



Panel on the Situation of Enforced Disappearances in Africa: Protection of all Persons from Enforced Disappearances in Africa

Organised by: *the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, The UN Working Group on enforced or involuntary disappearances, the UN Committee on Enforced disappearances and REDRESS*

67th Ordinary Session of the African Commission

Thursday, 19 November

12h15 to 13h45

Concept Note

The Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa is convening this Panel in collaboration with the UN mechanisms on enforced disappearances (Working Group on Enforced and Involuntary Disappearances and Committee on Enforced Disappearances) within the framework of the Addis Ababa Roadmap, and REDRESS, a non-governmental organization working to provide justice for victims of torture and enforced disappearances.

Enforced disappearance is a State crime prevalent in many countries in Africa, which has been occurring on the continent since the colonial times until today. 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, placing the person outside the protection of the law.¹

¹ 2006 International Convention to Protect All Persons from Enforced Disappearances, Article 2

Governments have used enforced disappearances in a variety of contexts, including armed conflict, the fight against terrorism, and as a method to suppress political opposition in the run-up to and post elections, as well as in the context of migration among others. Impunity for enforced disappearances is widespread. In order to address the egregious crime of enforced disappearance, the international community first established in 1980 a UN Working Group on enforced or involuntary disappearances² and later adopted the 1992 Declaration for the protection of all people against enforced disappearance. The persisting impunity that characterises enforced disappearances has led the United Nations General Assembly to adopt in 2006 the International Convention to Protect All Persons from Enforced Disappearance with the aim to clarify States' responsibilities in terms of the search for disappeared persons and of the investigation of their disappearances, and to provide rights, remedies and reparations to the victims, including families of forcibly disappeared persons. While 2020 marks the 10th anniversary of the entry into force of the Convention, only 17 African states have ratified the treaty. In 2018, the African Commission aware of the need to urgently address the issue of enforced disappearance extended the mandate of the Working Group on Death Penalty, Extra-Judicial or Arbitrary Killings to include enforced disappearances³. In 2020, the African Commission adopted a resolution tasking the Working Group to draft the Guidelines for the Protection of All Persons from Enforced Disappearances in Africa and present them to the Commission within one year.

Objectives

This Panel will look at the situation of enforced disappearances in Africa. It will 1) highlight the existing international legal framework to prevent and prosecute enforced disappearances and to provide reparations to the victims and; 2) highlight the importance of the universal ratification of the Convention for the Protection of all Persons against Enforced Disappearance; and 3) outline the work the African Commission, the United Nations and civil society are doing to combat the practice of enforced disappearance on the continent and strengthen the related legal and policy framework.

Modalities/Programme

- Time: 1h:30

³ ACHPR/Res. 408 (LXIII) 2018

- Commissioner Maya Sahli-Fadel - Welcome remarks, introduction of panel and panellists (5 minutes)
 - Panel discussions (50 minutes): 10 minutes per each speaker
 - Questions and answer session (30 minutes)
 - Concluding remarks by Commissioner Sahli-Fadel (5 minutes)
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- **Commissioner Maya Sahli-Fadel**- Member of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killing and Enforced Disappearances in Africa)- **Moderator;**
 - **Commissioner Ndiame Gaye**, Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary killings and Enforced Disappearances in Africa)- *Presentation on the mandate and initiatives of the ACHPR on enforced disappearances in Africa;*
 - **Bernard Duhaime**, Member of the UN Working Group on Enforced or Involuntary Disappearances- *The WGEID: 40 years addressing enforced or involuntary disappearances;*
 - **Ms. Barbara Lochbihler**, Member of the UN Committee on Enforced or Involuntary Disappearances- *10 years of the entry into force of Convention for the Protection of all Persons from Enforced Disappearance: the work of the Committee on Enforced Disappearances and the need for further ratification;*
 - **Eva Nudd**, Legal Advisor, REDRESS-*importance of the guidelines for the Protection of All Persons from Enforced Disappearances in Africa ;*
 - **Nana-Jo Ndow**, Executive Director, ANEKED- *Importance of Justice from Victims Perspective.*