



Resolution 828 (1984)¹

Enforced disappearances

Parliamentary Assembly

The Assembly,

1. Referring to its [Resolution 774 \(1982\)](#), on Europe and Latin America - the challenge of human rights, and its [Order No. 409 \(1982\)](#), on Europe and Latin America ;
2. Convinced that enforced disappearances resulting from unlawful actions by the authorities responsible for law and order and security or similar bodies or the misuse of authority, often during the detention or imprisonment of the persons concerned, are incompatible with the ideals of any humane society ;
3. Gravely concerned for the life, liberty and safety of those who have disappeared, and moved by the anguish and suffering of their relatives ;
4. Considering that such disappearances are a flagrant violation of a whole range of human rights recognised in the international instruments on the protection of human rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights), in particular the right to life, liberty and security of persons, the right not to be subjected to torture, freedom from arbitrary arrest or detention, and the right to a fair and public trial ;
5. Aware that it is not only in Latin America that disappearances occur, but that the practice exists, to varying degrees, throughout the world, and that it is used as an instrument of government policy in several parts of the world ;
6. Convinced that international co-operation is essential if this atrocious practice is to be stopped ;
7. Welcoming the humanitarian efforts made since 1980 by the Working Group on Enforced or Involuntary Disappearances of the United Nations Commission on Human Rights to discover the fate of persons reported disappeared ;
8. Calling on all governments to co-operate actively with the Working Group on Enforced or Involuntary Disappearances, answer its requests for information and allow it to make on-the-spot visits on request ;
9. Urging the governments of countries where disappearances are reported to follow the example of Bolivia and Argentina, and to set up national inquiry commissions to investigate disappearances, composed of independent persons dedicated to the defence of human rights ;
10. Alarmed by the ever-increasing number of cases, throughout the world, of arbitrary arrest, detention and imprisonment, and the spread of practices aimed at bringing about disappearances ;
11. Considering that the provisions of domestic and international law do not suffice to prevent enforced disappearances and punish the offenders, since the crime is distinguished from other offences for which the existing legislation was designed by a number of complex factors ;
12. Considering that the recognition of enforced disappearance as a crime against humanity is essential if it is to be prevented and its authors punished,

1. *Assembly debate* on 26 September 1984 (9th Sitting) (see [Doc. 5273](#), report of the Legal Affairs Committee). *Text adopted by the Assembly* on 26 September 1984 (9th Sitting).



13. Calls on the governments of the member states of the Council of Europe :
 - a. to support the preparation and adoption by the United Nations of a declaration setting forth the following principles :
 - i. Enforced disappearance is a crime against humanity, which :
 1. cannot be considered a political offence and is therefore subject to the extradition laws ;
 2. is not subject to limitation ;
 3. may not be covered by amnesty laws ;
 - ii. Persons responsible for enforced disappearance may be prosecuted not only in the country in which the offence was committed, but in any country in which they have been arrested ;
 - b. to adapt their legal system in accordance with the above principles with a view to giving them binding force ;
14. Calls on the Secretary General of the United Nations to promote the adoption of such a declaration by the competent bodies of the United Nations.