



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

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## Committee on Enforced Disappearances

### Twenty-fourth session

#### Summary record of the 429th meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 March 2023, at 3 p.m.

*Chair:* Ms. Villa Quintana

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

**Consideration of reports of States parties to the Convention (continued)**

*Initial report of Costa Rica (CED/C/CRI/1; CED/C/CRI/Q/1; and CED/C/CRI/RQ/1) (continued)*

1. *At the invitation of the Chair, the delegation of Costa Rica joined the meeting.*
2. **The Chair**, welcoming the delegation of Costa Rica to the meeting, explained that additional members of the delegation would be participating via video link.
3. **Mr. López Ortega** (Country Rapporteur) said that, in view of the fact that migration flows through the State party had increased considerably in recent years, he wished to know what measures it had taken to ensure strict compliance with the principle of non-refoulement; what procedures governed the expulsion, return, surrender or extradition of migrants or other foreign nationals; what criteria were used to determine whether a foreign national would be at risk of enforced disappearance or other human rights violations if expelled, returned, surrendered or extradited and which authority evaluated that risk; and whether foreign nationals could appeal decisions authorizing their expulsion, return, surrender or extradition and, if so, whether they had the right to a public defender and whether the appeal had suspensive effect. He would welcome specific information on the use of diplomatic assurances by the State party, including examples of diplomatic assurances that had been requested, what those assurances had consisted of and which authority had assessed whether those assurances were sufficient. The delegation might also comment on reports that migrants from Nicaragua were removed from the State party without an assessment of whether they were at risk of human rights violations in their country of origin.
4. He wished to know what specific measures had been taken, including the applicable time frames, to ensure that persons deprived of their liberty were able to communicate with a lawyer, a family member or, in the case of foreign nationals, the consular authorities of their country of origin; whether the family members of a person deprived of their liberty were routinely informed of the individual's detention or transfer from one place of deprivation of liberty to another; whether protocols had been put in place to ensure that personnel working in places of deprivation of liberty, such as police stations, prisons and migrant detention centres, respected those guarantees; and whether the national mechanism for the prevention of torture or other bodies monitoring conditions in places of deprivation of liberty in the State party had identified any cases of non-observance of those guarantees or received any complaints to that effect. If that was the case, what measures had been taken to prevent the recurrence of such breaches and what penalties had been imposed on those responsible?
5. Referring to the information contained in paragraphs 71 to 75 of the written replies, on incommunicado detention, he said that he wished to know whether it was possible to extend a 10-day period of incommunicado detention or to apply that measure to a person deprived of their liberty on more than one occasion. It would be useful to know whether defence counsel, family members or consular authorities were able to communicate with or visit a person being held in incommunicado detention.
6. He would be interested to know whether habeas corpus proceedings could be instituted in respect of non-criminal matters, for example, in the case of persons detained for deportation purposes or held involuntarily in psychiatric institutions. He would also like to hear more about the national torture prevention mechanism, including whether it had the authority to conduct regular and unannounced visits to all places of deprivation of liberty and, if so, whether it had done so during the coronavirus disease (COVID-19) pandemic; the legal provisions granting the national preventive mechanism immediate, unrestricted access to all places of deprivation of liberty; and the measures that had been taken to ensure that it had the resources necessary to fulfil its mandate effectively and independently.
7. He would welcome information on the records kept on persons deprived of their liberty, including whether such records were kept in juvenile detention centres, police stations and migration detention centres; whether the records kept in different places of deprivation of liberty were linked; and whether any problems with regard to such records had been identified and, if so, what action had been taken to rectify them. He would like to know how

the State party ensured access to the information mentioned in article 18 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance for any person with a legitimate interest; what measures it had taken to prevent and punish the conduct described in article 22 of the Convention; and whether specific training on the Convention was provided for personnel working with persons deprived of their liberty, such as civilian and military law enforcement personnel, medical personnel and justice officials.

8. **Mr. Ravenna** (Country Rapporteur) said that he wished to know whether any measures had been taken or were envisaged to align the definition of a victim contained in article 70 of the Code of Criminal Procedure with the definition contained in article 24 of the Convention; what types of non-financial reparation would be available to victims of enforced disappearance; which authority would be responsible for awarding such reparation; whether access to that reparation would be contingent on a judicial decision; and whether Costa Rican law provided for restitution and guarantees of non-repetition as forms of reparation, in accordance with article 24 (5) of the Convention. He likewise wondered whether any steps had been taken to recognize the right to truth as a distinct right related to, but independent of, the right to justice.

9. He would like to know whether measures had been taken or were envisaged to define as specific offences the acts described in article 25 (1) of the Convention, namely, the wrongful removal of children and the falsification, concealment or destruction of documents attesting to their true identity. He wondered what safeguards were in place to prevent birth certificates from being altered, including by criminal gangs; whether there were controls at border points to prevent children with altered identity documents from leaving the country; and whether any bilateral cooperation agreements on the subject had been signed with neighbouring countries. Lastly, it would be helpful to learn about the legal provisions in place to ensure that the best interests of the child took precedence in adoption procedures and what measures had been taken to implement the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

10. **The Chair** said that bill No. 20187 amending the Criminal Code contained a definition of enforced disappearance that was consistent with that contained in the Rome Statute of the International Criminal Court (Rome Statute). However, it seemed that no progress had been made in the Legislative Assembly in relation to the bill since 2018. She would therefore like to know what the current status of the bill was and when the State party envisaged being able to amend the Criminal Code to include enforced disappearance as a separate offence. Lastly, she wondered whether the State party was part of any alliance aimed at promoting wider ratification of the Convention in Central America.

*The meeting was suspended at 3.35 p.m. and resumed at 3.55 p.m.*

11. **A representative of Costa Rica** said that expulsion orders, which were issued by the Ministry of the Interior and Police by means of a reasoned decision, required a foreign resident to leave the country on the grounds that their activities were jeopardizing peace, public security or public order. In such cases, their residence permit would be cancelled and expulsion proceedings initiated; the person concerned would be able to pursue all legal remedies open to them in all associated administrative proceedings. Deportation orders were issued in certain cases by the Directorate General for Migration and Alien Affairs. However, before resorting to that measure, the Directorate offered all migrants in an irregular situation the possibility of regularizing their status. A number of protocols, including one on “special migration situations”, had been put in place to identify vulnerable foreign nationals. Vulnerable persons, such as those who might be at risk of enforced disappearance, were provided with the necessary support.

12. The General Act on Migration facilitated the integration of foreign nationals into Costa Rican society in line with the principles of respect for human life, cultural diversity, solidarity, gender equity and human rights. When a foreign national was detained, they had the right to be informed of the reasons for their detention and were offered the opportunity to contact the consulate of their country of origin, permitted to instruct a lawyer at their own expense, provided with an interpreter where necessary, granted access to their administrative file and treated with dignity, with due regard for characteristics such as gender, age and disability. Foreign detainees were held in well-maintained immigration processing centres,

where they had access to public telephones to contact their families, lawyers and consulates and were allowed to receive visitors. Detainees who believed their rights to have been violated could submit an application for *amparo* or *habeas corpus*, which would be considered by the Constitutional Chamber of the Supreme Court. The Administrative Migration Tribunal adjudicated on appeals lodged against decisions issued by the Directorate General for Migration and Alien Affairs.

13. Turning to the treatment of Nicaraguan migrants, he said that the Directorate General for Migration and Alien Affairs offered a range of channels through which eligible Nicaraguan and other foreign nationals could obtain lawful immigration status in Costa Rica. For example, workers who met certain criteria could apply for a work permit, and individuals forced to flee their country of origin could be granted refugee status and the corresponding protections. It was not true that Nicaraguan migrants were being expelled en masse. Individuals could be deported if they had an irregular immigration status or if they had a criminal record. In such cases, the Government would notify and coordinate with the relevant consulate to transfer responsibility for the foreign national to the competent migration authority in their country of origin, all the while ensuring that the individual would not be left in a vulnerable situation. To date, the Nicaraguan consulate had not responded to communications from the Government of Costa Rica on the subject.

14. **Mr. Sánchez Torres** (Costa Rica) said that, when a detainee needed to be transferred from one detention centre to another, the officials responsible for the respective centres would coordinate among themselves to process the transfer and would inform family members by telephone in advance of the relocation. The process could take around a week to complete since several steps needed to be taken, including the updating of their medical file and its submission to the receiving centre, before the detainee could be relocated. Transfers were often requested by relatives themselves, who preferred the detainee to reside in a centre located closer to their home.

15. **A representative of Costa Rica** said that a person could be held in incommunicado detention by the police or Judicial Investigation Agency for up to six hours, or up to 10 days pursuant to a court order. Those time limits could not be extended, suspended or renewed. Incommunicado detention could only be ordered in the circumstances specified in article 261 of the Code of Criminal Procedure and was generally used in cases involving organized crime or cases that were highly complex. The Code also stipulated that detainees must first have been placed in pretrial detention and that there must be sufficient reason to believe that the detainee could jeopardize the investigation by, for example, providing information on the case to third parties. His Government was of the view that those legal provisions were in line with the Convention. While in incommunicado detention, the detainee's right to freedom of movement was suspended, as was their right to communicate with anyone other than their legal counsel, thus preventing them from sharing information about the investigation. At no point could the person in question be considered disappeared, since their location was known at all times. In cases that did not involve incommunicado detention, the family members of a detainee received only basic information on the legal case, unless they had received authorization to review the case file. The detainee's legal counsel, however, had access to the entire case file and could inform the family of any elements that they deemed relevant.

16. Any individual, including foreign nationals and minors, could submit an application for *habeas corpus* to the Constitutional Chamber of the Supreme Court in the event of a threat to their liberty, whether or not that threat was immediate. Individuals also had the option of filing an application for *amparo* with the Constitutional Chamber if a related constitutional right was threatened.

17. Appeals against extradition decisions could be filed only by the Counsel General's Office, the Public Defence Service or a private defence lawyer. An individual could not be removed from the country while their appeal was still pending or while any immigration proceedings concerning them, such as asylum proceedings, were still ongoing. The judge presiding over a given case would, in accordance with domestic and international law, determine whether diplomatic assurances could be accepted.

18. The offence of abducting minors or persons with intellectual disabilities was established in article 184 of the Criminal Code. However, in Costa Rica, there were no criminal gangs that kidnapped children.

19. **Mr. Sánchez Torres** (Costa Rica) said that Act No. 9204 granted the national mechanism for the prevention of torture immediate and unrestricted access to all places of deprivation of liberty with holding cells so that it could conduct fact-finding visits and prepare confidential reports containing details of any improvements required. The Government had met with the members of the mechanism on several occasions to address issues relating to the protection of the human rights of detainees.

20. Turning to the matter of detention records, he said that the Centralized Criminal Register of the Judicial Investigation Agency contained information on detainees and the proceedings concerning them. The administrative police kept files on detainees, and records were likewise held by the prison service. Specific information on detainees in transit and those being held in prison cells was shared among prisons run by the Judicial Investigation Agency to ensure that detainees could be located within a reasonable time. The Constitutional Chamber of the Supreme Court had ordered that detainees must be located within 72 hours – a target which was not always met owing to capacity limitations – although efforts were being made to rectify that situation. Records on detainees were kept up to date and officials understood the sensitive nature of the data they contained.

21. Communication between prisons could be hindered by technical problems with the public telephones used for that purpose; however, such issues were normally resolved within 24 hours. In the event of prison officials failing to communicate, disciplinary proceedings could be initiated to ascertain whether the official had breached internal regulations and whether the oversight merited punishment. In general, officials understood the importance of maintaining communication, which helped to limit the number of complaints filed in that regard.

22. The Government had taken seriously reports from a non-governmental organization (NGO) that prison guards frequently made disparaging comments to detainees about their future prospects and had developed a training programme to help combat such attitudes. New recruits were now expected to complete human rights training courses and detainees were also given training opportunities. His Government was convinced that the prison system should be a place of opportunity for persons deprived of their liberty who wished to rejoin society.

23. **A representative of Costa Rica** said that bill No. 20187 had been before the Legislative Assembly since 2017 and represented the Government's first attempt to transpose all the requirements of the Convention into Costa Rican criminal law. The Government was working on an alternative text aimed at defining the crime of enforced disappearance in accordance with the Convention; reforming article 70 of the Code of Criminal Procedure; establishing the non-applicability of a statute of limitations to the crime of enforced disappearance; ensuring the protection of children; and providing for guarantees of non-repetition. It was hoped that the alternative text would be adopted within the three years remaining of the current four-year legislative term.

24. The Government had not yet formed any partnerships or alliances with neighbouring States; it would be for the executive branch to make that decision once the bill had been signed into law.

25. **A representative of Costa Rica** said that he wished to reiterate that detainees always had access to legal counsel, even in situations of incommunicado detention.

26. The national mechanism for the prevention of torture worked in a network with other institutions, including the Public Defence Service, which itself was required to conduct monitoring visits to places of deprivation of liberty overseen by the judicial branch and the Ministry of Justice and Peace. Detainees could seek support from the Public Defence Service at any time, regardless of whether they had instructed public or private defence counsel.

27. The introductory training provided to all judicial officials, including prosecutors and public defenders, included a module on international human rights law, which paid special attention to the Convention.

28. Individuals did not necessarily need to fit the exact description of a victim set out in article 70 of the Code of Criminal Procedure to be considered as such. Any individual deemed to be a victim of an offence, including, hypothetically, enforced disappearance, had the right to use the services provided by the Public Defence Service and other relevant State institutions, such as the Public Prosecution Service. Article 70 simply set out a formal definition of a victim for the purposes of applying Costa Rican criminal procedure law; it did not prevent persons with legitimate and demonstrable interests from gaining access to legal remedies in other types of judicial proceedings. The right to reparation was enshrined in article 41 of the Constitution, which covered not just financial compensation but also claims for restitution and non-repetition. A victim could seek reparation by filing a claim with the administrative authorities through an informal procedure; that claim would then be subject to review by an administrative tribunal. Alternatively, they could simply file a civil suit to that end. An application for *amparo* or *habeas corpus* could also be lodged with the Constitutional Chamber of the Supreme Court. The legal understanding of what constituted legitimate interest in a given case was very broad. Any person, therefore, could file a claim in respect of the disappearance of a person without needing to demonstrate personal interest in the case, provided that they invoked the relevant constitutional provisions.

29. The Supreme Electoral Tribunal was ultimately responsible for the registration of all births in Costa Rica, which was carried out through the Civil Registry. Births could be registered at any health centre in the country.

30. **Mr. Sánchez Torres** (Costa Rica) said that the Ministry of Justice and Peace and the Public Defence Service worked in close coordination, holding regular joint meetings and sharing information with one another. The information requested by the Committee on international adoption would be provided in writing in due course.

31. **Mr. Ravenna** said that, if he had understood correctly, the national mechanism for the prevention of torture had the power to carry out visits to all places of deprivation of liberty where people were held in cells. That seemed quite a broad mandate. However, he wondered whether that meant that the mechanism was also authorized to visit juvenile detention centres, mental health institutions, holding centres for migrants and other places of deprivation of liberty that did not have cells. Furthermore, he wished to know what percentage of prisoners in the State party were women. An indication of the nature of the crimes for which women were most often deprived of their liberty would also be appreciated. Lastly, it would be useful to know whether the Public Defence Service was authorized to visit places of deprivation of liberty independently or whether it carried out joint visits with the national torture prevention mechanism.

32. **Mr. López Ortega** said that he wished to make it clear that the State party's obligation to criminalize enforced disappearance would not be fulfilled by defining the offence as a crime against humanity in its domestic criminal law. The State party was obliged to adopt specific legal provisions defining enforced disappearance as an autonomous crime that included all the elements set forth in article 2 of the Convention. An additional provision recognizing enforced disappearance as a crime against humanity in cases where it constituted a widespread or systematic practice could sit alongside those core provisions, but could not replace them.

33. He understood that foreign nationals who were the subject of expulsion or deportation proceedings were able to appoint a lawyer on their own behalf. It would be helpful to know whether that meant that they had to pay for the services of a lawyer themselves. If that was the case, he wondered whether free legal assistance was available for foreign nationals who could not afford to do so. He would also be interested to learn whether the Constitutional Chamber of the Supreme Court was able to consider applications for *habeas corpus* immediately, since it was crucial that any appeals lodged by detainees against their deprivation of liberty should be resolved with the minimum of delay. Furthermore, he would appreciate further information on the Administrative Migration Tribunal, including whether it had the status of a judicial body.

34. The Committee had learned that an executive decree had been passed in November 2022 establishing new rules for persons seeking asylum in Costa Rica. He would welcome further information on the content of the decree and would be grateful if the delegation could

comment on reports that the new rules made it harder for refugees, the majority of whom were of Nicaraguan nationality, to obtain asylum. It would also be interesting to hear more about the criteria used to assess the vulnerability of migrants. He wondered, for example, whether the State party had drawn up a list of countries in the region that it considered to be less safe than others. He would like to know whether the administrative authorities were responsible for carrying out vulnerability assessments or whether that was the responsibility of the judicial authorities, a specific technical body or other experts in the field. Furthermore, it would be interesting to hear whether the State party had ever considered the diplomatic assurances offered by a State requesting an extradition to be insufficient. He would like to know who was tasked with evaluating the adequacy of those assurances and whether the final decision to extradite was subject to judicial oversight.

35. The Committee would welcome further information on the protocol that was followed immediately after a person's arrest to inform their family, defence counsel or, where appropriate, the relevant consular authorities about their situation and whereabouts. It would be useful to know whether a public official was authorized to contact an individual of the arrested person's choosing on their behalf or whether the arrested person was permitted to call him or her directly. He also wondered whether there was a fixed time frame within which the arrested person must receive a visit from a lawyer. Furthermore, the Committee would appreciate further clarification as to whether the records kept by the State party on persons deprived of their liberty contained all the information specified in article 17 of the Convention. He would also like to know whether there were any plans to consolidate the records on persons deprived of their liberty kept by different State institutions into one central register containing the details of each time an individual had been held in a place of deprivation of liberty.

36. He would welcome further information on the ongoing training that was offered to judges, police officers, prosecutors and lawyers on international human rights instruments and, above all, the Convention. It would be helpful to know what specific training activities had been organized on those subjects in the previous year. He also wondered how many visits the national mechanism for the prevention of torture had made to places of deprivation of liberty over the previous two years and what types of institution it had visited.

37. He would like to underline how important it was for the State party to bring its legal provisions on victims into line with article 24 of the Convention. The scope of the current definition of a victim in the Code of Criminal Procedure was too narrow. For example, the partner of a victim of enforced disappearance who had been living with him or her for 18 months would unquestionably suffer harm as a result of the act; however, he or she would not currently be able to claim the procedural rights guaranteed to victims under article 70 of the Code. That was a matter of great concern to the Committee, since one of the aims of the Convention was to ensure that everyone affected by enforced disappearance received the status of a victim so that they could participate in search and investigation processes. The State party must also ensure that any amendments drafted to bring the State party's criminal law into line with the Convention should reflect the provisions of article 25, which described the special protection that children must be given from enforced disappearance.

38. **The Chair** said that she was concerned that key stakeholders in the State party had received insufficient training on the Convention. For example, she had observed that articles published by the Constitutional Chamber of the Supreme Court on enforced disappearance included references to the Rome Statute and the Inter-American Convention on Forced Disappearance of Persons but not to the International Convention for the Protection of All Persons from Enforced Disappearance. Important elements of the Convention, such as the definition of a victim and the special protection to be afforded to children, had not been incorporated into bill No. 20187 amending the Criminal Code to, *inter alia*, include a definition of enforced disappearance as a separate offence, which had been put forward in 2017. Members of the Legislative Assembly and other relevant public institutions must therefore be encouraged to carry out a detailed analysis of the Convention to ensure that any future reforms served to bring the State party's criminal law fully into line with its provisions.

39. **Ms. Duncan Villalobos** (Costa Rica) said that the national mechanism for the prevention of torture had the power to carry out regular inspections of all holding centres, detention centres and places of deprivation of liberty. According to Act No. 9204, under

which the mechanism had been established, those places included pretrial detention centres, juvenile detention centres, border police facilities, transit zones at border crossings, international ports and airports, holding centres for migrants, psychiatric institutions, administrative detention centres and vehicles used for the transfer of prisoners. The mechanism was fully independent and the recommendations that it issued to State authorities were binding in nature.

40. **Mr. Sánchez Torres** (Costa Rica) said that, as at 17 March 2023, 509 of the country's 15,069 prisoners were women. Women deprived of their liberty were among the most vulnerable groups within the prison system. Most of them had been convicted for small-scale drug trafficking and continued to smuggle drugs while in prison. Sadly, it was a somewhat *sui generis* phenomenon that might warrant further study.

41. There was a special prison unit for pregnant women and women with children up to 3 years of age. Beyond that age, children were no longer allowed to reside in prison and were left in the care of relatives or NGOs. Women's imprisonment often had a devastating ripple effect on the entire family, particularly children who, because of their age, could no longer live with their mothers in prison.

42. **A representative of Costa Rica** said that the national mechanism for the prevention of torture was attached to the Ombudsman's Office and was thus part of the legislative branch. The Public Defence Service, on the other hand, was part of the judicial branch and served as an oversight mechanism. Public defenders conducted visits to prisons, psychiatric prison units, facilities for minors and pretrial detention centres. They also contributed to the annual reports prepared by the national mechanism for the prevention of torture and verified pretrial and other detention registers on a daily basis to ensure that they were up to date. Mandatory prison inspections took place once a month; public defenders had virtually unrestricted access to all places of detention in Costa Rica and duly reported any irregularities detected. The Registration, Communication and Comprehensive Care System for Victims of Institutional Violence in Prisons, which had been created in cooperation with international partners, would also cover any cases of enforced disappearance that might arise. Immediate action was taken in response to any violence detected, typically by filing an application for *habeas corpus*; the Constitutional Chamber of the Supreme Court normally ruled on such applications within five days. Civil society organizations also helped to monitor prison conditions.

43. Any person arrested by the administrative police was immediately brought before the Public Prosecution Service and handed over to the criminal investigation police; administrative police officers were not permitted to conduct interrogations. Arrested persons were free to designate a defence counsel of their own choosing within 24 hours of their arrest; otherwise, they were assigned a public defender who was provided with all the information related to the case and was required to notify the arrested person's family or other designated person without delay. In the case of foreign nationals, contact was established with the corresponding embassy or consulate. Public defenders were a well-established institution in Latin America. Public defender offices across the continent cooperated to exchange information and to ascertain the whereabouts or assess the situation of migrants in conflict with the law.

44. The current definition of a victim in domestic criminal procedure law would not limit the ability of State institutions to intervene in suspected cases of enforced disappearance or to participate in related proceedings.

45. The provision of ongoing training on human rights for public officials was a cross-cutting priority. Staff received comprehensive training on, *inter alia*, international human rights instruments and, where applicable, the treaty bodies' interpretations of their provisions.

46. **A representative of Costa Rica** said that the Government operated a dedicated support centre for migrants at the country's southern border, which functioned like a hostel. Unlike in migrant detention centres, such as the one located in Los Lagos, Heredia, migrants were free to come and go. Legal provisions on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment were duly respected in all migrant centres. Migrants in detention were entitled to receive visits from their family and defence counsel; support was also available through specialized NGOs. Migrants could also bring their case

before the Administrative Migration Tribunal or the Constitutional Chamber of the Supreme Court.

47. **A representative of Costa Rica** said that the work of the Directorate General for Migration and Alien Affairs was guided by the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. There had been a steep rise in the number of asylum applications received in recent years and, in 2021, Costa Rica had been ranked fourth in the world for number of asylum applications received. However, the vast majority of applicants were not eligible for international protection as they were undocumented economic migrants who had been living and working in the country for years. Such abuse of the asylum system had negative repercussions for those truly in need of international protection, who often had to wait months or years for their cases to be decided. A recently issued decree established a special temporary category as a means of regularizing the status of Venezuelan, Cuban and Nicaraguan asylum-seekers whose applications had been rejected or who were willing to withdraw their asylum applications.

48. **Mr. Sánchez Torres** (Costa Rica) said that different State institutions kept different types of registers on persons in conflict with the law and had different responsibilities vis-à-vis that population. The Centralized Criminal Register of the Judicial Investigation Agency contained, *inter alia*, sensitive police intelligence data. The criminal investigation police, which answered to the Public Prosecution Service, the entity responsible for conducting criminal investigations, could not share such information with other agencies.

49. Prison officers, who operated under the authority of the Ministry of Justice and Peace, were responsible for the containment, care and custody of prisoners. They kept a register of inmates containing personal data and information on their location. The register was updated on a daily basis to verify the prisoners' whereabouts, design support strategies and detect fugitives. However, the system was not without its flaws; technical problems and legal and data protection-related issues still needed to be resolved.

50. **A representative of Costa Rica** said that the power to request, grant, offer or refuse extradition rested with the judicial branch; the formal surrender of the person to be extradited to the requesting State was overseen by a judge. The role of the executive branch in that context was strictly diplomatic in nature.

51. All arrested persons, including those arrested by the criminal investigation or immigration police, had the right to contact their family and to communicate with a lawyer. In some cases, the authorities themselves notified the family and counsel of the arrest.

52. **Mr. Sánchez Torres** (Costa Rica) said that the dialogue with the Committee was set in a context of unprecedented violence and crime in Costa Rica. In a way, the dialogue had taken place ahead of time, as the phenomenon of enforced disappearance was virtually unknown. Designing solutions would therefore require vision and foresight. While it was important to legislate, the violence gripping the country could not be resolved through the adoption of legal provisions alone. Restoring stability and peace in Costa Rica would require the adoption of comprehensive solutions to address a situation that also had social, value-related and spiritual dimensions. In the face of such a volatile situation, the country must take a critical look at itself and leverage the resources at its disposal. In its efforts, the Government had drawn much support from the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders. The dialogue had yielded great insight and he was deeply moved to see representatives of all branches of Government come together to engage with the Committee. It was a sign of hope in desperate times.

53. **Ms. Duncan Villalobos** (Costa Rica), recalling her country's long-standing relationship with United Nations human rights treaty bodies, said that the Committee's recommendations would make a crucial contribution to her country's efforts to address enforced disappearance going forward. The Government was keenly aware of the need to adopt adequate legal provisions; although enforced disappearance had not been an issue in the past, there was no room for complacency.

*The meeting rose at 5.55 p.m.*