

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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ORAL STATEMENT on Enforced Disappearances 18th Session of the UN Human Rights Council

Date: September 15, 2011
Item: 3 - General Debate
Topic: Enforced or Involuntary Disappearances Report / Accountability
NGOs: Lawyers Rights Watch Canada
Speaker: Gary Anandasangaree

Lawyers Rights Watch Canada joins the Working Group on Enforced Disappearances in calling for increased resources to deal with the 43,000 cases reported to the working group that remain unresolved. We join the working group in deploring the fact that states around the world continue to use enforced disappearances, to prevent remedies for victims, and to ensure impunity for perpetrators.

We remind the Council that an unresolved disappearance is a continuing crime and that the law prohibits the use of amnesties to protect suspected perpetrators from accountability. Disappearances reported to the WG that remain unresolved number in the thousands.

States continue, in violation of international law, to prevent investigations likely to expose state officials to criminal sanctions and refuse to investigate disappearances by other states. The working group also notes that victims and others involved in investigations are subjected to intimidation. For example, last May the working group issued a statement expressing concern at the suspension of Judge Baltasar Garzón in Spain for opening an investigation into over 100,000 unresolved disappearances that occurred during the Spanish civil war and the Franco dictatorship.

Even though the suspension violates international law obligations to remedy those continuing crimes and also apparently contravenes the paramount duty to safeguard judicial independence and maintain the rule of law, the Council has been silent.

We now call on the Council and all its members to use diplomatic and legal measures to ensure finally that all persons are protected from enforced or involuntary disappearances as required by law.

Finally, we welcome the transmission from his Excellency, the Secretary General, Ban Ki Moon, Report of the Panel of Experts on Accountability in Sri Lanka on September 12, 2011. We are disappointed that the government of Sri Lanka categorically rejected the report and any discussion of it at this Council. It is within the purview and mandate of this Council to ensure that the report be discussed in detail and the recommendations contained therein adopted without delay. We therefore call upon this Council to adhere to its mandate and responsibility and keep those who grossly violated human rights to account.