

Check against delivery

**Committee on Enforced Disappearances  
Sixteenth Session**



**Closing Statement by  
Suela Janina  
Chairperson  
Committee on Enforced Disappearance**

**Geneva, 18 April 2019**

**Ladies and Gentlemen,**

**Committee Members, dear colleagues,**

Today we are concluding a shorter but yet an intense and productive session of the Committee on Enforced Disappearances. The efficiency of our work on these days, during less than two weeks, is reflected in the constructive dialogues we had with 3 State Parties and the concluding observations approved to assist Italy, Chile and Peru towards the full implementation of the Convention for the Protection of All Persons from Enforced Disappearances. The preparations for the next session included the adoption of the list of issues for Bolivia and Slovakia, whose reports will be reviewed in October.

As every session, we have profited from a rich exchange of views during the meeting with member states, NGO and civil society, as well as we had the opportunity to further strengthen the cooperation with ICRC on issues of common interest.

During this session, we have detailed our working methods regarding reviews in the absence of a report, and communicated through the diplomatic channels with those states which have a significant delay and we are encouraged that two of them are working and promised to deliver their reports soon.

The growing in numbers of the urgent cases is a consolidated trend. We have examined the cases received in the period between the two sessions and approved the relevant report as well as followed up on an individual case.

A special mention, as an important outcome of our work, is needed for the guidelines principles for the search for the disappeared persons, which are approved during this session. CED has started from 2016 to consider the issue of the obligation under the Convention to search for and locate disappeared persons with a view to prepare guidelines on such obligations. The Committee has had internal exchanges as well as thematic discussions with leading international experts on the field, with reference to the normative framework, good practices as well as gaps, limits and obstacles in the existing procedures for the search of the disappeared persons. Last

session, the Committee had a first lecture of the “Draft guiding principles for the search for disappeared persons” and decided to disseminate the draft and begin the consultation process. The Committee is grateful to all contributors for their inputs; we have received 46 written contributions from 4 continents, from organizations of victims and civil society, NIHR, organs of the UN, states parties and academia.

The guiding principles gather many good practices for the search and design measures to overcome obstacles encountered in search processes in different states. The guiding principles do not create new obligations, but develop those established by the Convention. State parties can rely on them for enactment of their laws and regulations and the design of their policies for the search of disappeared persons. The Committee hopes that these guidelines will be useful, will be disseminated, referred and implemented.

**Dear Colleagues,**

**Ladies and gentlemen,**

This session is special for me and my colleagues Emmanuel, Rainer, Daniel and Maria Clara, being it is our last session with CED, but I believe it is special for the committee itself, as it completes a full cycle of eight years of its activity. 8 years on the life of a treaty body may seem a short period, for our committee these years have been important, challenging but rewarding.

The completion of the first cycle of CED gives us the opportunity to look over these years and evaluate our work. I believe we can be proud of what has been achieved by the Committee. During its 8 years of activity CED as the “youngest” committee caught up with other treaty bodies by creating its “working infrastructure”, was among the first ones to approve the Addis Ababa guiding principles and San Jose guiding principles, implemented in practice the tools available in the convention and started to develop a vigorous jurisprudence.

Up to date, the Committee has reviewed 32 States parties and adopted concluding observations on their reports. The Convention has proved to be innovative in the implementation of this traditional activity of UN treaty bodies, such is the examination of reports submitted by State Parties. As the

direct effect of the “reporting fatigue”, the Convention is specific in requesting only one report on the measures taken to fulfil the obligations envisaged therein. The Committee has been careful to adopt its procedures accordingly within the scope of the Convention.

On this regard the Committee has issued two substantive statements on the *ratione temporis* element and on military jurisdiction, in order to provide consistency and predictability during the monitoring process.

As a new treaty body, CED has not experienced backlog, but it is trying to deal with a number of overdue State Party reports. The Committee has discussed a strategy to elicit the submission of overdue reports and took a decision to consider the examination of States parties in the absence of a report in cases where the report had been overdue for more than five years.

Most recently, in November 2018, CED developed a procedure under article 29.4 to address additional information submitted by States parties under that provision. The first ever country that was considered under this procedure was Mexico and the overall assessment of the review is positive, with a constructive engagement of that State party with the Committee, that we hope has set a good precedent for the future of this procedure.

Let me underline one of the most effective tools used by CED. “The urgent action” procedure is unique in the entire human rights system, for its preventive nature, by which the families and relatives can address the Committee to request urgent measures to be taken in order to locate their beloved ones who have been disappeared. From 2012 to date a total of 569 Urgent Action requests have been registered, 28 persons located and released alive, 22 persons found dead. Numbers are not always telling, but in the case of the crime of enforced disappearances, urgent action has proved to be a life-saving instrument.

I would like also to bring to your attention the importance of the first view of an individual communication in the case of *Yrusta v. Argentina*, where the Committee has firmly pronounced that short-term disappearances cannot be justified. A discussion was in place whether the placement of the victim outside the protection of the law for 7 days could amount to enforced disappearance. The Committee argued in this case that the duration of the deprivation of the liberty or the concealment of the fate or whereabouts of

the victim is irrelevant for the qualification of the offence as an enforced disappearance.

CED does not consider itself an “isolated island” in the battle against enforced disappearance. It has enjoyed the support of states parties which has been demonstrated by the positive outcome of the first Conference of the States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance, which took place, in accordance with “the review provision”, of article 27 of the Convention. The States Parties evaluated the work of the Committee and confirmed it as the monitoring body of the Convention.

CED considers that the cooperation of local, national and international civil society actors, especially associations of relatives of disappeared persons, working on the promotion and protection of human rights in general, and on the fight against enforced disappearances in particular, is essential for the promotion and implementation of the Convention. The cooperation and supported extended to CED from the beginning, by the civil society has been very valuable in assisting it to discharge its mandate effectively. The courage, dignity, integrity, strength, and determination of the relatives of the victims of enforced disappearances have been a source of inspiration for our work.

Especially, the Committee has put particular emphasis on strengthening the cooperation with the Working Group on Enforced or Involuntary Disappearances, as two complementarity bodies, working for the same mission and goal.

**Dear colleagues,**

Recognising the inherent responsibility emounting from our mandates and the right to contribute to the strengthening of the system, our Committee has expressed its strong commitment to remain engaged in the treaty body strengthening process and, to comply with the objectives of Resolution 68/268 of the General Assembly.

Regarding the TB 2020 review, CED will participate in the upcoming Chairpersons' annual meeting late in June this year and will continue discussing with other TBs with a view to adopt a common position.

As progress can be mentioned, it is true that some challenges continue to persist for the present and for the future. One of the most important not only for the work of the Committee, but also for the international community as a whole, remains the goal of universal ratification of the Convention. Universality is critical to making the instrument fully operational.

As of today, there are 59 States Parties and 98 signatory States to the International Convention for the Protection of All Persons from Enforced Disappearance. A glance at the geographic spread of the current States parties to the Convention already gives a clear indication of the regions which are seriously underrepresented. Within each region it is also possible to start engaging with those States that have already signed the Convention. As we have jointly called with the WGEID "there is no valid excuse for not ratifying the International Convention for the protection of all persons from enforced disappearances" and negligence or underestimation cannot either be a justification.

We believe that the pace of ratifications remains slow and we are not yet at the point where the Convention is showing its full potential. On this reality, there is need for a clear and sustainable strategy of awareness and of ratifications and we hope that High Commissioner for Human Rights will put the necessary efforts to achieve the goal of accelerating the universalization.

Another obstacle in our activity has been encountered by the low number of acceptance of the competence of the Committee to receive individual communications under Article 31 of the Convention, at present, less than half of the States Parties. Our call to states that ratify the Convention to consider also this issue and allow the Committee to be fully operational under this important instrument foreseen in the Convention, is based on our victim-oriented approach.

As a conclusion, it can be said that this first cycle of the activity of the Committee has been crucial for consolidating its mandate as 'the legal guardian' of the Convention, by building on its independence, competence

and achievements. This last session is the right one to recognize the legacy and hard work of its members, present here today but as well as those not present who's mandate has finished earlier, our friends Enoch, Badio, Alvaro, Santiago, Luciano, Kimio, Muhamed, Juan Jose. We count on the remaining members Horacio, Milica, Koji, Moncef and Muhamed and those who will join, to accompany the Committee towards a transition that must preserve its leadership in the fight against enforced disappearance, a profile for which all members of our Committee own a lot to our first Chair, prof. Decaux whose role has been crucial and irreplaceable.

I take also this opportunity to thank the office of High Commissioner, our professional and helpful Secretariat, Ibrahim, Maja and Simon, Jorge and Giovana Albane, Matias, Rosa, Minjae, Hose, Eya, interpreters, precis writers, conference room officers and everyone who has assisted us in our work.

**Dear colleagues,**

**Ladies and gentlemen,**

Enforced disappearance is one of the most egregious crime that human history has experienced and with all efforts to fight it, unfortunately the practice of enforced disappearance is not belonging to the past and has not decreased.

While we started this session here in Geneva, the High Commissioner for HR, Mme Bachelet, stated during her visit in Mexico, while referring the issue of enforced disappearances in this country:

“The search for truth is closely related to the search for justice. The wounds that are not clean will not heal. The open wounds of the past, and those that persist in the present, demand truth, justice, reparation and guarantees of non-repetition. Healing will not come automatically; it will be the result of concrete actions and policies. Change and results are needed and possible.”

We have worked during these years in the Committee with the conviction that change and results in the fight against enforced disappearances are needed and possible.

We are aware that securing a world free of enforced disappearance will be a difficult mission, also in view of new forms on which enforced disappearance emerge today, but there is no other option, even a single case of enforced disappearance should not be accepted and make us mobilize on a common front in the fight against this heinous crime.

I thank you for your attention.

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