



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the additional information submitted by Argentina in accordance with the stand-alone request procedure under article 29 (4) of the Convention*

A. Introduction

1. In accordance with article 29 (4) of the Convention and rule 49 (1) of its rules of procedure, the Committee does not have a system of periodic reports but it shall, for as long as necessary, follow up on a State Party's progress in implementing the Convention, on the basis of information submitted by the State Party under article 29 (3) and (4) of the Convention. The Committee may request such information in its concluding observations or may issue a stand-alone request, whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State Party and the evolution of the situation related to enforced disappearance in the State Party.
2. In the light of the foregoing, the Committee decided to request the State Party to provide additional information following the adoption of Decree No. 727/2024, published in the Official Gazette on 13 August 2024, which formalizes the repeal of Decree No. 715/2004 of 9 June 2004 by dissolving the Special Unit for the Investigation of the Disappearance of Children as a Consequence of Acts of State Terrorism (the Special Investigation Unit). The Committee invited the State Party to reply in writing to the questions transmitted in order to proceed with a desk review of the information provided.
3. The Committee thanks the State Party for its replies. The present concluding observations have been drafted in a constructive and cooperative spirit, in order to ensure that the measures taken by the State authorities are fully consistent with the State Party's treaty obligations to eradicate and prevent enforced disappearance.

B. Observations and recommendations of the Committee

Reasons for the dismantling of the Special Investigation Unit

4. The Committee notes the State Party's reply to its request for an explanation of the reasons why it considers Decree No. 715/2004 to contravene articles 19, 43, 109, 116 and 120 of the Constitution and Organic Act No. 27.148 on the Public Prosecution Service, as amended.¹ In this regard, the State Party indicates that:

* Adopted by the Committee at its twenty-eighth session (17 March–4 April 2025). In accordance with rule 48 of the Committee's rules of procedure and the guidelines on the independence and impartiality of members of the human rights treaty bodies, Committee member Horacio Ravenna did not participate in the discussion or the adoption of the present concluding observations.

¹ [CED/C/ARG/RQSA/AI/I](#), paras. 1–10.



A body established by executive decree cannot legitimately perform functions that the Constitution and the legislator have assigned to specific State bodies as part of the institutional design of division of powers set forth in the Constitution.

5. According to the State Party, article 2 of Decree No. 715/2004 provided that the Special Investigation Unit had the power to “carry out investigations on its own initiative, provided that it communicates its findings to the judicial authorities and the Public Prosecution Service”. Article 4 of the Decree specified that, in order to fulfil its aims and objectives, the Unit could: “(a) Have direct access to all the files kept by the agencies of the National Executive, including those kept by the Office of the President, the Executive Office of the Cabinet of Ministers and the agencies under its authority, the armed forces, the security forces and registry bodies.” In the State’s view, this could jeopardize the right to privacy.

6. The Committee notes that these provisions demonstrated the commitment of the National Executive to and its support for search efforts and the judicial authorities in the context of uncovering the truth about cases of wrongful removal of children that occurred during the period of State terrorism between 1976 and 1983, as further evidenced by the fact that, in article 3, the Decree instructed the agencies of the National Executive to “attend to the requests made by the Unit urgently and as a matter of priority” and reflected the complementarity of the different branches of government.

7. The Committee notes that, according to articles 108, 109, 116 and 120 of the Constitution, the Supreme Court and the lower courts are responsible for hearing and resolving all cases that contravene national laws, the Public Prosecution Service is responsible for promoting the administration of justice and the President may in no way perform judicial functions. It also notes that article 120 of the Constitution provides that the Public Prosecution Service must perform its functions “in coordination with other State authorities”.

8. In this regard, the Committee notes that this inter-institutional complementarity among the different branches of government is also borne out in the ability of various national agencies to conduct administrative investigations, which are then referred to the judicial authorities responsible for determining whether a crime has been committed.²

9. The Committee also notes that the activities described in article 4 of Decree No. 715/2004 related to searches, not to judicial or criminal investigation activities such as raids, seizures or the interception of communications. Thus, the Special Investigation Unit carried out preliminary support work, which did not entail the performance of a judicial function or the decision to take legal action against the persons under investigation, and therefore did not encroach on the competencies of other State institutions with responsibility for clarifying cases of enforced disappearance.

10. In this context, the Committee recalls that, according to the information available, neither the establishment of nor the work conducted by the Special Investigation Unit ever gave rise to complaints or jurisdictional conflicts with the courts. On the contrary, the Committee was informed that the Unit was recognized for its work by State institutions.³

11. The Committee notes that, in response to its request for additional information on specific actions, measures or situations that demonstrate the incompatibilities between the work carried out by the Special Investigation Unit and the constitutional and legislative provisions referred to above, the State Party highlighted its concern about the Unit’s having unrestricted access to files kept by the National Executive and the security forces.

12. The Committee reminds the State Party that, according to article 12 (3) of the Convention, each State Party must ensure that the authorities have the necessary powers and resources to conduct investigations effectively, including access to the documentation and other information relevant to their investigation. The Committee also reiterates that, according to principle 10 of the Guiding Principles for the Search for Disappeared Persons,

² For example, the Tax Collection Agency, the Customs Authority, the Central Bank and the Financial Investigation Unit.

³ See, for example, <https://www.defensorba.org.ar/contenido/la-defensoria-rechazo-que-el-gobierno-nacional-quiera-cerrar-un-area-que-investi>.

the authorities responsible for the search should have unrestricted access to all information, documents, databases, including national security databases, registers and records of the security, military and police forces and private institutions that they consider necessary to search for and locate disappeared persons. Where necessary, they should have the power to intervene to ensure the preservation of documents relevant to the search.

13. The Committee emphasizes that the right to the truth is explicitly recognized in the Convention, specifically in article 24.⁴ In the context of enforced disappearance, it includes knowledge of the progress and results of an investigation, the fate and whereabouts of the disappeared persons, the circumstances of the disappearance and the identity of the perpetrator. This right has an individual dimension, whereby the victims have the right to know the circumstances of the violations that affected them and, in the case of enforced disappearance, the fate and whereabouts of the disappeared person. There is also a collective dimension to the right, whereby every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes.⁵

14. In this context, the Committee notes the concerns expressed by the State Party about the privacy and confidentiality of personal information and the conditions under which the disclosure of information in cases of serious human rights violations could be justified, emphasizing the need for concrete evidence and judicial intervention to protect individual rights. According to the information provided, “regarding requests for information on the files kept by the security forces, the Ministry of Security took the view that the personal data of individuals, especially members of the security forces, who, owing to the responsibilities entrusted to them, are in constant conflict with criminal organizations, are too sensitive to allow a unit created by decree without judicial intervention to legitimately disregard their confidential nature”.⁶

15. The Committee also notes the information provided by the State Party according to which the specific legislation and regulations governing the federal and provincial police and security forces provide that “the information contained in personnel files is restricted or confidential in nature”. It also notes that the Protection of Personal Data Act (No. 25.326) affords such files “protection and establishes a legal framework to guarantee the right to honour and privacy of individuals and the conditions that must be met in order for such files to be, inter alia, collected, stored, processed or transferred”.⁷

16. The Committee further notes that, under article 43 of the Constitution, any person may, by initiating *amparo* proceedings, obtain information on data concerning them stored in public registers. However, this does not prevent a State body from using such data for law enforcement purposes, such as the prevention and punishment of serious crimes. In addition, article 19 of the Constitution provides that private actions may be investigated when they “offend public order or morality [or] injure a third party”.

17. The Committee recalls that, according to the information available, the Special Investigation Unit ensured the full confidentiality of all the proceedings it oversaw.⁸ The Unit had access to files and, in the event that it uncovered evidence suggesting that a person had

⁴ See also the updated set of principles for the protection and promotion of human rights through action to combat impunity and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

⁵ Updated set of principles for the protection and promotion of human rights through action to combat impunity, principle 2. See also *Berrospe v. Mexico* (CED/C/24/D/4/2021), individual opinion (partially concurring).

⁶ CED/C/ARG/RQSA/AI/1, para. 11.

⁷ Ibid., para. 12.

⁸ The identities of persons providing information are kept strictly confidential by the Unit. See <https://www.argentina.gob.ar/servicio/brindar-informacion#:~:text=La%20informaci%C3%B3n%20tendr%C3%A1%20car%C3%A1cter%20an%C3%B3nimo%20y%20confidencial.&text=La%20CoNaDI%20recibe%20informaci%C3%B3n%20que,fin%20de%20esclarecer%20su%20identidad.>

forcibly disappeared a child, was required to request the intervention of the Public Prosecution Service, thus referring the case to the institution competent to investigate that hypothesis. This transfer of information does not violate the right of confidentiality but rather is essential to facilitate investigative work and subsequent prosecution, where appropriate. The Committee has not received or uncovered any information about possible leaks of information regarding persons under investigation.

18. In this context, the Committee notes the State Party's position that the Special Investigation Unit had requested "an unlimited number of files for the purpose of determining whether any of them contain information that might allow a complaint to be filed," which "not even a judge or a prosecutor, much less a unit created by decree within a commission that operates within the National Executive" may do; and that "such conduct is tantamount to nothing less than making an entire population, or a sector of it, an object of suspicion in the absence of the formal acts that would normally justify the harbouring of such suspicion".⁹

19. The Committee also notes that, according to the State Party, the confidentiality requirement may be waived in the case of serious human rights violations if a judge, at the request of a prosecutor, demonstrates that there is good reason to believe that "personnel whose records are requested are involved in an investigation into serious human rights violations, at least falling under suspicion".¹⁰

20. In this regard, the Committee recalls that, in Argentina, the involvement of military and police officers in disappearances of children during the 1976–1983 military dictatorship has been widely investigated and demonstrated by national and international bodies. Investigations have demonstrated, based on an exhaustive, autonomous and independent analysis of the existing allegations and evidence, that during the dictatorship, a "systematic and widespread plan for repression of the civilian population" was implemented and executed, justified by the "fight against subversion".¹¹

21. After the coup d'état, enforced disappearance was employed as a systematic methodology based on a State-designed plan,¹² which resulted in the systematic practice of State terrorism.¹³ This plan, which was characterized by its secrecy, included, inter alia, actions described as serious human rights violations and crimes against humanity by the Argentine courts.¹⁴

22. It has been demonstrated that the repressive activities carried out in the context of Operation Condor included the systematic and widespread practice of the abduction, retention and concealment of children, after the disappearance or execution of their parents,¹⁵ which has been described by the national courts as:

A common pattern whereby the mothers of abducted children, and almost all the fathers, were the victims of repressive activities, ... resulting in their children being left at the mercy of the intervening forces, who did as they liked with them The existence of a systematic and widespread practice of abduction, retention and concealment of minors has been proven.¹⁶

⁹ CED/C/ARG/RQSA/AI/1, para. 14.

¹⁰ *Ibid.*, para. 15.

¹¹ Inter-American Court of Human Rights, *Julien Grisonas Family v. Argentina*, judgment of 23 September 2021, para. 59.

¹² National Commission on the Disappearance of Persons, *Informe Nunca Más*, chapter I.B (1984) and Ministry of Culture, *Nunca Más y los crímenes de la dictadura*, p. 22.

¹³ Inter-American Court of Human Rights, *Goiburú et al. v. Paraguay*, judgment of 22 September 2006, para. 66, and *Gelman v. Uruguay*, 2011, judgment of 24 February 2011, para. 44.

¹⁴ Supreme Court of Justice, judgment of 30 December 1986, upholding the judgment of the National Appeal Court for Federal Criminal and Correctional Cases of the Federal Capital, case No. 13/84; Federal Criminal Court No. 1, 31 May 2011, case No. 1.627 (evidence file, tome I, annex II to the report on the merits, folios No. 924 and No. 1404).

¹⁵ A/HRC/10/9/Add.1, para. 10.

¹⁶ Federal Criminal Court No. 6, judgment of 17 September 2012, cases No. 1351, No. 1499, No. 1604, No. 1584, No. 1730 and No. 1772 (evidence file, tome IV, annex XVIII to the defence, folios No. 15446, No. 15465 and No. 15518).

23. The files analysed by the Special Investigation Unit have uncovered elements that are crucial in the search for disappeared children, such as false entries in birth registers and decorations for participating in operations involving the disappearance of persons. According to the information provided to the Committee, during the 20 years in which the Special Investigation Unit was operational:

The National Commission for the Right to an Identity referred to the justice system approximately 600 complaints regarding possible cases of wrongful removal for investigation by judges and prosecutors, complete with detailed accounts of the facts, reasons for questioning the identity of the persons concerned and evidence to substantiate such suspicions. Over the same period, another 1,840 complaints were resolved at the pretrial stage, thus avoiding overwhelming the judiciary. In total, the Special Investigation Unit resolved more than 2,450 cases.¹⁷

24. The Committee recalls that the Special Investigation Unit was established, inter alia, to prevent the repetition of the acts of enforced disappearance that defined the period of State repression and to support complex investigations into disappearances by assisting the courts and prosecutors. Since its establishment in 2004, the Unit investigated the complaints received by the National Commission for the Right to an Identity and the cases of people who had spontaneously come forward to express doubts about their biological ancestry.

25. **In view of the above, the Committee is of the view that the creation of the Special Investigation Unit in 2004, as provided for in the Argentine normative and institutional context and not in isolation, was one of the positive measures adopted by the State Party to establish competent institutions with the capacity to search for disappeared persons¹⁸ and to ensure that the competent authorities have the necessary powers and resources to conduct the investigation effectively, including access to the documentation and other information relevant to their investigation (art. 12 (3) (a)).**

26. **The Committee also emphasizes that the reality of the State repression that occurred during the dictatorship, which has been amply demonstrated and recognized by national and international bodies, obliges the State Party to ensure the impartial investigation of allegations and suspicions resulting from available evidence against military and police officers who were active at the time.**

27. **Recalling that the opening of any criminal investigation must be based on allegations and hypotheses that have been verified and analysed in depth, in full observance of the principles of due process, the Committee requests the State Party to ensure that the initiation of a criminal investigation by the competent authorities is not hindered by the existence of unattainable evidentiary standards owing to the nature and modalities of the crime under investigation and that the burden of proof does not rest primarily on the victims and the persons and institutions representing them.**

28. **The Committee also emphasizes that the files of public officials and institutional archival documents constitute a basis that judges and prosecutors must use to decide whether more intrusive measures, such as the analysis of private correspondence or the recordings of telephone calls or the searching of private homes, are required to verify existing suspicions. Therefore, the Committee requests the State Party to clarify that, in law and in practice, by their very nature, the files of public officials, including military and police officers, cannot be subject to the same privacy rules as information that may be obtained through intrusive measures.**

29. **The Committee urges the State Party to ensure the accessibility of State documentation whenever investigation and prosecution proceedings relating to cases of enforced disappearance require such access. In this regard, the Committee recalls that,**

¹⁷ Centre for Legal and Social Studies, Abuelas de Plaza de Mayo, H.I.J.O.S. and Memoria Abierta, "Informe Sombra al pedido de información complementaria a Argentina", 2025. Available on the Committee's web page:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FNGO%2FARG%2F62461&Lang=es.

¹⁸ Guiding Principles for the Search for Disappeared Persons, principio 10.

in accordance with principles 5 and 15 of the updated set of principles for the protection and promotion of human rights through action to combat impunity:

(a) **States must take appropriate action, including measures necessary to ensure the independent and effective operation of the judiciary, to give effect to the right to know. The State must ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law;**

(b) **Access to archives shall be facilitated in order to enable victims and their relatives to claim their rights. Access shall be facilitated, as necessary, for persons implicated, who request it for their defence. Access to archives should also be facilitated in the interest of historical research, subject to reasonable restrictions aimed at safeguarding the privacy and security of victims and other individuals. Formal requirements governing access may not be used for purposes of censorship.**

Compatibility of Decree No. 727/2024 with the Convention and activities carried out by the State Party to continue the activities previously conducted by the Special Investigation Unit

30. The Committee notes that, in response to its question on how Decree No. 727/2024 is compatible with the rights and obligations set forth in the Convention, in particular with regard to articles 6, 7, 12 (1) and (4), 24 (2), (4), (5) and (7) and 25 of the Convention, the State Party indicated that it considers the Decree to be in line with the Convention and other international standards.

31. According to the State Party, the repeal of Decree No. 715/2004 is part of the restructuring of the State, aimed at ensuring justice, reparation and the preservation of memory. The Committee notes the information provided on the measures adopted in the framework of judicial proceedings to promote the participation of victims and the preservation of historical memory, as well as the activities of the Unit for the Prosecution of Crimes against Humanity and other units in charge of the investigation of such crimes. It also notes the information shared on the role of the Secretariat for Human Rights in the conduct of trials and the processing of reparations, and the State Party's statement to the effect that it intends to expedite judicial processes.

32. However, the Committee recalls the importance of the documentation produced and held by the Special Investigation Unit, for which the requesting of information from other State agencies was an essential means for conducting its work. This information is crucial not only for the proceedings in which it has already been adduced, but also for pending investigations, given the considerable number of people who still do not know their true biological identity. According to available estimates, 90 per cent of the cases registered in the National Genetic Databank are a result of the work carried out by the Special Investigation Unit.¹⁹ The Committee also stresses that, according to the institutions concerned, through its work, the Special Investigation Unit served as a filter to prevent the opening of inadmissible cases and helped to identify 139 disappeared grandchildren in coordination with Abuelas de la Plaza de Mayo, the National Commission for the Right to an Identity, the Unified Registry of Victims of State Terrorism of the National Secretariat for Human Rights, the National Genetic Databank and the Public Prosecution Service, among others.

33. Following the elimination of the support provided by the Special Investigation Unit to the judicial authorities and the Public Prosecution Service, all complaints must be filed directly with the federal justice system or with the Special Unit for the Wrongful Removal of Children during the Period of State Terrorism under the Public Prosecution Service. This situation will inevitably increase the workload of these authorities and lengthen delays in investigations. The Committee is concerned that this increase will generate greater costs for the State and contribute to impunity (Convention, arts. 9–12 and 24). According to available information, there are still over 300 disappeared persons who were born in captivity or were

¹⁹ See <https://www.abuelas.org.ar/prensa-y-difusion/noticias/2002>.

abducted together with their mothers and/or fathers and wrongly removed between 1975 and 1980.²⁰

34. The Committee also highlights that the Special Investigation Unit was recognized as one of the few bodies that coordinated with the relatives of disappeared persons, allowing for their direct participation in search efforts. Its dismantling thus entails the loss of an actor whose work was essential to victim support (Convention, arts. 12 and 24).

35. The Committee therefore considers that the dismantling of the Unit is a setback that undermines the effectiveness and efficiency of the search for disappeared persons, the investigation of their disappearance and the prosecution and punishment of the perpetrators, as well as the rights of the victims (Convention, arts. 9–12 and 24). The Unit’s dissolution is particularly worrying in the context of budget cuts that have affected other institutions involved in handling cases of enforced disappearance and the memorialization of those disappearances.²¹

36. In this regard, the Committee notes that, as indicated by the State Party in its replies, no budget act has been adopted since 2022.²² It also notes that this situation has continued into 2025, since, contrary to the indications of the State Party, the National Congress did not consider the draft budget for the 2025 financial year sent by the National Executive on 15 September 2024, and Decree No. 1131/2024 extended, for the second year running, the budget for the 2023 financial year, with the amendments made over the last two years.

37. The State claims that the extension of the 2023 budget “guarantees the continuity of the State’s operations under the same budget projections” in 2024. However, in this regard, the Committee is concerned about several allegations received following the submission of the stand-alone request to the State Party, according to which several of the measures adopted in recent months appear to affect the powers and resources that the competent authorities need to address cases of enforced disappearance and effectively carry out investigations in that regard, including access to the documentation and other information relevant to their investigation (Convention, art. 12 (3)). The Committee considers it important to mention the measures reported, which help to contextualize Decree No. 727/2024, the subject of the stand-alone request for additional information under consideration. There has been significant defunding of agencies of the National Secretariat for Human Rights, accompanied by the dismissal of a large number of workers, for example:

(a) The Collective Memory and Social Inclusion Programme, which filmed hearings in cases involving crimes against humanity, has been dismantled;²³

(b) Numerous employees of the National Directorate of National Legal Affairs in respect of Human Rights, responsible for overseeing “the preliminary investigations, public oral debates and appeals in cases where crimes against humanity and other serious human rights violations are being investigated and tried”,²⁴ have been dismissed in early 2025;

(c) Several employees of the Directorate for the Comprehensive Care of Witnesses and Victims of Crimes against Humanity under the National Secretariat for Human Rights, which assesses the exposure risk and vulnerability of witnesses and proposes possible monitoring, containment and assistance measures, have been dismissed and others have been pressured to resign by taking “voluntary retirement”;

(d) The National Directorate for Places of Remembrance and the National Directorate for Documentation Management, which were established pursuant to Decree

²⁰ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FNGO%2FARG%2F62410&Lang=en and <https://www.abuelas.org.ar/las-abuelas>.

²¹ Available on the Committee’s web page:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2764&Lang=en.

²² CED/C/ARG/RQSA/AI/1, paras. 44 and 45.

²³ Communication AL ARG 9/2024, available at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29348>.

²⁴ CED/C/ARG/RQSA/AI/1, para. 25.

No. 735/24 within the National Memory Archive, are paralyzed and have not started their work;

(e) Planned infrastructure works for the maintenance of several memorial sites, as well as archaeological excavations, have been suspended. In addition, the Haroldo Conti Cultural Memory Centre and the National Memory Archive, which operated in the former Navy School of Engineering Place of Remembrance Museum, a site known worldwide as one of the largest secret detention centres of the dictatorship, have been closed.²⁵

38. Similarly, the Committee is concerned that, in addition to the abolition of several of the institutions that contribute to search, investigation, reparation and memory efforts, and the budget cuts, the State Party has adopted measures that limit the ability of these institutions to act, including the following:

(a) By Resolution No. 680/2024 of 2 July 2024, the Ministry of Defence abolished the working group in charge of declassifying the archives of the armed forces, which had made a decisive contribution to the investigation and punishment of human rights violations committed during the dictatorship.²⁶ According to information submitted to the Committee, the body whose former members have been tried or are under investigation is now in charge of the preservation of these archives, and obstacles have already arisen with regard to their collection, declassification and accessibility;

(b) The work of the Joint Committee on Intelligence Documentation Related to Human Rights Violations, established pursuant to Resolution No. 467/2021 of the Federal Intelligence Agency to promote access to information on the role of intelligence agencies in the serious human rights violations committed during the dictatorship, as a contribution to the memory, truth and justice process, has been suspended indefinitely;²⁷

(c) The armed forces issued a confidential decision ordering the transfer of the General Archive of the Navy to another building and, starting in February 2025, the “shredding” of all preserved documentation considered “unnecessary”.²⁸ Thus, there is a serious risk that evidence that is essential for the continuation of the prosecution of crimes against humanity, including cases of enforced disappearance, will be lost.

39. With regard to reparations programmes, the Committee notes that, according to the figures provided by the State Party, 40 ministerial orders were issued between January and October 2024, of which 10 were positive and 30 were refusals.²⁹ In the absence of information on the criteria applied for the adoption of the decisions referred to, the Committee cannot assess their conformity with article 24 (4) of the Convention.

40. In this context, the Committee notes with concern the suspicions expressed by the State Party regarding the issuance of decisions on reparations, referring to “the existence of exceptionally serious institutional misconduct and significant fraudulent acts”.³⁰ The Committee stresses the importance of investigating these acts and any other irregularity. It also notes that, as indicated in Resolution No. NRS-2024-40979055-APN-MJ of the Minister of Justice and the accompanying communiqué, an audit has been initiated following the indictment issued in 2023 in the case of *Martínez Moreira, Adrián et al.*, which has been upheld by the second chamber of the National Appeal Court for Federal Criminal and Correctional Cases. However, the Committee notes with concern that the implementation of this audit has resulted in the blanket suspension of the payment of reparations already granted and has halted the processing of outstanding requests for reparations. This state of affairs leaves the victims of crimes against humanity and their relatives, including victims of enforced disappearance, in a situation of uncertainty as to their prospects of obtaining

²⁵ Ignacio Fraboschi, “El Gobierno cerró el Centro Cultural de la Memoria Haroldo Conti y despidió a decenas de trabajadores”, *EldiarioAR*, 2 January 2025, available at https://www.eldiarioar.com/politica/gobierno-cerro-centro-cultural-memoria-haroldo-conti-despidio-decen-trabajadores_1_11938986.html.

²⁶ See <https://cels.org.ar/anuarioultraderecha/memoria/>.

²⁷ CED/C/ARG/OAI/1, paras. 31 and 32.

²⁸ See <https://afpa.org.ar/alarma-por-orden-eliminacion-documentacion-armada-argentina/>.

²⁹ CED/C/ARG/RQSA/AI/1, para. 30.

³⁰ *Ibid.*, para. 33.

reparations after decades of struggle and suffering in search of their loved ones, in violation of article 24 of the Convention.

41. With regard to the question of the continuation of the work previously carried out by the Special Investigation Unit since the entry into force of Decree No. 727/2024, the Committee notes that, according to the State Party, the National Commission for the Right to an Identity has adopted a plan of action to ensure efficiency in:

(a) Gathering of information on and the systematization of complaints received prior to the entry into force of the Decree (6,000 complaints);

(b) Management and analysis of documentation with a view to the resolution of pending cases;

(c) Outreach by communicating with and providing personalized care to alleged victims of wrongful removal, including access to voluntary genetic testing at the National Genetic Databank and to the archiving of the results of such testing;

(d) Recourse to judicial proceedings through coordination with and referral to the Public Prosecution Service and the judiciary of all cases that warrant processing by these State authorities.³¹

42. The Committee also notes the information provided by the State Party on the implementation of strict safeguards to protect stored information, which include controlling access to files through protocols and security measures overseen by the Federal Police Force, as well as the State Party's assertion that this methodology is intended to preserve the rights of victims and resolve cases effectively.

43. The activities described above are of the utmost importance for search and investigation efforts and were previously carried out by the National Commission for the Right to an Identity, with additional support from the Special Investigation Unit. Their efficient implementation requires a high degree of inter-institutional cooperation and coordination among all State authorities, including the National Executive, to ensure access to relevant information.

44. The Committee notes that Decree No. 727/2024 does not mention ongoing investigations or the management of documentation produced and held by the Special Investigation Unit. According to the information available, the federal courts have had to issue injunctions to ensure the preservation of the documentary material produced and linked to ongoing judicial proceedings.³²

45. In view of the above, the Committee requests the State Party to uphold the right of all victims of enforced disappearance to justice, truth and reparation, bearing in mind that a people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures must be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.³³

46. To this end, the State Party must protect and maintain the progress made in search, investigation, memory and reparation processes, both legislatively and institutionally, including through the adoption of an adequate legal framework for financial management that ensures that the institutions in charge of these processes have the resources necessary to carry out their functions.

47. The State Party should also ensure that these institutions have the powers necessary to carry out their functions, including access to documentation and other

³¹ Ibid., paras. 49–63.

³² See <https://www.pagina12.com.ar/751498-un-freno-al-negacionismo-la-justicia-ordena-preservar-la-doc>.

³³ Updated set of principles for the protection and promotion of human rights through action to combat impunity, principle 3.

relevant information, and should reopen, restore access to, protect and promote all existing memorial sites in the country.

48. The Committee once again recommends that the State Party continue making reparation for and encouraging remembrance of past events and serious acts of institutional violence, preserve film recordings of hearings in cases involving crimes against humanity and continue its efforts to declassify documents.³⁴

49. With regard to reparations for victims of violations committed during the dictatorship, the Committee highlights the importance of investigating and punishing acts of unlawful association, false testimony, fraud and defrauding the State, such as those disclosed in 2014 in *Martínez Moreira, Adrián et al.* (see para. 40 above). However, the State Party must ensure that such criminal acts do not trigger widespread suspicion of reparations already awarded.

50. In its messaging, the State Party must demonstrate its full support for the victims of the dictatorship, including the victims of acts of enforced disappearance. Any audit carried out must be based on clear objective criteria that are widely shared with the entire population, without questioning the right of victims to reparations or undermining their effective access thereto.

51. The Committee considers that the contributions of the Special Investigation Unit have been instrumental in uncovering the location of several victims of enforced disappearance. Its dismantling removes key support for and necessarily undermines the effectiveness of search, investigation, prosecution and punishment processes related to the disappearance of children during the dictatorship. Recalling the preamble of the Convention, which emphasizes the commitment undertaken by States Parties to prevent enforced disappearance and to combat impunity for the crime of enforced disappearance, as well as the fundamental nature of the right of any person not to be subjected to enforced disappearance and the right of victims to justice and to reparation, the Committee invites the State Party to repeal Decree No. 727/2024 and to reinstate the Special Investigation Unit in order to facilitate the search for those children who remain disappeared.

52. The Committee requests the State Party to ensure that the investigations initiated with the support of the Special Investigation Unit continue without interruption; that the documentary archives under the responsibility of the National Commission for the Right to an Identity are fully protected; and that pending proceedings begin without delay.

C. Dissemination and follow-up

53. The Committee wishes to recall the obligations undertaken by States when becoming parties to the Convention and, in this connection, urges the State Party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

54. The State Party is encouraged to widely disseminate the Convention, its replies to the stand-alone request for additional information submitted under article 29 (4) of the Convention and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the State Party and the general public. The Committee also encourages the State Party to promote the participation of civil society, in particular organizations of victims' relatives, in the process of implementing the recommendations contained in the present concluding observations. Under article 29 (4) of the Convention, the Committee requests the State Party to submit, by no later than 4 April 2026, information on the implementation of the recommendations made in the present concluding observations, together with the additional information

³⁴ CED/C/ARG/OAI/1, para. 32.

requested in paragraph 36 of the previous concluding observations.³⁵ The Committee encourages the State Party to consult civil society, in particular associations of victims' relatives, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.

³⁵ Ibid.