



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Seventh session

#### Summary record of the first part (public)\* of the 99th meeting

Held at the Palais des Nations, Geneva, on Monday, 15 September 2014, at 10 a.m.

*Chairperson:* Mr. Decaux

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\* The summary record of the second part (closed) of the meeting appears as document  
CED/C/SR.99/Add.1.

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

### **Opening of the session**

1. **The Chairperson** declared open the seventh session of the Committee on Enforced Disappearances.

### **Statement by the representative of the United Nations High Commissioner for Human Rights**

2. **Ms. Prouvez** (Chief, Rule of Law and Democracy Section, Rule of Law, Equality and Non-Discrimination Branch, Research and Right to Development Division, Office of the United Nations High Commissioner for Human Rights) underscored the interaction between the Rule of Law, Equality and Non-Discrimination Branch and the Committee on Enforced Disappearances. That synergy was especially apparent in the activities related to the right of victims to know the truth about the circumstances of an enforced disappearance — a right which was closely linked to the right to justice and reparations — to the consideration of the needs and interests of the victims in search of truth and justice, and to the fight against impunity and the prevention of enforced disappearances.

3. The ratification of the Convention by Togo had brought the number of States parties to 43. Over the following three years the Office of the High Commissioner for Human Rights (OHCHR) would be promoting ratification in Burundi, the Central African Republic and Libya and would encourage Mexico to accept the individual communications procedure. She considered that further efforts should be made to encourage ratification and in that respect cited the recent reports of the Secretary-General on the Convention (A/69/214) and on missing persons (A/69/293), in which he encouraged States to sign the Convention, incorporate its provisions into domestic law and ensure their full implementation by the relevant authorities, and accept the competence of the Committee under articles 31 and 32 of the Convention.

4. She said that resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, recently adopted by the General Assembly, opened a chapter in the history of the treaty bodies and signalled that the Committee on Enforced Disappearances was, in many ways, in the avant-garde in strengthening the treaty body system. OHCHR would continue to offer its full support to the Committee.

### **Statement by the Chairperson**

5. **The Chairperson** said that the effectiveness of the Convention's complex mechanism depended on three simple but essential conditions. The first was the ratification of the Convention and the acceptance of all the powers it gave the Committee, particularly under articles 31 and 32. The second was that the States parties should take preventive and punitive measures by amending their criminal law. The Convention, which was very specific, established, firstly, that enforced disappearance should constitute a separate offence (art. 4) and, secondly, that the widespread or systematic practice of enforced disappearance should be classified as a crime against humanity (art. 5). That twofold requirement allowed appropriate proceedings to be initiated, taking into account the seriousness, specificity and originality of a crime, with a suitable legal procedure. The third condition was that States parties should fully cooperate with the Committee and scrupulously observe their obligations under the Convention, particularly that of submitting a report within two years after the entry into force of the Convention for the State party concerned (art. 29), an obligation which had not been fulfilled by all States. Starting in 2015, in accordance with General Assembly resolution 68/268, the Committee would examine three reports and three lists of issues per session. Regarding the urgent action

procedure provided for under article 30, he said that, since September 2012, the Committee had received 27 urgent action requests which were the subject of a dialogue with the State and the source. The provision concerned obliged States parties to conduct an investigation into all cases of disappearance, including those not directly or indirectly linked to conduct of agents of the State.

6. He expressed the Committee's gratitude to Ms. Pillay, the former High Commissioner for Human Rights, who had conveyed the message that the system of core treaties was the legal cornerstone of international human rights law, and was convinced that the new High Commissioner, Mr. Al Hussein, would continue in the same direction. Faced with increasing regional crises, especially in the States parties, the Committee must meet the challenge of strengthening the coherence and effectiveness of international human rights law in the prevention and prosecution of enforced disappearances and the fight against impunity of crimes against humanity.

**Adoption of the agenda (CED/C/7/1)**

7. *The provisional agenda (CED/C/7/1) was adopted.*

**Minute of silence in remembrance of victims of enforced disappearance**

8. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence in remembrance of victims of enforced disappearance.*

*The first part (public) of the meeting rose at 10.40 a.m.*