

COMMITTEE ON ENFORCED DISAPPEARANCES  
Eighth session  
Geneva, 2 – 13 February 2015

**REPORT OF THE COMMITTEE ON ENFORCED DISAPPEARANCES  
ON ITS EIGHTH SESSION**

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## **I. ORGANIZATIONAL AND OTHER MATTERS**

### **A. States parties to the International Convention for the Protection of All Persons from Enforced Disappearance**

1. As at 13 February 2015, the closing date of the eighth session of the Committee on Enforced Disappearances (CED), there were 45 States parties to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and 94 signatory States. The Convention was adopted on 20 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/177. The Convention was opened for signature on 6 February 2007. In accordance with its article 39(1), the Convention entered into force on 23 December 2010.

2. A list of States parties to the Convention, as at 13 February 2015, as well as the deadline by which they have to submit their reports to the Committee, is included in annex I of this report.

### **B. Opening of the eighth session**

3. The eighth session of the Committee on Enforced Disappearances was opened on behalf of the Secretary-General, by Simon Walker, Chief of Section in the Human Rights Treaties Division (HRTD) at the Office of the High Commissioner for Human Rights.

Mr. Walker welcomed all participants in the 8th session of the Committee on Enforced Disappearances. He noted the latest ratification of the International Convention for the Protection of All Persons from Enforced Disappearances by Slovakia in December 2014, insisted on the efforts necessary to increase the number of ratifications and highlighted the contemporary value of the Convention. He also mentioned the successful conclusions of the treaty body strengthening process and the adoption of the General Assembly Resolution 68/268. He stressed that the HRTD was affected by the significant cut in OHCHR's extra-budgetary resources which will result in the Division concentrating mainly on the targets set out in Resolution 68/268. He welcomed the Committee's decisions to limit the number of working languages as well as the streamlining of its concluding observations.

He noted that the implementation of GA Resolution 68/268 involves tracking progresses, including in the application of Addis Ababa guidelines. He encouraged the Committee to establish an internal mechanism to keep track of its own progresses with a view to ensure adequate budget resources and feed the review of the Treaty Body Strengthening System in 2020. He updated the Committee on the latest development on the sustainable development goals within the post-2015 agenda. In order to ensure the adoption of a Post-2015 Development Agenda, Member States are expected to define goals and targets closely in line with international human rights standards. In this regard, the Chairpersons of treaty bodies adopted a joint-statement urging Member States to maintain and strengthen their alignment with human rights both on their economic, social civil and political aspects.

4. The Chairperson of the Committee, Emmanuel Decaux, welcomed all those present. He noted that after four years, a first cycle of work of the Committee had been completed and thanked the members of the Committee as well as OHCHR for the work accomplished.

The Chairperson welcomed receipt of the reports recently submitted by Bosnia-Herzegovina, Colombia and Tunisia but expressed his concern in terms of overdue reports notably from those States that firstly ratified the Convention. He pointed out that the Convention should be regarded as a real opportunity for the States parties to take part in a constructive dialogue with the Committee. He also noted that the Committee, for the first time, was about to consider five States, thus reflecting the full implementation of the GA Resolution 68/268. He stressed that the review of Mexico would have represented an important step for the full implementation of the Convention in terms of right to the truth, right to justice as well as the fight against impunity. In addition, he thanked the contribution of ICJ and CCPR-Centre that made possible the webcast of some meetings of the session thus meeting the expectations of the civil society, notably those of the relatives of the victims who can in this way follow the dialogue from distance. The Chairperson highlighted the cooperative work of the Committee with several mechanisms, including the Working Group on Enforced or Involuntary Disappearances and other Special Procedures mandate holders.

With regard to the Chairpersons meetings, he evoked the adoption of two joint-statements during the recent Chairpersons meeting: one related to Human Rights against Violence, and the other one to the post-2015 Development Agenda. To conclude his statement, he pointed out the importance of the Addis Ababa Guidelines adopted in July 2012 and mentioned that the Guidelines on Reprisals will be adopted during the next Chairpersons annual meeting in June 2015 in Costa Rica.

### **C. Membership of the Committee and Attendance**

5. The Committee on Enforced Disappearances was established in accordance with article 26, paragraph 1, of the Convention.

6. A list of members of the Committee, indicating the duration of their terms of office, is included in annex II of the present report.

7. Alvaro GARCÉ GARCÍA Y SANTOS did not attend the 8<sup>th</sup> session of the Committee.

8. Santiago CORCUERA CABEZUT was elected Rapporteur for the 8<sup>th</sup> session of the Committee.

### **D. Observance of a minute of silence in remembrance of the victims of enforced disappearance**

9. At the end of his opening statement, the Chairperson invited all those present to observe a minute of silence in remembrance of the victims of enforced disappearance.

### **E. Adoption of the agenda and organization of work**

10. The Committee adopted the agenda for the eighth session (CED/C/8/1). The adopted agenda is included in annex III.

## **F. Update on Treaty Body Strengthening**

11. Simon Walker, Chief of Civil, Political, Social and Cultural Rights Section, Human Rights Treaty Division, updated the Committee on the content of GA Resolution 68/268, its implementation by the other treaty bodies and its impact on the work of the Committee. He highlighted the main operative paragraphs of the resolution relating to the List of Issues Prior to Reporting, which do not apply to CED for the time being; the aligned methodology for the constructive dialogues; the adoption of short and focused Concluding Observations; the effective use of meetings of States parties with the organization of panels on substantive matters relating to the Convention, as it had been the case in the past during the elections of CED's members; the importance of gender balance in the Committees; the establishment of a capacity building unit within HRTD; the allocation of extra meeting time; the word limit for States parties' report; the limitation of 25% for translation and 35% for interpretation in the fourth language chosen by the CED, notably Arabic; the webcast of sessions starting as at January 2016, which would ensure that also CED is systematically covered, which had not been the case in the past; the staff situation after the additional regular posts received and the cut of extra-budgetary posts; the appointment of focal points on reprisals; and the importance of a monitoring mechanism for the respect of the Addis Ababa Guidelines.

## **II. ACTION TAKEN DURING THE EIGHT SESSION**

### **A. Working methods**

12. During its eighth session, the Committee reviewed and discussed its working methods.

### **B. Communications, information and requests received by the Committee**

13. Since March 2012, date of submission of the first Urgent Action registered by the Committee, 72 petitions for urgent actions under article 30 of the Convention have been received, out of which 61 were registered. Out of the 61 registered, 1 relates to a disappearance occurred in Brazil, 1 in Cambodia, 2 in Colombia, 52 in Mexico and 5 in Iraq. In accordance with article 30, paragraph 3, of the Convention and Rule 62 of its Rules of procedure, the Committee has requested the States parties concerned to take all the necessary measures, including interim measures, to locate and protect the persons concerned in accordance with the Convention and to inform the Committee, within a specified period of time.

14. The Committee also requested the States parties concerned to report to the Committee on the measures adopted within a deadline determined in view of the urgency of the situation. Upon receipt of the information by the States parties, the Committee has transmitted it to the persons submitting the urgent action requests for their comments. The Committee also informed the authors of the measures requested to the States parties and of the recommendations made in the context of the Urgent Action.

15. The two special rapporteurs on Urgent Actions presented the Note of the Secretary-General on Urgent Actions, describing all the actions taken since the 7th session with regard to the 61 registered urgent actions, and to the 11 submissions that could not be registered. The Committee adopted decisions as to the next measures to be taken for each of the registered urgent actions.

16. At its eighth session, the Committee also examined the admissibility of its first case under article 31 of the Convention. The communication was declared admissible and the parties have been requested observations and information on the merits.

### **C. Decisions**

17. The Committee decided on:

- a. A statement on enforced disappearances and military jurisdiction (included in Annex VI);
- b. The request to UNOG Conference Services to plan the tenth session of the Committee in March 2016 to allow enough time between the two annual sessions;
- c. The designation of Santiago Corcuera Cabezut as the Rapporteur for the eighth session;
- d. The adoption of the List of Issues on Iraq and Montenegro;
- e. The adoption of the concluding observations on the reports submitted by Mexico, Armenia and Serbia under article 29, paragraph 1, of the Convention;
- f. The appointment of the Co-Rapporteurs for the next report on follow-up to concluding observations;
- g. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Kazakhstan, Tunisia and Burkina Faso and will lead the constructive dialogues with the States parties;
- h. The request for legal advice to OLA on whether or not the ICPPED is applicable in Kosovo, and if so to which entity a report should be requested;
- i. The adoption of its eighth session informal report;
- j. The adoption of the provisional agenda of the ninth session of the Committee (included in Annex IV);
- k. The adoption of its Annual Report to the 70<sup>th</sup> session of the General Assembly.

### **D. Future Sessions**

18. In accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the dates of its ninth session, to be held from 7 to 18 September 2015, at the Office of the High Commissioner for Human Rights, in Geneva.

19. The Committee regretted the difficulties caused both to States parties and civil society actors in the timely submission of their contributions, by the short time between its seventh and eighth sessions. The Committee decided to request UNOG Conference Services to plan its tenth session in March 2016.

## **III. CONSIDERATION OF REPORTS**

### **A. Mexico**

20. On 2 and 3 February the Committee considered the report of Mexico in public session and, before that, met with civil society and National human rights institutions to receive information in this regard. Mexico was represented by a delegation headed by Juan Manuel Gómez Robledo, Deputy Secretary of Multilateral Affairs and Human Rights (Secretariat of Foreign Affairs), and composed by several representatives of the State party, including; Mr. Alenjandro Alday González Director General of Human Rights and Democracy (Secretariat of Foreign Affairs); Mr. Roberto De León Huerta, Deputy Director General of the International Policy in Human Rights (Secretariat of Foreign Affairs); Mr. Eduardo Del Río, Director General of Social Communication; Mr. Carlos Pérez Verdía, Counsellor's Coordinator General; Mr. Jorge Lomónaco, Permanent Representative of Mexico before the International Organizations in Geneva; Mr. Raúl Heredia, Deputy Permanent Representative of Mexico before International Organizations in Geneva; Mrs. Noemí Festinher Arias, Adviser's Coordinator of the Deputy Secretary of Human Rights (Secretariat of Interior); Mrs. Mercedes Peláez, Director General for Human Rights Strategy; Mrs. Eliana García Laguna, Office of the Attorney-General of Human Rights for Crime Prevention and Community Services (Attorney-General Office); Mr. Salomón Baltazar Samayoa, Head of the Specialized Unit for the Research of Disappeared Persons (Attorney-General Office), Mrs. Diana Corona Meneses, Director General for International Cooperation and offices of attachés (Attorney-General Office); Mr. Guillermo Fonseca Leal, Deputy Director General for International Affairs Coordination (Attorney-General Office); Mr. Rubén Ignacio Moreira Valdez, Governor of Coahuila (CONAGO); Mrs. Georgina Cano Torralba, Local Deputy of Coahuila (CONAGO); Mr. José Luis Vega Bautista, Coordinator General of Social Communication (CONAGO); Mr. Alberto Pimentel González, Director General of Social Communication (CONAGO); Mr. Juan José Yáñez Arreola, Deputy Attorney-General of the State of Coahuila (CONAGO); Ms. Miriam Cárdenas Cantú, Chair of the Human Rights Commission of the Chamber of Deputies; Mr. Julio Antonio Hernández Barros, Executive Commissioner for Victims (Executive Commission for the Victims); Mrs. María del Sol Vizcaya Cedeño, Head of the Committee on disappeared, not located, absent or missing persons (Executive Commission for the Victims); Mr. José Carlos Beltrán Benites, Director General of Human Rights (Secretariat of National Defense); Mr. Juan Torres Torres, Attaché of the Military in the Swiss Confederation (Secretariat of National Defense); Mr. Ernesto Moreno Corona, Director of Naval Justice (Secretariat of the Navy); and members of the Permanent Mission in Geneva.

21. The main issues discussed during the constructive dialogue were:

- Mechanisms and procedures in place to process urgent actions and interim measures transmitted by the Committee under article 30 of the Convention;
- Acceptance of the competence of the Committee under articles 31 and 32 of the Convention;
- Possibility of adopting a General Law on Enforced Disappearances;
- Criminalization of enforced disappearance at the federal and state levels;
- Criminal responsibility of superiors;
- Scope of military jurisdiction in view of the 2014 reform of the Code of Military Justice;
- Disappearances of migrants, including children;
- Measures taken to guarantee that persons accused of committing enforced disappearances cannot influence investigations, including suspension of officials and separation of an entire force or unit from investigations;



- Measures taken to ensure the rights to justice, truth and reparation with regard to the enforced disappearances perpetrated during the period known as "dirty war";
- Measures taken to ensure accurate statistics concerning enforced disappearances;
- Measures taken to investigate all cases of enforced disappearance, including need to have a unified protocol;
- Measures taken to ensure protection of witnesses and victims as well as human rights defenders;
- Measures taken to prevent and sanction acts that may hinder investigations, such as suspensions of officials accused of having committed an enforced disappearance;
- Legal framework on extradition and for the prevention of refoulement;
- Immediate notification of relatives and other interested persons of the deprivation of liberty of a person;
- Legal framework concerning arraigo;
- Registers of persons deprived of liberty in all the State party;
- Training of State officials on the provisions of the Convention at the federal, state and municipal levels;
- Measures taken to search for the disappeared persons, including forensic services;
- Participation of victims in investigations, including possibilities to obtain copies of court cases;
- Legal situation of disappeared persons and their relatives;
- System of reparations in domestic law, in particular under the General Law on Victims and delays in its implementation at the state level;
- Criminalisation of wrongful removal of children and other related crimes in accordance with art. 25 of the Convention;
- System of adoption of children under domestic law, including possibility of annulment.

## **B. Armenia**

22. On 3 and 4 September the Committee considered the report of Armenia in public session. Armenia was represented by a delegation headed by Hovhannes Poghosyan, Deputy Head of the Headquarters of the Police of the Republic of Armenia, Police Colonel, and composed by several representatives of the State party, including; Mrs. Hasmik Tolmajian, Deputy Permanent Representative, Minister Plenipotentiary, Permanent Mission of Armenia to UNOG; Mr. Norayr Abgaryan, Deputy Head of International Police Cooperation Division, Police Cooperation Department of the Headquarters of Police, Police Major; Mrs. Armine Avoyan, Deputy Head of Legal Expertise Division, Legal Department of the Police, Police Major; Mr. Gevorg Tumanov, Acting Head of International Legal Assistance and External Relations Department, Ministry of Justice; Mrs. Varduhi Melikyan, Second Secretary, Legal Department, Ministry of Foreign Affairs; and members of the Permanent Mission in Geneva.

23. The main issues discussed during the constructive dialogue were:

- Possibility of accepting the competence of the Committee under articles 31 and 32 of the Convention;
- Absolute prohibition of enforced disappearance in exceptional circumstances;
- Supremacy of the international treaties ratified by Armenia over the national law; the direct applicability of the Convention in courts;

- Definition and criminalization of enforced disappearance under a draft amendment of the Criminal Code; the process of amending the Criminal Code;
- Need to punish enforced disappearance by appropriate penalties that take into account its extreme seriousness;
- Criminal legislation relating to enforced disappearance as a crime against humanity;
- Possibility of ratifying the Rome Statute;
- Statute of limitations for the crime of enforced disappearances;
- Scope of military jurisdiction; Prosecution by military bodies;
- Criminal liability of foreign nationals and stateless persons who committed a criminal offence;
- Involvement of the Ombudsman Office and the civil society in preparing the State party report to the Committee;
- Lack of adequate resources for the Human Rights Defender of Armenia (NHRI);
- Role of the Human Rights Defender of Armenia as National Preventive Mechanism established under OPCAT;
- Measures taken to investigate all cases of enforced disappearance; Role of the Special Investigation Service in investigating criminal cases in complicity with state officials;
- Measures taken to prevent and sanctions acts that may hinder investigations, such as suspension of officials accused of having committed an enforced disappearance;
- Criminal responsibility of superiors;
- Legal framework on extradition and for the prevention of refoulement; lack of information regarding safeguards against enforced disappearance in extradition and expulsion;
- Register of persons deprived of their liberty;
- Legal safeguards of persons deprived of their liberty, including access to lawyer and communication with their families;
- Lack of Training of State officials, including judiciary and military personnel, on the provisions of the Convention;
- Lack of legal safeguards against secret detention;
- The right to receive reparation and prompt, fair and adequate compensation; reports on the lack of social rehabilitation services, including medical and psychosocial rehabilitation, provided to victims;
- Definition of victims; process in deciding successor of the victim;
- Right of relatives of the victim to the information;
- Measures taken to search for the disappeared persons, including forensic services;
- Criminalisation of wrongful removal of children and other related crimes in accordance with art. 25 of the Convention.

### **C. Serbia**

24. On 4 and 5 September the Committee considered the report of Serbia in public session. Serbia was represented by a high-level delegation headed by Veljko Odalovic, Secretary General of the MFA and President of the National Commission for Missing Persons, and composed by several representatives of the State party, including; Mr. Vladislav Mladenovic, Ambassador, Permanent Representative of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva; Mrs. Biljana Pavlovic, State Secretary of the Ministry of Justice; Mrs. Nevenka Vazic, Judge of the Supreme Court of Cassation; Mrs. Tamara Mirovic, Deputy Public Prosecutor; Mr. Zoran Pantic, Coordinator for International Cooperation in the Ministry of Interior; Mr. Milan Dilparic, Judge of the

Supreme Court in Belgrade; Mr. Svtislav Rabrenovic, Senior Counsellor in the Office of the Prosecutor for War Crimes; Mrs. Gordana Mohorovic, Senior Counsellor in the Office for Human and Minority Rights, Head of Department for Monitoring of the Implementation and the Recommendations of Treaty Bodies and Regional Human Rights Instruments; Mrs. Maja Vasovic, Counsellor in the Commissariat for Refugees and Migrations, Department of Missing Persons; and members of the Permanent Mission in Geneva.

25. The main issues discussed during the constructive dialogue were:

- Compatibility of the Convention vis-à-vis the Constitution and applicability of the Convention;
- Cooperation with civil society;
- Restrictions of the rights and obligations contained in the Convention during state of war or emergency;
- Criminalisation of enforced disappearance as an autonomous offence;
- The mitigating circumstances in relation to cases of enforced disappearances;
- Criminal responsibility of superiors and prohibition of orders prescribing enforced disappearance;
- Legal framework concerning extraterritorial jurisdiction, including double criminality requirement;
- Military officials investigating cases of enforced disappearance;
- Exclusion of authorities from the investigations holding them as suspects, including suspension;
- Investigations into enforced disappearances perpetrated in the past in Serbia or by Serbian officials or by persons acting with their acquiescence;
- Prosecution of enforced disappearances that may have committed in the context of past armed conflict;
- Protection of witnesses, including allegations of threats against witnesses in war crimes trials;
- Access of the Office of the Prosecutor and investigation services to detention facilities and archives;
- International legal assistance;
- Convention as legal basis for extradition;
- Legal framework for the prevention of refoulement, including assessment procedure and diplomatic assurances;
- Powers of the Ombudsman to monitor implementation of the Convention;
- Compliance of information in registers of persons deprived of liberty with the Convention;
- Notification of relatives and other interested persons, including consular representatives, upon arrest/detention;
- Adoption of the draft law on DNA registry;
- Training on the Convention provided to State officials;
- Legal situation of disappeared persons and their relatives;
- Reparations according to domestic law vis-à-vis reparations according to the Convention;
- Reparations provided to victims of enforced disappearance perpetrated in the past, including rehabilitation;
- Definition of victim in domestic law;

- Search for persons who have disappeared in the past;
- Criminalisation of wrongful removal of children and other related crimes in accordance with art. 25 of the Convention.
- Disappearance of children during the armed conflicts in the State party;
- The annulment by a court of the adoption of a child from a enforced disappearance;
- System of adoption of children under domestic law, including possibility of annulment.

26. The Committee requested the legal advice to OLA on whether or not the ICPPED is applicable in Kosovo, and if so to which entity a report should be requested. OLA replied that ICPPED does not apply to Kosovo and, for this reason, the question to which entity a report should be requested does not arise.

#### **D. Adoption of Concluding Observations**

27. The Committee adopted the concluding observations on Mexico and Armenia on 11 February 2015 and the concluding observations on Serbia on 12 February 2015.

28. The concluding observations on Mexico can be found under the reference CED/C/MEX/CO/1.

29. The concluding observations on Armenia can be found under the reference CED/C/ARM/CO/1.

30. The concluding observations on Serbia can be found under the reference CED/C/SRB/CO/1.

### **IV. ADOPTION OF LIST OF ISSUES**

#### **A. Iraq**

31. On 9 February 2015 the Committee adopted the List of Issues on Iraq. The List of Issues on Iraq can be found under the reference CED/C/IRQ/Q/1.

#### **B. Montenegro**

32. On 9 February 2015 the Committee adopted the List of Issues on Montenegro. The List of Issues on Montenegro can be found under the reference CED/C/MNE/Q/1.

### **V. RELATIONS WITH STAKEHOLDERS**

#### **A. Meeting with Member States**

33. On 5 February 2015, the Committee held a public meeting with Member States of the United Nations, which was attended by twenty-three States: Argentina, Burundi, Costa Rica, Denmark, France, Germany, Greece, Guinea, Haiti, Ireland, Japan, Kazakhstan, Lebanon, Peru, Saudi Arabia, Senegal, Spain, Sri Lanka, Switzerland, Tunisia, Ukraine, Uruguay and Vietnam. The Chairperson gave a brief presentation on the reporting procedure process before the Committee in compliance with article 29.1 of the Convention and opened the floor

for the States parties. Argentina, France and Tunisia thanked the Committee for its high-quality work during the four past years and expressed their willingness to bring forward the campaign of ratification for the Convention. The representative of Argentina welcomed the work of the Committee and its contribution to the strengthening of the democratic society in the country. She stressed that efforts should be made to increase the tools at the disposal of the Committee such as: longer sessions or additional yearly sessions; the possibility to carry out country visits; and the strengthening of its relationships with other UN bodies. The Chairperson of the Committee underlined the importance and the fruitfulness of the constructive dialogues with the State parties and invited those that had not submitted their report yet to do so. A list of participants is included in annex V.

### **B. Meeting with National human rights institutions**

34. On 5 February 2015, the Committee met in a public session with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Committee and the ICC representative discussed the practical implementation of the document recently adopted by the Committee on its cooperation with NHRIs with a view to enhance their contribution to the work of the Committee. The ICC and the Committee also discussed the necessity for the States parties to improve their compliance with Paris Principles in order to balance the role of NHRIs with A status with that of smaller and complementary institutions with a thematic mandate. Regarding the involvement of NHRIs in the Committee's work, ICC proposed to deepen the promotion of the Convention by targeting its innovative and specific aspects through trainings and workshops, and to strengthen its collaboration with the Committee in terms of overdue reports and follow-up to concluding observations. Furthermore, the Committee and ICC agreed on the importance of the coverage by video-conference and webcasting of all Committees' sessions as two major tools for the increase of communication with NHRIs during the yearly sessions of the Committee.

The ICC drew the attention of the Committee on the necessity to insist, in its future recommendations to the States, on the role of NHRIs notably in terms of independence and impartiality of their members, resources and protection against reprisals. In this regard, the Chairperson invited ICC to submit its views on reprisals to the forthcoming meeting of the Chairpersons which will take place in San José, Costa Rica in June 2015.

### **C. Meeting with non-governmental organizations and other stakeholders**

35. On 5 February 2015, the Committee held a public meeting with the non-governmental organizations. FIDH delivered a presentation on the innovative aspects of the Convention together with the common aim of its universal ratification. The Committee thanked ICAED, and all organizations that are part of it but expressed the wish that a Geneva-based NGO could take the lead in assisting the Committee in practical matters such as webcast and organization of informal meetings. A list of participants is included in annex V.

## ANNEXES

### Annex I

#### States parties to the Convention at the time of the eighth session and deadline for reporting

	<b>State Party</b>	<b>Ratification</b>	<b>Entry into force</b>	<b>Deadline for reporting under Art. 29(1)</b>	<b>Reports submitted</b>
1	<b>Albania*</b>	8 Nov. 2007	23 Dec. 2010	23 Dec. 2012	
2	<b>Argentina*</b>	14 Dec.2007	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
3	<b>Mexico</b>	18 Mar. 2008	23 Dec. 2010	23 Dec. 2012	11 Mar. 2014
4	<b>Honduras</b>	1 Apr. 2008	23 Dec. 2010	23 Dec. 2012	
5	<b>France*</b>	23 Sep. 2008	23 Dec. 2010	23 Dec. 2012	21 Dec 2012
6	<b>Senegal</b>	11 Dec. 2008	23 Dec. 2010	23 Dec. 2012	
7	<b>Bolivia</b>	17 Dec. 2008	23 Dec. 2010	23 Dec. 2012	
8	<b>Cuba</b>	2 Feb. 2009	23 Dec. 2010	23 Dec. 2012	
9	<b>Kazakhstan</b>	27 Feb.2009	23 Dec. 2010	23 Dec. 2012	3 Jun. 2014
10	<b>Uruguay*</b>	4 Mar. 2009	23 Dec. 2010	23 Dec. 2012	4 Sep. 2012
11	<b>Mali*</b>	1 Jul. 2009	23 Dec. 2010	23 Dec. 2012	
12	<b>Japan*</b>	23 Jul. 2009	23 Dec. 2010	23 Dec. 2012	
13	<b>Nigeria</b>	27 Jul. 2009	23 Dec. 2010	23 Dec. 2012	
14	<b>Spain*</b>	24 Sep. 2009	23 Dec. 2010	23 Dec. 2012	26 Dec. 2012
15	<b>Germany*</b>	24 Sep. 2009	23 Dec. 2010	23 Dec. 2012	25 Mar. 2013
16	<b>Ecuador*</b>	20 Oct. 2009	23 Dec. 2010	23 Dec. 2012	
17	<b>Burkina Faso</b>	3 Dec.2009	23 Dec. 2010	23 Dec. 2012	7 Oct. 2014
18	<b>Chile*</b>	8 Dec.2009	23 Dec. 2010	23 Dec. 2012	
19	<b>Paraguay</b>	3 Aug. 2010	23 Dec. 2010	23 Dec. 2012	28 Aug. 2013
20	<b>Iraq</b>	23 Nov. 2010	23 Dec. 2010	23 Dec. 2012	26 Jun. 2014
21	<b>Brazil</b>	29 Nov. 2010	29 Dec.2010	29 Dec.2012	
22	<b>Gabon</b>	19 Jan. 2011	19 Feb. 2011	19 Feb. 2013	
23	<b>Armenia</b>	24 Jan. 2011	24 Feb. 2011	24 Feb. 2013	14 Oct. 2013
24	<b>Netherlands*</b>	23 Mar. 2011	23 Apr. 2011	23 Apr. 2013	11 Jun. 2013
25	<b>Zambia</b>	4 Apr. 2011	4 May 2011	4 May 2013	
26	<b>Serbia*</b>	18 May 2011	18 Jun. 2011	18 Jun. 2013	30 Dec. 2013
27	<b>Belgium*</b>	2 Jun. 2011	2 Jul. 2011	2 Jul. 2013	8 Jul. 2013
28	<b>Panama</b>	24 Jun. 2011	24 Jul. 2011	24 Jul. 2013	
29	<b>Tunisia</b>	29 Jun. 2011	29 Jul. 2011	29 Jul. 2013	25 Sept. 2014
30	<b>Montenegro*</b>	20 Sep. 2011	20 Oct. 2011	20 Oct. 2013	30 Jan. 2014
31	<b>Costa Rica</b>	16 Feb. 2012	16 Mar. 2012	16 Mar. 2014	
32	<b>Bosnia and Herzegovina*</b>	30 Mar. 2012	30 Apr. 2012	30 Apr. 2014	26 Jan. 2014
33	<b>Austria*</b>	7 Jun. 2012	7 Jul. 2012	7 Jul. 2014	
34	<b>Colombia</b>	11 Jul. 2012	11 Aug. 2012	11 Aug. 2014	17 Dec. 2014
35	<b>Peru</b>	26 Sep.2012	26 Oct. 2012	26 Oct. 2014	
36	<b>Mauritania</b>	3 Oct. 2012	3 Nov. 2012	3 Nov. 2014	
37	<b>Samoa</b>	27 Nov. 2012	27 Dec. 2012	27 Dec. 2014	
38	<b>Morocco</b>	14 May. 2013	13 Jun. 2013	13 Jun. 2015	
39	<b>Cambodia</b>	27 Jun. 2013	27 Jul. 2013	27 Jul. 2015	
40	<b>Lithuania*</b>	14 Aug. 2013	13 Sept. 2013	13 Sept. 2015	
41	<b>Lesotho</b>	6 Dec. 2013	5 Jan. 2014	5 Jan. 2016	
42	<b>Portugal*</b>	27 Jan. 2014	26 Feb. 2014	26 Feb. 2016	
43	<b>Togo</b>	21 Jul. 2014	20 Aug. 2014	20 Aug. 2016	
44	<b>Slovakia</b>	15 Dec. 2014	14 Jan. 2015	14 Jan. 2017	
45	<b>Mongolia</b>	12 Feb. 2015	14 Mar. 2015	14 Mar. 2017	

*States marked with an asterisk (\*) have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of declarations and reservations made by States Parties can be found at the following link:*

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en)

## Annex II

### Membership of the Committee on Enforced Disappearances

<b>Name</b>	<b>Nationality</b>	<b>Term expires</b>
Mr. Mohammed AL-OBAIDI	Iraq	30 June 2017
Mr. Mamadou Badio CAMARA	Senegal	30 June 2015
Mr. Santiago CORCUERA CABEZUT	Mexico	30 June 2017
Mr. Emmanuel DECAUX	France	30 June 2015
Mr. Alvaro GARCÉ GARCÍA Y SANTOS	Uruguay	30 June 2015
Mr. Luciano HAZAN	Argentina	30 June 2017
Mr. Rainer HUHLE	Germany	30 June 2015
Ms. Suela JANINA	Albania	30 June 2015
Mr. Juan José LÓPEZ ORTEGA	Spain	30 June 2017
Mr. Kimio YAKUSHIJI	Japan	30 June 2017



### **Annex III**

#### **Adopted agenda of the eighth session of the Committee on Enforced Disappearances**

1. Opening of the session, in accordance with article 26, paragraph 7, of the International Convention for the Protection of All Persons from Enforced Disappearance.
2. Minute of silence in remembrance of victims of enforced disappearances.
3. Adoption of the agenda.
4. Communications, requests for urgent actions and information received by the Committee.
5. Matters related to the methods of work of the Committee:
  - a. Methods of work related to articles 31, 32, 33 and 34 of the Convention;
  - b. Interaction with relevant stakeholders;
  - c. Ratification strategy and other matters.
6. Consideration of reports of States parties to the Convention.
7. Consideration of lists of issues
8. Consideration of requests for urgent actions (article 30 of the Convention)
9. Consideration of individual communications (article 31 of the Convention)
10. Meeting with Member States of the United Nations.
11. Meeting with national human rights institutions.
12. Meeting with non-governmental organizations and other stakeholders.
13. Provisional agenda for the ninth session.
14. Treaty body strengthening update.

## **Annex IV**

### **Items to be included in the provisional agenda of the ninth session of the Committee**

1. Opening of the ninth session.
2. Solemn declaration by the newly elected members of the Committee.
3. Election of the officers.
4. Minute of silence in remembrance of victims of enforced disappearances.
5. Adoption of the agenda.
6. Information received by the Committee.
7. Matters related to the methods of work of the Committee:
  - a. arts. 30, 31, 32, 33 and 34 of the Convention;
  - b. strategy for ratification.
8. Consideration of reports of States parties to the Convention:
  - a. Iraq
  - b. Montenegro
9. Consideration of the list of issues related to the report:
  - a. Kazakhstan
  - b. Tunisia
  - c. Burkina Faso
10. Consideration of requests for urgent actions (article 30 of the Convention).
11. Consideration of individual communications (article 31 of the Convention).
12. Meeting with United Nations Member States.
13. Meeting with United Nations agencies and mechanisms, and intergovernmental organizations.
14. Yearly meeting with the Working Group on Enforced and Involuntary Disappearances.
15. Meeting with national human rights institutions.
16. Meeting with non-governmental organizations and other stakeholders, including associations of families of victims.

17. Provisional agenda for the tenth session.

18. Implementation of the GA Resolution 68/268.

## **Annex V**

### **List of participants**

#### **Meeting with Member States**

- Argentina
- Burundi
- Costa Rica
- Denmark
- France
- Germany
- Greece
- Guinea
- Haiti
- Ireland
- Japan
- Kazakhstan
- Lebanon
- Peru
- Saudi Arabia
- Senegal
- Spain
- Sri Lanka
- Switzerland
- Tunisia
- Ukraine
- Uruguay
- Vietnam

#### **Meeting with National Human Rights Institutions**

- International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

#### **Meeting with NGOs**

- FIDH

## **Annex VI**

### **Statement on Enforced Disappearances and Military Jurisdiction**

1. The right to justice for the victims of the crime of enforced disappearance implies the respect of the principles of independence and impartiality of the Courts. The jurisdiction of military courts in case of gross violations of human rights, whether the victims are military or civilians, has become an important question confronting the Committee on Enforced Disappearances (the “Committee”) as it performs its duties, notably in its consideration of States parties reports under article 29 of the International Convention for the Protection of All Persons from Enforced Disappearance (the “Convention”). In this context, the Committee organized a public debate on enforced disappearances and military courts on 25 March 2014 during its sixth session.
2. The Committee makes the following statement with a view to clarifying its guidance to States parties for its review of the measures taken to give effect to States parties’ obligations to implement the Convention. The Committee notes that the Convention establishes obligations in the areas of investigations, prosecutions and trials. The Committee’s opinion is that military jurisdiction could limit the effectiveness of investigations, prosecutions and trials of enforced disappearances.
3. Investigations must be thorough and impartial and steps shall be taken to ensure the protection of complainants, witnesses and relatives (art. 12.1) as well as the victims’ access to documentation and other information relevant to the investigations (art. 12.3.a) , and furthermore guarantees must be provided that the persons suspected of having committed an offence of enforced disappearances are not in a position to influence an investigation by means of pressure or acts of intimidation or reprisal (12.4).
4. The Convention also requires that any person tried for an offence of enforced disappearance shall benefit from a fair trial before a competent, independent and impartial court established by law (art. 11.3).
5. In approaching the provisions of the Convention and with a view to ensuring a fair trial before an independent and impartial court, the Committee has recommended in its concluding observations to States parties, when relevant, that all cases of enforced disappearance remain expressly outside military jurisdiction and be investigated and prosecuted by or under control of civil authorities and tried only by ordinary courts.
6. The Committee notes that the practice of other human rights treaty bodies, notably the Human Rights Committee, when considering the role of military courts [justice or jurisdiction] in relation to prosecutions of gross human rights violations.
7. The Committee takes into account the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, in particular article 14, and also bears in mind

the approach of the Working Group on Enforced and Involuntary Disappearance of the Human Rights Council in this regard.

8. The Committee is aware of other developments in international law, in particular the Inter-American Convention on Forced Disappearance of Persons (article IX) which states that ‘persons alleged to be responsible for the acts constituting the offence of forced disappearance of persons may be tried only in the competent jurisdictions of ordinary law in each State, to the exclusion of all other special jurisdictions, particularly military jurisdictions’.
9. The Committee is also aware of the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (E/CN.4/2005/102/Add.1, Principle 29) which restricts the jurisdiction of military tribunals to specifically military offences committed by military personnel, to the exclusion of human rights violations; and, the draft Principles Governing the Administration of Justice through Military Tribunals of the Sub-Commission for the Promotion and the Protection of Human Rights (E/CN.4/2006/58, Principle 9) which states that the jurisdiction of military courts should be set aside in favour of the jurisdiction of ordinary courts to conduct inquiries into serious human rights violations such as enforced disappearance and to prosecute and try persons accused of such crimes.
10. Taking into account the provisions of the Convention and the progressive development of international law in order to assure the consistency in the implementation of international standards, the Committee reaffirms that military jurisdiction ought to be excluded in cases of gross human rights violations, including enforced disappearance.