



Association suisse
contre l'impunité

Schweizerische Gesellschaft
für Völkerstrafrecht

Swiss association
against impunity

To the attention of:
**Secretariat of the Committee on Enforced Disappearances
Maria Giovanna Bianchi and Mounia Atiki**

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Geneva, 1 June 2014

Dear Sir/Madam,

I am writing to you to reply to the call for contributions for the Secretary General's report to the General Assembly on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (the Convention) that you kindly forwarded to TRIAL on 27 May 2014.

With regard to your request, I am pleased to inform you that in the period between July 2013 and June 2014 TRIAL (Track Impunity Always) 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). As a member of ICAED, TRIAL participated to the general meeting of all ICAED members in Geneva between 24 to 27 March 2014. During the meeting, Gabriella Citroni, TRIAL Senior Legal Advisor, gave a presentation on 25 March 2014.

In July 2013, TRIAL submitted its comments to the draft document proposed by the Committee on Enforced Disappearances (CED) on its relationship with civil society actors.

In September 2013, TRIAL submitted an alternative report in view of the consideration of the List of Issues on Germany regarding its implementation of the Convention during the 5th session of the CED ([link to the alternative report](#)).

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In September 2013, TRIAL submitted an alternative report on the implementation by Spain 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. TRIAL suggested specific

and concrete recommendations in order for Spanish authorities to adopt measures to guarantee the respect for their obligations under the Convention. On 4 November 2013, TRIAL presented the report orally to the CED during its 5th session. ([link to the alternative report](#)) ([link to the summarized English version of the alternative report](#)).

On 18 November 2014, when the CED adopted its concluding observations on Spain, TRIAL issued a press release on its website and on its social media to disseminate the recommendations of the CED ([link to the press release](#))

In September 2013, TRIAL, in collaboration with the International Commission of Jurists, published and presented the report '[Promoting Accountability through the Human Rights Bodies in Geneva](#)' describing opportunities for Geneva-based human rights bodies, including the CED, to tackle impunity and to promote accountability of individuals responsible for crimes under international law and gross human rights violations. The report was officially launched on 11 September 2013 at a side-event to the 24th session of the UN Human Rights organized by TRIAL, the International Commission of Jurists and the Permanent Mission of Switzerland, Estonia and Costa Rica.

Between February and March 2014, TRIAL, in collaboration with the Fundación Internacional Baltazar Garzón and Rights International Spain, submitted a document to the CED, to the UN Working Group on Enforced or Involuntary Disappearances and to the Committee against Torture expressing its concerns about the attempt to reform the Spanish legislation governing universal jurisdiction, and requesting to the UN bodies to urgently call on Spain to respect its international obligations as embodied in the Convention and to repeal the amendments.

In April 2014, TRIAL submitted a follow-up report on the implementation by France of the recommendations issued by the CED during its 4th session in April 2013.

In May 2014, TRIAL, in collaboration with other 8 NGOs from Mexico and Central American States, submitted an alternative report in view of the adoption of the List of Issues on Mexico regarding its implementation of the Convention during the forthcoming 7th session of the CED.

TRIAL has consistently referred to the Convention and to relevant States' obligations in a number of alternative reports submitted to different UN Treaty Bodies and Special Procedures of the Human Rights Council, namely:

- [Alternative report](#) on Bosnia and Herzegovina (together with local organizations) submitted to the Committee on the Elimination of Discrimination against Women, in view of the consideration of the State's fourth and fifth periodic reports, in July 2013.
- [Follow up report](#) (together with local organizations) on the implementation by Bosnia and Herzegovina of the recommendations issued by the Human Rights Committee, in November 2013.

- [Alternative report](#) on Nepal (together with local NGOs) submitted to the Human Rights Committee, in view of the consideration of the State's second periodic report, in February 2014.
- General Allegation on Nepal (together with local NGOs) submitted to the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, UN Working Group on Enforced or Involuntary Disappearances, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Special Rapporteur on Violence against Women, its Causes and Consequences on the Executive Ordinance of March 2013 establishing a Commission on Investigation on Disappeared Persons, Truth and Commission, in February 2014.

Moreover, it is worth mentioning that TRIAL is litigating more than 100 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.

In several cases of enforced disappearance litigated by TRIAL where the Human Rights Committee issued its Views between July 2013 and June 2014, on the basis of TRIAL allegations, the Convention and the provisions contained therein were quoted as the relevant standard.

Participation to Conferences and Seminars

Dr. Gabriella Citroni, in her capacity of professor of Human Rights Law at the University of Milano-Bicocca (Italy) and TRIAL Senior Legal Advisor took part as speaker to a number of international conferences on the Convention and on enforced disappearance in general:

- *“Enforced Disappearance v. Secret and Unacknowledged Detentions”*, intervention during the workshop “Enforced Disappearance: Challenges to Accountability Under International Law”, organized by the Antonio Cassese Initiative, European University Institute, Robert Shuman Centre for Advanced Studies, at the European University Institute, Firenze (Italy), 25 October 2013.
- *“Desapariciones forzadas: una aproximación orientada a las víctimas”*, intervention at the international congress “Una nueva aproximación a los derechos humanos en los procedimientos penales mexicanos”, organized by Antonio Cassese Initiative for Justice Peace and Humanity and Instituto Nacional de Ciencias Penales, Ciudad de México (Mexico), 29 November 2013.
- *“Marco jurídico de protección de los derechos de los familiares de personas desaparecidas, a la luz del derecho internacional de los derechos humanos”*, intervention at the congress “La problemática de las personas desaparecidas y sus familiares”, organized by the International Committee of the Red Cross, Bogotá (Colombia), 2 December 2013.
- *“Military Justice and the Jurisprudence of the United Nations Committees and of the European Court of Human Rights”* intervention during the public discussion on “Enforced Disappearances and Military Justice”, convened by the CED, 25 March 2014.

On 7 November 2013, Daniele Perissi, TRIAL Legal Advisor, participated to an Expert Seminar on Enforced Disappearances, organized by Geneva for Human Rights, in order to discuss the ‘pivotal role of the Committee

on Enforced Disappearance' in further promoting a unity of doctrine and action by treaty bodies and thematic procedures in the protection of human rights regarding cases of enforced disappearances.

Finally, between 21 and 23 November 2013, Bénédict de Moerloose, TRIAL Legal Advisor, participated to the Fourth Euro-Mediterranean Conference for the Family Associations of the Disappeared: 'Enforced Disappearance, Truth and the Fight against Impunity' held in Beirut (Lebanon), presenting the use of universal jurisdiction as prescribed in the Convention as a tool to promote the fight against impunity for enforced disappearance.

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
TRIAL Legal Advisor