



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Nineteenth session

Summary record of the 316th meeting

Held via videoconference on Monday, 7 September 2020, at 4.15 p.m. Central European Summer Time

Chair: Mr. Ayat

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The meeting was called to order at 4.15 p.m.

Opening of the session

1. **The Chair** declared open the nineteenth session of the Committee on Enforced Disappearances.
2. **Mr. Cissé-Gouro** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, although he had only recently taken up the post of Director of the Human Rights Council and Treaty Mechanisms Division, he was already familiar with the Committee's work. Throughout his career at OHCHR, he had seen first-hand the terrible effects of enforced disappearance on families and wider communities. The Committee played an important role in addressing and remedying those effects, offering hope to victims and families and, ultimately, helping to prevent enforced disappearance from occurring in the first place.
3. Despite a very challenging financial situation, OHCHR was committed to providing the Committee with high-quality support, promoting dialogue with its members and fostering an effective treaty body system that was integrated with other human rights mechanisms and had an impact on the ground.
4. The year 2020 marked the tenth anniversary of the entry into force of the Convention. Although the current situation presented significant challenges and had created much uncertainty, it was worth pausing to reflect on what had been achieved over those 10 years.
5. Through its urgent action procedure, the Committee had helped to locate many persons subjected to enforced disappearance and had offered hope to many families trying to find their loved ones. Through its reporting and individual communications procedures, the Committee had provided guidance to States and contributed to the progressive development of international law. In addition, it had developed practical tools to combat enforced disappearance, such as the guiding principles for the search for disappeared persons.
6. Despite being the most recently established of all the human rights treaty bodies, the Committee had made an important contribution to the process of strengthening the treaty body system. It had been quick to harmonize its working methods with those of the other treaty bodies and to apply the common guidelines on the independence and impartiality of members of the human rights treaty bodies and those against intimidation and reprisals. In the context of the coronavirus disease (COVID-19) pandemic, the Committee had been the first treaty body to hold an online session and to decide to hold an online dialogue with a State party. Since May 2020, the Committee had continued its substantive work unabated. It had registered 77 new requests for urgent action, bringing the total number to 968, and had discussed the complex question of how to operationalize the additional information reporting procedure under article 29 (4) of the Convention.
7. He welcomed the accession to the Convention by Oman in June 2020, which had brought the total number of States parties to 63. However, the slow pace of ratification of the Convention remained a major obstacle to the Committee's work.
8. Turning to the current session, he wished to congratulate the Committee on its decision to hold an online dialogue with Iraq under the additional information procedure, which was a clear testament to the firm commitment of its members to the cause of combating enforced disappearance. The task of organizing such a dialogue, which would be of great benefit to victims, their families and the authorities of the State party, was by no means a simple one under the current circumstances.
9. With regard to the 2020 review of the human rights treaty body system, the co-facilitators appointed to oversee the process had solicited input from a variety of stakeholders, including through informal online consultations with State representatives and treaty body experts and meetings with Member State representatives and the United Nations High Commissioner for Human Rights. That process had been conducted in a transparent and inclusive manner, as mandated by the President of the General Assembly: the written submissions had been uploaded to a dedicated page on the OHCHR website, and the consultations had all been webcast. The Chairs of the human rights treaty bodies had made a joint submission to the co-facilitators, which touched on issues of importance to

the Committee. In addition, the co-facilitators had announced that they would publish a summary of their private consultations with the Chairs of the treaty bodies and the High Commissioner.

10. He hoped that the outcome of the 2020 review process would earn the Committee greater recognition for its work, particularly in the form of adequate human and financial resources.

11. **The Chair** said that, regrettably, the ongoing repercussions of the COVID-19 pandemic had forced the Committee to hold its nineteenth session online. The Committee's work remained beset by major challenges, including recurrent technical problems, the large time differences between members' home countries and significant limitations on access to online meeting platforms and interpretation services. However, the Committee refused to be reduced to silence and inaction. Until it was able to meet in person once again, victims of enforced disappearance, States, civil society and other stakeholders could count on the Committee to continue its activities, as far as circumstances allowed.

12. Because of the COVID-19 pandemic, victims of enforced disappearance were facing additional challenges, including the social and economic fallout from the current crisis and even greater silence from the authorities that should be investigating their cases. The problem of enforced disappearance was evidently worsening. The number of requests for urgent action registered by the secretariat, some of which had been recorded only recently, was approaching 1,000. Enforced disappearance was also taking new forms and occurring in new contexts, which called for an adaptation of the Committee's approach.

13. The Committee had adopted a flexible procedure for interacting with States when it deemed it necessary to request additional information under article 29 (4) of the Convention. The main aim of the additional information reporting procedure was to promote a more fluid dialogue with State authorities, to take place at intervals determined according to the specific situation in the country. At the current session, the Committee would, for the first time, consider additional information from a State party, Iraq, which would also mark the first time a treaty body would carry out a dialogue with a State party using videoconferencing since the beginning of the COVID-19 crisis. The Committee would also adopt lists of issues in relation to the reports submitted by Czechia, Greece, Mali and the Niger, consider its report on requests for urgent action and an individual communication, and adopt reports on follow-up to concluding observations and to decisions adopted in respect of individual communications.

14. The Committee and OHCHR must continue to advocate for ratification of the Convention, which, 10 years after its entry into force, had garnered only 63 ratifications. He himself had taken part in a lengthy interview on a major Arabic television channel during which he had urged States to accede to the Convention.

15. There had, however, been some signs of progress, such as the recent accession to the Convention by Oman and the unanimous acceptance by the Mexican Senate of the Committee's competence to receive individual communications. He invited the States parties that had not done so already to recognize the Committee's competence under article 31 of the Convention.

16. In the current circumstances, the Committee had taken part in various events bringing together representatives of the treaty bodies to discuss how best to fulfil their mandates in the face of the restrictions imposed by the pandemic. Those restrictions notwithstanding, the Committee intended to celebrate the tenth anniversary of the entry into force of the Convention, along with the fortieth anniversary of the establishment of the Working Group on Enforced and Involuntary Disappearances, with which it collaborated closely, by organizing joint webinars on topics of mutual interest.

17. While it was regrettable that the current working arrangements would prevent the Committee from carrying out the full gamut of its activities, it would do its best with the resources at its disposal, while hoping for a return to more appropriate working methods in the near future. He hoped that the 2020 review of the human rights treaty body system, on which the Committee had already provided input, would offer practical solutions that would help it to fulfil its mandate. The numerous challenges posed by the COVID-19 crisis should serve to remind States of their obligations under international human rights treaties, which must be respected in order to overcome the crisis with dignity and humanity.

Adoption of the agenda (CED/C/19/1)

18. *The agenda was adopted.*

Tribute to victims of enforced disappearance

19. **The Chair** said that Ms. Isatou Jammeh had, since 2005, been struggling to find her father and aunt, who had been disappeared in the Gambia, and that, in 2017, she had joined seven other victims of enforced disappearance in establishing the Gambia Center for Victims of Human Rights Violations.

20. *At the invitation of the Chair, Ms. Isatou Jammeh joined the meeting.*

21. **Ms. Jammeh** said that, 15 years earlier, when she was 14 years old, her father, the cousin of Yahya Jammeh, the former President of the Gambia, had been disappeared along with her aunt, apparently because he had been the only person who would stand up to his cousin. She had never seen them again. She and her family had learned, during hearings held by the Truth, Reconciliation and Reparations Commission, from testimony by Jungulars, a hit squad of the former President, that her relatives had been killed in a terrible way. That had opened fresh wounds and inflicted enormous pain and fear in their hearts, and they lived with that trauma every day. She constantly asked herself when her family would have justice and when it would learn the whereabouts of her father and his sister in order to find peace.

22. Her story was not unique. Many people in the Gambia did not know the fate of their loved ones. She therefore called on the Committee to help and support victims of enforced disappearance in her country, who needed more than just justice; they needed to know the truth. She requested the Committee to provide guidance to the Government to enable it to take action to ensure that the families of disappeared persons were looked after and assisted in searching for their loved ones, and to provide advice and support so that the persons responsible for such disappearances could be brought to justice. She hoped that the Gambia would submit its report soon so that the Committee could issue the necessary recommendations to the Government.

23. **Ms. Kolaković-Bojović** said that the Committee was very grateful to Ms. Jammeh for having shared her experience with it. Such testimony was essential for Committee members, as it reminded them of the importance of joining forces against enforced disappearance. The members of the Committee greatly appreciated her efforts to support victims of enforced disappearance and other human rights violations, and would keep her words in their hearts and minds.

24. Whatever the circumstances, access to truth and justice were essential for all victims of enforced disappearance and for societies at large. States had a responsibility to take specific action to enable victims to take part in the search for their loved ones and in investigations of their cases, and to support the exercise of their social and economic rights.

25. The task of the Committee was to provide guidance to States on how to promote victims' rights and prevent enforced disappearance from occurring in the future, which it did through its urgent action procedure and reviews of State party reports. The Committee's role was not to criticize States, but to support them in fulfilling their obligations under the Convention. The Committee looked forward to receiving the initial report of the Gambia in October 2020 and to initiating a dialogue with the national authorities and with all actors who carried on the daily fight against enforced disappearance.

The meeting rose at 5.05 p.m.