



Association suisse
contre l'impunité

Schweizerische Gesellschaft
für Völkerstrafrecht

Swiss association
against impunity

Geneva, 14 May 2013

Dear Ms. Bianchi,
first of all I hope that this letter finds you well.

I am writing you to reply to the call for contributions for the SG's report on the implementation of the Convention that you kindly forwarded to TRIAL on 8 May 2013.

With regard to your request, I am pleased to inform you that in the period between July 2012 and the end of June 2013 TRIAL (*Swiss Association against Impunity*) has carried out the following activities to disseminate information on the Convention, to promote the understanding of it and to assist States parties in implementing their obligations under this instrument.

First, it must be recalled that TRIAL is part of the International Coalition against Enforced Disappearance (ICAED).

On 1 June 2012, together with Amnesty International, TRIAL issued a press release to congratulate the government of Bosnia and Herzegovina (BiH) for the ratification of the Convention and to call on it to recognize the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-State communications (http://www.trial-ch.org/fileadmin/user_upload/documents/CAJ/BH/TG_BiH_EUR_63_2012_012_MHRR_ENG_PDF.pdf).

In the subsequent months, TRIAL's personnel in BiH actively engaged in discussions with the Ministry of Human Rights and Refugees to assist it in the drafting of the declarations to recognize the competence of the Committee on Enforced Disappearances with regard to communications. Eventually, on 13 December 2012 BiH recognized the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-state communications pursuant to Articles 31 and 32 of the Convention.

On 16 and 17 September 2012, the International Commission on Missing Persons, in cooperation with the Iraqi Ministry of Human Rights held Iraq's first national conference on the country's efforts to end enforced disappearances and to provide justice, truth and reparations to victims of this crime. Dr. Gabriella Citroni, who is senior legal advisor at TRIAL, was invited to the conference and discussed about the challenges of implementing the Convention at the national level together with relevant governmental and civil society stakeholders ([link to press release](#)).

In September 2012, in the framework of an open discussion promoted by the Human Rights Committee in preparation of a new General Comment on Article 9 of the ICCPR, TRIAL submitted written information raising some of the issues that TRIAL considers of pivotal importance in the interpretation and implementation of the right to liberty, especially on matters related to enforced disappearance. In so doing, TRIAL made particular reference to the legal obligations embodied in the Convention ([link to the written information](#)).

TRIAL
Case postale 5116
CH-1211 Genève 11
Tél/Fax: +41 (022) 321 61 10
info@trial-ch.org
www.trial-ch.org
CCP: 17-162954-3

On 3 December 2012, together with Amnesty International and the International Commission on Missing Persons, TRIAL published a set of recommendations calling on the government of Iraq to take decisive steps to tackle and end the practice of enforced disappearance in Iraq. The recommendations may serve as a basis for the relevant governmental agencies to enhance access to justice, truth and full reparation for victims of enforced disappearance. The document also aims to

encourage international agencies to offer support to the government of Iraq in its efforts to apply the Convention in domestic legislation ([link to the recommendations](#)).

In March 2013, TRIAL, in collaboration with the International Commission of Jurists (ICJ), the International Federation of Action by Christians for the Abolition of Torture (FIACAT), ACAT-France and the Collective of Families of Disappeared Persons in Algeria (CFDA), submitted the only alternative report on the implementation by France of the Convention highlighting the weaknesses of the current national legislation and practice and providing an analysis of the existing measures to prevent, investigate and punish this crime and to provide appropriate redress to victims. The five organizations suggested specific and concrete recommendations in order for French authorities to adopt measures to guarantee the respect for their obligations under the Convention. On 9 April 2013, TRIAL presented the report orally to the Committee on Enforced Disappearances. ([link to the alternative report](#)) ([link to the summarized English version of the alternative report](#)).

In the framework of the process of consultation launched by Swiss authorities in view of the ratification of the Convention by Switzerland, in April 2013 TRIAL, on behalf of the Swiss Coalition for the International Criminal Court (CSCPI), issued a document setting out its position on the ratification and national implementation of the Convention to the Swiss Federal Department of Foreign Affairs ([link to the document](#)). TRIAL will continue taking part to this process.

In May 2013, TRIAL shared a briefing note with Tunisian human rights lawyers on the possibilities for Tunisian civil society to seize the Committee on Enforced Disappearances in light of Tunisia's ratification of the Convention.

TRIAL has consistently referred to the Convention and to relevant States' obligations in a number of alternative reports submitted to different UN Committees, namely:

- Alternative report on BiH (together with local organizations) submitted to the Human Rights Committee in September 2012: http://www.trial-ch.org/fileadmin/user_upload/documents/CAJ/BH/HRC_November_2012/integral_report_HRC_Bosnia.pdf.
- Alternative report on Mexico (together with local organizations) submitted to the Committee against Torture in September 2012: http://www2.ohchr.org/english/bodies/cat/docs/ngos/TRIAL_Mexico_CAT49_sp.pdf.
- Alternative report on Kenya submitted (together with a local NGO) to the Committee against Torture in April 2013: http://www.trial-ch.org/fileadmin/user_upload/documents/CAJ/Rapports_alternatifs/CAT/Kenya_Alternative_Report_April2013_.pdf.
- Alternative report on Nepal (together with local NGOs) to the Human Rights Committee, in view of the adoption of the List of Issues, in April 2013: http://www.trial-ch.org/fileadmin/user_upload/documents/CAJ/Nepal/NEPAL_REPORT_to_HRC_TRIAL.pdf
- Alternative report on BiH (together with local NGOs) to the Committee on the Elimination of Discrimination against Women, in June 2013 (the report is currently being uploaded on the Website).

Moreover, it is worth mentioning that TRIAL is litigating more than 90 cases of enforced disappearance concerning different countries before the European Court of Human Rights and the Human Rights Committee. In each application/communication reference is made to the Convention as the highest standard that States shall take as a reference.

Finally, Dr. Gabriella Citroni, who is senior legal advisor at TRIAL, in her capacity of professor of Human Rights Law at the University of Milano-Bicocca took part as speaker to a number of international conferences on the Convention and

published a number of articles, including, "When is it enough? The 'temporal element' in enforced disappearance", in *Droits fondamentaux*, n° 9, January 2011 - December 2012 (http://www.droits-fondamentaux.org/IMG/pdf/df9_Enforced_Disappearance_Citroni.pdf).

I hope that this information can be of use and I remain at disposal may any further clarification be required.

In the meantime, receive my best wishes,

Daniele Perissi