



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

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## Committee on Enforced Disappearances

### Twenty-eighth session

Geneva, 17 March–4 April 2025

### Consideration of reports of States parties under article 29 (1) and additional information under article 29 (4) of the Convention

## Stand-alone request for additional information submitted to Argentina under article 29 (4) of the Convention\*

### Note from the Committee

1. In accordance with article 29 (4) of the Convention and rule 49 (1) of its rules of procedure, the Committee may request additional information from States parties on the implementation of the Convention whenever it considers it necessary in the light of the status of implementation of its recommendations by the State party and developments in the situation with regard to enforced disappearance in the State party.
2. In the light of the foregoing, the Committee considers it necessary 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.
3. The Committee notes that Decree No. 715/2004 was adopted to expedite the search and investigation processes related to “one of the criminal activities carried out by the dictatorship that practised State terrorism between 1976 and 1983 [which] entailed appropriating the children of its victims and handing them over to third parties, thus erasing the identity of those children”.
4. The Committee also notes that, under the same decree, the role of the Special Investigation Unit was to attend directly to requests received from the National Commission for the Right to an Identity, as well as to any requests made by the judicial authorities or prosecutors in the context of proceedings brought for the alleged appropriation of children and in the context of investigations arising from the main case files or that are in some way linked to them. The Unit may also carry out investigations on its own initiative and is obliged to communicate its findings to the judicial authorities and the Public Prosecution Service.
5. In view of the foregoing, the Committee requests the State party to provide additional information on the following points:
  - (a) The reasons why, as stated in the preamble to Decree No. 727/2024, the State party considers that Decree No. 715/2004 contravenes the provisions of articles 19, 43, 109,

\* 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 stand-alone request for additional information.



116 and 120 of the Constitution and the Organic Act on the Public Prosecution Service (No. 27.148), as amended;

(b) 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;

(c) How Decree No. 727/2024 is compatible with the rights and obligations set forth in the Convention, in particular articles 6, 7, 12 (1) and (4), 24 (2), (4), (5) and (7), and 25:

(i) To investigate and punish acts of enforced disappearance;

(ii) To establish the truth about the circumstances in which disappearances occurred, and about the fate and whereabouts of disappeared persons;

(iii) To facilitate the participation of victims in search and investigation processes;

(iv) To preserve historical memory, archives and evidence of such violations;

(v) To ensure that the entities responsible for conducting this work have the necessary financial and human resources;

(d) The work carried out by the State party since the entry into force of Decree No. 727/2024 and for which the Special Investigation Unit was previously responsible, including:

(i) A list of the authorities responsible for performing each of the functions of the Special Investigation Unit;

(ii) An exhaustive list of the activities conducted by the authorities responsible for performing the functions of the Special Investigation Unit, an indication of the time taken to carry out those activities and of the results yielded by them in terms of the clarification of cases and of victims' access to justice, truth and reparation;

(e) The strategy in place to ensure that the removal of the support of the Special Investigation Unit does not delay investigations or generate impunity;

(f) The extent to which Decree No. 727/2024 is compatible with the recommendations contained in the concluding observations that the Committee transmitted to the State party in 2023, where it expressed concern about the backlog and delays in judicial proceedings, especially at the appeals stage, stemming from factors such as the failure to appoint federal judges, a situation which may result in impunity in the event of the death of the perpetrator of a crime and thwart the efforts to seek justice of victims who are dying in their old age, and where it highlighted the need for the State party to ensure that judicial proceedings take place expeditiously, including by creating new federal judgeships and allocating the resources necessary to enable courts and tribunals to carry out their work without delay<sup>1</sup> (paras. 17 and 18).

6. The Committee invites the State party to respond in writing to the questions transmitted by 4 December 2024. It will conduct a desk review of the information submitted during its twenty-eighth session.

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<sup>1</sup> CED/C/ARG/OAI/1, paras. 17 and 18.