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**Remarks at OSCE SHDM on Torture and Other Grave Breaches of International Humanitarian Law and Gross Violations of International Human Rights Law. Session III, “Responses to Gross Violations of International Human Rights Law During Times of Crisis”**

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My name is Yuri Dzhibladze. I speak on behalf of the Centre for the Development of Democracy and Human Rights, a member of the Civic Solidarity Platform and of the Prove They Are Alive! campaign.

I would like to draw your attention to one of the gross violations of international human rights law, enforced disappearances. Enforced disappearances are expressly prohibited by the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons against Enforced Disappearances, and, in the situations of armed conflicts, by the Geneva Conventions. Being serious violations of international humanitarian law, according to the Geneva Conventions, they constitute war crimes and can constitute crimes against humanity. As a form of inhuman and degrading treatment both for the disappeared and their families, enforced disappearance also fall under the scope of the Convention against Torture.

Enforced disappearances are most often committed in the following situations which are all characteristic of a human dimension crisis:

- as a tool of reprisal against political opponents and intimidation of critics;
- in the course of armed conflicts, both internal and international, by state or non-state actors;
- in the course of “counter-terrorism operations”, both internally and in other countries, including during “sweeping operations” and detention in secret prisons;
- as a tool of persecution of minorities.

All OSCE participating States have a new responsibility to take action to eradicate enforced disappearances in the OSCE region after the adoption by consensus of the MC Decision 7/20 on Prevention and Eradication of Torture in December 2020. In this decision, OSCE participating States for the first time unanimously included fighting enforced disappearances in the OSCE commitment to prevent torture and incorporated prolonged incommunicado detention in their definition of what can facilitate torture and other cruel, inhuman or degrading treatment or punishment or can by itself constitute a form of torture. We believe that all provisions of the MC Decision apply to prolonged incommunicado detention in the same way as they apply to torture and other cruel, inhuman or degrading treatment or punishment.

This landmark decision gives OSCE participating States, executive bodies, and institutions additional responsibility to vigorously address the problem of enforced disappearances in the OSCE region, including in the countries and regions where this crime has been perpetrated the most, such as Turkmenistan (as persecution of political opponents), Chechnya in the Russian Federation (in the course of counter-terrorism operations, as persecution of political opponents, and as persecution of LGBTI people), Belarus (as persecution of political opponents), in Armenia and Azerbaijan (in the context of the armed conflict in Nagorno Karabakh), and last but not the least – since 2014 in the annexed Crimea, parts of the Donetsk and Luhansk regions of Ukraine occupied by the Russian Federation, and since the tragic day of 24 February last year – on all occupied territories of Ukraine in the course of the large scale Russian aggression.

It is high time for OSCE actors to focus their attention on the problem of enforced disappearances and develop a concrete action plan to address it across the OSCE region in cooperation with civil society. For States, this concerns not only eradicating enforced disappearances committed by their governments or government agents in their own countries and effectively investigating their past crimes of disappearances, but also effectively addressing enforced disappearances in all OSCE participating States, based on the Helsinki principle that the human dimension commitments “are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.