

*Joint written intervention of Amnesty international, Human Rights Watch, the International Commission of Jurists and the International Federation for Human Rights*

**INTERNATIONAL CONVENTION  
FOR THE PROTECTION OF ALL PERSONS  
FROM ENFORCED DISAPPEARANCE**

Amnesty International, Human Rights Watch, the International Commission of Jurists and the International Federation of Human Rights call on Member States of the Human Rights Council to adopt the *draft International Convention for the Protection of All Persons from Enforced Disappearance* at its first session in June 2006 and transmit it to the General Assembly for its final adoption. The organisations also call on States to aim for prompt ratification of this instrument.

This new draft standard has been drafted by a working group established pursuant to resolution 2001/46 of the Commission on Human Rights. At its fifth session in September 2005 the working group adopted the draft text by consensus. This draft text is now before the Human Rights Council for its consideration.

Our four organizations express our gratitude to the delegations that contributed to the adoption of this draft and congratulate the chairman of the Working Group for his tenacity, commitment and tireless work on behalf of the victims of forced disappearances.

This Convention represents an extremely important development in the fight against enforced disappearances and for the protection of victims and their families. On the whole, the adopted text meets the expectations of the NGOs. We would like to express our satisfaction with regard to the following points:

First, the Convention is an autonomous treaty endowed with its own treaty-monitoring body. This choice represents an appropriate recognition of not only the extreme seriousness of the multiple violations of human rights and international crime that enforced disappearance constitutes, but also of the suffering of victims of forced disappearances and of their families' tireless fight to locate them. This choice is also a guarantee of the treaty's effectiveness in the future, including in the event of a reform of the UN treaty monitoring bodies.

The Convention constitutes a large step forward in a long historical process. It effectively marks a significant development in applicable international law, all the while based on firmly established standards of customary international law. The Convention also responds to a substantial gap in the law - the absence of a treaty to address the multiple violations of human rights and international crime that enforced disappearance represents. The organisations welcome the recognition by the Convention of the right not to be subjected to enforced disappearance and the requirement put on States to prohibit and criminalise this practice in their national legislation. The Convention includes provisions related to the criminal responsibility of subordinates and superiors, to national and international preventive measures, extradition and international cooperation.

Moreover, the Convention recognizes that, in certain circumstances, enforced disappearances can be considered a crime against humanity and therefore be subject to an international criminal prosecution, even extending as far as a response of the whole international community through the

organs of the United Nations.

The Convention establishes a very significant body of legal obligations in relation to prevention, such as the prohibition of secret detention; the deprivation of liberty solely in officially recognised and supervised places of detention that are equipped with a detailed register of the detainees; and non-derogable rights to *habeas corpus* and to obtain information on detainees.

The Convention recognizes the right to truth and to reparation for victims and their family, as well as the right to form organisations and associations to fight against enforced disappearances. It also deals with the question of the wrongful removal of children whose parents are victims of the crime of enforced disappearance, the falsification of the children's identity and their adoption.

The Convention is innovatory in its international mechanism and procedures for monitoring and protection. It provides for a Committee on enforced disappearances that, in addition to functions of monitoring and consideration of individual and inter-state complaints, has a humanitarian urgent procedure, the power to undertake field inquiries and the ability to bring to the attention of the UN General Assembly situations of widespread and systematic practice of enforced disappearance. Our organisations believe that the power of the Committee to recommend urgent action is of particular importance to prevention and protection.

The Convention constitutes an invaluable tool in the fight against impunity for perpetrators of enforced disappearances. It also represents, for us NGOs, an invaluable advocacy instrument.

Our organizations would like to pay tribute to the families of the disappeared, who have inspired us with their courage over many years and have given us hope. As the families maintain this hope, we cannot fail to have it too.

Amnesty International, the International Commission of Jurists, the International Federation of Human Rights and Human Rights Watch believe that, by adopting the *draft International Convention for the Protection of All Persons from Enforced Disappearance*, the Human Rights Council not only will greatly contribute to the struggle against enforced disappearances, but also will enhance its own mandate and show its firm determination to promote and protect human rights.