



Geneva, 15 March 2006

His Excellencies, members of the U.N. Commission on Human Rights

Excellencies,

The International Commission of Jurists (ICJ), the International Federation for Human Rights (FIDH) and Human Rights Watch (HRW) would like to ask for the active support of your country, in favour of a resolution by which the 62nd session of the Commission adopt the *Draft International Convention for the Protection of All Persons from Enforced Disappearance*, and transmit it to the General Assembly for its adoption.

Our organisations fear that the Commission, for reasons of transitional arrangements, would postpone the adoption of the text to hand it to the Council. Yet, the organisations believe that further delaying its adoption would jeopardize it.

Postponing the adoption of such an important text for procedural reasons would be an act of betrayal for the families of victims that have been working for the adoption of the text for many years: building protection for the families of victims cannot be held hostage to transitional arrangements. The Commission has a historical opportunity to adopt the Draft Convention and it should not let it pass.

This text, adopted on 23 September 2005 by the intersessional Working Group established by the Commission (Resolution 2001/46 of 23 April 2001), is the result of several years of work of the Working Group. The work was characterised by high level debates, constructive spirit of all delegations and the need to give an effective response to this appalling violation which is enforced disappearance. The intersessional Working Group has transmitted the *Draft Convention* to the Commission for its adoption (E/CN.4/2006/57).

The Convention fills a huge gap in international law: the absence of any treaty addressing the multiple human rights violations and international crime that is enforced disappearance. The Convention recognises the right not to be subjected to enforced disappearance and defines this crime. This new instrument also sets out obligations on prevention, as well as on national and international repression, extradition and international judicial cooperation. The Convention protects the rights of victims and their families to the truth and to reparation. It also deals with the question of wrongful abduction of children whose parents have disappeared, the falsification of their identity and their adoption. Finally, the Convention provides for the creation of the Committee on Enforced Disappearances which, not only will monitor and consider complaints, but will also have an urgent humanitarian procedure, the ability to conduct inquiries *in situ* and to bring situations to the General Assembly if enforced disappearance is being practised on a widespread or systematic basis.

Since 1980, when the Working Group on Enforced or Involuntary Disappearances was established, the Commission on Human Rights has made tireless efforts to face this hideous practice of enforced disappearance. Thus in 1992, the *Commission adopted the Declaration on the Protection of All Persons from Enforced Disappearance*. Today, as this work is nearing its end, it would be incomprehensible if the Commission did not renew its commitment against enforced disappearance and did not adopt the *Draft International Convention for the Protection of All Persons from Enforced Disappearance*.

Please accept the assurances of our highest consideration.

Sidiki Kaba
President
FIDH

Reed Brody
Acting U.N. Director
HRW

Nicholas Howen
Secretary-General
ICJ