

COMMITTEE ON ENFORCED DISAPPEARANCES  
Eleventh session  
Geneva 3-14 October 2016

**REPORT OF THE COMMITTEE ON ENFORCED DISAPPEARANCES  
ON ITS ELEVENTH 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 14 October 2016, the closing date of the eleventh session of the Committee on Enforced Disappearances (CED), there were 53 parties to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and 96 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 14 October 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. Election of Officers**

3. In accordance with rule 15 and 16 of the Committee's Rules of Procedure, Mr. Simon Walker, Chief of Civil, Political, Economic, Social and Cultural Rights Section, OHCHR conducted the elections of officers. Mr. Santiago Corcuera was elected Chair of the Committee and Mr. Rainer Huhle was elected Vice-Chair.

### **C. Opening of the eleventh session**

4. The eleventh session of the Committee on Enforced Disappearances was opened by Mrs. Kate Gilmore, Deputy High Commissioner for Human Rights of the United Nations. In her opening statement, Mrs. Kate Gilmore welcomed the members of the Committee and thanked the Committee for providing its leadership to the fight against the most egregious human rights violation of enforced and involuntary disappearances. She noted that it is one of the toughest areas of human rights work because it is the cruelest thing for people to have no closure and no possibility of understanding what has happened to their loved ones. Accordingly, the task of fighting against enforced disappearances cannot be overstated in terms of its importance. She noted that reflections on the work of the Committee and the contemporary issues relating to enforced disappearances will continue in the General Assembly's high level meeting as part of the present session in New York. The Deputy High Commissioner illustrated the importance of the work of the Committee through her personal experience in Iraq and Sri Lanka, which are two of the countries with the largest numbers of people disappeared unaccounted for and with families and loved ones longing for justice. She stressed that while enforced disappearances continue to occur and thousands of people languish in unrequited grief, there is still no galvanization of the member states for signing or ratifying the Convention. She stated the need for a strategic pathway in order to encourage support for the Convention and most importantly adherence to its obligations, including reporting by the State parties.

The OHCHR is extremely keen to finding ways to work together with the Committee in order to strengthen this critical area of human rights defense, human rights advocacy and human rights accountability.

5. In his address to the Committee, Emanuel Decaux, the outgoing Chair, congratulated Santiago Corcuera, the newly elected Chair of the Committee. He further thanked the members of the Committee and the Secretariat for their support and the State parties and the community of NGOs for their constructive input in the work of the Committee during his tenure. He noted that the presence of the Deputy High Commissioner at the opening of the session underlines the support given by the Secretariat that is indispensable for the efficiency of the Committee. He recalled the achievements of the Committee. He further welcomed the Secretary-General's report on the follow-up to the resolution 68/268 and found encouraging the Office of the High Commissioner's proposal before the Fifth Committee of the General Assembly, for an additional week of session. Professor Decaux expressed his gratitude to his colleagues for having allowed him to chair the meeting of Chairpersons in San José and Costa Rica and to do the transition with the 28<sup>th</sup> meeting of Chairpersons in New York in June 2016. These opportunities allowed him to work on topics like the San José guidelines on reprisal and intimidation against persons collaborating with treaty bodies. Professor Decaux underlined that the present session will demonstrate the ways in which the Committee has undertaken cooperation with other human rights protection mechanisms. He concluded by reminding the Conference of the State parties on 19<sup>th</sup> December in Geneva to evaluate the work of the Committee and the high level plenary meeting of the General Assembly to be held in mid-February in New York to promote ratification and awareness of the Convention.

6. Following Professor Decaux's statement, Mr. Corcuera presented his opening remarks in which he expressed his gratitude and thanked the members of the Committee for their trust and confidence. He stated the importance of the role played by the members of the families of the victims in being the *raison d'être* of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Committee on enforced disappearances and the Working Group on Enforced and Involuntary Disappearances. It is the unspeakable suffering of the victims, and of their families, that nourishes the commitment of the Committee members and justifies their undertaking. Mr. Corcuera thanked Professor Emmanuel Decaux for his commitment and skillful leadership since the establishment of the Committee and emphasized the Committee's achievements under his leadership which include, among others, the preparation and adoption of the Committee's rules of procedure, the working methods and the effective functioning of the urgent action mechanism provided for in article 30 of the Convention. He stressed the importance of the statements issued by the Committee, particularly with regard to military jurisdiction under Professor Decaux's leadership who is considered as a distinguished expert in this area. Addressing to the other members of the Committee, he noted that so far only 52 States are parties to the Convention, and 96 countries are signatories to it. Among these countries only 20 have recognized the Committee's competence to receive individual communications. He concluded that the figures speak for themselves illustrating the challenges that the Committee faces. Accordingly, it is important for the Committee to focus its efforts in order to achieve the largest ratification of the Convention possible and to increase the number of States which have recognized the competence of the Committee to accept communications. He also noted the invaluable and indispensable support of the Secretariat and thanked its members for their work.

7. The opening statements were followed by a session of questions and answers during which participants discussed the Secretary-General report on the follow-up to resolution 68/268, the cooperation of the Committee with regional mechanisms and the cooperation between the OHCHR and the Committee in promoting ratification and reporting under the Convention.

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

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

9. All Committee members attended the 11<sup>th</sup> session. Ms. Suela Janina did not attend the session on Wednesday, 5 October 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.

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

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

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

11. The Committee adopted the agenda for the eleventh session (CED/C/11/1). The adopted agenda is included in annex III.

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

### **A. Working methods**

12. During its eleventh 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**

13. The three 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

challenges faced, and the decisions taken in the exercise of their functions since the tenth session of the Committee. They informed the Plenary that since March 2012, the Committee has received 428 requests for urgent action, out of which 341 have been registered. Of the 341 registered urgent actions, one relate to events in Brazil, one to events in Cambodia, nine to events in Colombia, 70 to events in Iraq, 260 to events in Mexico, and one to events occurred in Morocco.

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.

At the time of this report, the Committee has discontinued three urgent actions in which the disappeared persons were located but remain in detention, and has closed four urgent actions. In three of the closed urgent actions, the victim was found alive and was released from secret detention; in one, the person was found dead. The Committee also decided to maintain open two of the Urgent Actions in which the disappeared persons were found dead, because the protection measures that were granted by the Committee remain necessary for their respective relatives. See the list of registered urgent actions at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fJUR%2f10%2f25096&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fJUR%2f10%2f25096&Lang=en)

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

14. The rapporteur on new communication and the Secretariat informed that no new individual complaints have been received to date under article 31 of the Convention. As regards follow-up to views, it was decided that for now, the rapporteurs on new communications will also be in charge of the follow-up to views. It was also decided that the rapporteurs will present a report on follow-up to views at the next session on the basis of the information received from the author and the State party, applying the methodology used by Committee on the Rights of Persons with Disabilities for such reports.

### **D. Decisions**

15. The Committee decided on:

- a. The attribution of functions of the Bureau which will be composed of:
  - Chair: Mr. Santiago Corcuera
  - Rapporteur: Mr. Juan José Lopez Ortega
  - Vice-Chairs: Mr. Rainer Huhle, Ms. Suela Janina, Mr. Kimio Yakushiji;as well as the functions of Rapporteurs on Urgent Actions; Rapporteur on Reprisal; Rapporteurs on Communication and Follow up Views; and Rapporteurs on the Report on Follow-up to Concluding Observations.
- b. The establishment of a Working Group to draft the methodology of the Follow-up report on Concluding Observations and the modalities to implement article 29 of the Convention.

- c. The appointment of a Working Group to draft a concept note on the investigation and search of disappeared persons according to the Convention and the Committee's jurisprudence.
- d. The appointment of a member who will prepare a draft statement on the investigation and search of disappeared persons according to the Convention, including a reference to the applicability of article 30 to cases covered by article 2 and 3 of the Convention (definition of enforced disappearance and non-state actors).
- e. The attention to be paid to the Sustainable Development Goals, in particular SDG 16, while carrying out its activities. The appointment of Mr. Kimio Yakushiji to represent the Committee at the Consultation on migration organized by Working Group on Enforced or Involuntary Disappearances in the Republic of Korea.
- f. The appointment of the country rapporteurs who will draft the Lists of Issues related to the report of Lithuania and will lead the constructive dialogue with the State party;
- g. The adoption of the List of Issues on Cuba, Ecuador and Senegal.
- h. The adoption of the concluding observations on the reports submitted by Bosnia and Herzegovina and Colombia under article 29, paragraph 1 of the Convention.
- i. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Lithuania, and lead the constructive dialogues with the States parties.
- j. The adoption of its eleventh session informal report.
- k. The adoption of the provisional agenda of the twelfth 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 twelfth session, to be held from 6 to 17 March 2017 at the Office of the High Commissioner for Human Rights, Palais Wilson.

### **III. CONSIDERATION OF REPORTS**

#### **A. Bosnia and Herzegovina**

17. On 4 and 5 October 2016, the Committee considered the report of Bosnia and Herzegovina in a public session. Bosnia and Herzegovina was represented by Mr. Kemo Sarac from the Ministry for Human Rights and Refugees of Bosnia and Herzegovina as the head of delegation; Ms. Lucija Ljubic Lepine, Ambassador, Permanent Representative of Bosnia and Herzegovina to the United Nations Office in Geneva; Ms. Saliha Duderija from the Ministry for Human Rights and Refugees of Bosnia and Herzegovina; Mr. Ibro Bulic from the Prosecutor's Office of Bosnia and Herzegovina; Ms. Renata Kapetanovic from the Ministry of Justice of Bosnia and Herzegovina; Ms. Dženana Mesic from the State Investigation and Protection Agency; Mr. Enes Dzubur from the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina; Mr. Sanin Pacariz from the Ministry of Justice of Federation of Bosnia and Herzegovina; Mr. Slobodan Zec from the Ministry of Justice of Republika Srpska; Ms. Fatima Basic from the Ministry of Justice of Bosnia and Herzegovina and Ms. Dijana Tabori Dorovic, Secretary, Permanent Representation of Bosnia and Herzegovina to the United Nations Office 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;
- Impact of the State party's complex Constitutional structure on the implementation of the Convention;
- Criminalization of enforced disappearance in domestic laws;
- Aggravating and mitigating circumstances applicable to acts of enforced disappearance;
- Investigation of enforced disappearances committed in the context of armed conflicts in the former Yugoslavia;
- Activities and resources at the disposal of the Missing Persons Institute;
- Prosecution of war crime cases, convictions and punishments of perpetrators of enforced disappearances;
- Protection of persons participating in an investigation;
- Provisions related to amnesty, pardon and immunity that may have the effect of exempting perpetrators of enforced disappearance from criminal proceedings or sanction;
- Suspension from duties and vetting process;
- Right to reparation and compensation;
- Legislation concerning the wrongful removal of children and measures taken to search for disappeared children.

## **B. Colombia**

19. On 6 October 2016, the Committee considered the report of Colombia in public. Colombia was represented by H. E. Mrs. Beatriz Londoño Soto, Ambassador, Permanent Representation of Colombia to the United Nations; Carlos Eduardo Valdes, Director General of National Institute of Legal Medicine (Instituto Nacional de Medicina Legal); Sandra Santa, Advisor of the Direction of Transitional Justice in the Ministry of Justice and Law (Asesora de la Direccion de Justicia Transicional-Ministerio de Justicia y del Derecho); Luisa Paris, Advisor of the presidential council for human rights (Asesora de la Consejeria Presidencial para los Derechos Humanos); Carlos Enrique Valencia Munoz, Advisor, Permanent Representation of Colombia to the United Nations; Heidi Botero, First Secretary, Permanent Representation of Colombia to the United Nations.

20. 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;
- Measures taken to collect accurate data and statistics about cases of enforced disappearance;
- Definition of enforced disappearance in criminal law;
- Criminal responsibility of superiors in domestic law;
- Allegations of and investigations into cases of enforced disappearance;
- Scope of military jurisdiction in cases of summary executions that also involved enforced disappearance;

- Disappearances perpetrated by organized illegal armed groups;
- Measures taken to guarantee the protection of victims, relatives, human rights defenders and persons participating in an investigation;
- Prompt notification of relatives and other interested persons of deprivations of liberty and access to legal counsel;
- Registration of persons deprived of liberty;
- Measures taken to search for disappeared persons;
- Activities of the National Center for Historic Memory;
- Right to reparation;
- Application of legislation concerning declaration of absence due to enforced disappearance;
- Criminalization of wrongful removal of children in accordance with art. 25 of the Convention and reports of children subjected to enforced disappearance;
- Existence of procedure to annul any adoption or placement of children that originated in an enforced disappearance.

### **C. Adoption of Concluding Observations**

21. The Committee adopted the concluding observations on Bosnia and Herzegovina and on Colombia on 12 October 2016.

22. The concluding observations on Bosnia and Herzegovina can be found under the reference CED/C/BIH/CO/1 and from:

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

23. The concluding observations on Colombia can be found under the reference CED/C/COL/CO/1 and from:

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

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

### **A. Cuba**

24. On 3 October 2016, the Committee adopted the List of Issues on Cuba. The List of Issues on Cuba can be found under the reference CED/C/CUB/Q/1 and from:

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

### **B. Ecuador**

25. On 4 October 2016, the Committee adopted the List of Issues on Ecuador. The List of Issues on Ecuador can be found under the reference CED/C/ECU/Q/1 and from:

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

## **C. Senegal**

26. On 10 October 2016, the Committee adopted the List of Issues on Senegal. The List of Issues on Senegal can be found under the reference CED/C/SEN/Q/1 and from:

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

## **V. SUBMISSION OF REPORTS**

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

27. The Committee expressed its gratitude to the States parties that had submitted their reports within the specified time period. The Committee praised and thanked Portugal for its spirit of cooperation in submitting its report a few months following the deadline foreseen in article 29, paragraph 1, of the Convention and encouraged other State parties to not only follow its example but also do everything possible in order to submit their reports in due time.

### **B. Overdue reports**

28. 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, 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, Mauritania, Samoa, Morocco, Cambodia and Lesotho 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. The Committee decided to send a reminders to all States whose report is overdue.

## **VI. RELATIONS WITH STAKEHOLDERS**

### **A. Meeting with the Working Group on Enforced and Involuntary Disappearances**

29. On 5 October 2016, the Committee held its fifth annual meeting with the Working Group on Enforced and Involuntary Disappearances through a videoconference with the Chair of the Working Group, Ms. Houria Es-Slami. During the videoconference, the Chair of the Working Group and the members of the Committee exchanged information on their respective activities. Ms. Es-slami pointed out a main concern faced in the work of the WG: the increase in the number of requests of urgent actions concerning the so-called short term enforced disappearances. Ms. Es-slami informed that the Working Group will organise a

consultation on Migration and Enforced disappearances which included a two level consultation. Firstly, there will be an expert consultation of 15 UN and NGO experts in Korea. The second level of consultation will be conducted through a questionnaire and information received will be used to further enhance the quality of the report of this consultation. The Committee and the Working Group identified common areas of thematic interest: short-term disappearances, non-state actors, attacks and reprisals against human rights defenders. Ms. Es-slami reaffirmed the full support for the continuation of the work of the Committee which will be decided upon during the upcoming Conference of State parties on 19th December 2016 in Geneva where the State parties will evaluate the Committee. Regarding this meeting, it is indispensable that the two bodies work together in terms of highlighting the importance of the role played by the Committee and secondly, the complementarity between the two.

### **B. Meeting with Member States**

30. On 7 October 2016, the Committee held a public meeting with Member States of the United Nations, which was attended by 23 States: Peru, Egypt, Ecuador, Venezuela, Bosnia and Herzegovina, Croatia, Montenegro, Qatar, Serbia, Bahrain, Belgium, Burundi, Germany, Mexico, Turkey, Brazil, Argentina, France, Japan, Iraq, Uruguay, Algeria and Libya. Japan, Argentina, France, Ecuador, Uruguay, Mexico and Bosnia and Herzegovina took the floor and confirmed their commitment to the work of the Committee and to the Committee's campaign for ratification of the Convention. The Conference on 19<sup>th</sup> December 2016 in Geneva was discussed and the States parties present reiterated their support for the continuity of the work of the Committee. The main points discussed by the participants were the importance of General comments in regards to interpretation of the Convention at a domestic level, the complementarity and the cooperation between the Committee and the working group, the proposal for a fifth week of session. Additionally, the need to promote ratification, especially in the Asian and the Arab region was stressed. The Committee reiterated the importance of its work by referring to the increasing use of the urgent actions mechanism. The Committee thanked the participants for their positive remarks and support shown by them in regard to the Conference and the work of the Committee in general. Finally, the Committee invited States parties to reflect on the issue of a universal ratification and expressed its willingness to cooperate with the State parties in this sense.

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

31. On 7 October 2016, the Committee held a public meeting with the Global Alliance of National Human Rights Institutions (GANHRI). The Geneva representative of GANHRI, Ms. Katherine Rose in her statement informed of the election of Professor Beate Rudolf as the new Chairperson of GANHRI.

The representative from GANHRI underlined the importance of the close cooperation between the Committee and NHRIs and pointed out the shared priorities of the Committee and the NHRIs, which are promoting the ratification of the Convention in all regions and promoting State parties' compliance with their reporting obligations under article 29.1. She noted the various activities conducted by GANHRI in this regard, including the hosting of an annual training for staff of NHRIs from all regions on the international human rights mechanisms and the roles of NHRIs. Ms. Rose mentioned the decision of the Annual meeting of the Treaty Body Chairpersons in New York to consider a common treaty body approach

for engagement with NHRIs at its next session in 2017, and the recent resolution of the Human Rights Council dated 29 September 2016, encouraging the treaty bodies to adopt a common approach in ensuring the most effective and enhanced participation of NHRIs. GANHRI therefore, looks forward to be considered in a consultative and inclusive process involving both treaty bodies and NHRIs. In her address, the representative of GANHRI highlighted the Merida Declaration on the roles of NHRIs in promoting the realisation of human rights through Sustainable Development Goals and the Kyiv Declaration on the roles of NHRIs in conflict and post-conflict affected settings. These declarations reaffirm the role of NHRIs in the protection of human rights. In conclusion, GANHRI reiterated its support and that of its members to the work of the Committee and other treaty bodies at both national and international levels.

#### **D. Meeting with Non-Governmental Organizations and Civil society**

32. On 7 October 2016, the Committee held a public meeting with Non-Governmental Organizations and civil society. Mr. Adrien Zoller spoke on behalf of Geneva for Human Rights and congratulated the Committee for its professionalism. He stated that the establishment of a group of experts on this issue and of the procedure of urgent actions is in line with the need to provide effective procedures and remedies for the victims. He stressed that there is no duplication in the work of the Committee and that of the Working Group. He acknowledged that it is high time for the Secretary-General to convene a Conference of State parties to support the Committee. He expressed his surprise in noting that many western States who normally should not have any difficulties in ratifying the Convention, have still to do so. He also made note of the discrepancies between what the States declare during the Human Rights Council and their actions. The Committee expressed their gratitude for the kind words of Mr. Zoller and urged the NGOs to provide support to the Committee for the upcoming Conference on 19 December 2016 in Geneva. Accordingly, one of the different ways in which NGOs can contribute to the work of the Committee is through the mechanism of urgent actions. Finally, the spokesperson for GDH noted that the mechanism of urgent actions allows the Convention to consider the relatives and the loved ones of those disappeared. Mr. Zoller confirmed the support of GDH for the Conference on 19 December 2016 and noted that GDH is planning a seminar in collaboration with the Permanent mission of France and Argentina in March 2017, in order to further encourage ratification and create awareness after the Conference of States Parties.

#### **E. Meeting with UN Agencies and mechanisms and intergovernmental organizations.**

33. The representative of UNDP took the floor and noted that UNDP has neither normative nor general mandate on human rights and their main function is to support capacity building. The spokesperson noted the tripartite partnership of UNDP with GANHRI and the OHCHR working at regional levels.

#### **E. Videoconference with the Rapporteur of the International Law Commission**

34. On 11 October 2016, the Committee held a public meeting regarding the definition of Enforced disappearances in the draft Convention on Crimes against Humanity, with Professor Sean D. Murphy, Special Rapporteur on Crimes against Humanity of the International Law Commission. Professor Murphy introduced the project of draft Convention and its timeline. He stated that the focus of the project is to promote inter-State cooperation and development and to promote the adoption of national laws and jurisdiction on crimes against humanity. He explained that the Commission decided to take the same definition as in the Statute of Rome for the definition of enforced disappearance in the article 3 of the draft Convention to avoid possible adverse effects. Paragraph 4 was included in article 3 stating that the definition used in the draft convention is without prejudice to any other broader definition. The Committee voiced various concerns regarding the dilution of the definition of Enforced disappearances, the precision required for a definition pertaining to international criminal law and the implementation of the draft Convention. Professor Decaux stressed that the second report of Prof Murphy did not take into account the Committee's legal interpretation of the Convention which was made clear in its substantive statement on "The Ratione Temporis Element in the Review of Reports submitted by States Parties under the International Convention for the Protection of All Persons from Enforced Disappearance", adopted at its 9<sup>th</sup> session.

Mr. Corcuera referring to the general comment of the Working Group on Enforced and Involuntary Disappearances on the criminal offense of enforced disappearance noted that the divergences in a definition belonging to international criminal law and a definition belonging to international human rights law relate to the perpetrator, the *mens rea* and the temporal element. He suggested a two-fold conclusion; firstly, a use of definition varying according to whether there is a crime against humanity and secondly, using the definition as stated in the ICPPED as it is more conducive to the protection of the victims of enforced disappearances as both the *mens rea* and the temporal element should not be considered constitutive elements of the crime.

Professor Murphy stressed that the goal of the draft convention is to harness national laws and jurisdiction to combat impunity. He noted that the definition does allow broader protection regimes and at the same time it ensures that States could adhere to such a definition without difficulties. He pointed out that the question of military jurisdiction is not dealt with in the draft articles or the commentaries. He raised the question of the value of having a separate committee for the draft convention.

The Committee felt that paragraph 4 of article 3 of the draft Convention could be subject to interpretation and suggested that Professor Murphy takes article 37 of the ICPPED into consideration.

## 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	22 July 2016
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	22 Apr. 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	31 May 2016
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	8 Aug. 2016
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	22 June 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	
52	<b>Sri Lanka</b>	25 May 2016	24 June 2016	24 June 2018	
53	<b>Central African Republic</b>	11 Oct 2016	10 Nov 2016	10 Nov 2018	

*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&mdsg\\_no=IV-16&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mdsg_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 JANINAR	Albania	30 June 2019
Mr. Juan José LOPEZ ORTEGA	Spain	30 June 2017
Mr. Kimio YAKUSHIJI	Japan	30 June 2017

### **Annex III**

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

1. Opening of the eleventh 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 IV

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

1. Opening of the 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 relating to the Committee's methods of work:
  - a) Methods of work relating to articles 29, 31–34 of the Convention
  - b) Strategy for ratifying the Convention
  - c) Other matters.
6. Consideration of reports of States parties to the Convention:
  - a) Cuba (CED/C/CUB/1)
  - b) Ecuador (CED/C/ECU/1)
  - c) Senegal (CED/C/SEN/1)
7. Consideration of lists of issues related to the report:
  - a) Gabon (CED/C/GAB/1)
  - b) Lithuania (CED/C/LTU/1)
8. Consideration of requests for urgent action (art. 30 of the Convention).
9. Consideration of individual communications (art. 31 of the Convention).
10. Meeting with States Members of the United Nations.
11. Meeting with United Nations agencies and mechanisms and intergovernmental organizations.
12. Meeting with national human rights institutions.
13. Meeting with non-governmental organizations and other stakeholders.
14. Provisional agenda of the thirteenth session.