

Forced Disappearances Treaty Negotiations September 2005
Guidance for Closing Statement of the United States

- As the work of the Working Group draws to a close, we express appreciation to the Chair and his team, including the Secretariat, for your enormous dedication, skill, and industriousness during negotiations on a binding instrument to combat this heinous crime.
- We also commend the State delegations, the independent experts, the ICRC, and non-governmental organizations for their commitment, expertise, tireless work, and collegiality throughout, and give special thanks to the families of the disappeared for bearing witness to this terrible scourge.
- At the same time, as we have said before, in order to produce a document that reflects consensus, treaty negotiations should be deliberate, unhurried, and careful, allowing for full expression of views by all representatives.
- All negotiations should additionally be inclusive, allowing full attendance by all delegation members, and transparent, based on a clear draft treaty text which takes account of opposing views.
- Deliberate, participatory and transparent negotiating processes are far more likely to result in a carefully drafted and fully vetted document that represents consensus.
- We regret that the pace of negotiations, among other factors, has resulted in a document that does not reflect consensus of the Working Group.
- Key issues remain disputed, and the United States, for example, continues to have reservations regarding a number of articles or sub-articles including:
 - RIGHT TO THE TRUTH - Preamble paragraph 7 and Article 24(2)
 - DEFINITION - Article 2
 - CRIMINALIZATION - Article 4
 - CRIME AGAINST HUMANITY - Article 5
 - LACK OF DEFENSE OF SUPERIOR ORDERS - Article 6(2)
 - STATUTE OF LIMITATIONS - Article 8
 - "FOUND IN" JURISDICTION - Article 9(2)
 - NON-REFOULEMENT - Article 16(2) & (3)
 - ACCESS TO PLACES OF DETENTION - Article 17, including 17(2) (e) and
 - NEW TREATY MONITORY BODY - Article 26 .
- We now look to the work that lies ahead, as states consider proposals before UN bodies for adoption of the instrument for adoption by member states.