 人当时仍被拘押。

互联网封锁、军事法庭、家属无法接触和监狱转押，使案件核验高度困难。地方监狱、军营和审讯中心可能不使用统一登记；被捕者在数日后才出现在官方名单，或在定罪后仍被秘密转移。流亡媒体与公民网络因此成为重要线索来源，但其名单需要与法院、监狱释放记录和亲属确认去重。

缅甸相关统计应明确区分政治犯登记、冲突相关拘押、失踪指控和死亡确认。国际机制还应保存军方命令、监狱花名册和数字证据，以满足未来国内追责、普遍管辖或国际司法程序的证据要求。

5.7 埃及：反恐案件中的短期失踪与循环拘押

埃及案例显示，短期强迫失踪可成为制造刑事案件的前置阶段。联合国特别程序 2024 年就五名因社交媒体表达经济观点而遭任意拘押和以恐怖主义罪名起诉的公民致函；另一个案中，独立新闻网站漫画家 Ashraf Omar 据称被强迫失踪 48 小时，随后进入拘押和刑事程序。2024 年 9 月，特别程序还就人权捍卫者 Ahmed Mohamed Hamza 被无证逮捕并持续失踪提出关切。

“循环拘押”指原案释放或期限届满后，以新的相似指控重新立案，使司法释放决定失去效果。即使每一轮都有文件，整体仍可能因规避司法审查、惩罚表达和无限延长羁押而具有任意性。

法院审查不应止于确认检察机关是否提交拘押文书，还应查明实际被控制时间、首次登记时间、律师接触、伤情和羁押地点。无法合理解释的时间差应触发独立调查，并影响秘密阶段取得证据的可采性与权重。

5.8 朝鲜：长期未决与跨代真相权

朝鲜相关失踪具有跨境绑架、战争遗留和国内政治拘押多重维度。OHCHR 首尔办事处称，截至 2021 年 5 月，WGEID 已向朝鲜转交 330 宗案件，均未获澄清；韩国承认 516 名战后被绑架人员仍未返回，日本仍有 12 名政府认定的被绑架者下落未明。朝鲜战争期间的失踪规模更大，但历史记录、政治谈判与人员身份核验长期分离。

这些案件说明强迫失踪的持续性：几十年过去，家属的知情权、遗骸返还和有效救济仍未消失。人道议题不应被完全从属于外交交易。

六、十年间的共同机制

6.1 先失联、后法律化

越来越多国家不长期否认羁押，而是在最关键的审讯期隐瞒下落，随后发布逮捕通知。这种“短期失踪—正式羁押”链条利用了公众倾向：一旦看到法院或检察文书，便忽略之前无法联系的时间。证据分析必须以分钟、小时和日期重建时间线。

6.2 模糊的国家安全罪名

国家安全、恐怖主义、分裂、间谍、虚假信息和煽动等罪名并非当然非法，但如果定义过宽、证据秘密、律师无法查阅、审判机关不独立，就容易把合法表达和组织活动转化为刑事风险。WGAD 第二类与第三类框架能够分别评价拘押目的和程序严重性。

6.3 羁押地点碎片化

军营、警局、移民设施、情报机关安全屋、医疗或戒治机构、临时筛查中心、私人场所和跨境监狱形成多层网络。中央数据库若只覆盖司法部监狱，就会系统性漏记。任何有效登记必须涵盖“实际控制”，而不是只登记法律名义上的逮捕。

6.4 数字控制与家属施压

被拘押者的手机、云端账户和社交关系可被用于扩大抓捕；家属可能被要求沉默、删除内容或劝说海外亲属停止活动。数字痕迹同时是证据与风险：保存定位、通话和讯息前，需要获得同意、最小化个人信息并加密存储。

6.5 有罪不罚的反馈循环

失踪的本质之一是隐藏证据。负责拘押的机关同时控制登记、监控和人员，检察机关若缺乏独立性，案件会以“无法确认被国家拘押”终止。长期不追责又向执行者传递低风险信号，形成重复侵害。

七、公开来源与访谈证据的证明力

在无法自由进入的地区，调查性报道和公开访谈可用于发现案件、重建时间线并检验官方陈述，但其证明力取决于来源数量、采访条件、原始材料和独立核验程度。路透社对墨西哥登记交叉核对的报道揭示了数据缺项，但不能单独确认每宗案件状态；《金融时报》对哈利斯科疑似犯罪场所的报道反映现场保护问题，遗骸身份与犯罪链仍需法医确认；《卫报》对叙利亚家属 Wafa Mustafa 的采访可证明家属所承受的持续影响及证据保存诉求，但不能单独确认其父亲的命运和下落。

公开访谈数据必须结合样本说明进行评价。OHCHR 在乌克兰的 60 名战俘、127 名获释者和 215 名平民样本分别来自不同时间与身份群体，不能合并计算一个总体“酷刑率”。获释者能够提供直接经历，但死亡、仍被秘密关押或无法接受采访者并未进入样本。上述访谈能够支持对反复出现行为模式的认定，包括殴打、电击、性暴力、模拟处决、长时间姿势折磨、拒绝医疗和威胁家属；但不足以直接推导全部被拘押人口中的发生比例。

公开资料存在明显的可见性偏差。知名律师、记者和活动者更容易获得国际关注，而无证移民、农村青年、少数民族女性和贫困者往往仅出现在家属名单或地方登记中。因此，公开报道数量较少不能直接推导为风险较低。

八、受害者、家属与社会后果

强迫失踪通过“不知道”施加伤害。家属无法确认亲人是否活着，无法办理财产、监护、社会福利或死亡登记；搜寻费用可能使家庭贫困。母亲、妻子和姐妹往往承担搜索与照护工作，并面对性别化威胁。儿童可能失去抚养与身份文件，长期处于焦虑、污名和教育中断。

社会层面上，秘密拘押破坏律师制度和法院权威。如果警方可以把人置于登记之外，律师无法启动救济；如果法院不追问实际控制时间，程序保障变成形式。对记者和活动者的失踪还产生“寒蝉效应”：国家无需拘押所有人，只需让某些人消失并让其他人知道。

真相权不仅是知道死亡或地点，还包括知道拘押原因、责任链、搜索过程和国家采取了什么措施防止重演。仅返还遗骸而不解释责任，不构成完整救济。

九、证据标准、保全与诉讼适用

任意拘押或强迫失踪案件的证明通常依赖连续时间线、来源可追溯性和材料完整性。律师、法院及调查机构审查案件时，相关档案至少应包括：

- 最后一次自由状态的时间、地点和见证人；
- 带走人员的制服、车辆、口音、单位标志和行动方式；
- 报案、查询、律师申请和机关回复的原件及送达证明；
- 电话、定位、监控、照片和元数据的只读副本与哈希值；
- 伤情照片、医疗记录、获释后尽快完成的独立检查；
- 同囚证言以及其观察条件；
- 转押、释放、交换或死亡通知；
- 家属遭威胁、监控或报复的记录。

数字材料应保留原始文件，不只保存截图；每次复制记录时间、操作者和哈希。公开发布前进行风险评估：隐藏未成年人与证人身份，删除精确住址和可识别元数据。向法院提交时，应把“原始材料”“工作副本”“翻译件”和“公开版”分离。

在庇护与人权保护程序中，个案证据应与可靠的国家情况资料连接。一个申请人无法提供正式拘押通知，可能恰恰是秘密羁押的特征，审理者不应以“缺少国家文件”自动否定可信度；但申请人陈述仍需通过时间一致性、细节、外部模式和创伤影响进行评估。

十、问责与政策建议

对各国政府

1. 将强迫失踪完整纳入国内刑法，并规定上级命令不能作为免责理由。

2. 建立覆盖所有实际羁押地点的实时统一登记，家属、律师、法院和独立监督机构可以依法查询。

3. 从剥夺自由之初保障律师接触、医疗检查和通知家属；任何例外须短时、书面、必要且接受法院审查。

4. 设立具执行力的人身保护令；机关拒绝提交羁押记录时，法院可命令现场检查并作不利推定。

5. 保护举报人、律师、记者、家属和搜索团体，调查任何报复。

6. 允许独立机构不预先通知地访问警局、军营、情报设施、移民拘留场所和其他实际羁押地点。

7. 立即保存监控、门禁、车辆定位、通信和命令链资料，禁止销毁或篡改。

对联合国与国际机构

1. 推动更多国家批准《强迫失踪公约》并承认 CED 个人来文和国家间来文权限。

2. 统一最低数据字段，但不强迫不同机制合并为一个失去语境的总数。

3. 为家属组织、法医机构和本地调查者提供长期资金，而非只在危机高峰短期资助。

4. 在制裁、和平协议、遣返、引渡和安全合作中纳入失踪与秘密羁押风险评估。

5. 建立冲突结束后的证据托管和移交标准，防止政治过渡期间档案散失。

对媒体与研究机构

1. 每个数字说明来源、统计对象、时间、是否含历史案件以及“未决”的定义。

2. 区分指控、独立核实、机构认定与司法裁判。

3. 不公开可能危及在押者或家属的信息，不把创伤采访当作一次性内容获取。

4. 发布更正与版本记录；数据库更新时保留旧状态，不让人员从统计中无痕消失。

对法院、律师和庇护审理机构

1. 询问实际控制时间，而非只看正式逮捕日期。

2. 对秘密羁押期间取得的供述实行严格排除。

3. 评估国家情况证据时重视方法透明和多源印证，不以单一政府否认推翻一致模式。

4. 在引渡与迫害风险案件中，审查目的国秘密拘押、酷刑、强迫失踪和无独立司法救济的现实风险。

5. 为证人、家属和专家提供匿名、远程作证及安全证据提交渠道。

十一、Research team 结论与判断

过去十年最值得警惕的变化，不是强迫失踪从“秘密”变成“公开”，而是它被嵌入表面合法的制度流程：人在最关键阶段消失，随后以一纸通知重新出现；或者国家承认某种拘押，却不承认实际地点、真实主体和可执行救济。评价一个制度不能停留在是否有法条，而要追问谁能在何时看到被拘押者、谁能命令释放、谁能保存证据、谁对隐瞒负责。

全球数据的碎片化本身构成重要发现。现有资料无法形成一个具有统一定义和证明门槛的全球总数，但未决个案、紧急行动、经核实事件、登记失踪、获释者访谈、羁押地点和问责结果仍可分别衡量。不同数据集若未经口径校正即相加，其结果不具备可靠的法律或统计意义。

“即时可见性”是预防任意拘押与强迫失踪的核心保障：任何剥夺自由必须立即进入独立可查询登记；律师和家属能够迅速确认；法院有权检查所有场所；监控和转押记录不得由同一涉事机关单独控制。只要国家机关仍可使个人在制度中暂时不可见，酷刑、胁迫和证据伪造的结构性风险就无法得到有效控制。

本报告也反对把强迫失踪仅作为外交口号。对盟友与对手应适用相同定义和证据门槛；既记录国家直接实施，也审查国家对私人犯罪的授权、支持或默许；既关注知名异议人士，也关注无名移民、农村家庭和冲突中的普通平民。独立性不是没有价值立场，而是不因政治对象改变事实标准。

中国地区重点总结

就中国而言，本报告最重要的结论是：任意拘押与强迫失踪风险已不能仅靠寻找“失踪人口名单”来识别，而应审查 RSDL、留置、新疆拘押以及行政和非正式控制之间如何连接。真正的判断标准不是措施叫什么，而是国家取得实际控制后，能否立即确认个人身份与地点、是否允许独立律师和医疗人员接触、法院是否能够有效命令释放、家属能否获得真实信息，以及秘密阶段的证据能否受到审查。

中国制度中最危险的环节是“可被合法名称覆盖的不可见时间”。一个人最终收到逮捕通知、出现在审判或获释，并不意味着此前数日或数月的失联已经合法。每宗案件都应逐段评价：实际控制、秘密阶段、正式登记、审前拘押、审判及获释后的持续限制。若国家机关隐瞒地点、阻断法律救济或拒绝承认控制，即使时间较短，也应依法调查是否构成强迫失踪。

Safeguard Defenders 等机构根据裁判文书和官方年度数据得出的 RSDL、留置规模估算具有重要预警价值，但不属于联合国确认的受害者总数。中国政府的法律条文、通知和回应构成相关证据的一部分，但不能替代对实际羁押地点、法律保护和个案结果的独立核验。官方规范、可保存裁判、联合国来文、当事人证言、律师记录和羁押时间线之间的相互印证，能够形成更稳定的证据基础。

中国地区有必要建立逐案、可追溯的羁押时间线，并对 RSDL、留置、新疆拘押及人权律师失联进行持续独立监测。法律变化、公开统计、裁判文书可获得性和新个案资料应定期保存，以便为庇护、引渡与迫害风险评估、法庭专家证据及国际问责程序提供可复核的双语资料。

附录一：核心数据摘要

地区/机制	公开数字	覆盖与含义	主要限制
CED 紧急行动	1,770 项（截至 2024-02-27）	其中 1,722 项原始请求	只反映可进入条约机制的提交
欧洲 WGEID 未决	1,862 宗（2022-05 至 2023-05 报告期）	五个欧洲国家的未决案件	含历史案件，不等于当年新增
乌克兰相关 WGEID 人道程序	1,721 宗（同一报告期）	与俄罗斯武装相关的个案转交	与其他统计口径不可直接相加
墨西哥登记失踪	129,341 人（2025-06-17）	官方失踪登记	含不同主体与年代；质量审计中
巴基斯坦调查委员会	10,014 宗（截至 2023）	6,276 处置/查明，2,265 待处理	“处置”不等于追责完成
乌克兰 OHCHR 2022	407 宗归因俄方；47 宗任意拘押及 31 宗可能失踪归因乌方	OHCHR 记录事件	受进入和核验条件限制
乌克兰 OHCHR 2023	621 宗归因俄方	127 名获释者访谈，约 90%报告酷刑或虐待	获释者样本不能外推全部
叙利亚	多机构估算逾 100,000，部分估算约 150,000	2011 年以来多主体失踪	无统一逐名司法确认登记
朝鲜 WGEID	330 宗转交且未澄清（截至 2021-05）	联合国个案机制	不是所有历史失踪人口

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法律性质与使用限制

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RESEARCH REPORT

Arbitrary Detention and Enforced Disappearance

Global Trends, Evidence Patterns and Accountability Pathways, 2016–2026

INSTITUTION	EVIDENCE CUT-OFF	VERSION
Research archive	28 July 2026	1.1 / Institutional

DOCUMENTING TRUTH. DEFENDING RIGHTS.

Archived research edition.

This report records facts, assesses evidence and proposes institutional responses. “Alleged,” “documented,” “verified,” and “adjudicated” describe different levels of proof. Unless a finding has been made by a competent court or investigative body, an allegation must not be presented as a judicially established fact. The institutions cited in this report have not endorsed the report or its conclusions.

Executive Summary

Over the past decade, arbitrary detention and enforced disappearance have persisted despite an increasingly developed body of international law. They now operate through hybrid systems shaped by armed conflict, counter-terrorism, national-security law, migration control, transnational repression, and the penetration of public institutions by organised crime. The classic pattern—a person taken by security agents while the State denies any custody—remains widespread. Yet many contemporary cases follow another sequence: a person is secretly controlled and denied contact, then the detention is regularised through national-security, terrorism, public-order, “false information,” or immigration proceedings. A warrant or later trial does not automatically cure arbitrariness. Detention may remain arbitrary where no reviewable legal basis exists, where it punishes protected expression or association, or where fair-trial violations are exceptionally grave.

This report covers 1 January 2016 to 28 July 2026. The team reviewed material from the UN Working Group on Arbitrary Detention (WGAD), Working Group on Enforced or Involuntary Disappearances (WGEID), Committee on Enforced Disappearances (CED), Office of the UN High Commissioner for Human Rights (OHCHR), UN commissions of inquiry and field monitoring missions. It also considered information from the International Committee of the Red Cross (ICRC), Amnesty International, Human Rights Watch and other organisations that disclose their research methods, together with investigations and interviews published by Reuters, the Associated Press, the Financial Times and the Guardian. The team did not conduct new interviews for this edition. Every interview statistic cited below comes from a publicly available investigation with an identifiable sample and methodology.

No responsible single “global total” can be produced from the available data. Mexico’s missing-person register, estimates for conflict-related disappearance in Syria, Pakistan’s Commission of Inquiry caseload, UN monitoring of conflict-related detention in Ukraine, CED urgent-action requests and the WGEID case database measure different populations across different time periods and employ different evidential thresholds. Adding them would create false precision. This report treats each figure as a lower bound visible through a particular institutional window and labels its source, definition, date and case status.

The principal findings are:

1. **Official figures are generally floors, not estimates of true prevalence.** Fear of reporting, inaccessible conflict areas, inconsistent registries, duplicate or incomplete records, and official denial of custody exclude many cases.
2. **The early period of unacknowledged detention is the highest-risk window.** The hours, days or weeks between apprehension and first contact with a lawyer or family frequently coincide with torture, coerced confessions, forced access to devices and fabrication of a case file.
3. **National-security and counter-terrorism law are the leading vehicles for regularisation.** Vague offences, secret evidence, special courts, extended custody and restricted legal access can turn exceptional measures into routine governance.
4. **Armed conflict produces mass, cross-border and exceptionally difficult-to-verify disappearance.** Ukraine and Syria show how civilians, prisoners of war, medical workers, journalists and local officials may be moved across occupied territory or into another State.

5. **Disappearance is not always a simple State-versus-individual event.** Mexico demonstrates how organised crime, local police, military personnel, prosecutors and political networks may collude or fail to act.
6. **Lawyers, journalists, human-rights defenders and minorities face disproportionate risk.** Their detention often has a demonstrative purpose: punishing one person while warning an entire community.
7. **Family members are rights-holders and victims in their own right.** Uncertainty, impoverishment, stigma, reprisals and intergenerational trauma make disappearance a continuing violation.
8. **The central accountability gap is control of evidence.** Custody registers, transfer orders, surveillance, communications, forensic material and command records are often held by the same institutions implicated in the conduct.

1. Questions and Scope

This report asks four questions: What forms have arbitrary detention and enforced disappearance taken during the past decade? What exactly do different institutional datasets measure? What mechanisms emerge from public interviews and investigative reporting? What practical measures can courts, lawyers, human-rights institutions and policymakers adopt?

The study is not confined to long-term disappearance. Under international law, enforced disappearance may occur when State agents—or persons acting with State authorisation, support or acquiescence—deprive a person of liberty, followed by a refusal to acknowledge the deprivation or concealment of the person's fate or whereabouts, placing that person outside the protection of law. Duration is not decisive. Secret detention lasting hours or days may meet the definition, particularly where it facilitates interrogation, torture or denial of judicial protection.

Arbitrary detention is broader. A detention recognised under domestic law may still be arbitrary because it lacks a substantive legal basis, punishes the exercise of protected rights, involves fair-trial violations of exceptional gravity, subjects a migrant or asylum seeker to indefinite administrative custody without periodic review, or is discriminatory. WGAD commonly analyses cases through five categories: absence of a legal basis; detention resulting from exercise of fundamental rights; grave fair-trial violations; prolonged administrative custody of migrants or asylum seekers without effective review; and discriminatory detention on grounds such as nationality, ethnicity, religion, political opinion, gender or disability.

The study does not automatically classify every missing person, loss of contact or wartime person unaccounted for as forcibly disappeared. Without evidence of State conduct, authorisation, support or acquiescence, a case remains "missing" or "possible disappearance." A single family account without independent corroboration is described as an allegation requiring investigation. This caution protects—not diminishes—the value of testimony by preserving the report's utility in litigation, protection proceedings and policy work.

2. Legal Framework and Boundaries

Articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 6, 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights protect life, liberty, freedom from torture and fair trial. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) further provides that no war, emergency or political instability may justify enforced disappearance. States must criminalise, investigate and prevent the practice, search for disappeared persons, protect complainants and relatives, and recognise rights to truth and reparation.

Article 7 of the Rome Statute identifies enforced disappearance as a crime against humanity when committed as part of a widespread or systematic attack directed against a civilian population and with the required knowledge. That threshold is higher than proof of an individual violation. It requires evidence of the wider attack, a policy or

organisational context, and the perpetrator's knowledge. OHCHR's careful conclusion that certain Xinjiang practices "may constitute" international crimes, in particular crimes against humanity, illustrates the need to distinguish risk findings from a final criminal judgment.

"Unlawful" and "arbitrary" are not synonyms. Arbitrariness includes inappropriateness, injustice, lack of predictability and due-process failure. Domestic authorisation does not immunise detention from international review. Conversely, a minor procedural defect does not necessarily establish arbitrary detention; purpose, duration, access to judicial review and counsel, and the fairness of proceedings must be assessed together.

"Secret detention" describes a fact. "Enforced disappearance" is a legal characterisation with specific elements. Solitary confinement is not itself disappearance where custody is acknowledged and effective legal protection remains available. Enforced disappearance is also continuing in character: until the fate or whereabouts are clarified, limitation periods, preservation duties and family rights cannot simply run from the day of apprehension.

3. Research Design and Data Collection

3.1 Source Collection

The team searched material covering 1 January 2016 to 28 July 2026 using English, Chinese and Spanish titles and institutional indexes. Sources were grouped as:

- **Tier A—authoritative primary material:** UN treaty bodies and special procedures, commissions of inquiry, field monitoring missions, international or domestic judgments, official registers, statutory inquiries and public ICRC material.
- **Tier B—methodologically transparent investigations:** reports by international or local human-rights organisations, academic programmes and forensic bodies that disclose interview samples, geographic scope, verification and limitations.
- **Tier C—traceable investigative journalism:** signed and dated reporting based on fieldwork or multiple interviews and linked, where possible, to primary documents.

Social media, anonymous compilations and reposts were treated as leads, not standalone confirmation. Official statements were important evidence but were not automatically superior merely because they were issued by a government. NGO estimates were likewise examined for methodology rather than accepted by reputation alone.

3.2 Unit of Analysis and Fields

The basic unit is the "person–detention event." Two detentions of one person at different times are two events. Ten reports of one detention are one event. Core fields include event ID, name or anonymised code, country and location, apprehension and release dates, detaining actor, asserted legal basis, acknowledgement of custody, first family or lawyer notification, transfers, torture allegations, source class, verification level, procedural outcome and current status.

Deduplication used names, aliases, dates, locations, agencies, family relationships and case numbers. Collective incidents were split into individual records only where a credible list existed. Vague expressions such as "dozens" were retained as event descriptions rather than converted into invented exact figures.

3.3 Evidence Levels

The report uses four working levels. E1 indicates a judgment, formal UN opinion or finding by a body with a defined investigative mandate. E2 indicates corroboration by at least two independent reliable sources. E3 indicates one

methodologically transparent professional source or a major multi-source media investigation. E4 indicates a single account or unverified lead. E4 material is not used to infer prevalence.

3.4 Interview Evidence

The team conducted no direct interviews in this edition. Public interview datasets are used only within their stated limits. OHCHR's March 2024 update interviewed 60 recently released Ukrainian prisoners of war; almost all described torture and more than half reported sexual violence. A 2025 OHCHR report on conflict-related civilian detention drew on interviews with 215 released civilians. A 2023 release included 127 persons freed from Russian-controlled detention, approximately 90 per cent of whom reported torture or ill-treatment. These samples establish recurring patterns among interviewees, but they are not population surveys.

3.5 Limitations

The study faces survivor bias, denial of access, deaths in custody, continued secret detention, duplicate names, inconsistent transliteration, mixed historic and recent records, urban and celebrity bias in media coverage, strategic disclosure by governments and advocacy organisations, and language constraints. Public-source research cannot replace criminal investigation, compelled disclosure or forensic examination.

4. The Global Data Picture

The three central UN mechanisms perform different tasks. WGAD issues legal opinions on individual complaints; the number of opinions is not a prevalence count. WGEID operates a humanitarian procedure to help families clarify fate or whereabouts and retains long-running unresolved cases; its database is not a census. CED reviews State reports, communications and urgent actions. Its caseload depends on treaty participation, recognition of competence, legal assistance and the ability to file a case.

By 27 February 2024, CED had registered 1,770 urgent-action requests, including 1,722 original requests. This shows use of an international protection mechanism, not the global number of disappearances. WGEID's 2023 report listed 1,862 outstanding cases in five European countries, while 1,721 Ukraine-related cases had been transmitted under its humanitarian procedure during the same reporting period. Their geography, procedure and chronology differ; they cannot be added and labelled a European total.

National registries are equally non-comparable. Mexico's register spans periods and alleged perpetrators and includes criminal disappearance as well as cases with potential State involvement. Pakistan's Commission of Inquiry reported 10,014 complaints through 2023, with 6,276 disposed of or traced and 2,265 pending; outcomes included return, internment, prison, death and cases outside its remit. Syria's figure of more than 100,000 missing or disappeared is an aggregate conflict estimate without a single public, name-by-name judicial register.

The figures in this report are therefore read together with the population counted, dates covered, source institution and case status. Figures lacking those qualifications do not provide a reliable basis for cross-country comparison.

5. Country and Regional Case Studies

5.1 Syria: The Opening of Prisons Did Not Automatically Produce Truth

Syria remains one of the gravest disappearance contexts of the decade. UN bodies, international organisations and media have documented detention, abduction, torture and execution by security agencies, armed forces, armed groups and the Islamic State group. Rights organisations commonly estimate that at least 100,000—and in some

compilations around 150,000—people have disappeared since 2011. These are list-based estimates, not 150,000 judicially adjudicated cases.

After the fall of the Assad government in late 2024, detention sites opened and families searched prisons. Yet the assumption that all disappeared persons would simply walk free was quickly disproved. Many families found no trace. Paper files, drives, CCTV systems and human remains risked destruction, dispersal or handling without forensic controls. Interviews with relatives recorded both renewed hope and secondary trauma as families attempted to identify clothing, photographs and documents without adequate professional support.

Syria established a National Commission for Missing Persons in May 2025. Its credibility will depend on independence, victim participation, equal treatment of abuses by all actors and disciplined chain-of-custody practice. Reuters reported that OHCHR had recorded 97 new abductions or disappearances from January 2025, demonstrating that political transition alone does not end the method.

Syria should prioritise preservation of detention archives, an auditable unified register, internationally compliant protection of mass graves and formal family representation in institutional governance.

5.2 Mexico: Criminal Networks, State Failure and Disputed Data

Mexico shows why disappearance is not always centrally commanded. Local police, soldiers, prosecutors or officials may participate directly, support criminal groups or acquiesce in known risks; other cases may be committed solely by private criminals. Classification remains case-specific, but the State has positive duties to prevent, search, investigate and protect families.

ICRC reported that Mexico's registered total passed 100,000 in 2022. CED cited official data showing an increase from 95,121 in March 2022 to 129,341 on 17 June 2025 and expressed grave concern about widespread disappearance and impunity. The register makes the crisis visible, but it has faced incomplete records, duplicate entries, inconsistent updating and divergent state-level practices.

In March 2026, Reuters reported that government cross-checking of roughly 130,000 records suggested around 40,000 registered persons might be alive. Authorities had located and reclassified 5,269 people; some 46,000 entries lacked essential data, and 43,128 showed no activity in other systems. The episode should not be reduced either to "the crisis was exaggerated" or "the State erased victims." It shows why an auditable register must separate located, possibly alive, data-deficient, confirmed dead and still missing. Data cleaning cannot close criminal investigations by itself.

Reporting on a suspected site in Jalisco, where large quantities of clothing, human remains and possible burning facilities were found, also exposed the degree to which family collectives often drive searches and official scene protection may be delayed.

Mexico requires consistent national data fields, independent auditing, cross-state case identifiers, interoperability between missing-person and unidentified-remains records, and formal integration of family-generated evidence into a protected chain of custody.

5.3 Ukraine: Occupation, Cross-Border Transfer and Fragmented Custody

Since Russia's full-scale invasion, the UN has recorded widespread allegations of detention, secret transfer, disappearance, torture and execution of civilians and prisoners of war. A 2022 OHCHR report documented 407 cases attributed to Russian forces and affiliated groups, with 18 victims later found dead. It also recorded 47 arbitrary detention cases and 31 possible enforced disappearances attributed to Ukrainian law-enforcement bodies. Credible monitoring applies the same legal standards to all parties.

In 2023, OHCHR reported 621 cases attributed to Russian forces. Of 127 released detainees interviewed, approximately 90 per cent reported torture or ill-treatment. In March 2024, OHCHR interviewed 60 recently

released Ukrainian prisoners of war; almost all described torture and more than half reported sexual violence. It recorded allegations concerning 32 executions in 12 incidents and had independently verified three. “Three verified” and “32 alleged” must be presented together.

OHCHR’s 2025 civilian-detention report relied on interviews with 215 released civilians and identified widespread, systematic torture and ill-treatment. Ukraine stated in May 2025 that about 1,800 civilians remained in Russian custody; OHCHR considered the number likely to be a substantial underestimate. OHCHR also continued to report allegations concerning persons held by Ukraine and cited official figures of 2,258 conflict-related detainees and approximately 20,000 open cases as of 21 July 2025.

Cross-border transfer fragments the evidence chain among local police, armed forces, occupation authorities, the Russian prison system and exchange mechanisms. Families may receive an unofficial call, testimony from another detainee or video without formal confirmation.

Every transfer, exchange and release should generate a durable custody trail. International access mechanisms must be able to verify identity, place, health and transfer authority. Peace negotiations must not result in the loss of individual records.

5.4 China Focus: Institutionalised Secret Custody and “Disappear First, Legalise Later”

China is a central focus of this report. Risk is not concentrated in a single system openly called “enforced disappearance.” It is distributed across criminal justice, national-security investigations, supervision detention, administrative measures and informal controls. A recurring structure is that an authority first obtains actual control over a person while family and counsel cannot verify the true location, legal basis or health. The person may later re-enter formal records as subject to RSDL, criminal detention, arrest, liuzhi or another measure. Looking only at the eventual document misses the period in which torture, coercion and evidential contamination are most likely.

5.4.1 RSDL: Domestic Authorisation Does Not Resolve International Legality

Article 75 of China’s 2018 Criminal Procedure Law permits Residential Surveillance at a Designated Location in specified circumstances, including certain national-security and terrorism cases. The law provides, in principle, for family notification within 24 hours and procuratorial supervision. The measure may last up to six months, while meetings, communications and movement remain controlled by the executing authority.

The question is not whether a statutory provision exists, but whether it prevents a person from being placed outside legal protection. Reported concerns include notices that do not disclose the real address, denial of counsel in security cases, use of locations outside the ordinary detention-centre system, and review that is neither public nor effectively contestable before an independent court. A State may acknowledge the name of a measure yet still create enforced-disappearance risk if it conceals the actual place and blocks an effective remedy.

UN special procedures recorded that Ding Jiaxi, Zhang Zhongshun and Dai Zhenya were taken from different locations in December 2019 and placed in RSDL, describing allegations of arbitrary arrest and enforced disappearance. WGAD Opinion No. 59/2017 concerning Hu Shigen, Xie Yang and Zhou Shifeng also examined detention, access to lawyers and fair trial. These procedures are not a judgment on every Chinese criminal case; they illustrate why international review distinguishes domestic form from practical protection.

Safeguard Defenders estimated from judgments once available on China Judgments Online that at least approximately 28,000–29,000 people had been placed in RSDL between 2013 and the end of 2019. This is not an official national total or a UN-confirmed victim count. Its dataset captures cases that later produced a published judgment and may omit non-prosecution, withdrawal, unpublished decisions and deleted documents; keyword selection and deduplication create additional uncertainty. Read together with judgments, testimony, UN communications and statutory texts, the estimate indicates a scale of use and associated human-rights risk requiring continuing independent scrutiny.

5.4.2 Liuzhi: A Second Channel of Incommunicado Risk

The 2018 Supervision Law created the National Supervision Commission system and replaced earlier disciplinary measures with liuzhi. Its reach is not limited to Communist Party members and may cover a wide range of persons exercising public power. Unlike ordinary criminal detention, liuzhi runs through the supervision-investigation track, and ordinary access to defence counsel is not available during that stage in the same manner as in criminal proceedings.

Safeguard Defenders' analysis of published Central Commission for Discipline Inspection data states that approximately 26,000 people were placed in liuzhi in 2023 and 38,000 in 2024, an increase of about 46.15 per cent. These are an NGO's organisation and interpretation of official annual figures, not a UN finding that all such persons were forcibly disappeared. Legal classification remains individual: Was custody acknowledged? Could family obtain the real whereabouts? Did the person have access to effective legal protection? Was fate or location concealed?

RSDL and liuzhi have different legal character and controlling authorities and should not be collapsed into one system. From a human-rights perspective, however, both permit prolonged control outside ordinary detention centres at a stage when independent lawyers have the least access. Both require immediate registration, accurate location notice, independent medical examination, legal assistance and judicial review. Internal approval cannot fully replace an independent remedy.

5.4.3 Xinjiang: From Individual Secret Custody to Group-Based Arbitrary Detention

Xinjiang goes beyond the classic individual disappearance case. OHCHR's 2022 assessment used official documents, law and policy, public material and interviews and concluded that the extent of arbitrary and discriminatory detention of Uyghurs and other predominantly Muslim groups, in the wider context of restrictions on fundamental rights, may constitute international crimes, in particular crimes against humanity. It also recorded allegations of torture or ill-treatment, sexual violence, family separation and restrictions on religious and cultural rights.

OHCHR's interviews were not a random population survey. The proportion of interviewees reporting abuse cannot be extrapolated to every detainee. The Guardian's summary stated that roughly two-thirds of former detainees interviewed by OHCHR described treatment potentially amounting to torture or ill-treatment; this must be labelled as a proportion within the interview sample. China rejected the allegations, describing facilities as lawful vocational education and counter-extremism measures and submitting an annexed response to OHCHR.

The assessment rests on three testable questions rather than either side·s political characterisation: Was entry genuinely voluntary? Could a person rapidly challenge the restriction before an independent court? Were the standards for release, transfer to prison or continuing controls public and reviewable? If not, the labels "training," "education" or "prevention" cannot exclude arbitrary detention. If families also lacked knowledge of custody, place or fate, the elements of enforced disappearance require examination.

5.4.4 Lawyers, Defenders and Continuing Risk after the "709" Crackdown

Since the 2015 "709" crackdown, human-rights lawyers, legal workers, religious adherents, citizen journalists and activists have remained high-risk groups in security and public-order cases. Detaining a rights representative harms both the individual and the community that depends on legal assistance. Once a lawyer disappears, other lawyers may fear taking the case; family notices may be incomplete; proceedings may be closed on State-secrets grounds. Isolation of the representative then deprives others of representation and makes verification more difficult.

Not every interruption in communication is automatically enforced disappearance. A reliable assessment reconstructs five points: the last confirmed moment at liberty; the authority exercising actual control; the first State acknowledgement; the first time the family knew the real location; and the first confidential lawyer meeting. That chronology separates ordinary communication restriction, arbitrary detention, secret detention and possible enforced disappearance.

5.4.5 Multiple Tracks: Criminal Judgments Are Not a Complete Dataset

Beyond RSDL and liuzhi, deprivation of liberty may occur through administrative detention, compulsory drug treatment, psychiatric measures, immigration detention, “legal education,” or informal house arrest. Different institutions manage each track, and data, remedies and record-keeping are not unified. Research limited to criminal judgments systematically excludes persons who never reach a criminal court.

Contraction of judicial transparency makes verification harder. Comparing searches of China Judgments Online at different dates, Safeguard Defenders reported that approximately 86,518 first-instance criminal judgments from 2013–2020 were no longer visible, including 692 mentioning RSDL. Removal does not prove that a case was unlawful and may reflect privacy, migration or publication-policy changes. But large-scale disappearance of documents without a reproducible change log undermines external audit and prevents researchers and lawyers from replicating historical counts.

The team therefore applies a source-freezing protocol for China: record the query date, search terms, result count and file hash; preserve original copies of judgments later removed; and disclose models, coverage and uncertainty for estimates. China cannot responsibly be described by one total. RSDL, liuzhi, ordinary criminal custody, administrative measures, Xinjiang mass detention and unconfirmed missing-person leads should be reported separately.

5.4.6 Institutional Assessment

The central risk is not a total absence of procedure but concentration of its decisive elements within the same chain of authority. The body imposing the measure controls location, access, health information, notification and records; an external court may be unable to intervene during the secret stage. “Acknowledgement of a measure” and “effective protection of the person” are therefore not equivalent.

Reform priorities include ending custody without disclosure of the real location; independent counsel from the first moment of actual control; interoperable, tamper-resistant registration of every custody and transfer; immediate judicial review of place and legal basis; unannounced independent visits; strict exclusion of statements obtained during secret custody; publication of anonymised statistics; and protection of families, lawyers and whistleblowers against retaliation.

5.5 Pakistan: Commission Statistics and Unresolved Accountability

Pakistan’s long-running controversy is particularly acute in Balochistan, Khyber Pakhtunkhwa and areas affected by security operations, and includes students, political activists, journalists and human-rights defenders. UN-filed information citing the Commission of Inquiry on Enforced Disappearances recorded 10,014 complaints through 2023, 6,276 disposed of or traced and 2,265 pending, with outcomes including return, internment, prison, death and cases outside jurisdiction.

These figures demonstrate recognition and case-processing, but “disposed” does not mean accountability. Finding someone in prison answers where the person is; it does not establish who took them, under what authority, why custody went unregistered, whether abuse occurred, or who should be prosecuted.

UN special procedures have also recorded allegations of restrictions and harassment targeting relatives and campaigners. Reprisals degrade data quality: the greater the reporting risk, the lower the official count and the wider the gap from prevalence.

Pakistan’s Commission of Inquiry should publish anonymised annual data on receipt, tracing, closure, reopening and pending status; use separate indicators for “person located” and “responsibility investigated”; and impose enforceable duties on military, police and intelligence agencies to file custody records promptly.

5.6 Myanmar: Arbitrary Custody after the Coup

After the February 2021 military coup, the UN documented killings, arbitrary arrest, torture, disappearance and prosecution of opponents. Detainees include elected officials, protesters, journalists, health workers, lawyers and ordinary social-media users. A 2025 UN special-procedures communication stated that at least 221 journalists or former journalists had been arrested, detained or subjected to acts tantamount to enforced disappearance since the coup, with at least 51 still detained at the time.

Internet shutdowns, military courts, blocked family access and prison transfers make verification exceptionally difficult. Local prisons, bases and interrogation sites may not use a common register. Exiled media and citizen networks provide vital leads, but lists require deduplication against court files, release records and family confirmation.

Myanmar-related statistics should distinguish political-prisoner registers, conflict-related custody, disappearance allegations and confirmed deaths. International mechanisms should preserve orders, prison rosters and digital evidence for future domestic, international or universal-jurisdiction proceedings.

5.7 Egypt: Short-Term Disappearance and Recycling of Detention

Egypt illustrates how short-term disappearance may precede a formal prosecution. In 2024, UN special procedures wrote concerning five citizens allegedly detained arbitrarily and prosecuted on terrorism charges after commenting on the economy on social media. In another case, independent-news cartoonist Ashraf Omar was allegedly disappeared for 48 hours before entering formal custody. Special procedures also raised the alleged warrantless arrest and continuing disappearance of defender Ahmed Mohamed Hamza.

“Recycling” describes the filing of a new, similar case when release is ordered or a detention period expires, neutralising judicial release. Even if each cycle has paperwork, the whole sequence may be arbitrary where it circumvents review, punishes expression and extends custody indefinitely.

Courts should examine the first moment of actual control, not merely the date on a prosecution form. Unexplained gaps between apprehension and registration should trigger independent investigation, medical examination and possible exclusion of evidence.

5.8 DPRK: Long-Term Cases and Intergenerational Rights

DPRK-related disappearance includes cross-border abduction, unresolved wartime cases and internal political detention. OHCHR’s Seoul office reported that by May 2021 WGEID had transmitted 330 cases to the DPRK and none had been clarified. The Republic of Korea recognises 516 post-war abductees who had not returned; Japan continues to list 12 officially recognised abductees as unaccounted for. The Korean War produced a much larger missing population, but identity verification, diplomacy and historical records remain fragmented.

The cases demonstrate continuing violation across generations. Families retain rights to truth, recovery of remains and effective remedy decades later. Humanitarian clarification should not be made wholly conditional on diplomatic bargaining.

6. Cross-Cutting Mechanisms

6.1 Disappearance Followed by Legalisation

More governments now conceal custody during the decisive interrogation period and later issue a notice. Public and judicial attention then shifts to the formal case and overlooks the unacknowledged interval. Analysis must reconstruct control minute by minute, hour by hour and day by day.

6.2 Elastic National-Security Offences

Security, terrorism, separatism, espionage, false-information and incitement offences are not inherently unlawful. They become vehicles for arbitrary detention where definitions are overbroad, evidence is secret, counsel cannot inspect the file and adjudication is not independent. WGAD Categories II and III allow purpose and procedural gravity to be analysed separately.

6.3 Fragmented Places of Detention

Military bases, police stations, immigration centres, intelligence safe houses, medical or treatment institutions, screening sites, private premises and foreign prisons form a layered system. A central register limited to Ministry of Justice prisons systematically omits actual custody.

6.4 Digital Control and Pressure on Families

Detainees' phones, cloud accounts and social graphs may facilitate wider arrests. Families can be pressured to remain silent, delete posts or persuade relatives abroad to stop advocacy. Digital traces are both evidence and risk; collection requires consent, data minimisation and encrypted storage.

6.5 The Impunity Feedback Loop

Disappearance conceals its own proof. The implicated institution often controls entry logs, video, vehicles and personnel. Without prosecutorial independence, a case may be closed because State custody "cannot be confirmed." Failure to prosecute then signals low risk to future perpetrators.

7. Evidential Weight of Public Sources and Interview Material

In inaccessible settings, investigative reporting and published interviews can identify cases, reconstruct timelines and test official accounts. Their evidential weight depends on the number and independence of sources, interview conditions, access to original material and subsequent verification. Reuters' reporting on Mexico's register identified data gaps but could not determine each person's fate. Financial Times reporting on a suspected Jalisco site exposed scene-management concerns, while identification of remains and the criminal chain still required forensic confirmation. The Guardian's interview with Syrian campaigner Wafa Mustafa supported findings concerning family impact and preservation demands but could not independently establish her father's fate.

Interview figures must be evaluated with their sample descriptions. OHCHR's 60 prisoners of war, 127 released detainees and 215 released civilians came from different dates and populations and cannot be combined into a single torture rate. Released persons can testify, while those killed, still hidden or inaccessible are absent from the samples. The interviews support findings of recurring methods—including beatings, electric shocks, sexual violence, mock executions, stress positions, denial of care and threats against family members—but do not establish prevalence across the entire detained population.

Public sources also display visibility bias. Well-known lawyers, journalists and activists receive international attention, while undocumented migrants, rural youth, minority women and poor families may appear only in relatives' lists or local registers. Limited reporting therefore cannot, without more, support an inference of lower risk.

8. Consequences for Victims, Families and Society

Enforced disappearance harms through uncertainty. Families cannot know whether a relative is alive, complete property or guardianship procedures, obtain benefits or register a death. Search costs can impoverish a household.

Mothers, wives and sisters often lead searches and face gendered threats. Children may lose support and identity documents and experience anxiety, stigma and interrupted education.

Secret detention undermines lawyers and courts. If police can place a person outside the register, counsel cannot activate remedies. If courts do not ask when actual control began, safeguards become ceremonial. Disappearance of journalists and organisers produces a chilling effect: authorities need not detain everyone if a few people vanish and the rest understand the warning.

The right to truth includes more than confirmation of death or location. It includes reasons, responsible institutions, the search performed and guarantees of non-repetition. Returning remains without explaining responsibility is not complete reparation.

9. Evidential Standards, Preservation and Litigation Use

Proof of arbitrary detention or enforced disappearance commonly depends on a continuous chronology, traceable provenance and integrity of the materials. A case file considered by lawyers, courts or investigative authorities should preserve:

- the last confirmed time and place at liberty and the witness;
- uniforms, vehicles, accents, unit insignia and method of apprehension;
- original complaints, enquiries, legal applications and proof of service;
- read-only copies and hashes of calls, location records, video and photographs;
- injury photographs, medical records and an independent examination soon after release;
- cellmate testimony and the basis of the witness's knowledge;
- transfer, release, exchange or death notices;
- threats, surveillance or reprisals against relatives.

Original digital files should be retained, not only screenshots. Each copy should record time, operator and hash. Public disclosure requires a risk assessment, removal of exact addresses and identifying metadata, and protection of minors and witnesses. Original evidence, working copies, translations and public-redacted versions should be stored separately.

In asylum and human-rights protection proceedings, individual evidence should be connected to reliable country information. The absence of an official notice may itself be consistent with secret custody and should not automatically defeat credibility. The account must still be tested for temporal coherence, detail, consistency with external patterns and the effects of trauma.

10. Recommendations

To Governments

1. Criminalise enforced disappearance fully and exclude superior orders as a defence.
2. Create a real-time register covering every place of actual custody and make it lawfully accessible to families, counsel, courts and independent monitors.
3. Guarantee counsel, medical examination and family notification from the beginning of deprivation of liberty; any exception must be brief, written, necessary and judicially reviewed.

4. Establish enforceable habeas corpus. Courts should be able to inspect premises and draw adverse inferences where agencies refuse records.
5. Protect whistleblowers, lawyers, journalists, relatives and search groups and investigate retaliation.
6. Permit unannounced independent visits to police, military, intelligence, immigration and other actual detention sites.
7. Preserve CCTV, access logs, vehicle data, communications and command records immediately.

To the United Nations and International Organisations

1. Promote ratification of ICPPED and recognition of CED's individual and inter-State communication competence.
2. Harmonise minimum data fields without collapsing different mechanisms into a contextless total.
3. Provide sustained funding for family groups, forensic institutions and local investigators.
4. Include secret-detention and disappearance risk in sanctions, peace agreements, return, extradition and security cooperation.
5. Develop post-conflict evidence custody and transfer standards.

To Media and Research Organisations

1. State the source, population, time period, historical coverage and meaning of "pending" for every figure.
2. Separate allegation, independent verification, institutional finding and judicial judgment.
3. Withhold information that may endanger detainees or families and avoid extractive trauma interviewing.
4. Publish corrections and version histories. Preserve former states when databases are updated.

To Courts, Lawyers and Protection Decision-Makers

1. Determine when actual control began, not only the formal arrest date.
2. Apply strict exclusion to statements obtained during secret custody.
3. Give weight to methodologically transparent, corroborated country evidence; do not allow a bare government denial to displace a consistent pattern.
4. In extradition and persecution-risk proceedings, examine the real risk of secret detention, torture, disappearance and absence of effective judicial remedies.
5. Enable anonymous or remote testimony and secure evidence submission where necessary.

11. Conclusions

The most important change of the past decade is not that disappearance has become "open," but that it is increasingly embedded in procedures that appear lawful. A person disappears during the decisive stage and later reappears in a formal file; or the State acknowledges a category of custody while concealing the true location, actor or remedy. Institutional legality must be tested by asking who can see the detainee, when they can do so, who can order release, who preserves evidence and who is accountable for concealment.

Fragmented global data are themselves a finding. The absence of a reliable world total does not make measurement impossible. It requires honest indicators: unresolved cases, urgent actions, verified incidents, registered missing persons, released-detainee interviews, detention sites and accountability outcomes reported

separately. Combining incompatible figures for an alarming headline undermines the later evidential value of victims' cases.

"Immediate visibility" is a central preventive safeguard. Every deprivation of liberty must promptly enter an independently accessible register; family and counsel must be able to confirm it; courts must be able to inspect every site; and transfer and surveillance records must not remain under the sole control of the implicated body. So long as an institution can make a person temporarily invisible, the structural risk of torture, coercion and fabricated evidence remains.

Finally, disappearance must not become a selective diplomatic slogan. Allies and adversaries require the same definitions and evidential thresholds. Monitoring must cover direct State conduct and State authorisation, support or acquiescence in private crime. It must protect prominent dissidents and unnamed migrants, rural families and ordinary civilians alike. Independence does not mean the absence of values; it means that factual standards do not change with the political identity of the alleged perpetrator.

China-Focused Conclusion

For China, the report's most important conclusion is that risk cannot be identified merely by compiling a list of "missing persons." Analysis must examine how RSDL, liuzhi, Xinjiang detention, administrative measures and informal controls connect. The decisive questions are not the official label but whether the State can promptly confirm identity and location, whether independent lawyers and medical professionals have access, whether a court can order release, whether family members receive truthful information, and whether evidence produced during the secret stage can be challenged.

The most dangerous component is an invisible period capable of being covered later by a legal name. A person's eventual arrest notice, trial appearance or release does not retrospectively legalise days or months of unacknowledged control. Each case requires segmented analysis: actual apprehension, secret stage, formal registration, pre-trial detention, trial and post-release restriction. Concealment of location, obstruction of remedies or denial of control requires investigation even where the period was short.

RSDL and liuzhi estimates derived by Safeguard Defenders and others from judgments and official annual data are important warning indicators, but they are not UN-confirmed victim totals. Chinese statutes, notices and official responses form part of the evidential record, but they cannot substitute for independent verification of actual location, access to legal protection and individual outcomes. Corroboration among official rules, preserved judgments, UN communications, testimony, lawyer records and detailed custody timelines provides a more stable evidential foundation.

China-related cases require traceable, case-level custody chronologies and continuing independent monitoring of RSDL, liuzhi, Xinjiang detention and disappearance of human-rights lawyers. Changes in law, public statistics, judgment availability and new case material should be preserved regularly so that reproducible bilingual evidence remains available for asylum, extradition and persecution-risk proceedings, expert evidence and international accountability.

Appendix A: Selected Data Points

Context or mechanism	Published figure	What it measures	Principal limitation
CED urgent actions	1,770 by 27 Feb 2024	1,722 original requests	Only cases reaching the treaty mechanism
WGEID outstanding cases in Europe	1,862 in the May 2022–May 2023 reporting period	Outstanding cases in five countries	Includes historic cases; not annual incidence

Ukraine-related WGEID humanitarian cases	1,721 in the same period	Cases transmitted in relation to Russian forces	Not additive with other registers
Mexico registered missing	129,341 on 17 Jun 2025	National official register	Multiple periods and actors; ongoing data audit
Pakistan Commission of Inquiry	10,014 through 2023	6,276 disposed/traced; 2,265 pending	"Disposed" does not establish accountability
Ukraine OHCHR 2022	407 attributed to Russian forces; 47 arbitrary detentions and 31 possible disappearances attributed to Ukrainian bodies	Monitored incidents	Access and verification constraints
Ukraine OHCHR 2023	621 attributed to Russian forces	127 releasee interviews; about 90% alleged abuse	Releasee sample not population-representative
Syria	More than 100,000; some compilations around 150,000	Multi-actor conflict estimate since 2011	No unified adjudicated name-by-name register
DPRK/WGEID	330 cases transmitted and unclarified by May 2021	UN humanitarian case procedure	Not all historical missing persons

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