

COMMITTEE ON ENFORCED DISAPPEARANCES  
Tenth session  
Geneva 7-18 March 2016

**REPORT OF THE COMMITTEE ON ENFORCED DISAPPEARANCES  
ON ITS TENTH 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 18 March 2016, the closing date of the tenth session of the Committee on Enforced Disappearances (CED), there were 51 parties to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and 95 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 18 March 2016, 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 tenth session**

3. The tenth session of the Committee on Enforced Disappearances was opened by Mr. Simon Walker, Human Rights Treaty Division, Office of the High Commissioner for Human Rights, Chief of Civil, Political, Economic, Social and Cultural Rights Section.

In his opening statement, Mr. Simon Walker emphasized the innovative nature of the Convention which is land marking in several aspects for the victims, their families and, more broadly, for the society as a whole. For the first time the absolute prohibition of enforced disappearance was enshrined in a treaty; States parties were called to ensure that enforced disappearance constituted an offence under domestic law, and that it amounted to a crime against humanity if its practice is widespread and systematic.

He noted that the Convention covers new forms of enforced disappearances, new perpetrators and new victims, as it will also be recalled in the round table on the “Contemporary Challenges” of the Convention organized by Argentina, France, Japan and Morocco to commemorate the tenth anniversary of its adoption. The panel round table will cover issues such as the punishment of the crime of enforced disappearance, state accountability, the involvement of non-state actors, the fulfillment of the rights of the victim, the need for coherence between the Convention and international human rights law, the coordination with other bodies and mechanisms and the collaboration with civil society.

Mr. Walker recalled that the General Assembly in its annual resolution on the Convention decided to devote one high-level plenary meeting to the 10<sup>th</sup> anniversary during its 71<sup>st</sup> session in New-York. He also mentioned that 2016 is the year which marks the evaluation, by a conference of States Parties, of the functioning of the Committee, in accordance with article 27 of the Convention.

Finally, he was pleased to note that Italy ratified the Convention on 8 October 2015 bringing the number of States Parties to 51. The increase of States Parties is slow but steady. He concluded by recalling the Office of the High Commissioner for Human Rights’ commitment to supporting the work of the Committee on Enforced Disappearances.

4. In his opening statement, Mr. Emmanuel Decaux, Chairperson of the Committee, noted the inexcusable delay regarding States' reporting and called upon States Parties to fulfil their obligation under article 29.1 of the Convention to meet the deadline. He encouraged them as well to make a declaration under articles 31 and 32 of the Convention to recognize the competence of the Committee to receive individual and inter-state communications. He mentioned the importance of the urgent action procedure under article 30 of the Convention and the possibility of visits by the Committee, when information of serious violations is received, in application of article 33 of the Convention.

The Chairperson reiterated that 2016 will be marked by the implementation of the General Assembly resolution 68/268, which will be the object of the Secretary-General Progress Report. In this respect, he insisted on the importance of the Principles of Addis Ababa on independence and impartiality of experts and of the San-José Principles against intimidation or reprisals, both already adopted by the Committee. He mentioned that, in the framework of further harmonization of methods of work, the Chairpersons endorsed during their 27<sup>th</sup> annual meeting also a common methodology to adopt general comments. He also expressed concern about the lack of means at the Committee's disposal and called upon the Secretary-General to fulfil the obligation under article 26 (7) of the Convention.

Mr. Decaux recalled that the General Assembly decided, in its resolution 70/160, to hold a high plenary meeting to commemorate the 10<sup>th</sup> anniversary of the Convention during its 71<sup>st</sup> session. He noted that the continuing support by the General Assembly for the universal ratification of the Convention is very encouraging. He highlighted the exceptional meeting, during the session, organised to commemorate the 10<sup>th</sup> anniversary of the Convention with the participation *inter alia* of Mr. Salvioli, Chairperson of the Human Rights Committee, and Ms. Es-Slami, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearance, the Ambassadors of Argentina, France, Morocco, Japan, academics and representatives of civil society.

He concluded by recalling that five or ten years, the number of years of existence of the Committee and of adoption of the Convention, do not represent much in the long tragic history of enforced disappearance and that also for this reason the Committee must redouble its efforts.

### **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. All Committee members attended the 10<sup>th</sup> session. Luciano HAZAN attended the 10<sup>th</sup> session as at 8 March 2016. A list of members of the Committee, indicating the duration of their terms of office, is included in annex II of the present report.

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

7. 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**

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

### **F. Update on the implementation of GA Resolution 68/268**

9. On Monday 14 March 2016, Birgit Van Hout, Secretary of the Annual Meeting of Treaty Body Chairpersons and Paulo David, Chief of the Capacity Building and Harmonizing Section, briefed the Committee on the GA Res. 68/268 and the 28<sup>th</sup> annual meeting of Chairpersons of Treaty Bodies. Paulo David recalled the purpose of Resolution 68/268 to decrease Committees' backlog and its implementation which improved the situation with regard to State reporting but not to individual communications. During the past year there was also a huge increase of urgent actions submitted to CED. He reiterated the guiding principles of Resolution 68/268 while giving an update on different Committees' endorsement including San José Principles on Reprisals, Methodology to adopt General Comments and webcasting of Committees' sessions. He stressed the capacity building scheme available for Committee members in a way of implementing efficiency measures for the Resolution. With regard to the 28<sup>th</sup> annual meeting of Chairpersons, that will be held in New-York in June 2016, Birgit Van Hout reiterated the main items included in the provisional agenda which will be discussed in accordance to Resolution 68/268: evaluation of the report of the Secretary-General on the implementation of GA Res. 68/268, Addis Ababa guidelines, San José guidelines, States Parties compliance with reporting obligations, guidelines about the core common documents. Beside GA. Res 68/268, the Chairpersons meeting will also look into the engagement with National human rights institutions; remedies and reparation; the issue of publicity or confidentiality during inquiries; and the future collaboration with the Inter-American Court of Human Rights.

### **G. Preparation of the 28<sup>th</sup> Chairpersons' meeting**

10. The Committee discussed and endorsed the draft annotated agenda for the 28<sup>th</sup> meeting of Chairpersons.

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

### **A. Working methods**

11. During its tenth session, the Committee reviewed and discussed the following issues related to its working methods:

- a. Methods of work related to articles 30, 31, 32, 33 and 34 of the Convention;
- b. Strategy to increase ratification of the Convention;
- c. Strategy to elicit overdue reports;

d. Other matters.

## **B. Urgent action procedure under article 30 of the Convention**

12. The Special Rapporteurs on urgent actions presented the Note of the Secretary-General on urgent actions, describing the main features of the registered cases, as well as the criteria for registration, the challenges faced, and the decisions taken in the exercise of their functions since the ninth session of the Committee. They informed the Plenary that since March 2012, the date of submission of the first urgent action registered by the Committee, 346 petitions for urgent actions under article 30 of the Convention have been received, out of which 275 were registered. Out of these, 1 relates to a disappearance occurred in Brazil, 1 in Cambodia, 5 in Colombia, 218 in Mexico and 50 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. The rapporteurs also informed the Committee that, since the date of issuance of the Note of the Secretary General (22 February 2016), the number of registered urgent actions had risen from 275 to 292.

13. The report was discussed and validated. On this occasion, the Plenary decided to invite States parties concerned with registered urgent actions to establish a mechanism of coordination through the identification of a point of contact in the Capital in order to have a more efficient channel of communication with the authorities in charge of the relevant cases. The Plenary also decided to include parts of the note of the Secretary-General in the annual report to the General Assembly and publish it as an information note on the Committee's website, together with the list of registered urgent actions.

## **C. Communication procedure under article 31 of the Convention**

14. The Committee decided on the merits on the first individual communication (1/2013 Yrusta v. Argentina) received under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance. It concerned Mr. Roberto Yrusta, a prisoner in Argentina, whose family was denied any information about his whereabouts for a period of around seven days, during which he was moved from a prison in Cordoba to one in Santa Fe province. The Committee found that Mr. Yrusta was indeed subjected to enforced disappearance as he could not communicate with his family, nor consult a lawyer, and as the authorities concealed or refused to acknowledge whether he had been transferred despite repeated requests from his relatives. In this decision the Committee reaffirmed that there is no temporal element for an enforced disappearance, and that a secret detention can take place also in an official prison when the authorities do not provide information about the detainees. The text of the decision can be found from:  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2f10%2fd%2f1%2f2013&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2f10%2fd%2f1%2f2013&Lang=en)

## **D. Decisions**

15. The Committee decided on:
- a. “Any draft document relating to its activities under the Convention and requiring discussion and adoption by the Committee, including any document related to reporting (such as draft concluding observations, draft lists of issues and draft reports on follow-up to concluding observations), urgent actions, individual and inter-State communications, country visits, the mechanism to address widespread or systematic enforced disappearances, legal interpretations (such as draft general comments and draft formal statements) and working methods and other matters (such as draft annual reports, draft rules of procedure and draft guidelines), must be translated into the working languages of the Committee.”
  - b. The adoption on the common methodology for consultation to adopt General Comments as outlined in the Report of the Chairs of the human rights treaty bodies on their twenty-seventh meeting (A/70/302) paras. 91-92;
  - c. The establishment of a Working Group for the revision of the Rules of Procedure; the revision of the Guidelines for States parties on reporting; and the draft of internal guidelines based on the evolution of the jurisprudence in Concluding Observations, with a view to adopt the related documents at its 11<sup>th</sup> session;
  - d. Reminders to be sent to those States parties that have not submitted their reports on time;
  - e. The adoption of the List of Issues on Colombia and Bosnia and Herzegovina;
  - f. The adoption of the concluding observations on the reports submitted by Tunisia, Burkina Faso and Kazakhstan under article 29, paragraph 1 of the Convention;
  - g. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Lithuania and Albania, and lead the constructive dialogues with the States parties;
  - h. The adoption of its annual report to the 71<sup>st</sup> session of the General Assembly;
  - i. The adoption of its tenth session informal report;
  - j. The adoption of the provisional agenda of the eleventh session of the Committee (included in Annex IV).

## **E. Future Session**

16. In accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the dates of its eleventh session, to be held from 3 to 14 October 2016, the first week at the Office of the High Commissioner for Human Rights, Palais Wilson and the second week at United Nations Office at Geneva, Palais des Nations.

## **III. CONSIDERATION OF REPORTS**

### **A. Tunisia**

17. On 7 and 8 March 2016, the Committee considered the report of Tunisia in a public session. Prior to this, the Committee received briefings by the Truth and Dignity Commission



and Non-Governmental Organizations (NGOs). Tunisia was represented by Mr. Kamel JENDOUBI, Minister in charge of relationships with constitutional instances and civil society and of Human Rights, Head of Delegation, the delegation was composed by Mr. Walid DOUDECH, Ambassador, permanent representative of Tunisia to the United Nations Office at Geneva and International Organizations in Switzerland; Mr. Hatem LANDLOUSI, head of the Human Rights department at the Ministry of Foreign Affairs; Ms. Faten SEBAI, Magistrate, Head of group at the Centre of legal and judicial studies, Ministry of Justice; Mr. Adel BOUDABOUSS, First deputy public prosecutor of the Military Court of First Instance in Tunis; Mr. Maher KADDOUR, Chief of the Human Rights Unit in the Cabinet of the Minister of Interior; Mr. Sami BOUGACHA, Counselor, Permanent Mission of Tunisia in Geneva.

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

- Acceptance of the **competence of the Committee under articles 31 and 32** of the Convention;
- **Direct applicability** of the Convention before domestic jurisdictions;
- Compliance of the High Committee for Human Rights and Fundamental Freedoms (NHRI) with the Paris Principles and its replacement by a new constitutional institution;
- **Non-derogability** of the prohibition of enforced disappearance, including legislation in place regarding states of emergency;
- **Criminalization of enforced disappearance as an autonomous offence** in domestic law and status of **bill to combat enforced disappearance**;
- **Penalties** applied to enforced disappearance and **mitigating and aggravating circumstances**;
- Enforced disappearance as a **crime against humanity**;
- **Criminal responsibility of superiors** in accordance with article 6 (1) (b) of the Convention;
- **Applicability of statute of limitations** considering the continuous nature of the crime;
- **Jurisdiction of Tunisian courts**;
- **Jurisdiction of military courts** over cases of enforced disappearance;
- **Transitional justice legislation**, including its implementation, activities carried out by the Truth and Dignity Commission, and the **participation of victims**;
- **Prevention and sanction of acts that may hinder the conduct of an investigation**;
- **Protection of persons participating in an investigation** against ill-treatment and intimidation;
- **Obligation of non-refoulement**, including assessment procedure and specific prohibition;
- **Compliance with the Convention** in cases of persons deprived of their liberty under the **counter-terrorism law**, including access to legal representation;
- Immediate **notification of relatives and other interested persons** of the deprivation of liberty of a person, and access to legal counsel;
- **National Commission for the Prevention of Torture**, including delays in its establishment;
- The **obligation to provide information** to any person with a legitimate interest and its possible limitations and **records/registration of persons deprived of liberty**;

- **Legal situation of disappeared persons** whose fate has not been clarified and that of their relatives;
- **Definition of victim** and right to **reparation and prompt, fair and adequate compensation** outside the framework of transitional justice;
- Legislation concerning **the wrongful removal of children** in accordance with article 25 of the Convention.

## B. Burkina Faso

19. On 8 and 9 March 2016, the Committee considered the report of Burkina Faso in public. Burkina Faso was represented by Ms. Bibata NEBIE, Magistrate, Head of Cabinet of the Ministry of Justice Human Rights and Civic Promotion, Head of Delegation and a delegation composed by Ms. Evelyne Marie Augustine ILBOUDO, Ambassador, Deputy Permanent Representative; Ms Myriam POUSSI, legal Counselor; From the Ministry of Justice, Human Rights and Civic Promotion: Mr. Passida Pascal GOUBA, Counselor of Foreign Affairs, Head of the Defense of Human Rights; Mr. Dramane SANOU, Counselor on Human Rights, Head of the follow-up on International Agreements; From the Ministry of Foreign Affairs, Cooperation and External Burkinabé: Mr. Emmanuel OUALI, Counselor on Foreign Affairs; From the Ministry of National Defense and former Combatants: Chief Warrant Officer Dieudonné Pascal PARE, Head of Criminal Affairs Department, head office of the Judiciary Police of the Gendarmerie Nationale; Mr. Arzouma III Samson OUEDRAOGO, Second Counselor to the Embassy; Mr. Urbain Yrsaona DABIRE, Second Secretary to the Embassy; Franck Wendingoundi OUEDRAOGO, Attaché to the Embassy; Colonel Major Abdoul DIALLO, head of the study and plan over Army Chief of Staff Division; and Mr. the Commissioner Kalifa KONE, Head of the criminal investigations division of the National Police, Ministry of Territorial Administration, Decentralization and Interior Security.

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

- Acceptance of the **competence of the Committee under articles 31 and 32** of the Convention;
- **Absence of definition of Enforced Disappearance** within the meaning of article 2 of the Convention;
- **Absence of criminalization of Enforced Disappearance** as an autonomous offence in accordance with article 4 of the Convention;
- **Direct applicability** of the Convention before domestic courts;
- Compliance of the Commission Nationale des Droits Humains (NHRI) with the Paris Principles;
- The coexistence and respective functions of the three institutions: The Faso Mediator, the National Human Rights Commission and the National Observatory Against Torture;
- **Mitigating and aggravating circumstances** not in conformity with article 7 of the Convention;
- **Superiors responsibility** and any other accountability provided for in article 6 of the Convention;
- The **continuous nature** of the crime of enforced disappearance, application of **statute of limitations and principle of non-retroactivity**;

- **Extradition *inter alia*** on the basis of the Convention only in accordance with the principle of reciprocity;
- **Immunities** as grounds for refusal of extradition;
- **Authorities responsible to investigate** allegations of enforced disappearance committed by members of the armed forces in the performance of their duty;
- **Jurisdiction over enforced disappearance when the alleged perpetrator finds himself on the territory of the State**, regardless of his nationality;
- **Jurisdiction of military courts**, their composition and functioning;
- Possible establishment of specialized bodies to investigate and prosecute cases of enforced disappearance;
- **Protection of persons participating in an investigation** against ill-treatment and intimidation;
- **Prevention and sanction of acts that may hinder the conduct of investigation.**
- **Enforced Disappearance as an extraditable offence and guarantee of non-refoulement** in any treaty concluded with other States, the exclusion of political purposes and motives to limit such extradition and the application of the principle of reciprocity;
- **Extradition and principle of dual criminality** in cases of Enforced Disappearances;
- Guarantee and application of rules of *Habeas Corpus*, non-existing in the domestic legal framework;
- **National preventive mechanisms**, including mandate to visit all places where people can be deprived of their liberty
- **The obligation to register any person deprived of liberty** in accordance with article 17, paragraph 3, of the Convention and disciplinary or legal measures to punish its infringement;
- **The right of detainees awaiting trial to immediately inform their families and/or legal counsel** and under what condition restrictions to that right are allowed;
- **Existing criminal legislation** under which offences related to enforced disappearance may be invoked;
- **Legal situation of disappeared persons** whose fate has not been clarified and that of their relatives;
- Administrative, judicial and political measures of **reparation and prompt, fair and adequate compensation** for all persons falling under the scope of the definition of victim in accordance to article 24 of the Convention.
- **Criminalization of falsification, concealment, especially destruction of documents attesting to the true identity of children** referred to in article 25 of the Convention.

### C. Kazakhstan

21. On 9 and 10 March 2016, the Committee considered the report of Kazakhstan in a public session. Kazakhstan was represented by Mr. Rashid ZHAKUPOV, Deputy Minister of Internal Affairs, Head of Delegation; and a delegation composed by Mr. Tastemir ABISHEV, Secretary, Commission on Human Rights under the President; Mr. Yerden ARIPOV, Judge of the Supreme Court; Ms. Ayash MAKENOVA, Acting Chairperson, Committee on Children Rights Protection of the Ministry of Education and Science; Mr. Azamat BAZYLBEKOV, Deputy Chairperson, Correctional System Committee of the Ministry of Internal Affairs; Ms. Azhar TULEGALIYEVA, Director of Social Services Department of the Ministry of Health and Social Development; Mr. Rakhmadzhan DOSSANOV, Deputy

Head of the Investigation Department of the Ministry of Internal Affairs; Mr. Abai KAYRBEKOV, Deputy Head of the Security, Ministry of Internal Affairs; Ms. Aliya AISINA, Senior Prosecutor, International Cooperation Department, Prosecutor General's Office of the Republic of Kazakhstan; Mr. Sayat KAKHANOV, head of Division, Department of Criminal Police, Ministry of Internal Affairs; Ms. Dinara IZANOVA, Head of Division, Department of Multilateral Cooperation; Ministry of Foreign Affairs; Mr. Azat MATENOV, Desk Officer, Department of Multilateral Cooperation, Ministry of Foreign Affairs; Ms. Shinar KUCHERBAYEVA, Senior Inspector of the Criminal Police Department, Ministry of Internal Affairs; Ms. Dinara OSPANOVA, Senior Expert, National Center for Human Rights; Ms. Zulfiya BAISAKOVA, Chairperson of the Association of legal entities "Union of Crisis Centers of Kazakhstan".

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

- Acceptance of the **competence of the Committee under articles 31 and 32** of the Convention;
- **Direct applicability** of the Convention before domestic jurisdictions;
- Compliance of the office of the Commissioner for Human Rights (NHRI) with the Paris Principles;
- **Non-derogability of the prohibition of enforced disappearance**, including legislation in place regarding public emergency;
- Enforced disappearance as an **autonomous offence** in domestic law;
- **Criminal responsibility of superior officials** in line with article 6 of the Convention;
- **Continuous nature of the crime** of enforced disappearance and its impact on the **statute of limitations**;
- **Jurisdiction of domestic courts** over cases referred to in article 9 of the Convention;
- Competence of **military courts** over allegations of enforced disappearance;
- Information about the **dedicated divisions** that operate within law enforcement and specialized agencies, their structure, resources and effectiveness;
- **Exclusion of officials** accused to be involved in cases under investigation in order to measure independence of the investigation;
- Procedure for **expulsion and return** and prohibition on carrying them out if there are substantial grounds to believe that the person would be in danger of being subjected to enforced disappearance;
- **Measures taken to guarantee to people deprived of liberty the right to communicate** with their family, legal counsel and any other person of their choice;
- **National Preventive Mechanism**, including mandate to visit all places where people can be deprived of their liberty;
- **Guarantee** for persons deprived of liberty or any person with a legitimate interest to take proceedings before a Court;
- **Registration of all required information** regarding people deprived of their liberty according to article 17(3) of the Convention and proceedings when failure to observe that obligation;
- **Guarantee of the right to access information** for families, relatives and any person with an interest in accordance with article 18 of the Convention;
- **Training** for various State actors in accordance with the Convention;
- **Definition of victim in domestic law of article 23(1) of the Convention** and if persons falling within the scope of that definition are entitled to reparation/compensation;

- **Legal situation** of disappeared persons whose fate has not been clarified and that of their relatives;
- Legislation concerning the wrongful removal of children in accordance with article 25 of the Convention and procedures “to annul any adoption or placement of children that originated in an enforced disappearance”.

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

23. The Committee adopted the concluding observations on Tunisia on 15 March 2016 and the concluding observations on Kazakhstan and Burkina Faso on 16 March 2016.

24. The concluding observations on Tunisia can be found under the reference CED/C/TUN/CO/1 and from:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fTUN%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fTUN%2fCO%2f1&Lang=en)

25. The concluding observations on Burkina Faso can be found under the reference CED/C/BFA/CO/1 and from:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fBFA%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fBFA%2fCO%2f1&Lang=en)

26. The concluding observations on Kazakhstan can be found under the reference CED/C/KAZ/CO/1 and from:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fKAZ%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fKAZ%2fCO%2f1&Lang=en)

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

#### **A. Colombia**

27. On 14 March 2016, the Committee adopted the List of Issues on Colombia. The List of Issues on Colombia can be found under the reference CED/C/COL/Q/1 and from:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fCOL%2fQ%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fCOL%2fQ%2f1&Lang=en)

#### **B. Bosnia and Herzegovina**

28. On 15 March 2016, the Committee adopted the List of Issues on Bosnia and Herzegovina. The List of Issues on Bosnia and Herzegovina can be found under the reference CED/C/BH/Q/1 and from:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fBIH%2fQ%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fBIH%2fQ%2f1&Lang=en)

### **V. SUBMISSION OF REPORTS**

### **A. Reports submitted on time**

29. The Committee expressed its gratitude to the States parties that had submitted their reports within the specified time period. The Committee praised and thanked Lithuania for its spirit of cooperation in submitting its report within the deadline foreseen in article 29, paragraph 1, of the Convention and encouraged other States parties to follow its example.

### **B. Overdue reports**

30. The Committee was deeply concerned by the number of overdue reports of States Parties and reminded States Parties that they were required to report within two years from the entry into force of the Convention, as per article 29 of the Convention. The Committee expressed concern that the reports of Bolivia, Mali, Japan, Nigeria, Chile and Brazil had still not been submitted notwithstanding that those States were among the first to have ratified the Convention. The Committee further noted that the reports of Zambia, Panama, Costa Rica, Austria, Peru, Mauritania, Samoa, Morocco and Cambodia were significantly overdue. The Chair reiterated that the efficient functioning of the Committee depends on the timely submission of reports and urged States parties to respect their legal obligation to submit reports on time.

## **VI. COMMEMORATION OF THE TENTH ANNIVERSARY OF THE ADOPTION OF THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE – CONTEMPORARY CHALLENGES**

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On 11 March 2016, the Committee on Enforced Disappearances, Argentina, France, Morocco and Japan, in collaboration with the Office of the High Commissioner for Human Rights organized an event titled “Contemporary Challenges” to commemorate the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

The Committee on Enforced Disappearances wishes to express its gratitude to all participants: H.E. Mr. Alberto Pedro D’Alotto, Ambassador of Argentina; H.E. Ms. Elisabeth Laurin, Ambassador of France; H.E. Mr. Mohammed Auajjar, Ambassador of Morocco; H.E. Mr. Junichi Ihara, Ambassador of Japan; Mr. Louis Joinet, Honorary Public Prosecutor at the Court of Cassation; Mr. Ibrahim Salama, Director of the Human Rights Treaty Division at the Office of the High Commissioner for Human Rights; Mr. Fabian Salvioli the Chairperson of the Human Rights Committee; Ms. Houria Es Slami, Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Mr. Andrew Clapham, Professor of Public International Law at the Graduate Institute of International and Development Studies; Ms. Mary Aileen Bacalso, Chair of ICAED; Mr. Federico Andreu, Representative of the International Commission of Jurists; Mr. Nicolas Agostini, FIDH Representative to the UN in Geneva; and Mr. Solomon Sacco, Amnesty International Legal Counselor.

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Participants paid tribute to all the families who suffered unspeakable pain in the search for their loved ones and in spite of this, still managed to campaign for the hundreds of thousands who disappeared by founding associations, internationally recognised organisations and movements. They all welcomed the participation of Louis Joinet to that event because of his great role played during all those years. They also remembered Ambassador Bernard Kassedjian, chair of the Open-Ended Working Group for his resoluteness and excellent diplomatic skills which enable the drafting of the Convention in less than four years.

The commemoration was articulated around two panels: the first one focused on the unique and innovative nature of the Convention and second one on the rights of victims and their status under the Convention.

During the first panel, speakers highlighted the innovations and specificities of the Convention. It was noted that cases of enforced disappearance raise specific challenges which must be properly address. Treaty Bodies need to take into account the continuous nature of this crime, which ends only when the disappeared person or his remains have been found. The panellists noted that even if the offence ceased, it did occur and therefore should be investigated, prosecuted and punished. Moreover, they highlighted that contemporary forms of enforced disappearances, such as secret detention, are already prohibited by the Convention. With regard to the offence itself, there is no temporal element required for its existence. Finally, when enforced disappearance is invoked before Treaty Bodies, there must be a comprehensive assessment of the matter, whether or not the complainant has mentioned the afferent provisions of the Convention and it must go hand in hand with a flexible assessment of the evidences, including circumstantial and contextual ones.

Participants in the second panel singled out the importance of the definition of victims included in article 24 of the Convention as one of its most innovative features. The Convention considers victims “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance” and addresses the rights of victims in a holistic manner. Victims have the right to know the truth regarding the circumstances of the disappearance and the progress and results of the investigation; victims have the right to obtain reparation and prompt, fair and adequate compensation. Reparation must cover material and moral damage and include restitution, rehabilitation, satisfaction and guarantee of non-repetition. The States must protect all those affected by an enforced disappearance, take steps to define the legal situation of the disappeared persons and his family and guarantee the right to form associations aiming at clarifying cases of enforced disappearance. In that respect, the dissemination of the Convention among States and individuals is essential to achieve its concrete application.

The achievement of the universal ratification of the Convention and the timely submissions of reports by States parties to the Committee were identified as the main challenges to be addressed in the years ahead. The event was an occasion to recall the contemporary value of the Convention in a world where enforced disappearance sadly remains a reality.

## ANNEXES

### Annex I

#### States parties to the Convention at the time of the ninth 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	11 Nov. 2015
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	4 Feb. 2016
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	28 Apr. 2015
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	24 Apr. 2015
9	<b>Kazakhstan</b>	27 Feb.2009	23 Dec. 2010	23 Dec. 2012	3 June 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	5 Jun. 2015
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 June 2014
21	<b>Brazil</b>	29 Nov. 2010	29 Dec.2010	29 Dec.2012	
22	<b>Gabon</b>	19 Jan. 2011	18 Feb. 2011	18 Feb. 2013	10 June 2015
23	<b>Armenia</b>	24 Jan. 2011	23 Feb. 2011	23 Feb. 2013	14 Oct. 2013
24	<b>Netherlands*</b>	23 Mar. 2011	22Apr. 2011	22 Apr. 2013	11 June 2013
25	<b>Zambia</b>	4 Apr. 2011	4 May 2011	4 May 2013	
26	<b>Serbia*</b>	18 May 2011	17 Jun. 2011	17 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	17 Mar. 2012	17 Mar. 2014	
32	<b>Bosnia and Herzegovina*</b>	30 Mar. 2012	29 Apr. 2012	29 Apr. 2014	26 Jan. 2015
33	<b>Austria*</b>	7 Jun. 2012	7 Jul. 2012	7 Jul. 2014	
34	<b>Colombia</b>	11 Jul. 2012	10 Aug. 2012	10 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	2 Nov. 2012	2 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	6 Oct. 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	
46	<b>Malta</b>	27 Mar. 2015	26 Apr. 2015	26 Apr. 2017	
47	<b>Greece</b>	9 Jul. 2015	8 Aug. 2015	8 Aug. 2017	



48	<b>Niger</b>	24 Jul. 2015	23 Aug. 2015	23 Aug. 2017	
49	<b>Belize</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
50	<b>Ukraine*</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
51	<b>Italy</b>	8 Oct. 2015	7 Nov. 2015	7 Nov. 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. Santiago CORCUERA CABEZUT	Mexico	30 June 2017
Mr. Emmanuel DECAUX	France	30 June 2019
Ms. Maria Clara GALVIS PATIÑO	Colombia	30 June 2019
Mr. Daniel FIGALLO RIVADENEYRA	Peru	30 June 2019
Mr. Luciano HAZAN	Argentina	30 June 2017
Mr. Rainer HUHLE	Germany	30 June 2019
Ms. Suela JANINA	Albania	30 June 2019
Mr. Juan José LÓPEZ ORTEGA	Spain	30 June 2017
Mr. Kimio YAKUSHIJI	Japan	30 June 2017

### **Annex III**

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

1. Opening of the tenth session.
2. Adoption of the agenda.
3. Minute of silence in remembrance of victims of enforced disappearances.
4. 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. Strategy for ratifying the Convention;
  - c. Other matters.
6. Consideration of reports of States parties to the Convention:
  - a. Tunisia;
  - b. Burkina Faso;
  - c. Kazakhstan.
7. Consideration of lists of issues:
  - a. Colombia;
  - b. Bosnia and Herzegovina.
8. Consideration of requests for urgent actions (article 30 of the Convention).
9. Consideration of individual communications (article 31 of the Convention).
10. Commemoration of the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.
11. Update on the implementation of General Assembly Resolution 68/268.

## **Annex IV**

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

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Minute of silence in remembrance of victims of enforced disappearances.
5. Information received by the Committee.
6. Matters related to the methods of work of the Committee:
  - a. Methods of work relating to articles 31-34 of the Convention;
  - b. Strategy for ratifying the Convention and other matters.
7. Consideration of reports of States parties to the Convention:
  - a. Bosnia and Herzegovina
  - b. Colombia
8. Follow up to concluding observations on State party reports
9. Consideration of the list of issues related to the report:
  - a. Cuba
  - b. Ecuador
  - c. Senegal
10. Consideration of requests for urgent actions (article 30 of the Convention).
11. Consideration of individual communications (article 31 of the Convention).
12. Annual Meeting with the Working Group on Enforced or Involuntary Disappearances
13. Meeting with Member States of the United Nations.
14. Meeting with the United Nations agencies and mechanisms, and intergovernmental organizations.

15. Meeting with national human rights institutions.
17. Meeting with non-governmental organizations and other stakeholders.
18. Provisional agenda for the twelfth session.
19. Update on the implementation of the GA Resolution 68/268.

## **Annex V**

### **List of participants to the commemoration of the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance**

#### **Human Rights Mechanisms:**

- Human Rights Committee
- Working Group on Enforced or Involuntary Disappearances.

#### **Member States:**

- Algeria;
- Argentina;
- Austria;
- Belarus;
- Brazil;
- Colombia;
- Cyprus;
- Ecuador;
- France;
- Gabon;
- Ghana;
- Greece;
- Iraq;
- Japan;
- Kazakhstan;
- Mexico;
- Monaco;
- Morocco;
- Peru;
- Spain;
- Turkey;
- Ukraine.

#### **National Human Rights Institutions:**

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

#### **Non-Governmental Organisations:**

- Asian Federation Against Involuntary Disappearances (AFAD);
- Amnesty International;
- Federation International, Worldwide Movement for Human Rights (FIDH);
- International Coalition Against Enforced Disappearances (ICAED) and International Commission of Jurists (CIJ).