



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

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## Committee on Enforced Disappearances

### Twenty-ninth session

#### Summary record of the 543rd meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 23 September 2025, at 3 p.m.

*Chair:* Mr. de Frouville (Vice-Chair)

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\* No summary record was issued for the 542nd meeting.

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*Mr. de Frouville (Vice-Chair) took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports of States Parties under article 29 (1) of the Convention**

*Initial report of Benin (CED/C/BEN/1; CED/C/BEN/Q/1; CED/C/BEN/RQ/1)*

1. *At the invitation of the Chair, the delegation of Benin joined the meeting.*
2. **The Chair**, welcoming the head of delegation and the Permanent Representative of Benin to the meeting, said that other members of the delegation would be participating via video link.
3. **A representative of Benin**, introducing his country's initial report (CED/C/BEN/1), said that enforced disappearance was not merely a contemporary problem; it formed part of the collective memory of the people of Benin. For centuries, Benin had been one of the departure points for the transatlantic slave trade, which had torn millions of women, men and children away from their families, communities and homeland. That universal tragedy could be seen as a large-scale and systematic form of disappearance. For that reason, the people of Benin felt a special moral duty to ensure that never again would human beings be condemned to invisibility, oblivion or silence. For Benin, the fight against enforced disappearance was part of a historical continuum that transcended legal technicalities.
4. The report submitted to the Committee, which covered the period from 2017 to 2020, had been developed using an inclusive and participatory approach involving public bodies, the Benin Human Rights Commission and numerous civil society organizations. Since ratifying the Convention on 2 November 2017, Benin had begun taking steps to fulfil its obligations under the Convention by amending its laws and its administrative and judicial practices. The Constitution and the Code of Criminal Procedure had been amended to strengthen the rights of the defence and the Benin Human Rights Commission had been designated as the national preventive mechanism responsible for monitoring all places of deprivation of liberty. More recently, Decree No. 2024-1153 on the internal organization of prisons had established a system whereby the judicial authorities and national and international institutions could inspect and monitor prisons.
5. Since 2017, significant progress had been made in preventing and punishing enforced disappearance by bringing national law into alignment with international standards. The Criminal Code established enforced disappearance as an ordinary offence and as a crime against humanity when it was widespread or systematic, while Act No. 2020-23 of 29 September 2020 provided that serious offences, including enforced disappearance, were not subject to a statute of limitations. The Criminal Code stipulated the minimum amount of compensation payable for each day of unlawful deprivation of liberty.
6. The Benin Human Rights Commission monitored all places of deprivation of liberty and enjoyed jurisdiction that was in line with the recommendations set out in international instruments. The Ministry of Justice had established a national digital register of deprivation of liberty that enabled detentions and transfers to be monitored in real time. The register was supplemented by a national database of offences recorded by police units, including reports of disappearances, as well as a monitoring and inspection system designed to prevent clandestine detentions and ensure victims' access to judicial and supervisory authorities, the prompt notification of families and lawyers and the production of statistics used in the development of public policy.
7. Community-based mechanisms contributed to searches for disappeared persons. Such mechanisms included local radio stations, social media, local authorities and traditional town criers known as *gongonneurs*, who promptly relayed information to the inhabitants of villages and neighbourhoods. Security forces, prison staff and judges were given regular training to improve their ability to prevent, detect and document situations of risk.
8. Victims' right to reparation was fully recognized. Pending the establishment of a dedicated reparation mechanism and an assistance fund, civil and criminal courts were empowered to award compensation to victims. A range of reporting mechanisms, including secure digital platforms, allowed victims to obtain access to remedies, with anonymous

reports being subject to procedural safeguards to prevent defamation. The Government strictly applied the principle of non-refoulement and refrained from expelling or extraditing anyone to a country where he or she might face a risk of enforced disappearance.

9. Local associations contributed to awareness-raising campaigns and to the documentation and follow-up of reported cases. However, effective protection required strengthened synergy between public authorities, independent institutions, civil society and communities. Challenges remained, such as the need to raise awareness among judicial and community actors and to strengthen alert systems and mechanisms for compensating and supporting victims. The Government's current priorities included extending the national digital detention register to cover all forms of deprivation of liberty, developing an efficient alert and search system, strengthening mechanisms for providing redress and support to victims and families, and raising awareness among communities, local authorities, security forces and justice officials.

10. **Mr. Diop** (Country Rapporteur) said that he wished to know whether the Convention, which took precedence over national law in the State Party, had been invoked before the courts of Benin and whether it had been published in the Official Gazette to make it enforceable against third parties and against the State. If it had been so invoked, it would be useful to have examples of court decisions in which the courts or competent authorities had applied the Convention in cases relating to enforced disappearance.

11. He would like to know the political and legal reasons why the State Party did not intend to make the declarations provided for in articles 31 and 32 of the Convention to recognize the Committee's competence to receive and consider individual and inter-State communications and whether the State Party might reconsider its position on that question. He would be grateful to learn whether the State Party would create a single national register of disappeared persons that included records of all cases of involuntary disappearance and that distinguished between cases of enforced disappearance and other types of disappearance.

12. In contrast to the definition of enforced disappearance set out in article 2 of the Convention, the definition contained in article 465 of the Criminal Code referred to "persons" who were "arrested, detained or abducted" by "a State or a political organization" and removed from the protection of the law "for a prolonged period". In view of those discrepancies, he wondered whether the State Party would consider bringing its definition of enforced disappearance into alignment with the definition set out in the Convention, including by ensuring that the definition covered short-term enforced disappearance and all other forms of deprivation of liberty aside from arrest, detention and abduction. He would like to know whether the State Party would amend the Criminal Code to establish enforced disappearance as a separate offence and to ensure that only the widespread or systematic practice of enforced disappearance would constitute a crime against humanity, in line with article 5 of the Convention.

13. It would be useful to know how the State Party would prosecute cases of enforced disappearance that were numerous or frequent but did not amount to a widespread or systematic attack. Given that the Criminal Code was under review, he wondered whether the body responsible for that process would take account of the Committee's concerns about the definition of enforced disappearance in the Code.

14. Lastly, he would welcome confirmation of the statement in paragraph 127 of the report that no cases of enforced disappearance had been brought to the authorities' attention during the period under review.

15. **Mr. Albán-Alencastro** (Country Rapporteur) said that he wished to know whether it was a legal requirement for public prosecutors to initiate investigations *ex officio* into cases of enforced disappearance and what procedures and protocols were followed by the authorities when investigating such cases and searching for disappeared persons, particularly in situations in which no formal complaint had been received. He wondered whether protocols or guidelines had been drawn up to ensure that public prosecutors and the police initiated search proceedings immediately after learning of a potential disappearance. It would be helpful to learn, too, what specific procedures were in place to guarantee adequate coordination between the authorities investigating the offence and those conducting the search for the disappeared person.

16. In view of reports that State agents had been involved in the cross-border abduction and detention of activist Steve Amoussou and journalist Hugues Comlan Sossoukpé, he would like to know whether the State Party was investigating those incidents as cases of unlawful deprivation of liberty or as cases of enforced disappearance, what measures had been taken to guarantee the victims' right to due process and whether the delegation expected punishments to be handed down to those responsible, including any individuals who had ordered the operations but had not been directly involved in their execution. He would appreciate an explanation of what criteria were used to determine whether a public official who had been accused of committing an offence should be suspended from duty and any examples of cases in which the authorities had suspended an official for committing acts that could amount to disappearance or arbitrary detention, including in cross-border contexts. He would welcome information on the suspension procedure, in particular whether the officials concerned were given the opportunity to present arguments in their defence and whether the alleged victims were involved in the decision-making process. It would be useful to know whether measures had been introduced to protect individuals who reported cases of enforced disappearance from reprisals, especially when the alleged perpetrators were State officials.

17. He was curious to know what steps were taken to guarantee the independence of institutions conducting investigations and searches in cases in which the act of enforced disappearance had allegedly been committed by an official working for one of those institutions and what was done to ensure that the official concerned would play no role in the investigation or search efforts. He would appreciate information on what training and human, financial and technological resources had been made available in order to boost the technical and logistical capacity of the authorities responsible for investigating acts of enforced disappearance.

18. Lastly, he wished to know what steps the State Party had taken to incorporate enforced disappearance as an extraditable offence in the extradition treaties and judicial cooperation agreements it had concluded with other States and to ensure that it could exercise its jurisdiction over acts of enforced disappearance committed by or against Beninese nationals abroad.

*The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.*

19. **A representative of Benin** said that the digital register on deprivation of liberty to which he had referred earlier had just been introduced in January 2025. The law providing for the ratification of the Convention had been published in the Official Gazette, which meant that the instrument could be invoked before any court. He was not aware, however, of any cases in which parties involved in legal proceedings had done so. The Government was open to reviewing its stance on the declarations provided for in articles 31 and 32 of the Convention when it felt the circumstances were appropriate. Steps were being taken to further harmonize the definition of enforced disappearance in article 465 of the Criminal Code with the definition set out in the Convention. It should be noted, however, that articles 464 and 465 of the Code referred to offences committed in contexts such as organized crime and terrorism and were designed to be read in conjunction with articles 268 to 272, which provided for the punishment of all offences against individual liberty committed by public officials, including judges, criminal investigation officers and members of the armed forces. Article 271, for example, established that individuals who had been unlawfully or arbitrarily detained were entitled to receive compensation of at least 20,000 CFA francs for each day they had spent in detention.

20. Investigations into acts of enforced disappearance were governed by the Code of Criminal Procedure and other legal provisions that addressed specific types of disappearance or offences against individual liberty. The State Prosecutor's Office was required by law to initiate investigations into and criminally prosecute such acts in all cases in which it had sufficient evidence to do so. He would appreciate clarification of the questions concerning disappearances that were reported informally and the two cases of cross-border disappearance. The fact that the criminal investigation police reported directly to the State Prosecutor's Office helped facilitate coordination between the investigating and prosecutorial authorities. Victims had the right to bypass the State Prosecutor's Office and take their case directly to an investigating judge, who would then lead the investigation. All individuals involved in criminal proceedings were entitled to the same guarantees under the Code of

Criminal Procedure. Such guarantees, which included the rights to be assisted by a lawyer, to contact a relative and to request medical assistance and the services of an interpreter, were provided for in the Constitution, and the legal professionals responsible for upholding them were governed by a regulation adopted by the eight States of the West African Economic and Monetary Union.

21. Public officials who were suspected of committing an offence were suspended as a temporary measure while information on their case was gathered. The suspension procedure was governed by a number of administrative laws, which provided that the officials concerned must be informed of all the accusations against them and be given the opportunity to defend themselves. Officials could also receive assistance from their professional union. The administrative authorities monitored disciplinary proceedings to ensure that they were compliant with ethical standards, that the victims and, in some cases, the official concerned received adequate protection and that the official did not engage in any activities that could have an adverse impact on the investigation. In the event that an official had been involved in proceedings concerning an act for which he or she would later be prosecuted, any action that the official had taken as part of those proceedings would be invalidated. Any victim of enforced disappearance who was at risk of reprisals was entitled to receive protection from the police or judicial authorities. Such protection had been provided in connection with the country's efforts to counter terrorism and organized crime.

22. All Beninese officials who worked with their counterparts in other countries were required to honour their obligations under the Convention when doing so. The Court of Appeal had ruled that extradition requests should not be granted if there was a risk that the individual concerned would be subjected to enforced disappearance in the requesting State.

23. **Mr. Albán-Alencastro** said that he wished to know whether the provisions of the Criminal Code to which the delegation had referred had ever been applied to address situations in which State agents were alleged to have committed an act of enforced disappearance. It would also be useful to learn whether the amendment of the Criminal Code was already planned and, if so, what the status of that process was and whether it included consideration of the introduction of a separate offence of enforced disappearance, outside the context of crimes against humanity.

24. To clarify his earlier question, he in fact wished to know whether, in the absence of a formal complaint, there existed a legal obligation to investigate *ex officio* a possible disappearance, given that formal complaints were not always made, and at what point in time the investigation was initiated in such cases. Moreover, while he appreciated the information provided regarding disciplinary action, he in fact wished to know whether domestic mechanisms existed in Benin to prevent individuals potentially involved in a case of enforced disappearance from participating in the investigation, including in the absence of a formal complaint.

25. The possible cases of transnational disappearance that he had cited, namely those of Steve Amoussou and Hugues Comlan Sossoukpè, were purely examples based on public information. He did not wish to discuss the specifics of those cases, but would like to know whether the incidents had been defined as cases of enforced disappearance, whether they had been investigated and how it was ensured that the victims, including both the disappeared persons and their relatives, had access to information relating to the proceedings.

26. Regarding reprisals, he would welcome clarification of how, in situations outside the counter-terrorism framework, individuals who approached the authorities to report a disappearance or to request an investigation into a deprivation of liberty potentially constituting an enforced disappearance were protected from harassment, intimidation and violence.

27. **Mr. Diop** said that he wished to know whether the State Party's register of disappeared persons was reserved exclusively for victims of involuntary disappearance or also included persons who had gone missing, what specific information was recorded in it, what institution maintained it and how it differed from other registers, such as police custody records.

28. He wondered how the State Party had addressed or intended to address the documented human rights violations that had occurred during the elections of 2019 and 2021, which had included forms of disappearance amounting to enforced disappearance because they had involved State agents, bearing in mind that, under international law, enforced disappearance could not be amnestied.

29. He would be interested to learn whether the State Party intended to prosecute the persons involved in the disappearances of Steve Amoussou and Hugues Comlan Sossoukpè, who had been abducted abroad and brought to Benin to be tried by Beninese courts, apparently with the involvement of State agents.

30. **Ms. Villa Quintana** said that she would welcome information on the measures in place to protect individuals who reported serious human rights violations, in particular cases of enforced disappearance, and to ensure that those issuing threats or engaging in intimidation were duly sanctioned. It would be useful to receive data on the number of complaints submitted and investigations conducted against State officials for such conduct, as well as information on any sanctions imposed.

31. **A representative of Benin** said that enforced disappearance was specifically defined, in the context of crimes against humanity, in article 465 of the Criminal Code, while articles 268 to 272 dealt with offences against individual liberty by persons vested with public authority. It remained to be evaluated whether those definitions fully met the requirements of the Convention. The Government had no objection to revising them to establish a separate and precise offence of enforced disappearance. A criminal reform process was already under way; the observations made during the dialogue would be taken into account as part of the ongoing revision.

32. Police authorities had to be informed of a disappearance in order to initiate an investigation. That information could come from relatives or from the social environment in which the absence of the person was noted. In any case, an absence had to be established before its nature could be determined. Judicial or police investigations could only be launched once circumstances showed that a disappearance was involuntary and might be attributable to State officials or organizations. Prolonged disappearance was understood as that which exceeded the legally established period of police custody, which was eight days.

33. Persons under investigation could not participate in inquiries that concerned them, as that would create a conflict of interest. Under the rules governing investigations, the judicial authorities could exclude such persons from investigation teams. While that principle had been applied in practice, he did not have specific examples relating to enforced disappearance.

34. The framework for protection against reprisals was a general one. Its practical application had been demonstrated particularly in the fight against terrorism, where measures had been taken to protect sources and informants. His intention had not been to say that protection existed only in those cases, but rather to illustrate how the principle had already been applied in practice.

35. The register to which he had referred was not a register of cases of enforced disappearance. There were in fact two registers. The Ministry of Justice kept a nationwide register of persons deprived of liberty, and any failure noted by the competent authorities, during their monitoring of places of deprivation of liberty, to include a person deprived of liberty in that register could give rise to penalties. The other register contained information on all reports of missing or disappeared persons and reports of other forms of deprivation of liberty, such as kidnapping for the purpose of marriage. The information in the register was reviewed by the Public Security Documentation Centre with a view to referral for the proper judicial follow-up.

36. The concerns raised about the events surrounding the 2019 elections were outside the scope of the review at hand, as they related to claims of general human rights violations and not of enforced disappearance. The Government had not prevented persons detained in connection with those events from seeing their lawyers or family members. During their trials, they had enjoyed the right to a defence and all procedural safeguards.

37. With respect to the cases of Steve Amoussou and Hugues Comlan Sossoukpè, a judicial decision handed down in one of the cases had clearly found no wrongdoing on the part of the police or any other government authority. The case had been initiated following the filing of a complaint by the victim of an offence. The second case had involved a transfer between police in the context of pre-existing judicial proceedings. Thus, the law had been fully respected in both cases. Both individuals had regularly had access to their lawyers and could therefore not be said to have been subjected to enforced disappearance as defined in the Convention.

38. Protection measures were available to persons providing information to the judicial authorities and were applied by the police and the courts. Threats were punishable under the Criminal Code.

39. **Mr. Kanyongolo** said that he would appreciate clarification as to whether judges were under a legal obligation to exclude persons suspected of involvement in a crime from the investigation into that crime, in line with article 12 (4) of the Convention, or whether judges could make such decisions at their discretion.

40. **Mr. Albán-Alencastro** said that he wished to know whether the authorities would be under a legal obligation to open an investigation *ex officio* if they became aware – for example, through the media – of information about a potential case of enforced disappearance, even if no formal complaint was filed. In the light of the delegation’s remark that an investigation could be initiated only when there was reason to believe that a person had been disappeared and was not simply missing, he wished to know how the authorities could determine whether or not the person was simply missing without an investigation. He would also like to know whether, during the eight days from the time of arrest that constituted the “prolonged period of time” referred to in article 465 of the Criminal Code, no searches, investigations or other procedures to verify the legality of the detention would be conducted.

41. **Mr. Diop** said that he wished to know to what extent the Government had taken account of the May 2019 request from the African Commission on Human and Peoples’ Rights that Benin should conduct an investigation into the events surrounding the 2019 elections before the legislature had decided, in October 2019, to adopt an amnesty law.

42. **Ms. Villa Quintana** said that she wished to know what protection measures were available under the law, who could grant them, who implemented them and whether there was a mechanism for assessing the risk faced by the persons being intimidated or threatened.

43. **A representative of Benin** said that he would provide the Committee with references to the articles of the Code of Criminal Procedure that set out the structure of the witness protection system. Mechanisms to assess the risk of retaliation had been implemented for terrorism cases, but such assessments had not been undertaken with respect to enforced disappearance.

44. The law provided for the possibility that an investigation could be transferred to another unit of the criminal investigation police if it was found that members of the initial investigating unit had been involved in the offence under investigation. The investigation could also be transferred to another institution.

45. Persons remanded in custody enjoyed all safeguards. As the judicial authorities did not refuse to acknowledge their detention or prevent their lawyers from having access to them, such persons were not in a situation of enforced disappearance. An investigation would be initiated *ex officio* if such a person was found to be missing and the circumstances suggested a case of enforced disappearance.

46. All arrests made in connection with the 2019 elections had been carried out within the framework of the law, and all persons arrested had been either duly prosecuted or released. If the African Commission on Human and Peoples’ Rights had identified any cases for which there had been no judicial proceedings, he would welcome information on them. Both before and after the adoption of the amnesty law, the inspectorate of judicial services and the Ministry of Justice had carried out the investigations requested by the African Commission and other human rights bodies.

*The meeting rose at 5.35 p.m.*