

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

20 October 2010

AI Index: AMR 23/032/2010

Colombia: Adoption of the Convention on Enforced Disappearances: one more crucial step remains

Last night's adoption of the Convention on Enforced Disappearances by the plenary of the Chamber of Representatives constitutes a wise and important decision by the Colombian authorities.

However, for the Convention to be fully applicable, President Santos must add the declarations specified in articles 31 and 32 of the Convention, through which States may recognize the competence of the Committee to receive and consider communications from or on behalf of victims or their relatives or from other States, to the ratification instrument that has to be deposited at UN headquarters.

Without the aforementioned acceptance of competence, which has already been fully agreed by five States, the effectiveness of the Convention in Colombia will be merely declamatory because it will deprive the body responsible for monitoring compliance with the provisions of the Convention of any monitoring or oversight powers. It should be pointed out that the Committee's competence is not retroactive and that it only applies to enforced disappearances that commence after the entry into force of the Convention.

Amnesty International trusts that the new Colombian authorities, when depositing the ratification instrument relating to the Convention on Enforced Disappearances, will make the declarations specified in articles 31 and 32 of the latter which allow for States to recognize the competence of the Committee.

Additional information

86 States are so far signatories of the Convention and 19 States are parties to it (Albania, Argentina, Bolivia, Burkina Faso, Chile, Cuba, Ecuador, France, Germany, Honduras, Japan, Kazakhstan, Mali, Mexico, Nigeria, Paraguay, Senegal, Spain and Uruguay). If it is approved by the Constitutional Court and promulgated by President Santos, Colombia could be the 20th State Party when it deposits the ratification instrument at UN headquarters, thereby enabling the treaty to enter into force.

The Convention on Enforced Disappearances, which was adopted in 2006, states that no one shall be subjected to enforced disappearance and that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

The Convention also establishes that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

The Convention provides for the establishment of a Committee, consisting of ten experts, the main function of which is to urgently consider, as a matter of urgency, any request by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest, so that the disappeared

person may be sought and found.