

# Enforced or Involuntary Disappearance

**Enforced disappearance** is defined as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.

The Member States of the United Nations have declared enforced disappearance to be an offence to human dignity and have condemned the practice as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and subsequent international instruments.

Any act of enforced disappearance places the victim outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Each of these rights is specifically guaranteed under the Cambodian Constitution.

On 20 December 2006, the United Nations General Assembly adopted a new international treaty, the **International Convention for the Protection of All Persons from Enforced Disappearance**, which aims to strengthen the prohibition of the crime of enforced disappearance in international and national law. The Convention gives legal force to the principles set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance of 18 December 1992.

Enforced disappearance when “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack” is defined as a crime against humanity in article 7(1)(i) of the Rome Statute of the International Criminal Court. Cambodia ratified the Rome Statute on 11 April 2002.

The Convention will establish a new monitoring body, the **Committee on Enforced Disappearance**, which will monitor implementation of the provisions of the Convention by States parties. This committee will be the latest addition to the United Nations machinery that has been developed to protect all persons from enforced or involuntary disappearance. This includes the **Working Group on Enforced and Involuntary Disappearance** which is based in Geneva and works under a mandate from the United Nations Human Rights Council to assist families in

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determining the fate and whereabouts of their relatives who, having disappeared, are placed outside the protection of the law.

The Working Group endeavours to establish a channel of communication between the families and the Governments concerned in order to ensure that individual cases are investigated with the objective of clarifying the whereabouts of disappeared persons.

The Convention on Enforced Disappearance is now open for signature and ratification. The Office of the United Nations High Commissioner for Human Rights urges the Royal Government of Cambodia to join with other States in ratifying and implementing this new treaty at the earliest opportunity.

*More information on the issue of enforced disappearances and the Working Group on Enforced Disappearance can be found on the OHCHR website at the following link: <http://www.ohchr.org/english/issues/disappear/index.htm>*

## ***How to report a case of disappearance to the Working Group***

Although it is important to provide as much detail as possible, the lack of a comprehensive account does not preclude the submission of a report. However, the Working Group can only deal with clearly identified individual cases containing the following **minimum elements** of information:

1. **Identity** of the disappeared person;
2. **Date** on which the disappearance occurred (at least the month and year);
3. **Place** of arrest or abduction, or where the disappeared person was last seen;
4. **Forces** (State or State-supported) believed to be responsible for the disappearance;
5. **Action taken** by the relatives or others to locate the person (inquiries with police, jail, human rights commission, habeas corpus petition etc.). If action was not possible, please explain why;
6. **Identity of the person or organization submitting the report** (name and address) and whether this information should be kept confidential.

Documents and annexes such as habeas corpus petitions or statements of witnesses, or photographs of the missing person can be sent attached to the report. Please send only copies of documents, the originals should remain in your files.

**Important :** If any subsequent relevant information becomes available, or if the address of the person submitting the report has changed, the Working Group should be informed as soon as possible.

Information on the enforced disappearance of a person should be transmitted to the secretariat of the Working Group on Enforced and Involuntary Disappearances (WGEID) in written form and sent to:

Working Group on Enforced or Involuntary Disappearances  
c/o OHCHR-UNOG  
CH-1211 Geneva 10  
Switzerland  
Fax: (+41-22) 917 90 06  
E-mail: [wgeid@ohchr.org](mailto:wgeid@ohchr.org)