



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

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IMMEDIATE

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ICJ Welcomes Adoption Of United Nations Convention On Enforced Disappearances And Calls On States To Ratify

The International Commission of Jurists (ICJ) welcomed the adoption today by the United Nations General Assembly of the *Convention for the Protection of All Persons from Enforced Disappearances*.

"The adoption of this Convention is an historic step in the fight against enforced disappearances. It sends a clear political message that this heinous crime will not be tolerated," said the ICJ.

"It is now for all States to reaffirm their commitment to ending enforced disappearances by ratifying and implementing the Convention," added the ICJ.

The enforced disappearance of people is one of the most heinous human rights violations and constitutes a crime under international law. The victim is totally in the control of the perpetrators of the crime and it inflicts severe suffering on the relatives and friends of the disappeared person: The never-ending wait and uncertainty about the victim's fate, whereabouts or return. The abduction of children of people subjected to enforced disappearance, or children born while their mothers are disappeared is a flagrant denial of human dignity. The practice of enforced disappearance violates the basic principles of the rule of law and the very concept of humanity itself.

"This Convention has teeth and fills an immense gap. Until now there was no international treaty to help fight this international crime," said the ICJ.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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The Convention states that enforced disappearance is an international crime and establishes an absolute right not to be subjected to enforced disappearance. It sets out State obligations to prevent enforced disappearances, such as a prohibition on secret detentions; a requirement that people be detained only in officially recognized and supervised facilities that maintain records of all detainees; a requirement that the State ensure that all detainees are able to challenge in court the legality of their detention (*habeas corpus*) and the right to obtain information on detainees.

The Convention reaffirms the right of victims to truth and to reparation for them and their relatives, as well as the right to form associations and organizations to fight against enforced disappearances. The Convention also deals with the wrongful removal of children whose parents are victims of enforced disappearance, the falsification of these children's identities and their subsequent adoption. Under the Convention a Committee on enforced disappearances will be set up. In addition to monitoring how States implement their obligations, the Committee has a humanitarian urgent procedure, under which it will be able to undertake field inquiries and bring to the attention of the UN General Assembly situations where there is widespread and systematic practice of enforced disappearance.

“The struggle against this crime and the protection of victims and their families should be a priority for all States,” said the ICJ. The ICJ calls on all Member States of the United Nations to accord the highest priority to the signature and ratification of the Convention and to adopt the necessary measures to prohibit and criminalize the practice of enforced disappearance in their national legislation.

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