

THE SYNERGY BETWEEN CRIMINAL LAW AND MEDICINE
UNDER THE INTERNATIONAL CONVENTION FOR THE
PROTECTION OF ALL PERSONS FROM ENFORCED
DISAPPEARANCE*

Milica KOLAKOVIĆ-BOJOVIĆ, PhD*

Considering the very nature of the International Convention for the Protection of All Persons from Enforced Disappearance as the 21st century international human rights instrument of the new generations, as well as the specific, hybrid nature of the rights protected by the Convention, the author analyses specific, multidisciplinary approach required by such a hybrid nature of human rights protected by the Convention. This multidisciplinary approach, among others, includes the strong synergy between criminal law and medicine as for the prevention as in combating enforced disappearances. Considering this, author analyzes the main points under the scope of Convention that require this kind of synergy. In parallel, author reflects upon the provisions of the recently adopted Guiding Principles for the Search for Disappeared Persons that provides for precise, but comprehensive guidelines to the Member States, but also to countries that have not ratified Convention so far, on how to search for disappeared persons.

KEY WORDS: enforced disappearances / law & medicine / hybrid human rights / 21st century human rights / victims.

* The paper represents the result of Project 47011 financed by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

* Research Fellow, Institute of Criminological and Sociological Research, Belgrade and Member of the UN Committee on Enforced Disappearances. E-mail: kolakius@gmail.com

1. THE RIGHTS PROTECTED UNDER THE CONVENTION

International Convention for the Protection of All Persons from Enforced Disappearance, adopted in 2006 represents the UN treaty of the new generation, focused on the narrow scope of human rights, built on developments made under the universal treaties of the first generation designed to protect basic human rights.¹

Specific nature of an enforced disappearance and zero tolerance for this serious crime are reflected also in the definition of enforced disappearance contained in the article 2 of the Convention. The Convention identifies the following elements in the definition of enforced disappearances:

- There is an arrest, detention, abduction or any other form of deprivation of liberty;
- That conduct is carried out by agents of the state or by persons or groups of persons with the authorization, support or acquiescence of the state;
- The conduct is followed either by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person;
- The objective result of the conduct is that the disappeared person is placed outside of the protection of the law.

1.1. The right not to be subjected to enforced disappearance

The easiest way to identify connections between law and medicine under the topics covered by Convention is to focus on the list of human rights protected by the Convention, but also to bear in mind that is not a simple list. The combination of violations of basic human rights already protected in the treaties of first generation constitutes violation of the hybrid human right - right not to be subjected to enforced disappearance. Considering this, the crime of enforced disappearance includes violation of following basic human rights (Amnesty International, 2011):

- the right to life: as a person may be killed or his or her fate may be unknown
- the right to security and dignity of a person
- the right to be free from arbitrary detention
- the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- the right to humane conditions of detention
- the right to legal personality

¹ This development was triggered by widespread practice of enforced disappearances during the second half of 20th century, mostly in South America.

- the right to fair trial
- the right to family life

The hybrid nature of the rights protected by this Convention is visible even from the Preamble of the Convention² which emphasizes:

- the right of any person not to be subjected to enforced disappearance,
- the right of victims to justice and to reparation,
- the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person.

All of these hybrid rights include in themselves a several basic, above listed human rights. This specific, hybrid nature of the rights protected by the Convention results, among others, in very specific, multidisciplinary approach to combating and preventing enforced disappearances, but also in specific approach of the Committee on Enforced Disappearances (hereinafter: CED)³ when monitors compliance of the legislative and institutional framework as well as practices of the State Parties with provisions of the Convention.

1.2. The right to truth, justice and reparation

It could be said that the right not to be subjected to enforced disappearance is the main right, whose violation constitutes three additional rights: right to truth, justice and reparation. These three rights constitute framework of conduct for the State Parties and oblige them to:

- Introduce an enforced disappearance as crime in their criminal legislation, punishable by appropriate penalties, including long statute of limitation (arts. 4-5,7-8);
- Hold responsible for that act, a person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance as well as his/her superior⁴ (art. 6)

² "Aware of the extreme seriousness of enforced disappearance, which constitutes a crime and, in certain circumstances defined in international law, a crime against humanity; Determined to prevent enforced disappearances and to combat impunity for the crime of enforced disappearance; Considering the right of any person not to be subjected to enforced disappearance, the right of victims to justice and to reparation; Affirming the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person..."

³ The Committee on Enforced Disappearances (CED) is the body of independent experts which monitors implementation of the Convention by the States Parties. All States parties are obliged to submit reports to the Committee on how the rights are being implemented. States must report within two years of ratifying the Convention. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations". See more at: <https://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIntro.aspx>, last accessed on April 15th 2019.

⁴ "A superior who: (i) Knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance; (ii) Exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance; and (iii) Failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution." (art. 6)

- Conduct immediate and effective search and investigation, ensure adequate resources in this regard and sanction all acts that hinder investigation (art. 3, 12);
- Establish jurisdiction over this crime and make it extraditable (arts. 9,13);
- Provide mutual legal assistance and ensure international cooperation in investigation (arts. 14-15);
- Apply *non-refoulement* principle to persons who may be subjected to enforced disappearance (art. 16);
- Prohibit and prevent secret detention⁵, include access to relevant authorities to all sites where persons deprived of liberty could be found, enable communication of detainees with certain categories of persons, guarantee right to legal remedies to persons deprived of liberty and persons who have legitimate interest, and maintain and regularly update registries of people deprived of liberty (art. 17)⁶;
- Guarantee to any person with a legitimate interest in this information, such as relatives of the person deprived of liberty, their representatives or their counsel, access to information on whereabouts of persons deprived of liberty and sanction hindering and denial of fulfillment of those obligations (art. 18, 20-22)
- Protect from abuse and misuse medical and genetic data collected within framework of search; (art. 19)
- Provide specialized and adequate training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty includes the necessary education and information regarding the relevant provisions of this Convention (art. 23);
- Ensure reparation for all victims and the truth for their families⁷ (art. 24);
- Take the necessary measures to prevent and punish under its criminal law the wrongful removal of children who are subjected to enforced

⁵ See more in: Droege, 2008.

⁶ Article 17 (1-3): “1. No one shall be held in secret detention. 2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation: (a) Establish the conditions under which orders of deprivation of liberty may be given; (b) Indicate those authorities authorized to order the deprivation of liberty; (c) Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty; (d) Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law; (e) Guarantee access by the competent and legally authorized authorities and institutions to the places where persons are deprived of liberty, if necessary with prior authorization from a judicial authority; (f) Guarantee that any person deprived of liberty or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, shall, in all circumstances, be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person’s release if such deprivation of liberty is not lawful.”

⁷ “For the purposes of this Convention, “victim” means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.” (art. 24(1))

disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance as well as the falsification, concealment or destruction of documents attesting to the true identity of those children and to assist them to reestablish original identity. (art. 25)

2. THE ROLE OF MEDICINE IN PROTECTION OF THE RIGHTS TO TRUTH, JUSTICE AND REPARATION

Having in mind the all abovementioned obligations established for the State Parties by the Convention, it seems that the touching points between criminal law and medicine could be found in five main fields covered by the Convention.

- The first relevant field is related to health condition of persons deprived of liberty and data collected, preserved and made available to persons with legitimate interest in this regard;
- The second point of connection between law and medicine under the Convention referred to obligation of the State Parties to maintain genetic databanks and registries of missing persons in a way that prevents abuse of data;
- The third relevant issue derives from the State Parties' obligation to provide an adequate training in fields covered by Convention;
- The fourth issue refers to the right of victims to reparation and obligation of the State Parties to establish various mechanisms in this regard;
- The last relevant field is in the connection with the Art. 25 of the Convention and the issue of wrongful removal of children subjected to enforced disappearances or children born during the captivity of a mother subjected to enforced disappearance.

2.1. Health condition of persons deprived of liberty

As previously mentioned, art. 17 of the Convention provides for the obligation of the each State Party to assure the compilation and maintenance of one or more up-to-date official registers and/or records of persons deprived of liberty, which shall be made promptly available, upon request, to any judicial or other competent authority or institution authorized for that purpose by the law of the State Party concerned or any relevant international legal instrument to which the State concerned is a party. In order to precisely determine obligatory minimum of data that should be contained in such registries, the Convention identifies eight categories of data⁸ including, *inter alia*, elements relating to the state of

⁸ The information contained therein shall include, as a minimum: (a) The identity of the person deprived of liberty; (b) The date, time and place where the person was deprived of liberty and the identity of the authority that deprived the person of liberty; (c) The authority that ordered the deprivation of liberty and the grounds for the deprivation of liberty; (d) The authority responsible for supervising the deprivation of liberty; (e) The place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty; (f) Elements relating to the state

health of the person deprived of liberty as well as, in the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains.

This provision in itself includes three types of obligations for the State Parties:

- to assess and follow the health condition of the person deprived of liberty;
- to maintain and update an evidence/registry which include data on health condition of the person deprived of liberty;
- to enable access to those registries, upon request, to any judicial or other competent authority or institution.

In parallel with those obligations, art. 18 of the Convention provides for obligation of the State Parties to guarantee to any person with a legitimate interest in this information, such as relatives of the person deprived of liberty, their representatives or their counsel, access to the certain categories of information,⁹ elements relating to the state of health of the person deprived of liberty as well as, in the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains.

2.2. Collecting medical and genetic data

The collection of medical and genetic data could play the key role in locating and identifying disappeared persons. The main physical characteristics, blood type, dental record, DNA could lead the authorities authorized to conduct the search as to the disappeared persons find alive or dead. Despite presumption that disappeared person is still alive, which is starting presumption always when searching for disappeared persons, in most of cases, unfortunately, the medical and genetic data serves as a base for identification of mortal remains of disappeared persons.

In accordance with the Article 19(1) of the Convention, personal information, including medical and genetic data, which is collected and/or transmitted within the framework of the search for a disappeared person shall not be used or made available for purposes other than the search for the disappeared person. The Convention also underlines that this is without prejudice to the use of such

of health of the person deprived of liberty; (g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains; (h) The date and time of release or transfer to another place of detention, the destination and the authority responsible for the transfer. (art. 17(3))

⁹ The State Parties shall enable access to, at least, following information: (a) The authority that ordered the deprivation of liberty; (b) The date, time and place where the person was deprived of liberty and admitted to the place of deprivation of liberty; (c) The authority responsible for supervising the deprivation of liberty; (d) The whereabouts of the person deprived of liberty, including, in the event of a transfer to another place of deprivation of liberty, the destination and the authority responsible for the transfer; (e) The date, time and place of release; (f) Elements relating to the state of health of the person deprived of liberty; (g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains. (art. 18(1))

information in criminal proceedings relating to an offence of enforced disappearance or the exercise of the right to obtain reparation.

In addition to restrictions related to use of such information, the Convention rules that process of the collection, processing, use and storage of personal information, including medical and genetic data, shall not infringe or have the effect of infringing the human rights, fundamental freedoms or human dignity of an individual. (art. 19(2))

The importance of this provision is visible also from the recently adopted Guiding Principles for the Search for Disappeared Persons¹⁰ (hereinafter: Guiding Principles). Principle 9(8) of the Guiding Principles reiterates the obligation to establish adequate databanks and stipulates that States should establish genetic databanks with relevant elements for the search, including genetic banks and consultation systems of those databases, which make it possible to obtain results quickly. These databases should be designed with a multidisciplinary approach in order to ensure their complementariness.

The Guiding Principles also provide for obligation of the States Parties to ensure appropriate legal and institutional framework and administrative capacities for maintaining those databanks. More precisely, States should ensure that:

(a) The administering authority of the genetic databank has an appropriate legal framework, which guarantees the operation of the databank under exclusive professional criteria, independently from the institution to which the databank is affiliated;

(b) Personal information, including medical or genetic data, collected or transmitted in the framework of a search of a disappeared person, cannot be used or disclosed for purposes other than the search, except when it is used in criminal proceedings related to enforced disappearances or in the exercise of the right to obtain reparation. The collection, treatment, use and conservation of personal data, including medical or genetic data, shall not infringe upon or have the effect of infringing upon the human rights, fundamental freedoms and dignity of the person;

(c) The personal information contained in these databases and the chain of custody are duly protected and technically preserved.

The Guiding Principles (principle 9(9)) also provide that States should ensure that the management of databases and registers of disappeared persons respect the privacy of the victims and the confidentiality of the information.

2.3. Medical treatment in the scope of reparation from victims

As earlier mentioned, the Convention establishes obligation of the State Parties to ensure adequate reparations for victims. It is important to underline that the Convention introduced wide definition of victim (article 24 (1)) that for

¹⁰ Guiding Principles for the search for disappeared persons, adopted on the 16th Session of the Committee on Enforced Disappearances, 16th April 2019.

the purposes of the Convention, defines “victim” as a *disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance*.

Thus, this definition does not limit the circle of victims on direct victim and his/her close relatives as usually do national legislations. This also has important consequences to the scope of implementation of the other rights recognized under the art. 24, including medical treatments needed as a result of health problems caused by suffering enforced disappearance, directly or indirectly.¹¹ In addition to this, par. 7 of the same article provides for the obligation of each State Party to assist victims of enforced disappearance.

It is important to mention that, beside the fact that medical assistance is frequently needed for victims who were directly subjected to enforced disappearances, it is also necessary to their families and relatives who suffered from this serious crime. In addition to immediate treatment needed to take care of physical health condition, this type of crime usually requires long-term therapy in order to overcome psychological trauma caused by subjection (directly) or suffering from enforced disappearance of another person (indirectly).

Wideness of the notion of “victim” introduced by Convention, but also the very nature of the crime, requires differential approach in medical assistance to victims affected by this crime. This differential approach should take into account various characteristics of victim as gender, age, disabilities, sexual orientation, origin and other factors that in concrete circumstances can put the victim in a position of particular vulnerability.

2.4. The role of health care system in prevention and combating wrongful removal of children

The widespread, sometimes even a systematic, wrongful removal of children was applied during some dictatorships in 20th century as a modality of revenge to political opponents and also as a way of intimidation. Frequently associated with involvement or contest of medical personnel in maternity hospitals and/or in prison system hospitals and ambulances, this practice results in changed identity, trafficking of human beings for the purpose of adoption or exploitation, illegal adoptions or even in a death of those children.

The Convention sanctions these serious practices in the art. 25 that recognizes two main types of wrongful removal of children:

a) The wrongful removal of children who are subjected to enforced disappearance;

b) The wrongful removal of children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;

¹¹ This is clearly stated in the art. 24(5) which says that the right to obtain reparation referred to in paragraph 4 of this article covers material and moral damages and, where appropriate, other forms of reparation such as: (a) Restitution; (b) Rehabilitation; (c) Satisfaction, including restoration of dignity and reputation; (d) Guarantees of non-repetition.

In addition to wrongful removal of children itself, the Convention sanctions the falsification, concealment or destruction of documents attesting to the true identity of the children subjected to enforced disappearances.

In parallel, the Convention introduces an obligation of Each State Party to take the necessary measures to search for and identify those children and to return them to their families of origin, in accordance with legal procedures and applicable international agreements. Also, Convention introduces obligation of the States Parties to assist one another in searching for, identifying and locating the children subjected to enforced disappearances.

Convention promotes the best interests of the children as the main principle that needs to be followed in enabling child victims their right to preserve, or reestablished, their identity, including their nationality, name and family relations as recognized by law, or to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

Considering the all abovementioned, it is obvious that medical personnel have multiple roles in this regard.

- The first of all, the State Parties need to prevent and punish their involvement in enforced disappearances and wrongful removal of children;
- The second, the State Parties should train medical personnel to recognize and report all cases suspect to wrongful removal of children and their subjection to enforced disappearances;
- The third, the State Parties should train and include medical personnel through their professional engagement in all the actions necessary to follow the best interest of the children subjected to wrongful removal, their rehabilitation and reintegration in the original environment.

2.5. State Parties' obligation to provide adequate training in fields covered by Convention

Despite the fact that, in line with order of the provisions of the Convention, the obligation to provide specialized training is not the last connection point between law and medicine; we chose to explain this connection point as the last one considering its nature as cross cutting issue which tackles the all abovementioned relations between criminal law and medicine under the Convention.

The Article 23 of the Convention provides for the State Parties' obligation to provide adequate training in fields covered by Convention. There are two relevant questions in this regard:

- To whom training should be provided?
- What are expected outcome of such training?

Article 23(1) identifies following categories to be trained:

- The law enforcement personnel, civil or military;
- Medical personnel;

- Public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty.

So, the medical personnel are explicitly recognized in the provision of the art. 23, as category that needs to be trained on Convention. However, particular subcategories of medical personnel that should be trained are not identified. Nevertheless, if we read this provision in the context of the roles that medical personnel have in regard of prevention and combating enforced disappearances, there is no doubt that training should include, at least, following categories:

- Medical personnel within prison system;
- Medical personnel specialized for collecting, analyzing and preserving medical and genetic material stored in the databanks within the scope of searching for disappeared persons as well as those included in identification, preservation and transfer of remains;
- Medical personnel included in various programs established in order to ensure reparation for victims of enforced disappearances;
- Medical personnel in maternity hospitals and pediatricians who work with children placed in specialized social welfare institutions.

The fields of education, as well as expected outcomes of the training process are also defined in the art. 23 of the Convention. In relation to expected outcomes of specialized training, the Convention emphasized that it is aimed at gaining necessary education and information regarding the relevant provisions of this Convention, in order to:

- (a) Prevent the involvement of such officials in enforced disappearances;
- (b) Emphasize the importance of prevention and investigations in relation to enforced disappearances;
- (c) Ensure that the urgent need to resolve cases of enforced disappearance is recognized.

From such defined expectations it is obvious that the Convention recognized prevention of enforced disappearances as the main priority, having in mind that prevention of involvement of trained officials in enforced disappearances, but also their role in preventive activities are put in the list even before the urgent conduct of investigations.

The importance of adequate training is also recognized in the Guiding Principles (9(6)) that stipulate that the bodies in charge of the search should have the professional personnel resources, with adequate human and technical professional training, including training on protection with a differential approach. They should dispose up-to-date logistical, technical and scientific resources, provided by all relevant scientific disciplines to ensure an effective and exhaustive search. It seems that underlining differential approach is very important, especially in light of medical personnel included in various reparation programs for victims, that need to address their individual, specific needs as stated earlier.

Finally, Principle 11 (4) emphasizes the obligation of States to take all necessary measures to ensure the transfer of knowledge and technology required for the search

of disappeared persons, including those available at national and international organizations specialized in searching for disappeared persons and identifying human remains. Their experiences should be drawn on, in the establishment of entities in charge of the search, the design of their procedures and in the continuous training of their staff.

CONCLUSIONS

The fact that Convention belongs to the group of modern human rights instruments, but also its narrow scope and hybrid nature of right that protects, have a significant influence on the dynamics and number of ratifications, as well as on global understanding of its provisions. A need to address the issue of enforced disappearances using multisectoral and multidisciplinary approach has its repercussions on time needed to promote its provisions globally, but also within national legal and institutional frameworks. Focusing on synergy between law enforcement and health care system from the early beginning of implementation of the Convention in national legal systems could significantly contribute to their coordination and cooperation in prevention, investigation and prosecution of enforced disappearances. The precondition for this synergy in practice is its recognition at the public policy level, including all aspects of development and implementation of public policies - from developing legal framework to strengthening administrative, professional and technical capacities and establishing mechanisms of accountability. Sensibilisation of both law enforcement agents and medical personnel for recognition of their respective roles in prevention and combating enforced disappearances, as well for the victims' needs, could significantly contribute to efficiency and quality of mechanisms established in this regard.

SOURCES

1. Amnesty International (2011) *Enforced Disappearances - Questions and Answers*. Available at: <https://www.amnesty.org/en/documents/ior51/010/2011/zh/>, last accessed on April 16th 2019.
2. *Declaration on the Protection of All Persons from Enforced Disappearance*. (1992) New York: General Assembly of the United Nations.
3. Droege, C. (2008) Transfers of detainees: legal framework, non-refoulement and contemporary challenges. *International Review of the Red Cross*, 90(871), pp. 669-701.
4. Guiding Principles for the search for disappeared persons, adopted on the 16th Session of the Committee on Enforced Disappearances, 16th April 2019.
5. International Convention for the Protection of All Persons from Enforced Disappearance. (2006) New York: General Assembly of the United Nations.
6. UN Human Rights Council. (2010) *Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the working group on arbitrary detention represented by its vice-chair, Shaheen Sardar Ali; and the working group on enforced or involuntary disappearances represented by its chair,*

Jeremy Sarkin, UN Doc. A/HRC/13/42, 19 February 2010, p. 5. Available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>, accessed on November 11th 2018.

Milica Kolaković-Bojović

Naučna saradnica, Institut za kriminološka i sociološka istraživanja i članica UN Komiteta za prisilne nestanke

SINERGIJA IZMEĐU KRIVIČNOG PRAVA I MEDICINE POD OKRILJEM MEĐUNARODNE KONVENCIJE O ZAŠTITI SVIH LICA OD PRISILNIH NESTANAKA

Imajući u vidu specifičnu prirodu Međunarodne konvencije o zaštiti svih lica od prisilnih nestanaka kao međunarodnog instrumenta nove generacije ili 21. veka u oblasti zaštite ljudskih prava, kao i specifičnu, hibridnu prirodu ljudskih prava zaštićenih ovom Konvencijom, autor analizira specifičan, multidisciplinarni pristup prevenciji i eliminaciji prisilnih nestanaka. Taj multidisciplinarni pristup zasnovan je na hibridnoj prirodi ljudskih prava zaštićenih ovom Konvencijom i uključuje, između ostalog, snažnu sinergiju između krivičnog prava i medicine, kako u oblasti prevencije, tako i u pogledu suzbijanja prisilnih nestanaka. Imajući ovo u vidu, autor analizira ključne dodirne tačke krivičnog prava i medicine pod okriljem Konvencije, koje zahtevaju tu vrstu sinergije. Istovremeno, autor se osvrće na odredbe novousvojenih Osnovnih načela potrage za nestalim licima, koja pružaju precizne ali i sveobuhvatne smernice za potragu za nestalim licima, namenjene državama koje su ratifikovale konvenciju, ali i onima koje to još nisu učinile.

KLJUČNE REČI: prisilni nestanci / pravo i medicina / hibridna ljudska prava / ljudska prava u 21. veku / žrtve