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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-second session  
Agenda item 9 (c)

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS  
GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS  
AN INTERNATIONAL CRIME

Mr. Alfonso-Martinez, Ms. Daes, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere,  
Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin,  
Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros,  
Mr. Sik Yuen, Mrs. Warzazi, Mr. Weissbrodt and Mr. Yokota:  
draft resolution

2000/... Question of enforced or involuntary disappearances

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling General Assembly resolution 41/120 of 4 December 1986, in which the Assembly recognized the value of continuing efforts to identify specific areas where further international action was required to develop the existing legal framework in the field of human rights,

Recalling also General Assembly resolution 47/133 of 18 December 1992 by which the Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States and urged that all efforts be made so that the Declaration became generally known and implemented,

GE.00-15000 (E)

Recalling further the important role of the Sub-Commission in drafting the Declaration on the Protection of All Persons from Enforced Disappearance and other important human rights instruments,

Noting Commission on Human Rights resolution 1997/26 of 11 April 1997 in which the Commission, deeply concerned, in particular, by the intensification of enforced or involuntary disappearances, took note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34) in which the Group welcomed the efforts of the Sub-Commission's sessional working group on the administration of justice to prepare a draft international convention on the prevention and punishment of enforced disappearances,

Deeply concerned that the practice of enforced disappearance continues in many parts of the world and reaffirming that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the widespread or systematic practice of enforced disappearance is a crime against humanity,

Recalling its resolution 1998/25 of 26 August 1998, in which it decided to transmit the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon as well as those of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64),

Recalling also Commission resolution 1999/38 of 26 April 1999, in which the Commission took note of the draft international convention on the protection of all persons from enforced disappearance and requested the Secretary-General to renew the invitation to States, international organizations and non-governmental organizations to submit their views and comments on the matter,

Noting the report of the Working Group on Enforced or Involuntary Disappearances submitted pursuant to Commission resolution 1999/38 (E/CN.4/2000/64 and Corr.1 and 2 and Add. 1),

Recalling its resolution 1999/24 of 26 August 1999, in which it urged the Commission to give priority consideration to the draft international convention on the protection of all persons from enforced disappearance on account of the nature and degree of the suffering of the disappeared and of their families and friends,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court, come within the jurisdiction of the Court as crimes against humanity,

Welcoming also Commission resolution 2000/37 of 20 April 2000, in which the Commission requested the Secretary-General to ensure the wide dissemination of the draft international convention on the protection of all persons from enforced disappearance,

1. Recommends that the Commission on Human Rights, in the light of the fact that it has recently concluded its consideration of the draft optional protocols to the Convention on the Rights of the Child, establish an inter-sessional working group to consider the draft international convention on the protection of all persons from enforced disappearance;

2. Urges the Commission to continue to give priority consideration to the draft international convention on the protection of all persons from enforced disappearance;

3. Decides to consider the question of the draft international convention on the protection of all persons from enforced disappearance at its fifty-third session under the same agenda item.

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