



**United Nations**

# **Report of the Committee on Enforced Disappearances**

**Fifteenth session  
(5–16 November 2018)**

**Sixteenth session  
(8–18 April 2019)**

**General Assembly  
Official Records  
Seventy-fourth Session  
Supplement No. 56**





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*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## Chapter I

### Organizational and other matters

#### A. States parties to the Convention

1. As at 18 April 2019, the closing date of the sixteenth session of the Committee on Enforced Disappearances, there were 59 States parties and 98 signatory States to the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in its resolution 61/177 of 20 December 2006 and opened for signature and ratification on 6 February 2007. In accordance with its article 39 (1), the Convention entered into force on 23 December 2010.

2. The updated list of States parties to the Convention, as well as information on declarations made under articles 31 and 32 and reservations, is available on the website of the Office of Legal Affairs of the Secretariat.<sup>1</sup>

#### B. Meetings and sessions

3. The Committee held its fifteenth session at the United Nations Office at Geneva from 5 to 16 November 2018. It held 21 plenary meetings. The agenda (CED/C/15/1) was adopted by the Committee at its 256th meeting. The fifteenth session was opened by the Chief of the Human Rights Treaties Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. In his opening statement, he welcomed the most recent ratification of the Convention, by the Gambia, and referred to the importance of promoting further ratification. Cooperation between the Committee and the Working Group on Enforced or Involuntary Disappearances was important, and should be strengthened in the future. Referring to the case of Saudi journalist Jamal Khashoggi, he recalled that investigations of cases of enforced disappearance should always be prompt, thorough, effective, impartial and transparent. The Committee should increase coordination with focal points and rapporteurs on reprisals from other treaty bodies, other human rights mechanisms and the Office of the Assistant Secretary-General for Human Rights. He concluded by stressing the crucial importance of encouraging States to provide human resources to support the work of the treaty bodies.

5. The Committee held its sixteenth session at the United Nations Office at Geneva from 8 to 18 April 2019. It held 18 plenary meetings. The agenda (CED/C/16/1) was adopted by the Committee at its 276th meeting. The sixteenth session was opened by the Chief of the Civil, Political, Economic, Social and Cultural Rights Section of the Human Rights Treaties Branch of OHCHR.

6. In her opening statement, she referred to the Human Rights Committee's general comment No. 36 (2018) on the right to life, which noted, inter alia, that enforced disappearance always represented a grave threat to the right to life. The General Assembly, in its resolution 73/178 on missing persons, called for all States that had not yet done so to consider signing, ratifying or acceding to the Convention and recognizing the competence of the Committee under articles 31 and 32 of the Convention. In an important development towards the elimination of enforced disappearance, Mexico had accepted all of the recommendations on the issue that it had received during its universal periodic review. In conclusion, she praised the work and progress achieved towards adopting the guiding principles for the search for disappeared persons.

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<sup>1</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en).

## C. Membership and attendance

7. All the members of the Committee attended the fifteenth and the sixteenth sessions of the Committee. A list of the current members, indicating the duration of their terms of office, is available at [www.ohchr.org/EN/HRBodies/CED/Pages/Membership.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/Membership.aspx).

## D. Decisions of the Committee

8. At its fifteenth session, the Committee decided, inter alia:

(a) To appoint country rapporteurs to prepare the lists of issues in relation to the reports submitted by Bolivia (Plurinational State of) and Slovakia under article 29 (1) of the Convention;

(b) To adopt concluding observations on the reports submitted by Japan and Portugal under article 29 (1) of the Convention;

(c) To adopt follow-up observations on the additional information submitted by Mexico under article 29 (4) of the Convention;

(d) To adopt lists of issues in relation to the reports submitted by Chile, Italy and Peru under article 29 (1) of the Convention;

(e) To adopt follow-up reports to concluding observations on the reports submitted by Bosnia and Herzegovina, Colombia, Cuba, Ecuador and Senegal under article 29 (1) of the Convention;

(f) To adopt a follow-up report on urgent actions;

(g) To adopt a list of issues in the absence of the report of Nigeria during its sixteenth session;

(h) To send its statement, adopted at its fourteenth session, on the draft articles on crimes against humanity to the secretariat of the International Law Commission;

(i) To reiterate its decision to examine States parties in the absence of a report when the reports were more than five years late (Brazil, Mali and Nigeria);

(j) To launch a process of consultation with all interested stakeholders on the draft guiding principles for the search for disappeared persons;

(k) To send letters to all States that had expressed interest in ratifying the Convention during the universal periodic review in November 2018;

(l) To specify which States parties were failing to cooperate with the urgent action procedure under the Convention in its next annual report to the General Assembly;

(m) To send a reminder to Iraq to submit additional information under article 29 (4) of the Convention, due in September 2018;

(n) To reiterate its call to all stakeholders to promote the ratification of the Convention, including in the framework of the High Commissioner's 2017 campaign to double the number of ratifications within five years;

(o) To adopt the informal report on its fifteenth session;

(p) To adopt the list of issues to be included on the provisional agenda of its sixteenth session.

9. At its sixteenth session, the Committee decided, inter alia:

(a) To appoint country rapporteurs to prepare the lists of issues in relation to the reports submitted by Mongolia and Switzerland under article 29 (1) of the Convention and a new rapporteur for the Plurinational State of Bolivia;

(b) To adopt concluding observations on the reports submitted by Chile, Italy and Peru under article 29 (1) of the Convention;

- (c) To adopt lists of issues in relation to the reports submitted by Bolivia (Plurinational State of) and Slovakia;
- (d) To adopt a follow-up report on urgent actions;
- (e) To postpone the adoption of a list of issues in the absence of the report of Nigeria until its seventeenth session;
- (f) To instruct the secretariat to send notes verbales to the Permanent Missions of Brazil and Mali to the United Nations Office and other international organizations in Geneva, requesting them to submit their overdue reports in 2019 and reminding them that when reports were more than five years late, the Committee would proceed to adopt lists of issues in the absence of a report;
- (g) To send a reminder to Iraq, requesting it to submit additional information under article 29 (4) of the Convention, which was overdue, as early as possible;
- (h) To adopt the guiding principles for the search for disappeared persons;
- (i) To adopt guidelines on the adoption of lists of issues in the absence of a report;
- (j) To request the secretariat to continue exploring with the Permanent Missions of Argentina and France to the United Nations in New York the possibility of holding a substantive dialogue on implementation of the Convention during the forthcoming fifth meeting of States Parties, to be held in New York on 25 June 2019;
- (k) To convey the position of the Committee regarding the 2020 treaty body review at the forthcoming meeting of the Chairs of the treaty bodies, and to the High Commissioner for Human Rights;
- (l) To request the Secretary-General, in his forthcoming report on the implementation of General Assembly resolution 68/268, to reflect all of the Committee's activities that were not included in that resolution, including urgent actions, activities related to the procedure for addressing additional information submitted by States parties under article 29 (4) of the Convention, and visits under article 33 of the Convention;
- (m) To reiterate its request to OHCHR to implement the fifth week of meeting time allocated to the Committee by the General Assembly;
- (n) To reiterate its decision to hold regular meetings with the Working Group on Enforced or Involuntary Disappearances;
- (o) To request OHCHR to update the fact sheet on the enforced or involuntary disappearances;
- (p) To send a note verbale to the Permanent Mission of Argentina regarding its procedure on follow-up to communications;
- (q) To send a note verbale to the Permanent Mission of Mexico reiterating its request for a visit under article 33 of the Convention;
- (r) To adopt its annual report to the General Assembly for submission at the seventy-fourth session of the Assembly;
- (s) To adopt the list of issues to be included on the provisional agenda of its seventeenth session.

## **E. Adoption of the annual report**

10. At the end of its sixteenth session, the Committee adopted, in compliance with article 36 (1) of the Convention, its eighth report to the General Assembly, on its fifteenth and sixteenth sessions.

## **Chapter II**

### **Methods of work**

11. During the fifteenth and sixteenth sessions, the Committee used English, French and Spanish as working languages.

12. During its fifteenth and sixteenth sessions, the Committee discussed the following issues:

- (a) Methods of work related to articles 29 to 34 of the Convention;
- (b) Strategy to increase ratification of the Convention;
- (c) Resources allocated to the Committee;
- (d) Other matters.

## **Chapter III**

### **Relations with stakeholders**

#### **A. Meetings with Member States**

13. On 13 November 2018, the Committee held a public meeting with Member States, which was attended by 23 States: Albania, Argentina, Austria, Belgium, Chile, Colombia, Cyprus, France, Germany, Iraq, Japan, Lao People's Democratic Republic, Lebanon, Mexico, Morocco, Nicaragua, Norway, Oman, Philippines, Qatar, Sri Lanka, Togo and Uruguay. In the course of the meeting, Argentina, France, Japan and Mexico reaffirmed their support for the Committee's work and for the goal of doubling the number of ratifications of the Convention within five years. Argentina noted that the group of friends on the Convention was co-chaired by Argentina and France, and announced that the group's campaign for ratification of the Convention had been relaunched in June 2018 through the dissemination of a note, signed by the Ministers of Foreign Affairs of Argentina and France, to all non-States parties. Japan expressed its appreciation for the Committee's activities, and reasserted that it was making continuous efforts to contribute increasing the number of States parties to the Convention among countries in Asia. France, Japan and Mexico asked questions regarding the follow-up procedure and the Committee's work on thematic discussions on the search for and location of disappeared persons and on the draft guiding principles, which the Committee answered. The Committee expressed its intention to send letters to all States that had accepted recommendations to ratify the Convention during the most recent universal periodic review. The Committee also referred to the importance of broad partnerships in promoting ratification of the Convention.

14. On 15 April 2019, the Committee held a public meeting with Member States, which was attended by 37 States. Argentina, Chile, France, Gabon, Iraq, Japan, Mexico, Mongolia, Peru and Switzerland made statements. Many delegations praised and highlighted the importance of the work of the Committee. Chile, France, Gabon and Peru referred to the importance of better harmonization of the jurisprudence of the various treaty bodies and the need to improve collaboration between them. Gabon stated that increased harmonization could help States to align their domestic legislation with the various conventions. Japan stressed the importance of careful consideration by the Committee of the reports of States parties, and encouraged other States to consider further promotion of the Convention, including through funding. Switzerland requested more information on the review of States parties in the absence of a report. Mexico requested information on the time frame for adopting the final version of the guiding principles for the search for disappeared persons and on the methods planned for their dissemination. Mexico also requested more accurate maintenance of data on urgent actions, careful examination of them by the Committee and follow-up reports on their progress. The Chair reaffirmed the Committee's commitment to cooperate with other treaty bodies, explained the criteria for reviewing States parties in the absence of a report and expressed the Committee's intention to adopt the guiding principles for the search for disappeared persons during the current session. Both Member States and Committee members stressed the necessity of wider visibility and ratification of the Convention.

#### **B. Meeting with national human rights institutions**

15. On 13 November 2018, the Committee held a public meeting with the Global Alliance of National Human Rights Institutions. The Geneva representative of the Global Alliance underlined the importance of close cooperation between the Committee and national human rights institutions and referred to their shared priorities, in particular promoting ratification of the Convention and State parties' compliance with their obligations. The Global Alliance's thirteenth annual international conference had been held in Marrakech, Morocco, in October 2018, at which national institutions from around the world had adopted a declaration on the crucial role of human rights defenders in contributing to the realization of all human rights. The representative highlighted the existence of additional gender-related issues, as women human rights defenders were often more exposed to the risk of violation of their rights.

Bearing in mind that human rights defenders were increasingly under threat of enforced disappearance, the Marrakech declaration constituted an important contribution to the work of the Committee. The Committee members reiterated their belief in the invaluable role that national institutions played both in the work of the Committee and in the international human rights system. The Committee members also stressed the importance of national institutions fully complying with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **C. Meetings with non-governmental organizations and civil society**

16. On 13 November 2018, the Committee held a public meeting with non-governmental organizations (NGOs) and civil society. A representative of Families of Victims of Involuntary Disappearance began by referring to the situation of victims of enforced disappearance and their families in the Philippines. In a positive development, the Philippines was among the first countries in Asia to have criminalized enforced disappearance in domestic legislation. Nevertheless, concerns had been raised that the law had not yet been fully implemented, and the representative expressed regret that the Philippines had not yet acceded to the Convention. The Latin American Federation of Associations of Relatives of Disappeared Detainees presented the situation in several Latin American countries, including Argentina, Chile, Colombia, Honduras, Mexico and Peru. Geneva for Human Rights – Global Training welcomed the Committee’s methods of work and rules of procedure, including its prioritization of certain countries in follow-up reports and its proposal to examine the implementation of the Convention in the absence of a report, but expressed concerns regarding the Committee’s funding, including the lack of additional human resources. A representative of the International Coalition against Enforced Disappearances mentioned its ongoing campaign to promote ratification of and accession to the Convention, and, referring to the examples of Bangladesh, Pakistan and Sri Lanka, noted the tendency towards a slow process of ratification in comparison to the recurrence of the crime of enforced disappearance. The Committee reaffirmed its support for the work of NGOs and civil society, which was crucial for the improvement of the Committee’s work.

17. On 15 April 2019, the Committee held another public meeting with NGOs and civil society. The representative of Geneva for Human Rights highlighted the unique role of the Convention and of the Committee, and stressed that the Committee had achieved significant progress since its establishment. He referred to the guiding principles and their importance for all victims and for the search for disappeared persons. On a different note, he expressed his organization’s concern about the slow increase in the number of ratifications of the Convention. A written statement from the Asociación “Todos los niños robados son también mis niños” was read out its behalf. The Committee welcomed the contribution and cooperation of NGOs and civil society in its work.

### **D. Meetings with other stakeholders**

18. During its fifteenth session, the Committee held its first formal joint private meeting with the Committee against Torture. Bilateral cooperation was discussed, including in view of the 2020 review.

19. The Committee also held private meetings with the Asociación “Todos los niños robados son también mis niños”, and with representatives of the Geneva Academy of International Humanitarian Law and Human Rights on the 2020 treaty body review.

20. During its sixteenth session, the Committee held meetings with other stakeholders: the Chief of Treaties Bodies Branch of OHCHR, representatives of the International Committee of the Red Cross (ICRC) and representatives of the Permanent Missions of Mali and Brazil to the United Nations Office and other international organizations in Geneva.

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## **Chapter IV**

### **Consideration of reports submitted by States parties under article 29 (1) of the Convention**

21. At its fifteenth session, the Committee considered the reports of Japan ([CED/C/JPN/1](#)) and Portugal ([CED/C/PRT/1](#)), and adopted concluding observations on those reports ([CED/C/JPN/CO/1](#) and [CED/C/PRT/CO/1](#)).

22. At its sixteenth session, the Committee considered the reports of Chile ([CED/C/CHL/1](#)), Italy ([CED/C/ITA/1](#)) and Peru ([CED/C/PER/1](#)), and adopted concluding observations on those reports ([CED/C/CHL/CO/1](#), [CED/C/ITA/CO/1](#) and [CED/C/PER/CO/1](#)).

## **Chapter V**

### **Adoption of the report on follow-up to concluding observations**

23. At its fifteenth session, the Committee adopted its report on follow-up to concluding observations (CED/C/15/2), which reflected the information received by the Committee between its thirteenth and fifteenth sessions concerning the status of implementation of its concluding observations on Bosnia and Herzegovina (CED/C/BIH/CO/1/Add.1), Colombia (CED/C/COL/CO/1/Add.1), Cuba (CED/C/CUB/CO/1/Add.1), Ecuador (CED/C/ECU/CO/1/Add.1) and Senegal (CED/C/SEN/CO/1/Add.1) and the assessments and decisions that it adopted at its fifteenth session.

## **Chapter VI**

### **Adoption of lists of issues**

24. At its fifteenth session, the Committee adopted the lists of issues on Chile ([CED/C/CHL/Q/1](#)), Italy ([CED/C/ITA/Q/1](#)) and Peru ([CED/C/PER/Q/1](#)).

25. At its sixteenth session, the Committee adopted the lists of issues on Bolivia (Plurinational State of) ([CED/C/BOL/Q/1](#)) and Slovakia ([CED/C/SVK/Q/1](#)).

## **Chapter VII**

### **Reporting under the Convention**

26. At its fifteenth session, the Committee expressed its gratitude to all States parties that had respected the official deadline for submission of their reports, and encouraged all other States parties to follow their example. The Committee expressed its deepest concern at the large number of overdue reports, particularly in the case of Brazil, Mali and Nigeria as those States had been among the first to ratify the Convention. The Committee noted that reports of Belize, Cambodia, Costa Rica, Greece, Lesotho, Malta, Mauritania, Mongolia, Morocco, the Niger, Panama, Samoa, Sri Lanka, Togo, Ukraine and Zambia were significantly overdue. Recalling that the timely submission of reports was a precondition for the efficient functioning of the Committee, the Chair urged all States parties to respect their legal obligation to submit reports on time.

27. Between the fifteenth and sixteenth sessions, Greece, Mongolia and Switzerland submitted their reports to the Committee.

28. In February 2019, a first reminder was sent to the Central African Republic and Sri Lanka; a second reminder was sent to Belize, Malta, the Niger and Ukraine; a third reminder was sent to Lesotho and Togo; a fourth reminder was sent to Cambodia and Morocco; a fifth reminder was sent to Costa Rica, Mauritania and Samoa; and a sixth reminder was sent to Panama and Zambia.

29. Due to shortages in human resources in the secretariat, the Committee decided to postpone the adoption of a list of issues in the absence of the report of Nigeria to a later date. A full list of the States parties and the status of their reports is included in the annex to the present report.

## **Chapter VIII**

### **Reprisals**

30. The Committee noted with satisfaction that, during the reporting period, it had not received any allegations from individuals of acts of intimidation or reprisal for seeking to cooperate or cooperating with the Committee.

## **Chapter IX**

### **Consideration of additional information submitted by States parties under article 29 (4) of the Convention**

31. The Committee developed a new follow-up procedure to consider additional information submitted by States parties under article 29 (4) of the Convention. Following the submission of additional information by Mexico, the Committee invited the State party to a follow-up dialogue, which was held on 9 November 2018. The Committee subsequently adopted follow-up observations ([CED/C/MEX/FAI/1](#)).

32. In February 2019, a reminder was sent to Iraq to submit additional information, which was due in September 2018.

## Chapter X

### Urgent action procedure under article 30 of the Convention

#### A. Requests for urgent action received and registered since the establishment of the Committee

33. From 2012 to 18 April 2019, the Committee had received 659 requests for urgent action, including 85 during the period covered by the present report. Of the 659 requests, 570 had been registered, with the following breakdown by year and country.

##### Urgent actions registered, by year and by country

Year	Argentina	Armenia	Brazil	Cambodia	Colombia	Cuba	Honduras	Iraq	Kazakhstan	Lithuania	Mauritania	Mexico	Morocco	Sri Lanka	Togo	Year total
2012	–	–	–	–	–	–	–	–	–	–	–	5	–	–	–	5
2013	–	–	–	–	1	–	–	–	–	–	–	6 <sup>a</sup>	–	–	–	7
2014	–	–	1	1	1	–	–	5	–	–	–	43	–	–	–	51
2015	–	–	–	–	3	–	–	42	–	–	–	165	–	–	–	210
2016	–	–	–	–	4	–	–	22	–	–	–	58	1	–	–	85
2017	2	1	–	–	3	–	–	43	2	–	1	31	2	1	–	86
2018	–	–	–	–	9	1	14	50	–	–	–	42	–	–	2	118
2019 <sup>b</sup>	–	–	–	1	–	–	–	–	–	1	–	6	–	–	–	8
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>21</b>	<b>1</b>	<b>14</b>	<b>162</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>356</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>570</b>

<sup>a</sup> Urgent action No. 9/2013 refers to two persons. It is therefore counted as two urgent actions.

<sup>b</sup> As at 18 April 2019.

#### B. The process after registration of urgent action requests: developments observed since the fourteenth session (up to 18 April 2019)

##### 1. Interaction with States parties

34. The Committee maintains contact with States parties through their respective permanent missions. In order to maximize the impact of the Committee's recommendations regarding requests for urgent action, the Committee considers that it would be necessary to establish more direct contact with the authorities responsible for searching for disappeared persons and investigating their disappearance, so that the Committee's concerns and recommendations may be communicated to them more directly if necessary.

35. The majority of registered urgent actions are still related to events that have occurred in Mexico and Iraq.

36. Mexico has responded to the vast majority of the 356 urgent actions registered. During the period covered by the present report, the Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva held a meeting with the Committee secretariat, in which it expressed its concern at the registration of cases in which the alleged acts had not been committed by persons acting with the authorization, support or acquiescence of the State, within the meaning of article 2 of the Convention, but rather by criminal groups. From the State party's responses to the Committee's requests and recommendations, the following trends may be observed:

(a) In all the urgent action cases, the State party's observations and the authors' comments continue to reflect sporadic, isolated actions that do not seem to be part of, or be directed by, a previously defined search and investigation strategy or to reflect the development of an exhaustive search;

(b) Investigative actions by the authorities are frequently not taken unless relatives, close contacts or representatives of the disappeared persons take the initiative. If relatives, close contacts or representatives are unable to identify leads for the investigators or are unable to persuade the authorities to take action, the cases generally remain deadlocked;

(c) The searches are almost invariably begun by sending official requests for information to hospitals and detention centres. Most of these letters remain unanswered. The Committee has expressed concern that, in such cases, the Public Prosecutor's Office does not appear to make full use of its authority to employ enforcement measures in order to obtain the requisite information. The Committee has also been informed of cases in which enforcement measures, such as orders of detention, were requested, but no action was taken by the authorities in charge;

(d) In the vast majority of cases, on-site investigations are very rarely carried out. The authors of the urgent action requests frequently inform the Committee that the investigating authorities tell them that they are afraid to go to the locations in which they might be able to collect evidence;

(e) The authors often allege that the authorities in charge of the search and investigation are directly or indirectly involved in the events and that the processes therefore remain deadlocked;

(f) There has been a failure to execute orders to conduct investigations issued by the Public Prosecutor's Office. The authorities often fail to take action and it is alleged that they sometimes obstruct searches and investigations. In such cases, the Committee has requested the State party to implement clear and formal mechanisms that would require the teams responsible for searching for missing persons and investigating their enforced disappearance to issue regular and transparent reports on the progress made and difficulties encountered. The State party has also been requested to take all necessary measures to investigate and punish any actions by the State party's authorities that may have hindered the effectiveness of the search and investigation processes under way;

(g) There is still fragmentation among the investigations by State institutions, and between State and federal institutions. There is also a lack of inter-agency coordination and pursuit of a joint strategy. Given these circumstances, great difficulties have reportedly been encountered in incorporating all the evidence into a single investigation. Fragmentation and lack of coordination tend to cause excessive delays in the investigative procedure;

(h) There have been reports of threats and intimidation against family members of disappeared persons for seeking to advance investigations, in particular in cases in which the military forces are reportedly involved.

37. At the time of writing, the Committee has registered 162 urgent actions related to events in Iraq. No reply has been received in relation to 18 of the urgent action requests, even though four reminders have been sent. When replies have been sent by the State party, the Committee is concerned by their content because of the following issues: (a) the State party does not provide any information on the activities undertaken to search for the disappeared persons or to investigate their disappearance; (b) the State party has at times provided information that does not relate to the events described in the urgent actions in question; and (c) in one urgent action, the State party asserted that the disappeared person had been located, whereas the family members and representatives reported that the person was still missing. In the latter case, the Committee requested the State party to verify the information provided and present evidence to show that the located person was indeed the disappeared person under whose name the urgent action had been registered.

38. The State party stated in some cases that the disappeared persons were terrorists and that these cases could not be considered as enforced disappearance. The Committee has stressed the importance of considering a person to be disappeared for as long as he or she remains in incommunicado detention and there is no information as to his or her whereabouts.

39. As regards requests for urgent action addressed to other States parties, the Committee highlights the following:

(a) Armenia: in the case of Ara Khachatryan (urgent action No. 376/2017), the State party sent a response stating that a preliminary investigation had been under way since 2011. This response was shared with the authors of the request for their comments. In the light of the information received, the Committee sent a follow-up note highlighting the State party's obligations to take concrete actions to search for the disappeared person and ensure that family members, relatives and representatives were duly informed and able to participate in the search and investigation processes. The information submitted by the State party did not show that any strategy or investigation plan had been developed; the main investigator in charge had been replaced seven times, preventing the continuity of the investigation; and family members had not been informed of any measures taken by authorities in charge of the search and investigation;

(b) Brazil: in the case of Davi Santos Fiuza (urgent action No. 61/2014), the State party informed the Committee that the results of four years of search and investigations into the disappearance of Mr. Santos Fiuza had been sent to the Bahia State Counsel-General's Office. These results pointed to the possible involvement of 17 members of the Bahia state police (military police). The Public Prosecutor is currently reviewing the information in order to determine the individual responsibility of these members and press charges. This response was transmitted to the author, who has not submitted comments, despite a reminder sent on 13 February 2019;

(c) Cambodia: the urgent action registered on behalf of the minor Khem Sophath (urgent action No. 11/2014) is ongoing. In April 2019, the Committee sent a new follow-up note requesting additional information and reminding the State party of its obligation to carry out search and investigation activities based on all existing scenarios in the case, including those pointing to the possible involvement of State agents in the events in question. The Committee has expressed its concern at the lack of collaboration of the State party and the need to take specific measures to search for the disappeared person. The Committee has closed the urgent action registered on behalf of Mouen Sum (urgent action No. 568/2019). The State party promptly responded to this urgent action request, informing the Committee that the person had been located on 31 March 2019 and reunited with his family. This information was confirmed by the family members;

(d) Colombia: the information provided by the State party in the registered requests for urgent action indicates that investigations and searches often come to a standstill a few months after they begin. In a number of cases, the authors report that the Committee's notes have been followed by concrete actions, although such actions are usually isolated and do not form part of a clear-cut search and investigation strategy;

(e) Cuba: a new urgent action request was registered on behalf of César Iván Mendoza Regal (urgent action No. 542/2018), a human rights defender allegedly detained by the State Security Department. At the time of writing, his whereabouts and the charges against him remain unknown. The State party informed the Committee that he had been in pretrial detention for illicit association and that he had been released pending trial. However, the authors have requested that the State party present evidence of his physical integrity and personal security by presenting him to the media;

(f) Honduras: the State party responded to the requests regarding the 14 urgent actions registered. Concerning the 13 urgent actions related to disappeared migrant persons, the State party's observations are very general and do not provide concrete information on the individual cases. They also reveal that the authorities in charge of the search have not sought international judicial assistance, provided for under article 14 of the Convention, with a view to establishing a migration route and clarifying the events. The Committee is awaiting the authors' comments;

(g) Lithuania: a new urgent action request was registered on behalf of Deimantė Stankūnaitė (urgent action No. 569/2019), a victim of sexual exploitation who disappeared at 8 years of age. The State party responded that she had been located and that she was under the protection of the law. However, the author of the urgent action requested that the State party confirm the exact location of the victim and allow him to contact her;

(h) Togo: with regard to the cases of Atsou Adzi and Messan Koku Adzi (urgent actions Nos. 543/2018 and 544/2018), the State party responded by questioning whether the persons had been detained by the police when they were disappeared, and noting that they were not included in the national registry. However, the authors have responded that the State party has not demonstrated that it has undertaken a thorough investigation into the police car in which, according to eye witnesses, the persons were disappeared. The Committee sent a follow-up note expressing concern about the lack of progress in the search and investigation into the disappearances.

40. In all registered requests for urgent action, the Committee continues to emphasize that it is essential for States parties to carry out search actions as soon as possible after the disappearance of the person concerned; to develop strategies for searching for disappeared persons and investigating their disappearance; and to take into account that such investigations are necessary, inter alia, to ensure that the perpetrators are identified, which can be the key to locating disappeared persons.

## **2. Interaction with authors**

41. The secretariat is in frequent contact with the authors of requests for urgent action, mainly by means of letters sent on behalf of the Committee, but also more directly by email and telephone. On the basis of the Committee's contact with authors, a few trends may be observed.

42. Authors continue to highlight the importance of the support provided by the Committee, which has proved to be a receptive contact point after several unsuccessful attempts at contacting the national authorities. With the exception of the cases related to events in Iraq, authors of urgent action requests also point out that, when the Committee has sent notes, they have received replies to particular requests, mainly concerning the implementation of specific investigative actions recommended by the Committee.

43. In most of these cases, however, the authors regularly report that such actions are not followed up. Very soon after requests for urgent action have been registered, the authors frequently express frustration at the States' failure to fulfil their search and investigation duties. They note with concern the failure of the authorities to undertake basic investigative steps to search for and locate missing persons, even when reliable information is available that could be used to advance the search and investigation.

44. The authors of requests for urgent action reiterate that, in older cases, the national authorities are taking less and less action to search for and locate disappeared persons and that they limit themselves to undertaking formal actions or repeating previous investigations. In other cases, the authors have drawn attention to the national authorities' failure, for instance, to ensure that all witnesses are duly interviewed as soon as possible to facilitate the search for disappeared persons and the investigation into their disappearance, or their failure to conduct relevant analysis of the available evidence (see, for example, those cases in which available telephone or video records have not been analysed until several months after their submission to the competent authorities).

45. One of the main trends observed is the difficulties faced by families and relatives of missing persons to participate in the search for the disappeared person and the investigation of their disappearance. These difficulties are mainly caused by the lack of information concerning the ongoing processes. The authors of requests state that, if they do not request information, the authorities do not provide them with any information as to the actions taken, even when activities are being planned in which their participation might be relevant.

46. It has also been noted that, when the authorities have contacted family members and relatives in accordance with their obligations under the Convention, they have done so in a manner that re-victimizes them. In such cases, the Committee has reminded the State party of the content of article 24 (2) of the Convention. It has also emphasized that States parties are responsible for establishing mechanisms for reporting information to the families and relatives of missing persons with the aim of ensuring that they and their representatives can participate actively, and in an informed manner, at all stages of the investigative process, and that they are required to provide family members and relatives with adequate guidance on their rights and how to exercise them.

47. In the case of Mexico, the authors frequently report that support for the families and relatives of disappeared persons is very limited and not adapted to their needs. In cases in which such difficulties have been identified, the Committee has reminded the State party that protection and support measures must be established and implemented in consultation with beneficiaries in order to ensure that they meet their needs.

48. The Committee remains concerned by allegations that authors of requests for urgent action have been subjected to threats, pressure and reprisals, particularly in connection with events occurring in Mexico and Colombia. In these urgent action cases, the Committee requests the State party to adopt interim measures to protect the persons who are in danger. The Committee also emphasizes the importance of ensuring that these interim protective measures are implemented by authorities against which there are no allegations of possible involvement in the disappearance in question, and in coordination with the beneficiaries and their representatives to ensure that the measures fully meet their needs. To this end, the Committee requests the State party to convene regular coordination meetings between the authorities responsible for implementing the interim measures, and the beneficiaries and their representatives.

### **C. Urgent actions discontinued, closed or kept open for the protection of persons to whom interim measures have been granted**

49. In accordance with the criteria adopted in plenary by the Committee at its eighth session:

(a) An urgent action is discontinued when the disappeared person has been located but is still detained. This is because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and to being placed outside the protection of the law;

(b) An urgent action is closed when the missing person has been found at liberty or located and released, or has been found dead, provided that the relatives and/or authors do not contest these facts;

(c) An urgent action is kept open when the disappeared person has been located but the persons to whom interim measures have been granted in the context of the urgent action are still under threat. In such cases, the actions taken by the Committee are limited to following up on the interim measures.

50. Whenever informed by the author or the State party that a person has been located, the Committee waits for the confirmation of the information before closing or discontinuing the urgent action.

51. At the time of writing, the Committee had closed a total of 51 urgent action cases: in 29 of these cases the disappeared persons had been located and released alive and in 22 cases the disappeared persons had been found dead.

52. In addition, the Committee has discontinued 13 requests for urgent action because the disappeared persons have been located but remain in detention.

53. In two urgent action cases, it has been determined that the disappeared person has been found dead but the urgent action remains open because the persons who were granted interim measures are still under threat.

### **D. Actions taken following the decisions adopted by the plenary at its fifteenth and sixteenth sessions**

54. The Committee reiterates that the number of registered urgent actions continues to rise. This situation requires an urgent increase in the number of staff dedicated to the treatment of urgent actions within the OHCHR secretariat.

55. The Committee has taken into account the position of various States parties regarding urgent actions in which the alleged acts cannot be clearly attributed to persons acting with

the authorization, support or acquiescence of the State. In that regard, the Committee reiterates its position that States parties must carry out an exhaustive investigation of the events based on all existing scenarios, including that they correspond to enforced disappearance.

56. The Committee considers that it has the competence to initiate urgent actions in cases in which the Inter-American Commission on Human Rights has adopted interim measures requesting the search for and location of the disappeared person: the scope of urgent actions is wider than the scope of such interim measures and, consequently, these interim measures cannot be considered as *lis alibi pendens* under article 30 (2) (e) of the Convention. In such cases, the Committee has coordinated with the Inter-American Commission in order to avoid the duplication of actions.

57. The Committee also considers that it has the competence to register urgent actions with respect to the disappearance of persons who are returned by a State party to a non-State party, pursuant to the obligation of cooperation by States parties (arts. 14 and 15 of the Convention) and the obligation of non-refoulement (art. 16).

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## **Chapter XI**

### **Communications procedure under article 31 of the Convention**

58. No new individual complaints have been registered by the Committee over the period covered by the present report.

59. As regards the *Yrusta and del Valle Yrusta v. Argentina* (CED/C/10/D/1/2013), the Committee examined the follow-up information submitted by the parties. In view thereof, the Committee considered that the measures taken by the State party had not fully implemented its recommendations, in particular the following recommendations: to recognize the authors' status as victims, thereby allowing them to play an effective part in the investigations into the death and enforced disappearance of their brother; to prosecute, judge and punish the persons responsible for the violations that had been committed; and to provide the authors with rehabilitation and prompt, fair and adequate compensation, in accordance with article 24 (4) and (5) of the Convention. The Committee therefore decided to maintain the follow-up procedure and to send a note verbale to the permanent mission of the State party and a letter to the authors informing them accordingly.

## **Chapter XII**

### **Visits under article 33 of the Convention**

60. In line with its previous exchange of correspondence with Mexico, which had started in May 2013, a reminder was sent in January 2019 to the Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva, reiterating the Committee's request for a visit to Mexico and requesting the State Party to engage with the Committee in a constructive dialogue to discuss the time frame and modalities of the visit.

61. During its sixteenth session, the Committee met with representatives of the Permanent Mission of Mexico to discuss the matter.

## Chapter XIII

### Guiding principles for the search for disappeared persons

62. At its fifteenth session, the Committee prepared draft guiding principles for the search for disappeared persons. The Committee decided to conduct a broad consultation process, with a call for written contributions from 25 November 2018 to 25 January 2019.

63. In total, 46 submissions were received, 28 from organizations of victims and civil society,<sup>2</sup> 1 from a national human rights institution,<sup>3</sup> 3 from specialized agencies and United Nations entities,<sup>4</sup> 2 from intergovernmental organizations,<sup>5</sup> 9 from States parties,<sup>6</sup> and 3 from academia.<sup>7</sup> The consultation process was particularly supported by OHCHR in Mexico, the German Institute for Human Rights, the Heinrich Böll Foundation and the Universidad Externado de Colombia, with the organization of workshops in Berlin, Bogotá and Mexico City for individuals and national, international and regional organizations to discuss the principles.

64. At its sixteenth session, the Committee continued its discussions on a revised version of the draft guiding principles, prepared by two rapporteurs of the Committee on the basis of submissions received from different stakeholders during the consultation process. The Committee benefited from an analytical note on the contributions prepared by Gabriella Citroni, Senior Legal Advisor, TRIAL International, and the Swiss Peace Foundation. After a long process of analysis and consideration of the draft, on 16 April 2019, the Committee adopted the guiding principles for the search for disappeared persons ([CED/C/7](#)).

65. The Committee expresses its gratitude to all stakeholders that contributed to and were involved in the process that led to the adoption of the guiding principles. The Committee calls on all interested parties to ensure the broadest possible dissemination of the guiding principles and the collection of good practices in their implementation.

<sup>2</sup> Asociación Abuelas de Plaza de Mayo, Argentina; African Network against Extrajudicial Killings and Enforced Disappearances; Association nationale de promotion et de protection des droits de l'homme, Cameroon; Associació per a la recuperació de la memòria històrica de Catalunya; Asia Justice and Rights; Asian Federation Against Involuntary Disappearances; Ciudadanos en Apoyo a los Derechos Humanos and Centro de Derechos Humanos de las Mujeres, Mexico; Campaña Nacional contra la Desaparición Forzada en México; Centro de Derechos Humanos Paso del Norte, Mexico; Centro de Estudios Legales y Sociales, Argentina; Committee of Families of Detained and Disappeared Persons in Honduras; Comisión de Derechos Humanos, Peru; Comité de Derechos Humanos de Base de Chiapas Digna Ochoa, Mexico; Coordinación Colombia Europa Estados Unidos, Colombia; National Coordinator for Human Rights, Peru; Argentine Forensic Anthropology Team; Corporación Equipo Colombiano Interdisciplinario de Trabajo Forense y Asistencia Psicosocial; Fundación de Antropología Forense de Guatemala; European Center for Constitutional and Human Rights, Berlin; Fundación para la Justicia y el Estado Democrático de Derecho, Mexico; Idheas, Litigio Estratégico en Derechos Humanos, Mexico; Initiators Organization for Human Rights and Democracy, Netherlands; Madres de Plaza de Mayo Línea Fundadora, Argentina; Movimiento Nacional de Víctimas de Crímenes de Estado de Colombia; Romanian Independent Society of Human Rights; Swiss Network for International Studies; Trudy Huskamp Peterson, archivist, United States of America; and Truth Now, Cyprus.

<sup>3</sup> National Human Rights Commission, Mexico.

<sup>4</sup> ICRC, OHCHR Mexico and the United Nations Children's Fund.

<sup>5</sup> International Commission on Missing Persons and Inter-American Commission on Human Rights.

<sup>6</sup> Argentina, Austria, Colombia, Ecuador, France, Morocco, Peru, Sri Lanka and Ukraine.

<sup>7</sup> Bournemouth University, United Kingdom of Great Britain and Northern Ireland; Institute of Law Studies, Polish Academy of Sciences; and Néstor Oswaldo Arias Avila, human rights specialist, Universidad Complutense de Madrid.

## Annex

## States parties to the Convention as at 18 April 2019 and their reporting status

<i>State party (in order of ratification)</i>	<i>Ratification</i>	<i>Entry into force</i>	<i>Deadline for reporting under art. 29 (1)</i>	<i>Report submitted</i>
<b>Albania*</b>	8 Nov. 2007	23 Dec. 2010	23 Dec. 2012	11 Nov. 2015
<b>Argentina*</b>	14 Dec. 2007	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
<b>Mexico</b>	18 Mar. 2008	23 Dec. 2010	23 Dec. 2012	11 Mar. 2014
<b>Honduras</b>	1 Apr. 2008	23 Dec. 2010	23 Dec. 2012	4 Feb. 2016
<b>France*</b>	23 Sept. 2008	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
<b>Senegal</b>	11 Dec. 2008	23 Dec. 2010	23 Dec. 2012	28 Apr. 2015
<b>Bolivia</b>	17 Dec. 2008	23 Dec. 2010	23 Dec. 2012	28 Sept. 2018
<b>Cuba</b>	2 Feb. 2009	23 Dec. 2010	23 Dec. 2012	24 Apr. 2015
<b>Kazakhstan</b>	27 Feb. 2009	23 Dec. 2010	23 Dec. 2012	3 June 2014
<b>Uruguay*</b>	4 Mar. 2009	23 Dec. 2010	23 Dec. 2012	4 Sept. 2012
<b>Mali*</b>	1 July 2009	23 Dec. 2010	23 Dec. 2012	
<b>Japan*</b>	23 July 2009	23 Dec. 2010	23 Dec. 2012	22 July 2016
<b>Nigeria</b>	27 July 2009	23 Dec. 2010	23 Dec. 2012	
<b>Spain*</b>	24 Sept. 2009	23 Dec. 2010	23 Dec. 2012	26 Dec. 2012
<b>Germany*</b>	24 Sept. 2009	23 Dec. 2010	23 Dec. 2012	25 Mar. 2013
<b>Ecuador*</b>	20 Oct. 2009	23 Dec. 2010	23 Dec. 2012	5 June 2015
<b>Burkina Faso</b>	3 Dec. 2009	23 Dec. 2010	23 Dec. 2012	7 Oct. 2014
<b>Chile*</b>	8 Dec. 2009	23 Dec. 2010	23 Dec. 2012	1 Dec. 2017
<b>Paraguay</b>	3 Aug. 2010	23 Dec. 2010	23 Dec. 2012	28 Aug. 2013
<b>Iraq</b>	23 Nov. 2010	23 Dec. 2010	23 Dec. 2012	26 June 2014
<b>Brazil</b>	29 Nov. 2010	29 Dec. 2010	29 Dec. 2012	
<b>Gabon</b>	19 Jan. 2011	18 Feb. 2011	18 Feb. 2013	10 June 2015
<b>Armenia</b>	24 Jan. 2011	23 Feb. 2011	23 Feb. 2013	14 Oct. 2013
<b>Netherlands*</b>	23 Mar. 2011	22 Apr. 2011	22 Apr. 2013	11 June 2013
<b>Zambia</b>	4 Apr. 2011	4 May 2011	4 May 2013	
<b>Serbia*</b>	18 May 2011	17 June 2011	17 June 2013	30 Dec. 2013
<b>Belgium*</b>	2 June 2011	2 July 2011	2 July 2013	8 July 2013
<b>Panama</b>	24 June 2011	24 July 2011	24 July 2013	
<b>Tunisia</b>	29 June 2011	29 July 2011	29 July 2013	25 Sept. 2014
<b>Montenegro*</b>	20 Sept. 2011	20 Oct. 2011	20 Oct. 2013	30 Jan. 2014
<b>Costa Rica</b>	16 Feb. 2012	17 Mar. 2012	17 Mar. 2014	
<b>Bosnia and Herzegovina*</b>	30 Mar. 2012	29 Apr. 2012	29 Apr. 2014	26 Jan. 2015
<b>Austria*</b>	7 June 2012	7 July 2012	7 July 2014	31 May 2016
<b>Colombia</b>	11 July 2012	10 Aug. 2012	10 Aug. 2014	17 Dec. 2014
<b>Peru*</b>	26 Sept. 2012	26 Oct. 2012	26 Oct. 2014	8 Aug. 2016
<b>Mauritania</b>	3 Oct. 2012	2 Nov. 2012	2 Nov. 2014	
<b>Samoa</b>	27 Nov. 2012	27 Dec. 2012	27 Dec. 2014	
<b>Morocco</b>	14 May 2013	13 June 2013	13 June 2015	
<b>Cambodia</b>	27 June 2013	27 July 2013	27 July 2015	

<i>State party (in order of ratification)</i>	<i>Ratification</i>	<i>Entry into force</i>	<i>Deadline for reporting under art. 29 (1)</i>	<i>Report submitted</i>
<b>Lithuania*</b>	14 Aug. 2013	13 Sept. 2013	13 Sept. 2015	6 Oct. 2015
<b>Lesotho</b>	6 Dec. 2013	5 Jan. 2014	5 Jan. 2016	
<b>Portugal*</b>	27 Jan. 2014	26 Feb. 2014	26 Feb. 2016	22 June 2016
<b>Togo</b>	21 July 2014	20 Aug. 2014	20 Aug. 2016	
<b>Slovakia*</b>	15 Dec. 2014	14 Jan. 2015	14 Jan. 2017	26 Apr. 2018
<b>Mongolia</b>	12 Feb. 2015	14 Mar. 2015	14 Mar. 2017	27 Dec. 2018
<b>Malta</b>	27 Mar. 2015	26 Apr. 2015	26 Apr. 2017	
<b>Greece</b>	9 July 2015	8 Aug. 2015	8 Aug. 2017	1 Feb. 2019
<b>Niger</b>	24 July 2015	23 Aug. 2015	23 Aug. 2017	
<b>Belize</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
<b>Ukraine*</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
<b>Italy</b>	8 Oct. 2015	7 Nov. 2015	7 Nov. 2017	22 Dec. 2017
<b>Sri Lanka</b>	25 May 2016	24 June 2016	24 June 2018	
<b>Central African Republic</b>	11 Oct. 2016	10 Nov. 2016	10 Nov. 2018	
<b>Switzerland*</b>	2 Dec. 2016	1 Jan. 2017	1 Jan. 2019	21 Dec. 2018
<b>Seychelles</b>	18 Jan. 2017	17 Feb. 2017	17 Feb. 2019	
<b>Czechia*</b>	8 Feb. 2017	10 Mar. 2017	10 Mar. 2019	
<b>Malawi*</b>	14 July 2017	13 Aug. 2017	13 Aug. 2019	
<b>Benin</b>	2 Nov. 2017	2 Dec. 2017	2 Dec. 2019	
<b>Gambia</b>	28 Sept. 2018	28 Oct. 2018	28 Oct. 2020	

*Note: States parties marked with an asterisk have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of declarations and reservations made by States Parties is available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en).*