

**STATEMENT ON THE *RATIONE TEMPORIS* ELEMENT IN THE REVIEW OF  
REPORTS SUBMITTED BY STATES PARTIES UNDER THE INTERNATIONAL  
CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED  
DISAPPEARANCE**

The Committee on Enforced Disappearances,

Considering the relevant provisions of the Vienna Convention on the Law of treaties of 1969,

Bearing in mind the object and purpose of the International Convention for the Protection of All Persons from Enforced Disappearance (thereafter, the Convention).

Recalling the Preamble of the Convention which declares that States Parties are determined ‘to combat impunity for the crime of enforced disappearance’ and reaffirms ‘the right of victims to justice and to reparation’ and ‘the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end’,

Taking into account the definition of Article 24(1) which stresses that ‘for the purpose of this Convention, “victim” means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance’,

Recalling the very nature of enforced disappearance as a continuous crime,

Recalling Article 35(2) that ‘[i]f a State becomes a party to this Convention after its entry into force, the obligations of that State *vis-à-vis* the Committee shall relate only to enforced disappearances which commenced after the entry into force of this Convention for the State concerned’,

Underlining that according to Article 37, ‘[n]othing in this Convention shall affect any provisions which are more conducive to the protection of all persons from enforced disappearance and which may be contained in: (a) the law of any State; (b) International law in force for that State’,

Taking note of Article 29(1) that requires that ‘each State party shall submit to the Committee ‘... a report on the measures taken to give effect to its obligations under this Convention, within two years after the entry into force of this Convention for the State party concerned’,

Desirous of clarifying the scope of its functions *ratione temporis*, in order to provide consistency, predictability and legal security for States parties as well as for victims, states the following:

1. The Committee is bound by Article 35 in the exercise of its competence and cannot adjudicate individual cases concerning enforced disappearances as such which commenced before the entry into force of the Convention for the State concerned;

2. Article 29 deals with the “obligations under this Convention”, in the light of the “international law in force for this State party” and request that the reporting process take into consideration the full range of its obligations today;
3. If information related to the past is useful during the reporting process as a means to understand fully the challenges of the present, the Committee ought to direct its attention in its concluding observations to the current obligations of the State concerned;
4. Nothing in this declaration precludes the character *erga omnes* of the State’s obligations under the Convention as well as the universal jurisdiction of domestic Courts or the scope of Article 42 on international settlement of disputes.