



## First UN International Day of the Disappeared, Tuesday 30 August 2011

(Statement by the United Nations Working Group on Enforced or involuntary Disappearances to mark the first UN International Day of the Victims of Enforced Disappearances - 30 August 2011)

GENEVA (30 August 2011) – “They are not alone in their struggle. Today, the United Nations Working Group on Enforced or Involuntary Disappearances marks the first UN International Day of the Victims of Enforced Disappearances; a special day to spotlight this heinous crime, and to remind victims, including the families and associations of victims of those who disappeared, that they are not alone.

*‘He was arrested in 1997 and there has been no news since...’ (Testimony of the mother of a disappeared person)*

Unfortunately, enforced disappearances continue to be used by some States as a tool to deal with situations of conflict or internal unrest. We have also witnessed the use of the so-called ‘short term disappearances,’ where victims are placed in secret detention or unknown locations, outside the protection of the law, before being released weeks or months later, sometimes after having been tortured and without having been brought in front of a judge or other civil authority.

This very worrisome practice, whether it is used to counter terrorism, to fight organized crime or suppress legitimate civil strife demanding democracy, freedom of expression or religion, should be considered as an enforced disappearance and as such adequately investigated, prosecuted and punished.

*‘I have searched for him... I have searched for him for a long time all over the country...’*

No one shall be subjected to enforced disappearance, and to end such a practice, States should continue promoting and giving full effect to the UN Declaration on the Protection of All Persons from Enforced Disappearance, especially the definition of enforced disappearance as a separate and autonomous criminal offence in national legislation.

The inclusion of enforced disappearance as an autonomous offence, separate from similar acts like kidnappings, has proved to be effective in preventing and eradicating enforced disappearances. The Working Group stands willing to assist States who seek to include enforced disappearance in their criminal codes, according to international human rights standards.

*‘I was convinced I was going to find him, that it was a mistake, that they couldn’t keep him, that they were going to set him free...’*

Over the last thirty years, the families of disappeared persons have brought to the attention of the international community the extent of this odious crime. Largely due to their efforts, the International Convention for the Protection of all Persons from Enforced Disappearance entered into force on 23 December 2010. The willingness of a number of States to take on the commitment that ‘no one shall be subjected to enforced disappearance’ must also be stressed.

The Convention includes for the first time in a treaty the right of any person not to be subjected to enforced disappearance. It also recognizes the right of all the persons affected by enforced disappearance to know the truth about the circumstances of this crime, the progress and results of the investigation and the fate of the disappeared person.

Following the entry into force of the Convention, the Committee on Enforced Disappearances has been established. Like for many other thematic human rights issues such as torture, racial discrimination, discrimination against women, rights of the child, and a series of civil, cultural, economic, political, social rights, the Committee and the Working Group will coexist side by side, cooperating in the fight to prevent and eradicate enforced disappearances wherever they occur around the world.

*'I used to make up reasons why he was arrested; like maybe it was because he did not register for military service, maybe this, maybe that...'*

2012 marks the 20th anniversary of the adoption by the UN General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance. To commemorate it, we encourage all States and civil society to translate the Declaration into all languages and dialects, with no distinction, since all serve the purpose to assist in its global dissemination and the ultimate goal of preventing enforced disappearances.

On the UN International Day of the Victims of Enforced Disappearances, which has been observed for many years in many countries, we pay tribute to the many victims, relatives of victims, human rights defenders, non-governmental organizations, lawyers and other individuals and groups who work untiringly and unstintingly, often in difficult circumstances, to denounce cases of enforced disappearance, discover the fate or whereabouts of the disappeared, and eradicate this terrible practice.

*'So every minute I was expecting him to open the door and come home, but he never did come home...'*

They are not alone.”

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The Working Group was established by the UN Commission on Human Rights in 1980 to assist families in determining the fate or whereabouts of disappeared relatives. It endeavours to establish a channel of communication between the families and the Governments concerned, to ensure that individual cases are investigated, with the objective of clarifying the whereabouts of persons who, having disappeared, are placed outside the protection of the law. In view of the Working Group's humanitarian mandate, clarification occurs when the fate or whereabouts of the disappeared person is clearly established. It continues to address cases of disappearances until they are resolved.

The Working Group is comprised of five independent experts from all regions of the world. The Chair-Rapporteur is Mr. Jeremy Sarkin (South Africa), the Vice-Chair is Mr. Olivier de Frouville (France), and the other Expert-Members are Mr. Ariel Dulitzky (Argentina), Ms. Jasminka Dzumhur (Bosnia and Herzegovina), and Mr. Osman El-Hajjé (Lebanon).

For more information on the Working Group, please visit:

<http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>

UN Declaration on the Protection of All Persons From Enforced Disappearance:

<http://www2.ohchr.org/english/law/disappearance.htm>

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