



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

Distr.: General  
19 September 2022

Original: English

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## Committee on Enforced Disappearances Twenty-third session

### Summary record (partial)\* of the 402nd meeting

Held at the Palais Wilson, Geneva, on Monday, 12 September 2022, at 10 a.m.

*Chair:* Ms. Villa Quintana

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\* No summary record was prepared for the rest of the meeting.

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

### **Opening of the session**

1. **The Chair** declared open the twenty-third session of the Committee on Enforced Disappearances.
2. **Ms. Lee** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that enforced disappearances remained an unbearable reality worldwide. As the number of enforced disappearances continued to rise, new trends were also appearing. For example, 30 per cent of the 43 new requests for urgent action that had been registered since the Committee's previous session in April 2022 involved women victims, compared to only 5 per cent of requests registered previously. Unfortunately, reprisals against the families of disappeared persons were an all-too-common occurrence. For example, the Committee had had to request the adoption of interim measures in 65 per cent of the urgent action requests registered in respect of Mexico.
3. The end of December 2022 would mark 12 years since the Convention's entry into force. In that time, several States parties had made progress in improving their compliance with the Convention and in aligning their legislative frameworks with its provisions. Some States parties had likewise responded immediately to requests for urgent action, thereby helping to locate 431 disappeared persons, 400 of whom had been found alive.
4. While the value of both the Convention and the Committee had been amply proven, greater progress was being hampered by a number of factors. The slow rate of ratification of the Convention was preventing the Committee from achieving the desired global impact. On behalf of the Secretary-General, she wished, once again, to call on all Member States to commit to combating enforced disappearances, beginning by ratifying the Convention.
5. In addition, the Committee continued to suffer from an insufficient allocation of meeting time. Two two-week sessions per year were simply insufficient to allow the Committee to fulfil its mandate. As things stood, it would take the Committee until 2032 to deal with its current heavy workload, which included an increasing backlog of State party reports awaiting review. Enforced disappearance was an issue of life and death, and all aspects of it must be addressed without delay. Members were increasingly conducting work related to their mandated activities between sessions. While members' commitment was commendable, it was obvious that such a rhythm could not be sustained.
6. The needs and specificities of the Committee had been addressed in detail at the meeting of the Chairs of the human rights treaty bodies in June 2022 and had been set out in the Chairs' report ([A/77/228](#)), alongside proposals for concrete solutions. She wished to invite all States to read the report attentively and to take steps to remedy, as a matter of urgency, the situation outlined in it. The fact that the Convention did not provide for a system of periodic reporting did not mean that the Committee should be excluded from the benefits and requirements of predictability and the resources necessary for it to carry out its mandated activities. The Chairs had agreed that the specificities of the Committee should be reflected in the predictable schedule of reviews that would soon be adopted by the treaty bodies. OHCHR was confident that the new schedule would be a positive step towards achieving the greater predictability sought by all stakeholders.
7. The Committee had made thoughtful proposals on how to reconcile the requirements of the Convention with the call for greater predictability without placing too heavy a reporting burden on States parties. It had also restricted its requests for additional resources to the minimum it required to fulfil its mandate. OHCHR hoped that the proposals in question would be welcomed by Member States.
8. In recent months, the Committee had actively engaged with a wide range of stakeholders. It had invited other treaty bodies and special procedure mandate holders to contribute to a joint statement on illegal international adoptions and had called for submissions from all relevant stakeholders on both the draft statement on enforced disappearances and non-State actors and the concept note for the draft general comment on enforced disappearances in the context of migration. It had organized regional consultations on the concept note for the Asia-Pacific region and Latin America and the Caribbean and

planned to do the same for Africa and Europe. The Committee had also solicited input from interested actors to help it prepare for its visit to Iraq, which was scheduled to begin on 12 November 2022.

9. **The Chair** said that enforced disappearances, which, regrettably, continued to occur across the globe, had a serious impact on society and, in particular, on victims. The prevention of enforced disappearances and the fight to end impunity for perpetrators were commitments assumed by States parties to the Convention. The members of the Committee were inspired by the strength and bravery of victims of enforced disappearance, whose search for their loved ones pushed governments to adopt truth, justice and reparation measures and guarantees of non-repetition. Preventing and eradicating the heinous crime of enforced disappearance required the cooperation and commitment of all actors, including States, civil society and national, regional and international human rights mechanisms.

10. The Committee's twenty-third session would be the first to be held fully in person since the beginning of the coronavirus disease (COVID-19) pandemic. During the session, the Committee would continue to work on its draft general comment on enforced disappearances in the context of migration. To date, it had received 30 contributions in response to its call for input following the publication of the concept note, and regional consultations on that subject were currently under way. Once the contributions had been analysed and any gaps identified, the rapporteurs for the draft general comment, Ms. Lochbihler and Ms. Kolaković-Bojović, would prepare a first draft, which would be subject to public consultation.

11. Forums for discussion and exchange were a key element in efforts to uphold human rights, particularly in the context of enforced disappearance. The Committee intended to increase its cooperation with other human rights mechanisms and to diversify the range of formats it used to interact with relevant stakeholders.

12. The report entitled *The work of the Committee on Enforced Disappearances: Achievements and jurisprudence ten years after the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance* was now available in Spanish. An electronic version of the leaflet summarizing the functions of the Committee and those of the Working Group on Enforced or Involuntary Disappearances was now available in English and Spanish.

13. Following the adoption of the report on its visit to Mexico, the Committee was considering the different ways in which it might assist the Mexican authorities in implementing the recommendations the report contained. The Committee hoped that the State party would continue to uphold its public commitment to give effect to all the recommendations made.

14. Unfortunately, there had been no new ratifications of the Convention since the Committee's previous session. The Committee was continuing its efforts to encourage more States to ratify the Convention and was planning to hold a global event to that end. The Committee and the secretariat could provide information and technical guidance to States that were considering ratifying the Convention or recognizing the Committee's competence to receive and consider individual and inter-State complaints. A guide on ratifying the Convention was likewise being prepared. The Committee welcomed the recent announcement by the Government of Colombia that it planned to recognize the Committee's competence to receive and consider individual complaints.

15. Since the Committee's previous session in April 2022, 43 new urgent action requests had been registered, bringing the total number of such requests to 1,534. The fact that 431 persons had been located, 400 of them alive, following the registration of urgent action requests demonstrated the critical importance of the urgent action procedure for victims and their families.

16. It was crucial to bring to light the painful experiences of the victims of enforced disappearance. On 30 August 2022, to mark the International Day of the Victims of Enforced Disappearances, the Committee and the Working Group on Enforced or Involuntary Disappearances had released a video showing excerpts from interviews with five such victims, which gave an insight into the scale of their suffering.

**Adoption of the agenda (CED/C/23/1)**

17. *The provisional agenda was adopted.*

**Tribute to victims of enforced disappearance**

18. *At the invitation of the Chair, Ms. Sandya Ekneligoda, the wife of a victim of enforced disappearance in Sri Lanka, joined the meeting.*

19. **Ms. Ekneligoda** said that her husband, Prageeth Ekneligoda, a journalist, cartoonist and social activist critical of the regime of former President Mahinda Rajapaksa, had been abducted and released in August 2009 and then abducted and disappeared in January 2010. Her search for the truth about her husband's fate had been thwarted repeatedly by the Government of Sri Lanka and its institutions. Her initial attempts to lodge a complaint with the police had been met with argument and ridicule, and political and other figures, including the then-Attorney General, had accused her of lying about his abduction, claiming that he was actually living abroad as a refugee, despite the evidence adduced by the Ministry of Defence that he had been abducted by an armed group. During a magisterial inquiry into the case, the former Attorney General had admitted to the court that his allegations had been based on hearsay. Also during that inquiry, the official of the Attorney General's Department who was representing the defendants had relentlessly pursued the same line of questioning in an attempt to make her reveal the names of the organizations supporting her.

20. Following a change of government in 2015, the case had been referred to a unit of the Criminal Investigation Department for further investigation. However, those efforts had been hindered by the army's refusal to allow access to the Giritale army camp where Mr. Ekneligoda had been held and to submit the requested documentation, as well as by the threats made against and the pressure put on the investigators assigned to the case. The military officials suspected of involvement in Mr. Ekneligoda's disappearance had been detained for between just 7 and 14 days, and had received special privileges while in detention. The investigation had been hampered further by protests against her and the investigators assigned to the case, orchestrated by groups counting politicians among their members. Although 12 government security agencies, including the army, had informed the courts that Mr. Ekneligoda had no terrorist links, the couple had still been accused of being members of the Liberation Tigers of Tamil Eelam, and she had also been the target of an anonymous poster-based smear campaign near her home.

21. Despite those obstacles, the investigators had managed to submit their report to the Attorney General's Department, which had initiated criminal proceedings in relation to her husband's abduction in 2009 and disappearance in 2010. Nonetheless, on the recommendation of a presidential commission, in 2020, the suspects had been released and acquitted, and the officials of the Criminal Investigation Department assigned to the case had been relieved of their duties. None of the judges originally appointed to hear the case remained; one newly appointed judge had served in a military court connected to the Sri Lankan army.

22. She was one of many Sinhalese, Tamil and Muslim women seeking loved ones who had disappeared in Sri Lanka. Tamil women in particular faced many obstacles, including harassment, in their struggle to obtain justice, and more than 130 such women had died without knowing the truth. The Government allowed military officials to commit crimes with impunity and failed to deliver justice; even the current President had, in the past, stated that all disappeared persons should be considered dead or to be residing abroad. In addition to losing Mr. Ekneligoda, she and her children had lost friends and relatives who had distanced themselves from them because of her constant pursuit of justice. They had suffered stigma and persecution, and she had been forced to send her children abroad to claim asylum. She, however, would remain unwavering in her search for the truth about her husband's fate, and she wished to request the Committee's support in urging the Government of Sri Lanka to take immediate action and establish a trustworthy mechanism that could deliver truth and justice.

23. **Ms. Janina** said that the Committee was grateful to Ms. Ekneligoda for sharing her experience. Anguish at not knowing the fate of a loved one was a common thread that ran through all stories of enforced disappearance, and Ms. Ekneligoda's courage in refusing to

abandon her quest and in speaking out on behalf of all victims in Sri Lanka was commendable. Whatever the challenges a society was facing, enforced disappearance was never acceptable, and the Committee would continue to stand by all victims.

24. Since its establishment, the Committee had recognized the particular consequences of enforced disappearance for women and children, who bore the brunt of the serious economic, social and legal difficulties resulting from a disappearance. Those difficulties were often compounded by gender inequality, which, in turn, was exacerbated by conflict and human rights violations. Enforced disappearance contributed to the limitation and denial of women and girls' human rights, and it was most often women who, in leading the fight for truth, suffered intimidation, persecution and reprisals, not to mention human rights violations by State officials.

25. States had a responsibility to remedy that unacceptable situation by exercising due diligence to prevent, investigate and punish enforced disappearances. Sri Lanka was a party to the Convention and, as such, the Government was obliged to prioritize its full implementation, with assistance from the Committee, if required. The Committee expected the Government of Sri Lanka to submit its initial report on the implementation of the Convention, which had been due since 2018. The State party must protect from ill-treatment and intimidation all women relatives of disappeared persons who lodged complaints or provided evidence, particularly women who sought the truth about the fate of their disappeared loved ones. The Committee would follow up on the case of Mr. Ekneligoda and wished to encourage Ms. Ekneligoda to continue to fight for her husband and to speak out on behalf of victims of enforced disappearance.

*The discussion covered in the summary record ended at 11.10 a.m.*