



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
15 March 2012
English
Original: French

Committee on Enforced Disappearances

First session

Summary record of the first part (public)* of the 1st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 November 2011, at 10 a.m.

Temporary Chairperson: Mr. Salama (Director of the Human Rights Treaties Division)

Chairperson: Mr. Decaux(France)

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* No summary record was prepared of the second part (closed) of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Temporary Chairperson**, representing the Secretary-General, declared open the first session of the Committee on Enforced Disappearances. He then passed on the best wishes of the High Commissioner for Human Rights, Ms. Navi Pillay, to the Committee.
2. One of the milestones in the efforts to combat enforced disappearances had been the establishment, in 1980, of the Working Group on Enforced or Involuntary Disappearances, whose work had led to the drafting of the International Convention for the Protection of All Persons from Enforced Disappearance that had come into force in 2007 and had since been ratified by 30 States. The members of the Committee, in their turn, had a significant role to play. While it was true that the Committee's competence with respect to enforced disappearances was limited to those commencing after the Convention had come into force, the Committee could help States to prevent the practice and to enable victims and their relatives to obtain justice and reparation. The support of the Office of the High Commissioner for Human Rights would be essential. The Committee was joining a rapidly expanding system of treaty bodies at a time when resources were limited. The fragmentation of the system and the multiplication of procedures demanded continuous, ongoing harmonization and coordination. In 2009, the High Commissioner had initiated a process of reflection on ways to strengthen the system and had held a series of consultations on the matter. Many proposals had been put forward on reporting, the dialogue between treaty bodies and States parties, the conciseness of concluding observations and the follow-up of treaty body recommendations. Also, the Chairpersons of the treaty bodies had decided at their meeting in June 2011 to prepare and adopt a document providing guidance on the eligibility and independence of treaty body members.
3. A wrap-up meeting with treaty body chairpersons and facilitators of the different consultations would take place in Dublin that week. Committee members would be able to provide their input for the final statement that would be issued. The High Commissioner was seeking written contributions by States until the end of 2011 and intended to convene another round of informal consultations with States in Geneva in January 2012 and, possibly, in New York in March or April that same year. Also at the beginning of 2012, the High Commissioner would present a report of the ideas and proposals made in the various meetings and consultations by different stakeholders in response to her call in 2009. The treaty body harmonization exercise had its limits, however, and she had therefore asked the General Assembly to allocate the treaty body system additional resources from the regular budget of the United Nations to enable the treaty bodies to meet more often and address the backlog of reports pending consideration. The report of the Secretary-General entitled "Measures to improve further the effectiveness, harmonization and reform of the treaty body system" (A/66/344) provided further information on the matter.
4. The Committee had more than a year before it would begin its examination of initial reports of States parties. During that time, it would be able to adopt its rules of procedure, establish its working methods, interact with other human rights mechanisms and position the Committee within the treaty body system.
5. Article 29 of the Convention authorized the Committee to request additional reports from States parties, which opened the way for flexibility, efficiency and responsiveness. The Committee would undoubtedly make the best use of this and other novel tools to leave a real mark before the Review Conference of the States Parties, which would take place before the end of 2016, in accordance with article 27 of the Convention. Operationally, the Committee could also be innovative. It could, for example, join the campaign for a "greener" United Nations and aim to hold paperless sessions like some other bodies. To assist the Committee with the establishment of its work methods, the secretariat had

proposed a work programme that included a meeting with the Working Group on Enforced or Involuntary Disappearances, a meeting with both States parties and non-States parties to the Convention and a meeting with NGOs.

Solemn declaration by the members of the Committee

6. **Mr. Al-Obaidi, Mr. Badio Camara, Mr. Decaux, Mr. Garcé García y Santos, Mr. Hazan, Mr. Huhle, Ms. Janina, Mr. López Ortega, Mr. Mulembe and Mr. Yakushiji** made the following declaration: “I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on Enforced Disappearances honourably, faithfully, impartially and conscientiously.”

Election of the officers

7. **Mr. Hazan** (Argentina) nominated Mr. Decaux, Permanent Representative of France to the United Nations Office and other international organizations in Geneva, for election as Chairperson of the Committee on Enforced Disappearances.

8. *Mr. Decaux (France) was elected Chairperson by consensus.*

9. *Mr. Decaux took the Chair.*

10. *Mr. Yakushiji (Japan), Mr. Mulembe (Zambia) and Ms. Janina (Albania) were elected Vice-Chairpersons by consensus, and Mr. Garcé García y Santos (Uruguay) was elected Rapporteur, also by consensus.*

Statement by the Chairperson

11. **The Chairperson** said that he was deeply moved to be attending the first meeting of the first session of the Committee on Enforced Disappearances. A unique feature of the new treaty body was that its mandate demanded a particularly high level of commitment from its members. In 1991, the National Consultative Commission on Human Rights of France and the International Commission of Jurists had organized a colloquium in Geneva on justice and the fight against impunity, which had been attended by States, independent experts and human rights defenders. He wished to acknowledge the contributions of all the members of the Sub-Commission on the Promotion and Protection of Human Rights, including Louis Joinet, Théo van Boven and Leandro Despouy, who had advanced not only the thinking, but also the action, in a field where they were practically starting from scratch. The establishment of the Committee had been the result of the collective drive and ceaseless efforts of a number of different actors.

12. The General Assembly had adopted its first resolution on enforced disappearances in 1978, thereby paving the way for the establishment, in 1980, of the Working Group on Enforced or Involuntary Disappearances by the Commission on Human Rights. Then, on 18 December 1992, the General Assembly had adopted the Declaration on the Protection of all Persons from Enforced Disappearance. Thanks to the tireless efforts of the drafting group set up within the Commission on Human Rights to prepare a draft instrument on enforced disappearances, the Convention had been adopted by the Human Rights Council on 29 June 2006 and then by the General Assembly on 20 December 2006.

13. At the same time as collective initiatives were being undertaken at the international level, awareness of the issue had been awoken in individual countries. In Argentina, long and exemplary trials of those in charge of the Naval Engineering College (ESMA), a torture centre and hub of the enforced disappearance of opponents to the regime, had recently concluded in Buenos Aires. Those convicted included the former frigate captain, Alfredo Astiz, who had already been convicted in absentia in 1990 in France for the murder of two French nuns. The ESMA premises currently stood empty and what had once been ordinary

barracks in a well-to-do neighbourhood had been transformed into a museum of remembrance. Tragically, when the Inter-American Commission on Human Rights had been invited by the Argentine generals to visit the premises (where evidence had been hastily concealed to confuse the rare testimonies of survivors), it failed to detect any sign of the crimes that were being committed there at the very time of the visit. It was a dreadful lesson for all those working in human rights protection.

14. It was therefore with humility, rigour and vigilance that the Committee should deploy the new tools provided by the Convention, which was a particularly modern instrument that had been drafted in the light of the experience of other treaty bodies of the United Nations system. The Committee should start right away and work collectively and efficiently to fulfil the tasks it had been entrusted with under the Convention. Experience showed that collegial bodies of independent experts from different backgrounds played an important role in achieving solid consensus in the field of human rights. The fact that the Committee had only 10 members meant that heavy demands would be placed on each one, especially regarding participation in working groups. He hoped that, with the secretariat's assistance, exchanges among Committee members between sessions would be frequent so that they would be as interactive and effective as possible.

15. The Committee must be open to the world, and the Convention offered several promising avenues that needed exploring without delay. The main priority would be to work closely not only with the States parties, but also with States signatories and all the other States Members of the United Nations. The international ratification process should be given a new impetus, with the Secretary-General's support. The Committee needed to be exemplary in its monitoring of the Convention's implementation and innovative in its consideration of the reports submitted under article 29 of the Convention. Committee members should act as ambassadors for the Convention vis-à-vis the States that were not yet party to it, by focusing on the regional systems, with a view to maximizing the impact of awareness-raising, information and training activities. In the same spirit, the Committee should establish working relations with non-governmental organizations (NGOs), which were probably the Convention's best advocates given their commitment and their deep knowledge of situations in the field. Together with the other stakeholders, the Committee needed to foster a culture of urgency and efficiency by responding promptly to complaints, in other words, not only during sessions, which were very short, but throughout the year. According to Human Rights Council resolution 5/1, paragraph 86, the complaints procedure, which was based on Economic and Social Council resolution 1503 (XLVIII), must be "impartial, objective, efficient, victims-oriented and conducted in a timely manner".

16. The Committee's work should follow on the activities already conducted in the field of enforced disappearances and be consistent with the work carried out by other treaty bodies. Close ties therefore needed to be established with the Working Group on Enforced or Involuntary Disappearances. The mandates of the two bodies complemented one another, and the Committee could take advantage of the theoretical experience of the Working Group, which had already adopted several general comments. The Committee could also begin to examine certain issues in depth, such as the definition of disappeared persons, the specific problems of female and child victims of enforced disappearances and the role of military justice. The examination of each of those issues would call for transparent, open and participative working methods that allowed the input of other treaty bodies and all stakeholders, including States, regional organizations, national agencies and NGOs.

17. It was through team work and by strictly preserving its collective independence that the Committee would succeed in fulfilling its mandate.

Adoption of the agenda (CED/C/1/1)

18. **Mr. Yakushiji** said that, according to the programme of work (document without a symbol distributed in the meeting room), only two meetings would be devoted to the consideration of the draft rules of procedure, which included over 100 articles. He wished to know whether the Committee was supposed to finish its consideration of the rules by the end of the session.

19. **Mr. Araya** (Secretary of the Committee) said that if the Committee felt that the two meetings in question were not enough, the programme of work could be adjusted to allow more time.

20. **The Chairperson** said that, if necessary, the Committee could hold additional meetings between its official meetings in order to move its consideration of the rules of procedure along more quickly. Interpreting services would not, however, be available during such meetings.

21. **Mr. Hazan** said that it was essential for the Committee to discuss the universal ratification of the Convention. The matter could be addressed when the Committee considered the programme of work for its future sessions.

22. *The provisional agenda (CED/C/1/1) was adopted.*

The first part (public) of the meeting rose at 10.45 a.m.