



Truth vs Justice? The Duty to Coordinate the Search and Criminal Investigation into Missing and Disappeared Persons

Work in Progress Webinar: Dr Aruni Jayakody

Thursday 24 September 2026 (9AM CET/5PM AEST/7PM NZST)

The ESIL Human Rights Law Interest Group and the ANZSIL International Human Rights Law Interest Group warmly invite you to attend a joint Work in Progress webinar.

Abstract: International law imposes parallel but distinct obligations on states in relation to missing and disappeared persons: a duty to search and clarify their fate and whereabouts and return their remains to their families, and where the disappearance is connected to a crime such as an enforced disappearance, a war crime or a crime against humanity a duty to carry out a criminal investigation. The International Convention for the Protection of All Persons from Enforced Disappearance imposes a duty to coordinate the search and criminal investigation, yet in practice this coordination is difficult to achieve. In addition, the duty to prosecute requires states to investigate and prosecute violations of human rights and humanitarian law, in particular international crimes and other gross violations of human rights.

This paper examines how the duty to prosecute can shape the implementation of the duty to coordinate. It sets out the scope of the duty to prosecute and asks whether it places limitations on how states design coordination mechanisms. Drawing on the practice of existing missing persons mechanisms, the paper argues that states have significant freedom to design coordination mechanisms, provided they have a dedicated prosecuting authority that addresses past human rights violations, and a well-crafted prosecutorial strategy.

Dr Aruni Jayakody is a Lecturer in the School of Law at RMIT University, Australia. Her teaching and research focus on public international law, international human rights law and transitional justice. Aruni holds a Bachelor of Laws (Hons) and a Bachelor of Arts (Hons) from the University of Queensland, and a Master of Arts in Law and Diplomacy and PhD from The Fletcher School at Tufts University. Her doctoral research combined international law and international relations to explore why states commit to and comply with international human rights law, with a particular focus on Sri Lanka's and Nepal's engagement with the UN Human Rights Council (HRC) and OHCHR. Further details of Dr Jayakody's work are available [here](#).

The webinar will be co-chaired by Professor Alison Duxbury, ANZSIL President and ESIL member, and Professor Annalisa Ciampi, member of the Coordinating Committee of ESIL IG International Human Rights Law.

The **Zoom link** is available [here](#).

If you have any questions, please contact the ANZSIL IHRL Interest Group on ihrlig@anzsil.org