



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

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## Committee on Enforced Disappearances Twenty-fourth session

### Summary record (partial)\* of the 422nd meeting

Held at the Palais Wilson, Geneva, on Monday, 20 March 2023, at 10 a.m.

*Chair:* Ms. Villa Quintana

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

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*The meeting was called to order at 10 a.m.*

### **Opening of the session**

1. **The Chair** declared open the twenty-fourth session of the Committee on Enforced Disappearances.

2. **Mr. Cissé-Gouro** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that he wished to thank Ms. Carmen Rosa Villa Quintana, Mr. Olivier de Frouville, Mr. Matar Diop, Ms. Barbara Lochbihler and Mr. Juan José López Ortega, whose term of office would end in June 2023, for the valuable contribution that they had made to the work of the Committee, for their commitment to assisting victims of enforced disappearance and for their efforts to bring about the fulfilment of the rights and obligations flowing from the International Convention for the Protection of All Persons from Enforced Disappearance. Their work had helped to build up international case law and their advice had guided the efforts of all those who sought to prevent and eradicate enforced disappearance, obtain reparation for the victims of that crime and fight impunity.

3. The absence of any reference to enforced disappearance in many States' national laws often seemed tantamount to a strategy to conceal an unspeakable crime. He wished to salute the Committee members' considerable efforts to promote cooperation among human rights mechanisms and to involve all relevant stakeholders in combating enforced disappearance. The joint statement on illegal intercountry adoptions, which had been adopted during the Committee's twenty-third session in September 2022, had been made available in all the official languages of the United Nations and had received wide media coverage. With the cooperation of OHCHR field offices, the Committee had organized four regional consultations on its forthcoming general comment No. 1 on enforced disappearances in the context of migration. The public hearing held by the Inter-American Commission on Human Rights, which had also been attended by representatives of OHCHR offices in Latin America and the Working Group on Enforced or Involuntary Disappearances, had provided an opportunity to convey a common message about the sensitive issue of access to information, including military and intelligence archives, related to enforced disappearances. Such consultation and coordination processes were essential for promoting coherent united endeavours to foster human rights protection.

4. The work of the treaty bodies and OHCHR was mutually reinforcing. The Committee's concluding observations on country-specific situations, reports on country visits, urgent action procedure and jurisprudence were the backbone of the work of OHCHR on enforced disappearance. He hoped that the Committee would make full use of the Human Rights 75 Campaign commemorating the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights to advance the fight against enforced disappearance and to encourage ratification of the Convention. As part of that initiative, enforced disappearance would be specifically addressed in August 2023 when the monthly thematic spotlight would be placed on the issue of justice. In the same context, OHCHR was championing a campaign to promote the ratification of the main international human rights treaties, including the Convention. He therefore trusted that the Committee would strive to convince even more States to ratify it.

5. Enforced disappearance remained a burning issue. All States needed to take urgent measures to prevent and eradicate that crime, as demonstrated by the fact that, since its twenty-third session, the Committee had registered 36 new requests for urgent action, bringing the total number of requests received to 1,576. While that figure might seem high, it represented only a fraction of the disappearances that were occurring worldwide. The Committee's work had brought to light thousands of disappearances in Iraq, Mali and Mexico that might otherwise have remained largely unknown. Moreover, in his address to the Human Rights Council on 7 March 2023, the United Nations High Commissioner for Human Rights had voiced his support for the creation of a new institution with a mandate to clarify the fate and whereabouts of missing and disappeared persons in the Syrian Arab Republic and to provide support to victims.

6. As part of its work to support the treaty body strengthening process, OHCHR was finalizing a plan to follow up on the conclusions adopted at the thirty-fourth meeting of the

Chairs of the human rights treaty bodies in June 2022, which included the need to introduce a predictable schedule of State party reviews. However, implementing the latter would require the availability of adequate human and financial resources and the means to enable the largest possible number of people to submit their cases and contributions to the treaty bodies, whether electronically or otherwise. He was aware that insufficient meeting time and human resources meant that the Committee, like other treaty bodies, had started to accumulate a backlog of State party reports for consideration. It was plain that the complete fulfilment of treaty-based human rights obligations would require sustainable funding from Member States and the allocation of sufficient budgetary resources to OHCHR.

7. **The Chair** said that the joint statement on illegal intercountry adoptions was a good example of cooperation between the treaty bodies and special procedure mandate holders. The challenge that lay ahead was that of disseminating that statement and joining forces to give effect to its contents. She wished to thank the OHCHR field offices for their support in organizing the four regional consultations on the Committee's forthcoming general comment No. 1 on enforced disappearances in the context of migration. The Committee had received over 40 contributions from victims, civil society organizations, national human rights institutions, United Nations bodies and States. The previous week, it had held a retreat to discuss the draft text. Once the first draft had been adopted, it would be made available to all interested parties for comment. The final version would be adopted at the Committee's twenty-fifth session in September 2023.

8. During the current session, the Committee would adopt the report on its visit to Iraq under article 33 of the Convention, which had taken place in November 2022. She wished to thank all the persons whom the Committee had met for their cooperation during the visit. The Committee would also continue to work on a statement on the temporal element of enforced disappearance and on its interpretative statement on enforced disappearances and non-State actors, on which it had received a plethora of comments from a wide range of sources. All those inputs had been carefully considered and taken into account.

9. A meeting had also taken place between all the Chairs of the human rights treaty bodies and the judges of the Inter-American Court of Human Rights, at which the Committee had become acquainted with the substantial case law related to the Inter-American Convention on Forced Disappearance of Persons. She hoped that a permanent forum could be set up to enable the exchange of information on subjects of common interest and to bolster cooperation, since joint action to prevent and eradicate enforced disappearances was more necessary than ever before.

10. The Committee welcomed the call of the United Nations High Commissioner for Human Rights for the establishment of a new institution to clarify the whereabouts and fate of missing and disappeared persons in the Syrian Arab Republic and to provide support to victims. To that end, the Committee was prepared to share its jurisprudence, lessons learned and good practices in relation to addressing enforced disappearance and, as always, stood ready to support States parties, victims and other actors to further the implementation of the Convention.

11. As far as requests for urgent action were concerned, to date, 429 persons had been located, 407 of whom were still alive. Those results were encouraging; however, she wished to urge States to take immediate action to locate all the other persons who had disappeared.

12. On International Women's Day, tribute had been paid to the mothers, sisters and daughters who had dedicated their lives to searching for their disappeared loved ones. The Committee endorsed the action of those courageous women who were trying to make the world aware of the horror of enforced disappearance. More must be done to help all the victims of that atrocious crime. It was therefore crucial that the Committee's work should be carried out effectively, efficiently and coherently. The cooperation of OHCHR was vital in that respect, not only to ensure that the Committee had the requisite human and financial resources to do its work, but also to enable it to pursue its campaign for the ratification of the Convention. It therefore welcomed the fact that, on the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights, the High Commissioner had announced an action plan to that end. However, more support from States was also needed. She was grateful to Argentina and France, through whose good offices a meeting with the

permanent representatives of States parties had been held in February 2023 to revive the ratification campaign. The Committee was pleased to report that the Republic of Korea and Cabo Verde had ratified the Convention and that Luxembourg had recognized the Committee's competence to receive and consider individual communications. To date, 70 States had ratified the Convention, 29 had recognized the Committee's competence to receive and consider individual communications and 27 had recognized its competence to receive and consider inter-State communications.

13. At a time when nations were facing challenges such as violence and war, the Committee must continue to raise its voice to point out that the atrocious crime of enforced disappearance was still occurring and that not only did it have a terrible effect on the victims and their relatives but it also signalled a shift away from the common ideal expressed in article 1 of the Universal Declaration of Human Rights. The Committee therefore wished to call on States parties to implement the Convention and to comply with the recommendations and guidance that it issued. The assistance that OHCHR provided to States parties was invaluable in ensuring that they recognized and gave effect to victims' rights to truth, justice, reparation and to guarantees of non-repetition. Victims of enforced disappearance must remain at the heart of the Committee's activities. The whole world must know what they had to live through day after day and understand the urgent need to prevent and eradicate that scourge.

#### **Adoption of the agenda (CED/C/24/1)**

14. *The provisional agenda was adopted.*

#### **Tribute to victims of enforced disappearance**

15. *At the invitation of the Chair, Ms. Izabel López Raymundo, a victim of enforced disappearance, joined the meeting.*

16. **Ms. López Raymundo** said that, in June 1982, when she was just 18 months old, her village, Nebaj, in Guatemala, had been attacked and her father, mother and brother had been killed and she had sustained a gunshot wound to the chest. Her eldest sister, Ana, who was 11 years of age at the time, had stayed with her and tended to her wound until a soldier, who was part of a detachment tasked with repatriating survivors of the attack to a neighbouring village, had arrived on the scene and taken her away in a helicopter for hospital treatment without telling anyone exactly where he was going. Despite Ana's having informed the soldier of her sister's identity, official records stated that he had reported that he had found her alone on the ground, that she was the sole survivor of a massacre and that she was called María Isabel. She had subsequently been placed in an orphanage in Quetzaltenango and put up for international adoption.

17. In 1984, she had been adopted by a Belgian couple and, for more than 20 years, had believed that she had lost all her family and had been saved by a brave soldier. She was never able to track down any information about her origins; it had even been suggested that she might belong to the Kaqchikel Indigenous People. It was not until 2008, when a Guatemalan association dedicated to looking for disappeared children had contacted her family and informed them that, owing to the scar on her chest, she matched the description of a little girl who had been reported disappeared back in 1982 and that she was a member of the Ixil Indigenous People. She had been stupefied to learn that she had older sisters who had been searching for her for more than 20 years and that her saviour had in fact abducted her. It was only in 2019 that she had begun to understand the meaning of enforced disappearance and what had happened to her. She had met her three sisters for the first time in a very emotional videoconference in January 2022.

18. The psychological wounds of enforced disappearance and a broken childhood went very deep. Her sisters had grown up with the memory of a phantom in the form of a little wounded sister who had disappeared, and she herself had lived her life based on a lie and had suffered an identity crisis and from survivor's syndrome. Her journey towards coming to terms with her enforced disappearance and reconnecting with her Mayan roots had been fraught with difficulty. She struggled to communicate with her large family in Guatemala and required the assistance of interpreters to do so. She therefore wished to bear witness to

the physical and psychological pain of victims' families in the hope that it might help to effect change and to put an end to massacres and enforced disappearance.

19. She wished to thank all those who helped victims to make their voices heard, in particular the Liga Guatemalteca de Higiene Mental and the Belgian foundation Racines Perdues–Raíces Perdidas. The joint statement on illegal intercountry adoptions provided fresh support and hope that progress might be made towards ending that practice.

20. **Mr. López Ortega** said that the moving testimony of Ms. López Raymundo showed how important it was for States to adopt measures to prevent the wrongful removal of children. Such an act deprived the child of any memory of their family and any trace of their name, relatives or the circumstances in which they had disappeared. In short, they were deprived of an identity. People were the product not only of their personal experiences but also of a family memory passed down from generation to generation linking them to the past and to the history of the community to which they belonged.

21. When Ms. López Raymundo had finally learned the truth, she had been faced with the sorrow of having to rebuild her life and of discovering that, for all those years, she had been deprived of her family. In a world where war, humanitarian crises and population displacement had become a commonplace occurrence, many displaced children were at risk of suffering the same traumatic experience. For that reason, since 2011, the Committee had been stressing the need to protect children from enforced disappearance and had been drawing attention to that need in its recommendations to States. The joint statement on illegal intercountry adoptions noted that a child had the right to know their parents and to be cared for by them and the right not to be separated from them against their will. It also said that children who had been illegally deprived of their identity had a right to have that identity speedily re-established. The experience of Ms. López Raymundo spurred the Committee to continue its efforts to put an end to enforced disappearances and to defend the rights of victims, especially children. The Committee wished to sincerely thank Ms. López Raymundo for her testimony.

*The discussion covered in the summary record ended at 10.50 a.m.*