

***Criminalization, prevention,
investigation, the search for
disappeared persons and the
rights of victims***



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Definition and criminalization of enforced disappearance

- Definition
- Investigation and accountability for disappearances perpetrated without State involvement
- Criminalization of enforced disappearance in domestic legislation
- Enforced disappearance as a crime against humanity
- Establishing a regime of criminal responsibility
 - Criminal responsibility for enforced disappearance
 - Superior responsibility for enforced disappearance
 - Due obedience
- Punishing acts of enforced disappearances
 - Penalties for the crime of enforced disappearances
 - Mitigating and aggravating circumstances for the crime of enforced disappearance

Judicial procedure and cooperation in criminal matters

- The statute of limitation
- Jurisdiction
- Investigation, prosecution and a fair trial
 - Investigation
 - Participation and protection of the victims, witnesses and others in the investigation and judicial proceedings
 - Military jurisdiction
 - Independence of the institutions responsible for prosecuting and punishing persons responsible for enforced disappearances
 - Amnesty laws and similar measures
- Extradition of persons suspected, accused or convicted of enforced disappearance
- Mutual legal assistance

Measures to prevent enforced disappearances

- Non-refoulement
- Legal safeguards for persons deprived of liberty and release from detention
 - Prohibition of secret detention and legal safeguards
 - Official registers
 - Inspection of places of detention
- Access to information on persons deprived of liberty
- Sanctions for conduct related to enforced disappearance
- Training of law enforcement and medical personnel and public officials

Search for disappeared persons

- Immediate and urgent action:
 - To locate persons whose whereabouts are not known or
 - In the event of their death, the exhumation, identification, respect for and return of mortal remains
- Different from, but linked to, the investigation into the crime
- Inter-agency coordination
- Inter-State cooperation, where appropriate

Committee on Enforced Disappearances, guiding principles for the search for disappeared persons

Measures to provide reparation and protect children against enforced disappearance

- Measures to provide reparation and protect children against enforced disappearance
 - The rights of victims
 - Definition of victim
 - The right to know the truth
 - The search for disappeared persons
 - Measures of reparation
 - The legal situation of disappeared persons and their relatives
 - Right to form and participate freely in associations dealing with enforced disappearances
- Enforced disappearance and wrongful removal of children

Let's study a concrete situation

Please move into your breakout session
(60 minutes):

- Appoint a rapporteur who will summarize your discussions in plenary.
- Take 20 minutes to read the scenario. Discuss the issues assigned to your working group for 40 minutes:
 - **Working group 1:** Definition and criminalization of enforced disappearance
 - **Working group 2:** Measures to prevent enforced disappearances
 - **Working group 3:** Investigation and prosecution of enforced disappearance
 - **Working group 4:** Victims' rights and measures of reparation, wrongful removal of children and the search for disappeared persons

Let's debrief

Presentation in plenary by one rapporteur on the discussions in their working group complemented by observations/questions from other rapporteurs of a more general nature

Wrap-up

- Definition and criminalization
- Prevention
- Investigation and prosecution
- Search
- Rights of victims
- Enforced disappearance and wrongful removal of children