

# **CHAIR REPORT**

**Committee:** Human Rights Council

**Topic:** Addressing Enforced Disappearances and Extrajudicial Killings in Authoritarian Regimes

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## **Introduction**

Enforced disappearances are also known to be called, forced disappearances that occur when certain individuals are kidnapped by high and/or state officials and not to be seen or heard from again. Enforced disappearances and extrajudicial killings are enacted to cause terror and fear to prevent people from taking actions against the authorities.

Individuals who are taken away are usually arrested without a warrant or charge and taken to be tortured, sexually assaulted, trafficked or mistreated if not killed immediately. These abductions constitute a serious violation of multiple international human rights, including the rights to security, humane treatment, legal representation and fair trial. Most targets are human rights activists in countries where human rights are abused and not taken into account, as well as witnesses to governmental crimes. Journalists or news outlets that attempt to share news about state actors have also faced these consequences. Not only is this tactic a tool for authoritarian regimes, it is also used in internal conflicts, such as having the removal or silence of opponents or paramilitary groups.

Organizations such as the United Nations Human Rights Office and Amnesty international, have opposed any sort of enforced disappearances and extrajudicial killings. In 1998, the International Criminal Court passed laws against the practice and

the creation of the International Convention for the Protection of All Persons from Enforced Disappearance in December 2010. The United Nations Human Rights provides facilitation and support to the work of human right mechanics.

## **Key Terms**

### ***Enforced Disappearance***

*Enforced disappearance is the arrest, detention, abduction or any form of continuous harm by the state officials or groups of persons acting with the authorization that follows by a refusal of acknowledgement to the deprivation of liberty or by concealment of the whereabouts of the disappeared person or groups.*

### ***Extrajudicial Killing***

*Extrajudicial Killing is the unlawful killing of a person by the governmental authorities or state officials without any legal process and judicial authorization.*

### ***Authoritarian Regime***

*An authoritarian regime is a governmental system made for the power to be held by one leader or a small group that places strict laws and few human rights.*

### ***Rule of Law***

*The rule of law is a principle that states, all people, groups and state officials are equally subjected to the same publicly known, and enforced laws. No person or state officials are above the law.*

### ***Political Repression***

*Political repression is the use of power and force from a government to limit and control citizens, such as violating free speech or joining the political council.*

## **Background Information**

Enforced disappearances and extrajudicial killings are known to be the most serious violations of fundamental human rights and pose a significant threat for the international community to help. These violations are particularly concerning within authoritarian regimes, where their judicial independence is highly limited, limitations on civil society and weak mechanisms to facilitate these political repression.

International frameworks such as the Universal Declaration of Human Rights (UDHR), the International Convention for the Protection of All Persons from Enforced

Disappearance (ICPPED) and the International Covenant on Civil and Political Rights (ICCPR) have all established regulations and protections against these threats to help the people within those nations and international nations. Ways they have published to address these violations requires independent investigations, judicial accountability, victim protection, international cooperation and witness protections for victims and their families. Although, these frameworks depend on the national implementation and international cooperation in order for it to be effective.

## **Major Countries and/or Organizations Involved**

### ***United Nations Committee on Enforced Disappearances (CED)***

The United Nations Committee on Enforced Disappearances (CED) is an independent body of 10 independent human rights experts that monitors how member states implement the International Convention for the Protection of All Persons from Enforced Disappearance.

They review reports that are submitted by States, suggest recommendations, registers and act on immediate requests to search and find certain disappeared individuals.

### ***World Organization Against Torture (OMCT)***

The World Organization Against Torture was founded in 1985 and is the largest non-governmental organizations working against torture, summary executions, enforced disappearances. Their headquarters is located Geneva, Switzerland, where they connect over 200 member organizations worldwide through the “SOS-Torture network”.

Their goals are to eradicate torture, assist victims, protect defenders and fight impunity where states will hold perpetrators accountable through national and international legal systems.

### ***Amnesty International***

Amnesty International is a globally known non governmental organization that places efforts in protecting human rights and putting an end to abuses worldwide. They were founded in July 1961 in London, United Kingdom by a British lawyer named Peter Benenson.

Amnesty started with a newsletter article appealing to the state to release the “prisoners of conscience”, who are imprisoned peacefully for their individual beliefs.

The organization later grew over 10 million members, supporters, and activists in more than 150 countries.

### ***Bangladesh***

Bangladesh is currently under the regime of ousted Prime Minister Sheikh Hasina, who utilizes elite paramilitary units like the Rapid Action Battalion (RAB) to execute thousands of extrajudicial disappearances. The country has then become an active global testing ground for transitional justice by formally acceding to the CED.

### ***Germany***

Germany have national courts that have the given authority to prosecute undefining serious international crimes that includes crimes against humanity, torture, unlawful killings and kidnapping; regardless of where the crime occurs or the nationalities of these victims and perpetrators.

Therefore, Germany has stepped forward as a crucial global forum for accountability through several landmark actions such as “Precedent-Setting Prosecutions of Foreign State Actors”.

## **Timeline of Events**

| <i>Date</i>             | <i>Description</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>29 February 1980</i> | <b><i>Establishment of the UN Working Group on Enforced or Involuntary Disappearance (WGEID)</i></b><br>The United Nations Human Rights passed Resolution 20 (XXXVI) that created the first global human rights mechanism. This was a revolutionary step as it was triggered by the atrocities committed by the military dictatorships of Latin America and enabled the UN to act without the consent of the states. It created a channel for the families of the missing to be able to directly communicate with international experts to demand updates and answers from authoritarian states. |
| <i>29 July 1988</i>     | <b><i>Landmark Ruling in Velasquez Rodriguez v. Honduras</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

The Inter-American Court of Human Rights ruled in the case of the disappearance of Manfredo Velasquez, a historic ruling in which the court found Honduras responsible for the disappearance. This marked the first time an international judicial body has formally ruled that a state has a legal “duty to prevent, investigate and punish” human rights abuses carried out by its military forces, thus breaking the impunity of states.

*20 December  
2006*

***Adoption of the ICPPED by the UN General Assembly***

The international Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was adopted by the UN General Assembly in Resolution 61/177. This historic treaty legally recognized the “right to not be subjected to enforced disappearance”, and famously said that no exceptional circumstance, including state of war or internal political instability, can be used by a regime as an excuse to commit the crime of enforced disappearance.

*30 August  
2024*

***Bangladesh Ratifies the ICPPED Amid Transition of Power***

The ICPPED was officially accepted by the interim government of Bangladesh on the International Day of the Disappeared, after the political revolution toppled the authoritarian government. This was a major achievement for a South Asian country, where security force units such as the Rapid Action Battalion (RAB) had been the subject of years of world condemnation for systematic “crossfire” killings and enforced disappearance.

## **Relevant UN Treaties and Events**

- ***International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)*** : The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is a legally binding universal convention adopted by the UN General Assembly on the 20th December 2006 to end state sponsored disappearances. This framework removes any authoritarian justification and states that there is no exception to an enforced disappearance,

even in times of war or internal political unrest. The treaty requires that states that ratify it make the crime punishable by their own law, close down secret detention facilities, and keep central registers of all detainees. In addition, it establishes a “right to the truth” for a victim, which obligates the governments to proactively look for the missing, return them, and offer reparations to surviving families.

- ***UN Working Group on Enforced or Involuntary Disappearances (WGEID)*** : The UN Working Group on Enforced or Involuntary Disappearances (WGEID) was established on February 29, 1980, known to be the first thematic human rights mechanism. The WGEID is international and is not subject to the consent of the state and does not require the ratification of a treaty in order to investigate the disappearance in any country. As a neutral conduit, the group’s independent experts deliver family grievances that are verified directly to governments, in order to bring pressure to the governments to investigate these matters domestically.
- ***The Rome Statute of the International Criminal Court (ICC)*** : The Rome Statute was signed on July 17, 1998, the first permanent international court dedicated exclusively to the prosecution of the most serious international crimes, the International Criminal Court (ICC). In Article 7 of the state, it expressly defines systematic extrajudicial killings and enforced disappearance as crimes against humanity, if they are committed “as part of a widespread or systematic attack aimed at a civilian population”. This is a treaty which changes the traditional immunity of the state, to the effect that no one is immune from criminal liability under the pretense of holding an official position as a Head of State or government official.
- ***United Convention Against Torture (CAT)*** : *On December 10, 1984, the United Nations Convention Against Torture (CAT) was adopted to help prevent State actors from using physical and/or mental terror as a means of political control. The treaty is a precise international definition of torture and it holds governments or state officials accountable for what their guards act within their custody. Article 3 of the CAT lays down the essential rules of non-refoulement, which is a ban on the deportation or return of a political refugee to a country where he or she is at a real risk of being tortured or executed.*
- ***The CED20 Global Campaign*** : *The CED20 Global Campaign is a year-round, global mobilization led by the UN, to celebrate the 20th anniversary of the adoption of the ICCPPED. Within their vision “Victims first, Actions now,” the project aims to*

*foster stronger efforts to ratify the treaty and protect against digital age autocrats who use sophisticated electronic surveillance techniques to identify dissidents. It focuses on strengthening the power of the UN Committee on Enforced Disappearance to receive individual complaints directly from families. It is also the sponsor of the CED20 Commemorative Wall, a safe space in which evidence and testimonies can be safely uploaded, leaving a lasting record for future human rights prosecutions.*

## Previous Attempts to solve the issue

The first steps in domestic and regional progress against systemic state terror came from grassroots citizen movements, compelling the establishment of autonomous TRCs. The organizations that started the Madres de la Plaza de Mayo in Argentina after the brutal military of the 1970s pioneered the movement of families of the missing seeking accountability in the face of autocratic suppression. This persistent civic demand found its expression in the establishment in the first part of the 1980s of the Argentine CONADEP (National Commission on the Disappearance of Persons) and its South African counterpart, TRC, in 1995. These bodies systematically record and document state sanctioned crimes, charted secret execution networks, and generated public official records that were a major blow to decades of state official denials and official government imposed historical amnesia.

Human rights networks have adapted to the new era of autocracies that cover up their misdeeds with internet shutdowns and heavily encrypted security systems by embracing a new tactic: Open Source Intelligence (OSINT) and decentralized digital documentation. International groups like Bellingcat and the Syrian Center for Media and Freedom of Expression thoroughly document satellite images, exposed government records, and citizen supplied cellphone videos as they happened. The blockchain metadata is used to verify and secure these digital assets, making it impossible to manipulate by state hackers. Thus, there are impossible ways to deny any of the entries on the “digital ledger” of military movements, secret detention centers, and unlawful executions and gives international prosecutors air-tight evidentiary packages long before a regime collapse.

One of the most radical physical interventions against state impunity began with the deployment of independent teams of forensic anthropologists to locate clandestine burial sites and scientifically prove the murders committed by the state. In 1984, the Argentine Forensic Anthropology Team (EAAF) pioneered the use of rigorous archaeological and genetic techniques in mass graves left behind by military regimes. This methodology was adopted internationally in 1989 by the UN through the Minnesota Protocol. By extracting DNA and examining skeletal damage, these autonomous teams transformed long denied whispers of extrajudicial killings into irrefutable scientific proof, removing the ability of autocratic governments to claim disappeared dissidents.

## Possible Solutions

Aggressive, global expansion of universal jurisdiction, coupled with targeted financial warfare, is the most direct route to dismantle impunity for modern autocrats. Rather than wait for long international court proceedings, democratic coalitions should coordinate targeted sanctions regimes such as the Global Magnitsky Act to freeze the offshore banking assets, real estate holdings and corporate fronts of security officials behind extrajudicial killings. Foreign courts create a major domestic rupture in authoritarian regimes by making it impossible, legally and financially, for human rights abusers to travel abroad or to hide their wealth in international tax havens. This economic isolation incentivizes lower level officers to defect from their superiors and provide evidence of state crimes in exchange for legal immunity.

Human rights networks must institutionalize the use of blockchain supported evidence registries and artificial intelligence to respond to the sophisticated digital censorship and data deletion techniques of modern dictatorial regimes. By uploading citizen captured video footage, satellite imagery of mass graves, and leaked military communications to immutable, decentralized ledgers, investigators make sure that all critical evidence is saved well and cannot be destroyed.

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