



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

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Lists of priority themes under article 29 (3) and (4) of the Convention

List of priority themes in relation to the additional information submitted by Gabon under article 29 (4) of the Convention

Note by the Committee

1. The Committee recalls that the Convention does not provide for periodic reports; rather, it provides for a procedure to enable effective and efficient monitoring of the implementation of its recommendations. In that regard, the examination of the additional information submitted by States Parties pursuant to article 29 (3) and (4) of the Convention covers a maximum of four priority themes identified by the Committee, and the procedure comprises four phases:

(a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and to the evolution of the situation with respect to enforced disappearance in the State concerned, and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State Party – the list, to which no written response is expected from the State Party at this stage of the procedure, is not exhaustive and does not indicate all the issues that will be addressed during the dialogue but, rather, serves as a basis for the dialogue;

(c) Public dialogue between the Committee and the State Party, with active participation by the competent authorities – for Gabon, the dialogue will take place during 1 three-hour meeting, with official simultaneous interpretation in the working languages of the Committee;

(d) Adoption of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure.

2. Having considered the information received from the State Party,¹ dated 26 September 2018, on follow-up to the concluding observations² and the additional information it submitted under article 29 (4) of the Convention,³ dated 2 February 2022, the Committee decided to focus its next dialogue with the State Party on the priority themes and issues set out below. The list of priority themes is public and all interested persons or organizations may provide information on the issues raised, through written contributions and in confidential oral briefings with the Committee that will take place ahead of the dialogue with the State Party.

¹ CED/C/GAB/CO/1/Add.1.

² CED/C/GAB/CO/1.

³ CED/C/GAB/AI/1.



I. Competence of the Committee under articles 31 and 32 of the Convention

3. The Committee notes that the State Party is taking longer than expected to declare that it recognizes the Committee's competence under articles 31 and 32 of the Convention, but that it is working to complete this process more quickly. The Committee therefore requests the State Party to provide, in the interactive dialogue, information on the following points:

- (a) The process initiated by the State Party with a view to recognizing the competence of the Committee under articles 31 and 32 of the Convention;
- (b) The timeline established for this process.

II. Characterization of enforced disappearance as an offence in the Criminal Code

4. In the additional information that it submitted, the State Party acknowledges that its existing law, particularly the Criminal Code, does not contain any provision establishing enforced disappearance as a separate offence within the meaning of article 2 of the Convention. The State Party indicates that it intends to remedy this situation as part of reforms to the Criminal Code and the Code of Criminal Procedure that have been in progress since 2021.⁴ The Committee therefore requests the State Party to submit updated information on these reforms, in particular:

- (a) The definition of the separate offence of enforced disappearance adopted in the new Criminal Code;
- (b) The specific nature of the offence (misdemeanour or felony) in cases that do not involve a widespread or systematic attack against a civilian population;
- (c) The specific aggravating and mitigating circumstances provided for in cases of enforced disappearance and the corresponding penalties;
- (d) The provisions laid down to recognize the continuous nature of the offence and to ensure that cases of enforced disappearance fall within the exclusive jurisdiction of civil courts;
- (e) The manner in which the notions of the criminal responsibility of superiors and orders from superiors are addressed;
- (f) The competence of the national courts to declare jurisdiction over this offence, specifying whether this includes forms of extraterritorial jurisdiction (nationality of the victim jurisdiction and universal jurisdiction).

III. Investigations and searches in relation to disappeared persons

5. The Committee invites the State Party to provide updated statistics on the number of persons officially registered as victims of disappearance, including enforced disappearance, and figures and other information on the investigations and searches carried out and the results obtained.

6. In particular, the Committee invites the State Party to provide information on the investigations and searches carried out on the basis of allegations of "ritual crimes" resulting in the disappearance of the victims. It also requests the State Party to provide information on:

- (a) The number of complaints received;
- (b) The investigations carried out and the results thereof;

⁴ Ibid., paras. 26 and 27.

- (c) The number of persons tried for these crimes and, where applicable, the number of persons convicted and the sentences handed down;
- (d) The redress and assistance provided to victims;
- (e) The efforts made to clarify the fate of disappeared persons.

7. The Committee also requests the State Party to provide information on allegations of incommunicado detention and acts of torture committed by certain State security services, in particular:

- (a) The allegations concerning the incommunicado detention and torture of former President Ali Bongo and members of his family;
- (b) The allegations concerning the incommunicado detention and torture of Johan Bounda.

8. In the additional information that it submitted, the State Party asserts that the digitization of the centralized civil and criminal registration systems will strengthen cooperation and coordination between the various agencies responsible for conducting investigations.⁵ The Committee invites the State Party to specify whether this development has taken place and, if so, what impact it has had on investigations and searches carried out in relation to cases of enforced disappearance.

IV. Prevention of enforced disappearance

9. The Committee notes that a bill on the reorganization of the National Commission on Human Rights and the establishment of an independent mechanism for visiting places of deprivation of liberty has been drafted. It also recalls the information received from the State Party on the bill for the establishment of a national authority for the prevention of torture.⁶ The Committee requests the State Party to provide, in the interactive dialogue, information on the status and the development of the content of these bills and the planned timetable for the establishment of these institutions.

10. With reference to paragraph 80 of the additional information submitted by the State Party,⁷ the Committee invites the State Party to specify the legislative measures taken to prohibit the expulsion, return, surrender or extradition of any persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to enforced disappearance.

11. With regard to paragraphs 89 and 90 of the additional information submitted by the State Party,⁸ the Committee requests the State Party to explain why, under article 61 of the Code of Criminal Procedure, a person held in police custody can only confer with a lawyer for a maximum of one hour.

12. Recalling the importance of identifying and registering children from birth in order to prevent their enforced disappearance, the Committee requests the State Party to provide information on the steps taken to ensure that all children are identified and registered without delay, including in suburban or rural areas, and the results of those steps.

⁵ Ibid., para. 71.

⁶ CED/C/GAB/CO/1/Add.1, paras. 4–11.

⁷ CED/C/GAB/AI/1, para. 80.

⁸ Ibid., paras. 89 and 90.