



Asamblea Permanente por los Derechos Humanos

Asociación Civil
ONG con status consultivo II ante el ECOSOC de Naciones Unidas

Av. Callao 569, 3º Cpo., 1er P. (1022) Buenos Aires, Argentina
Tel. 374-4382 / 476-2061 / 373-0397 / 6073 • Fax (0541) 814-3714

ITEM 11: Civil and Political Rights

Enforced Disappearances Right to Truth

The Permanent Assembly for Human Rights expresses its support to the work carried out by the Intersessional Open-ended Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, and urges this Commission to renew its functions for another year in order to make progress in the writing and approval of the above-mentioned instrument.

Due to its gravity and to the prolongation of its effects into the future generations, the systematic practice of enforced disappearances is a crime of lese humanity and therefore imprescriptible. The previous experiences and the continuity of these practices around the world give enough prove of the urgent need to draft and implement a Convention that dissuades those who have no respect for human rights from committing such atrocities.

The States are the fundamental guarantors of human rights and therefore responsible of preventing their citizens from becoming victims of aberrant crimes against life and human dignity. To dilute this responsibility by trying to introduce as enforced disappearances the acts carried out by non-state actors in armed conflicts, where humanitarian law must be applied, opens the doors to impunity. Also, the protection of citizens from such violations does not admit any restriction based on necessities of national security or respect of privacy. There is no reason that can justify the use of a method as despicable as the enforced disappearance of people. A legal instrument of the relevance of a convention to sanction and prevent these crimes cannot be restricted since its conception by political considerations that seek to erode its scope and effectiveness.

The gravity and extension of these practices requires not only a suitable legal instrument but also a follow up organ of its own that can continuously monitor its implementation and evaluate the actions of States, and has the faculty to respond to individual complaints and to carry out immediate verifications by means of in situ visits to the countries that are object of denunciations. Only an independent and impartial organ equipped with these capacities can constitute an authentic mechanism to control and prevent these crimes.

The Permanent Assembly for Human Rights adds its support to the draft resolution on the right to truth presented to this Commission by the Argentinean delegation.

The tragic experience lived in Argentina during the years of State terrorism provoked the need to investigate the serious violations of human rights, identify and judge its authors, accomplices and collaborators, inform the relatives of the victims and the Argentine society as a whole of what happened during those years, and reconstitute the dignity of the victims.

The establishment of truth and reconciliation commissions is a fundamental step in the fight against impunity and the protection and promotion of human rights. Only by throwing light into the past violations it is possible to build a future of respect for the rights and dignities of men, women and children, making sure not to repeat old mistakes. Justice, truth and memory are essential pillars upon which countries must promote social reconstruction and a renewed respect for peace, freedom, democracy and human rights.

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Permanent Assembly for Human Rights

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