

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1333/Add.1
15 February 1979

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-fifth session

INFORMATION SUBMITTED IN ACCORDANCE WITH ECONOMIC AND SOCIAL
COUNCIL RESOLUTION 1159 (XLI) REGARDING CO-OPERATION WITH
REGIONAL INTERGOVERNMENTAL BODIES CONCERNED WITH
HUMAN RIGHTS

Note by the Secretary-General

At its forty-first session, the Economic and Social Council adopted resolution 1159 (XLI) ^{1/} regarding co-operation with regional intergovernmental bodies concerned with human rights. Under the terms of this resolution, the Council, desiring to make use of all possible information and experience to advance the realization of human rights and fundamental freedoms for all without distinction as to race, sex, colour or religion, inter alia, invited the Secretary-General to arrange for the exchange of information on matters relating to human rights between the Commission and the Council of Europe, the Inter-American Commission on Human Rights, the Organization of African Unity, the League of Arab States and other regional intergovernmental organizations particularly concerned with human rights.

The present note contains a communication received from the Organization of American States in response to the Secretary-General's request for information within the framework of the exchange provided for in the resolution.

^{1/} The resolution was adopted at the 1445th plenary meeting of the Council on 5 August 1966.

[20 January 1979]

[Original : English]

WORK ACCOMPLISHED BY THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS DURING 1978

TABLE OF CONTENTS

	<u>Page</u>
I. WORK ACCOMPLISHED IN ITS SESSION	1
A. Forty-third Session (Special), Caracas, January-February, 1978.....	1
B. Forty-fourth Session (Regular) Washington, D.C., June 9-23, 1978	2
C. Forty-fifth Session (Regular) Washington, D.C., November 2-18, 1978.....	5
II. OBSERVATIONS "IN LOCO".....	9
III. GENERAL ASSEMBLY.....	12
A. Annual Report of the IACHR.....	13
B. Report of the IACHR on the Situation of Human Rights in Uruguay.....	15
C. Report of the IACHR on Human Rights in Paraguay.....	17
D. Promotion of Human Rights	19
E. Seat of the Inter-American Court of Human Rights.....	20
IV. RESOLUTION OF THE PERMANENT COUNCIL PROVIDING FOR TRANSITION FROM THE PRESENT COMMISSION TO THE ONE PROVIDED FOR IN THE AMERICAN CONVENTION ON HUMAN RIGHTS.....	22

I. Work Accomplished in Its Sessions

A. Forty-third Session (Special), Caracas, January 26-February 3, 1978.

The Commission, whose Statute enables it to meet in the territory of any American state with the consent of the government concerned, held its 43rd Session (Special) in Caracas, having received the approval of the Venezuelan Government.

During this session, the Commission received the preliminary report of its Special Commission that made an on-site observation during the month of December in the Republic of Panama, at the invitation of the Government of that country, for the purpose of writing a report on the situation on human rights in Panama.

Likewise, the Commission received a preliminary report of the Chairman of its Special Commission that made an on-site observation in the Republic of El Salvador during the month of January, at the invitation of the Government of that country.

The Commission also approved reports on the situation of human rights in Uruguay and Paraguay. These reports make current previous reports, dated May 24 and 27, 1977, respectively, regarding these countries.

The Annual Report that the Commission submits each year for the consideration of the General Assembly of the Organization was also prepared. In accordance with its Statute, the Commission pointed out in this report, among other matters, areas in which further

steps should be taken to give greater effect to human rights in the hemisphere. Moreover, in compliance with Resolution 313 adopted by the seventh session of the General Assembly of the Organization of American States, a special chapter was included in this Annual Report on the evolution of the situation of human rights in Chile.

The Commission received a group of Panamanian exiles, the Chilean lawyer, Dr. Jaime Castillo Velasco; and the Argentine lawyer, Dr. Ernesto Carlos Borge.

A communication was sent to the Government of Nicaragua in which, in addition to expressing the concern of the IACHR for the special circumstances occurring in that country, the Commission requested that the Government report, as soon as possible, on the present situation of human rights in Nicaragua.

In addition, the Commission considered the situation of human rights in other countries and, in view of the seriousness of the complaints received, requested information from the respective governments.

Finally, the Commission, in view of the fact that the meeting was being held in Caracas, paid tribute, by placing wreaths, at the tomb of Simon Bolivar and the first Chairman of the Commission, the illustrious Venezuelan Romulo Gallegos.

B. Forty-fourth Session (Regular), Washington, D.C. June 9-23, 1978

The Inter-American Commission on Human Rights held its 44th session in Washington, D.C., between June 9 and June 23.

Participating in this session were all the members: Andrés Aguilar (Chairman), Carlos A. Dunshee de Abranches (Vice-Chairman), Gabino Fraga, Tom J. Farer, Carlos García Bauer, Fernando Volio J., and Marco G. Monroy Cabra. The latter was recently elected to the Commission by the OAS Permanent Council to complete the term of Mr. José J. Gori, who, after distinguished services to the Commission, resigned after having been appointed Ambassador, Permanent Representative of Colombia in the OAS.

During this session, the Commission approved the report submitted by the Special Committee, which last December made an on-site observation in the Republic of Panama.

The Special Committee which made an on-site observation to El Salvador last January at the invitation of the Salvadorean government, continued work on a preliminary report on the situation of human rights in El Salvador, begun during its 43rd session. Because of previous commitments of the members of the Special Committee, the latter was not able to complete its report. The Special Committee met shortly for this purpose, and the consideration of the matter was to be given priority at the next session of the Committee.

Also at this session, the Commission unanimously decided to accept invitations tendered by the Governments of Haiti and Nicaragua for on-site observations in the territories of those countries.

During the session, the Commission received the visit of the Minister of Foreign Affairs of Argentina, Vice-Admiral Oscar Antonio Montes, who was accompanied by several high-level members of the Argentine Chancery. At the meeting, the Argentine Minister invited the Commission to visit the Argentine Republic for the "purpose of verifying the

Juridical-legal conditions prevailing in the country". Although the Commission considered this a positive step on the part of the Argentine government, and, undoubtedly, one which would facilitate the preparation of the report now being drafted on the situation of human rights in Argentina, the Commission believed it necessary to request from said Government more precise information on the activities it would be allowed to undertake during its stay in Argentina in order to determine if the conditions of this visit would allow the adequate fulfillment of its mandate.

The Commission also received the visit of the Minister of Foreign Affairs of Paraguay, together with other officials from that country. During the interview, the Minister of Paraguay reiterated the decision of his Government to continue cooperating with the activities of the Commission, a statement that was welcomed by the Commission.

The Commission also reviewed the communications received immediately prior to as well as during its session in which 389 new cases were denounced with a total of 828 victims in 12 countries. It also continued the examination of the cases already being considered and adopted the corresponding resolutions.

Considering the imminent entry into force of the American Convention on Human Rights, the Commission discussed the juridical consequences involved in its entry into force, a matter which the Commission had been sponsoring for a long time. All its members agreed that, in view of the international obligations assumed by the Member States in the OAS Charter and other international instruments, it was advisable that the General Assembly adopt the

necessary measures to prevent an interruption, once the Convention enters into force, of the inter-American system of protection of human rights that joins all the Member States of the OAS.

The Commission also took decisions referring to its relations with other inter-governmental organizations for protection of human rights, to its policy regarding publications, and to the programs that the Commission sponsors in regard to educational and human rights.

The Commission also granted interviews to several institutions and individuals that had applied for them. During those meetings, the Commission listened to the statements and requests presented by Amnesty International; a group of relatives of missing Chilean citizens; representatives of the organization "Washington Office for Latin America," who, together with relatives of missing Argentine citizens, denounced several cases in Argentina; representatives of Cuban exiles; representatives of the Permanent Commission of Human Rights of Nicaragua; and a group sponsored by the National Council of Churches, who spoke of the situation of human rights in Haiti.

In addition the Commission agreed to cosponsor with UNESCO, The International League for Human Rights, and Simón Bolívar University, a seminar on Human Rights to be held in Caracas between July 31 and August 5, 1978.

C. Forty-fifth Session, Washington, D.C. November 2-18, 1978

At the beginning of this session, Professor Carlos A. Dunshee de Abranches was elected, by the unanimous vote of his colleagues, Chairman of the IACHR.

Professor Abranches, who had been Vice Chairman of the Commission, replaced Dr. Andrés Aguilar, who served as Chairman for the previous four years.

In addition to being one of the members who had served longest on the Commission, Professor Abranches teaches Public International Law in the "Universidade do Estado do Rio de Janeiro" and "Instituto Ríó Branco" the official school of diplomacy of Brazil. He is also an active international lawyer; treasurer of the Inter-American Bar Association, Washington, D.C., Vice Chairman of the Inter-American Academy of International and Comparative Law, Rio de Janeiro; Chairman of the Special Committee on Nuclear Law of the Organization of American States; Vice Chairman of the Law and Computer Committee of World Peace Through Law Center, Washington, D.C.. Professor Abranches was elected Chairman of the Committee of the Whole of the Unesco Conference on Human Rights, held in Vienna, Austria in September 1978.

Professors Tom J. Farer and Fernando Volio were elected, also unanimously, as Vice Chairman and Third Member of the Permanent Sub-Committee, respectively, of the Inter-American Commission on Human Rights.

Professor Farer, a United States citizen, teaches International Law at the University of Rutgers Law School. He is author of numerous publications on international law, foreign policy and human rights.

He has also served as Special Assistant to the Assistant Secretary of State for Inter-American Affairs.

Professor Volio, a Costa Rican, has been Minister of Education

and President of the Legislative Assembly of his country, He has served as Chairman of the Commission on Human Rights of the United Nations. At present, he is Professor of Law at the University of Costa Rica.

During this session, the IACHR approved the Report submitted by the Special Commission that carried out an observation "in loco" in Nicaragua between October 3-12 in response to an invitation formulated by that government in conjunction with the Commission's decision to prepare a report on the situation of human rights. The Report was sent to the Representative of the Government of Nicaragua on November 9, and upon receipt of that government's observations, the Commission decided, in view of the grave situation existing in Nicaragua, to forward the Report to the XVII Meeting of Consultation of Ministers of Foreign Relations for its consideration, and to make it public as soon as it was delivered to the Secretary General of the OAS.

Likewise, the IACHR, approved the report submitted by the Special Commission that conducted an observation "in loco" in El Salvador at the beginning of the year, in response to the invitation of the government.

The Commission considered the observations made by the Government of Panama with regard to the Report on the Situation of Human Rights in that country, which had been approved at the previous session. The Commission decided to publish this report, along with the observations of the government which are limited to pointing out certain changes of the juridical structure and some decisions taken by the government following the delivery of that report.

The Commission also heard a portion of the preliminary report on the situation of human rights in Haiti, prepared by the Special Commission that carried out an observation in loco in that country.

At this session, the Commission decided, unanimously, to accept the invitation of the Government of Argentina to conduct an observation "in loco" in its territory, in accordance with the norms established in the Regulations of the Commission. That observation is to be undertaken between May 28 and June 9, 1979.

The Commission also decided to prepare a new report, of a broad and comprehensive nature, on the situation of human rights in Cuba and charged the Secretariat with the preparation of the preliminary draft, which is to be considered by the Commission at its next session.

The Commission took resolutions with regard to individual cases in various countries. They will be communicated to the respective complainants and governments and will be published in the Annual Report for 1978.

Among other matters studied by the Commission were the commemoration of the Thirtieth Anniversary of the Universal and American Declarations on Human Rights, the fulfillment of the mandates of the last General Assembly, and its program for the promotion of human rights. In relation to the latter, the Commission decided to cosponsor, with the Inter-American Bar Association and the University of Costa Rica, a seminar on the

American Convention on Human Rights, which will be held in San José, between February 8 and 9, and another seminar on the teaching of human rights to be held in Bogotá, September 24-26, at the Universidad Jorge Tadeo Lozano.

II. Observations "in loco"

During the course of 1978, the IACHR, under the authority of Article 11 of its Statute and Articles 12 and 50 of its Regulations carried out on-site observations of the situation of human rights with the prior consent of El Salvador (January 9-18, 1978), Haiti (August 16-25, 1978) and Nicaragua (October 3-12, 1978).

In each country, the Special Commission held interviews with the President, Ministers of State, Ministers of the Supreme Court, and other government officials. It also received the representatives of religious institutions, political parties, labor unions, professional and student associations, and other sectors of society. Audiences were granted to individuals and groups who wished to bring alleged violations to the attention of the Commission, and written complaints were received at the local offices of Special Commission.

The members of the Special Commission visited towns and cities of the interior in each case and inspected the principal centers of detention.

The report of the Special Commission to Haiti is still in preparation; the Report on the Situation of Human Rights in El Salvador was delivered to the government of that country on December 22. The IACHR will consider the observations of El Salvador

at its next session in March, 1979. As previously mentioned, due to the nature of the situation in Nicaragua, the report was made public and forwarded to the XVII Meeting of Consultation of Foreign Ministers as soon as the observations of the Government of Nicaragua could be taken into account. The findings of the Special Commission, as published in the Report on the Situation of Human Rights in Nicaragua (OEA/Ser.L/V/II.45, doc.16, Rev.1, 17 November 1978, pp. 77-78), are transcribed as follows:

CONCLUSIONS

In the light of the foregoing, the Inter-American Commission on Human Rights, in plenary, has arrived at the conclusion that the Government of Nicaragua has incurred responsibility for the following serious, persistent and generalized violations:

- a) The Government of Nicaragua is responsible for serious attempts against the right to life, in violation of the international humanitarian norms, in repressing, in an excessive and disproportionate manner, the insurrections that occurred last September in the main cities of the country. In fact, the bombing of towns by the National Guard was done in an indiscriminate fashion and without prior evacuation of the civilian population, which caused innumerable deaths of persons who were not involved in the conflict, and, in general, a dramatic situation;
- b) Likewise, the Government of Nicaragua is responsible for a large number of deaths which occurred after the combats, because of abuses perpetrated by the National Guard during the so-called "Operation Mop-up" and other actions several days after the cessation of hostilities, in which many persons were executed in a summary and collective fashion for the mere reason of living in neighborhoods or districts where there had been activity by the Frente Sandinista de Liberación Nacional (FSLN); and young people and defenseless children were killed;
- c) The Government of Nicaragua has obstructed the work of the Red Cross by not allowing it to carry out its responsibilities during the combat: caring for the wounded, picking up bodies, and its humanitarian mission

in general. Moreover, the Government is responsible for the death of two Red Cross corpsmen and the improper use of local ambulances and the emblem of the Red Cross;

- d) The Government of Nicaragua is also responsible for the death and serious abuse, arbitrary detention and other violations of the human rights of peasant groups;
- e) In the events of last September and even earlier, there were serious violations to the right to personal security, by means of tortures and other physical abuses which were inflicted on numerous detainees;
- f) A special situation, which deeply concerned the Commission, is the one dealing with minors. Aside from the many youths who are being detained in jails, along with common delinquents, the Commission was able to prove a general repression by the National Guard against any male youth between 14 and 21 years of age;
- g) The physical liberty of the people is seriously affected, as is evidenced by the many arbitrary detentions that occurred early in September, the number of which increased after constitutional guarantees were suspended. This situation, furthermore, is aggravated by the administration of the judicial system which exists in Nicaragua, and by the powers enjoyed by Police Judges, some of whom are also Commanders of the National Guard, who may impose penalties of up to six months of jail, without any procedure other than listening to the accused, and by the powers of the military courts to judge civilians during periods of emergency. The foregoing shows that there have been violations to the right of protection against arbitrary detention and to due process, and, in particular to the right to an adequate defense;
- h) The freedom of expression of opinions is severely restricted when in fact information about events occurring in Nicaragua is limited to newspapers, radio and TV stations which are controlled, either directly or indirectly, by the Government. In the case of the written or spoken media independent of or in opposition to the Government, even when there was no censorship, their owners, directors or journalists were subjected to serious attempts or threats to their lives, freedom or security.

- i) Although there is a formal respect for the freedom of conscience, worship and religion, in practice these cannot be fully enjoyed due to the abuse, in words and deeds, to which priests and ministers of the various Catholic congregations have been subjected.
- j) At present the right to assembly cannot be exercised. Even before the emergency regime came into effect, the right to association, in general, and those of political and trade union associations, in particular, had been seriously limited.
- k) The right to vote has been hindered by various obstructions of a practical and legal nature which limit its free exercise.

The violations to human rights included in this report have affected all sectors of the Nicaraguan population. Its victims are and have been especially those persons of limited economic resources and young people between the ages of 14 and 21.

The damage and suffering caused by these violations have awakened in a very forceful way, an intense and general feeling among the Nicaraguan people for the establishment of a system which will guarantee the observance of human rights.

III. General Assembly

At the Eighth Ordinary Session of the General Assembly of the OAS, held in Washington, D.C., in June, 1978, the IACHR presented its Annual Report for 1977 (OEA/Ser.L/V/II.43, doc. 21, 20 April 1978), and its Reports on the situation of human rights in Uruguay (OEA/Ser.L/V/II.43, doc. 19, corr. 1, 31 January 1978) and Paraguay (OEA/Ser.L/V/II.43, doc. 13, 31 January 1978).

The Annual Report contained a short summary of the origin, structure and competence of the Commission, information provided by some governments on the progress achieved in realization of the goals set forth in the American Declaration, conclusions and recommendations of the IACHR with regard to areas in which further steps are needed, resolutions on individual cases considered by the Commission, a

synopsis of the Commission's labors in 1977, and a special report on the development of human rights in Chile.

The texts of resolutions taken by the General Assembly with respect to the Commission's Annual Report, its reports on Uruguay and Paraguay, the promotion of human rights, and the seat of the Inter-American Court of Human Rights are transcribed below:

EIGHTH REGULAR SESSION
June 21, 1978
Washington, D.C.

OEA/Ser.P
AG/doc. 1017/78
1 July 1978
Original: Spanish

ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS

(Draft resolution approved by the First Committee
at its ninth meeting, held on July 1, 1978)

THE GENERAL ASSEMBLY,

CONSIDERING:

That the annual report of the Inter-American Commission on Human Rights points to the steps already taken in certain countries toward a return to representative democracy, whose effective exercise contributes significantly to the observance of the rights embodied in the American Declaration of the Rights and Duties of Man and in the American Convention on Human Rights (Pact of San José), as a positive sign;

That nonetheless, it is also pointed out that in a good number of the member states of the Organization of American States, a situation persists that is characterized by serious and repeated violations of fundamental rights and freedoms, and by the inadequacy or inefficacy of the guarantees and means of defense that the internal laws of these countries offer;

That the major purpose of the Inter-American Commission on Human Rights is to promote the observance and protection of human rights in all the member states;

That protection and operation of human rights is one of the high purposes of the Organization of American States as a guarantee of respect for human life and man's dignity;

That in order to carry out AG/RES. 313, adopted by the General Assembly at its seventh regular session, the Commission felt it appropriate to include in its annual report a section on the developments in the status of human rights in Chile over the last twelve months, beginning on the date of the Commission's approval and its third report on Chile, and BEARING IN MIND that in part of its report the Commission shows that while relative progress has been made as compared with previous years, restrictions on human rights still persist,

RESOLVES:

1. To take note of the report and to thank the Commission for the work it is doing.
2. To note with satisfaction that the American Convention on Human Rights (Pact of San José) has been ratified by the governments of Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Panama and Venezuela, and the statement of intent by the Minister of Foreign Affairs of Peru that his government will shortly ratify the Convention, thus putting it into force.
3. To invite those member states that have not already done so to sign and ratify the American Convention on Human Rights.
4. To recommend to the member states that, bearing in mind Part II of the aforementioned report of the Inter-American Commission on Human Rights, they continue to adopt and apply the corresponding measures and legislative provisions to preserve and maintain the full effectiveness of human rights in accordance with the American Declaration of the Rights and Duties of Man.
5. To call upon the Government of Chile to continue to adopt and put into practice the measures necessary to preserve and effectively ensure full operation of human rights in Chile and to request it to continue to provide the Inter-American Commission on Human Rights with any cooperation it may need to carry out its work, and that it respect and grant necessary guarantees to individuals and institutions that provide the Commission with information, testimony or evidence of any other kind.
6. To request the Inter-American Juridical Committee to prepare, in cooperation with the Inter-American Commission on Human Rights, a draft convention defining torture as an international crime.

EIGHTH REGULAR SESSION
June 21, 1978
Washington, D.C.

OEA/Ser.P
AG/doc.1019/78
1 July 1978
Original: Spanish

REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
ON THE SITUATION OF HUMAN RIGHTS IN URUGUAY

(Draft resolution approved by the First Committee
at its ninth meeting, held on July 1, 1978)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Inter-American Commission on Human Rights on the situation of human rights in Uruguay, and the Uruguayan Government's observations on that report, and

CONSIDERING:

That the Inter-American Commission on Human Rights, as the result of its analysis based on numerous denunciations received, affirms in this report that there have been grave violations of human rights;

That the protection and operation of human rights is one of the high purposes of the Organization of American States, and that observance of those rights is the basis of good-will and solidarity among the member states, as a guarantee of respect for human life and man's dignity;

That the opinions expressed during the discussions on this subject show the concern of the member states over the effective exercise and protection of human rights in the hemisphere, and

That the primary purpose of the Inter-American Commission on Human Rights is to promote the observance and protection of human rights in all the member states,

RESOLVES:

1. To make an earnest appeal to the Government of Uruguay to adopt and put into practice the necessary methods and measures recommended by the Inter-American Commission on Human Rights in its report, for effectively preserving and ensuring the full exercise of human rights in Uruguay.

2. To state its satisfaction over the declared spirit of cooperation manifest at the eighth regular session of this General Assembly and to ask the Government of Uruguay that in the same spirit, it consider the possibility of inviting the Commission to pay an in loco visit, and to take appropriate measures to provide the Committee with any cooperation that may be necessary for it to carry out its work, and to continue to provide the Commission with such information as it may request in the discharge of its duties, and at the same time grant the appropriate guarantees to those individuals and institutions that provide the Commission with information, testimony or evidence of any other kind.

3. To thank the Inter-American Commission on Human Rights for its report on the situation of human rights in Uruguay, and to request it to continue to observe the exercise of human rights in that country and to report on the matter to the General Assembly at its next regular session.

EIGHTH REGULAR SESSION
June 21, 1978
Washington, D.C.

OEA/Ser.P.
AG/doc. 1018/78
1 July 1978
Original: Spanish

REPORT OF THE INTER-AMERICAN COMMISSION OF
HUMAN RIGHTS IN PARAGUAY

(Draft resolution approved by the First Committee
at its ninth meeting, held on July 1, 1978)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Inter-American Commission on Human Rights on the situation of human rights in Paraguay and the Paraguayan Government's observations on that report; and

CONSIDERING:

That, according to that report, the data and background materials available to the Commission enable it to conclude that the great majority of the human rights recognized in the American Declaration of the Rights and Duties of Man and in other instruments are not respected in a manner compatible with the international commitments accepted by Paraguay;

That the Commission affirms that the prolonged state of siege in effect in Paraguay has had and continues to have adverse effects on the observance of and respect for human rights;

That the protection and effective exercise of human rights is one of the high purposes of the Organization of American States and the observance of these rights is a source of good relations and solidarity between the member states, and a guarantee of respect for human life and the dignity of man,

That the opinions expressed during the discussion of this matter

reveal the concern of the member states about the effective exercise and protection of human rights in the hemisphere, and

That promotion of the observance and protection of human rights in all the member states is the principal aim of the Inter-American Commission on Human Rights,

RESOLVES:

1. To urge the Government of Paraguay to adopt and put into practice the recommendations contained in the Report of the Inter-American Commission on Human Rights in order to effectively assure the full exercise of human rights, to remedy the anomalies mentioned by the Commission, and to grant appropriate safeguards to the individuals and institutions that may furnish information, testimony, or evidence of another nature to the Commission.

2. To request the Government of Paraguay to continue to provide the Inter-American Commission on Human Rights with such cooperation as may be necessary for the Commission to carry out its work and, in view of the permission granted by the Government of Paraguay to the Commission in September of 1977 to visit Paraguayan territory, to establish, by common agreement with the Commission, the scheduling and the details of this visit so that it may be made at an early date.

3. To thank the Inter-American Commission on Human Rights for its report on the situation of human rights in Paraguay and to request it to continue to monitor the situation of human rights in that country and to report thereon to the General Assembly at its next regular session.

EIGHTH REGULAR SESSION
June 21, 1978
Washington, D.C.

OEA/Ser.P
AG/doc.1022/78
1 July 1978
Original: Spanish

PROMOTION OF HUMAN RIGHTS
(Draft resolution approved by the First Committee at its ninth
meeting, held on July 1, 1978)

THE GENERAL ASSEMBLY,

REAFFIRMING its commitment to promote observance of the American Declaration of the Rights and Duties of Man and of the precepts against the intervention by any state, directly or indirectly, in the internal or external affairs of any other state, and on the inviolability of territory, set forth in articles 18 and 20 of the Organization of American States,

RESOLVES:

1. To congratulate the Inter-American Commission on Human Rights on its continuing efforts to promote and defend human rights and for the high level of objectivity and impartiality it has maintained.
2. To recommend that the member states cooperate with the Commission, duly supply it with the pertinent information, take all measures required to facilitate the work of the Commission, and refrain from any retaliation against individuals and institutions that cooperate with the Commission.
3. To request the member states to give their consent to any requests the Commission may take to conduct observations in loco.
4. To request each member state to reaffirm its commitment to:
 - a. encourage and achieve the consolidation of human rights and put an end to any violations of them that may exist in their territory; and
 - b. achieve economic and social justice in its national and international relations.

5. To reaffirm that, in the search for economic and social justice, human dignity and the freedom of the individual as expressed in the American Declaration of the Rights and Duties of Man must be preserved and the rule of law respected.

6. To reaffirm the conviction that there are no circumstances that justify torture, summary execution or prolonged detention without due process of law, and to deplore these transgressions which would violate the fundamental rights of man.

EIGHTH REGULAR SESSION
June 21, 1978
Washington, D.C.

OEA/Ser.P
AG/doc.1021/78
July 1, 1978
Original: Spanish

SEAT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

(Draft Resolution approved by the First Committee at
its ninth meeting July 1, 1978)

WHEREAS:

The entry into force of the American Convention on Human Rights, "Pact of San José, Costa Rica", signed at the Special Inter-American Conference on Human Rights in San José, Costa Rica, on November 22, 1969, is imminent;

Article 33 of the Convention provides for the establishment of an Inter-American Court of Human Rights as an organ having jurisdiction with respect to matters related to the fulfillment of the commitments made by the State Parties;

Article 58 provides that the Court shall have its seat at a place determined by the States Parties to the Convention in the General Assembly of the Organization;

The Government of Costa Rica has made a formal offer of its territory as the seat of the Inter-American Court of Human Rights,

THE GENERAL ASSEMBLY RESOLVES:

To recommend that the seat of the Inter-American Court of Human Rights be established in due course in the territory of Costa Rica.

IV. The Permanent Council

In view of the entry into force of the Inter-American Convention on July 18, 1978, the Permanent Council of the OAS, pursuant to instructions from the General Assembly of the Organization, took the following Resolution providing for the transition from the present Inter-American Commission on Human Rights to the Commission provided for in the American Convention on Human Rights (OEA/Ser.G/CP/RES. 253/78 (343/78) 20 September 1978):

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
CONSIDERING:

That Article 150 of the Charter of the Organization of American States provides that: "Until the Inter-American Convention on Human Rights, referred to in Chapter XVIII, enters into force, the present Inter-American Commission on Human Rights shall keep vigilance over the observance of human rights;

That this convention entered into force officially as of the date on which the ratifications necessary for that purpose, pursuant to its Article 74.2 were obtained, but that this does not mean that the organ called for by the convention to replace the one now promoting respect for and protection of these rights has been established or enabled to assume this work;

That it is advisable to avoid interruption in the functioning of the Inter-American Commission on Human Rights;

That not all the member states that signed and ratified the Charter of the Organization are parties to the American Convention on Human Rights signed in San José, Costa Rica in 1969; and

HAVING SEEN the minutes of July 1, 1978, of the ninth meeting of the First Committee "Juridical and Political Matters" of the eighth regular session of the General Assembly (AG/Com.I/ACTA 9/78),

RESOLVES:

That the Inter-American Commission on Human Rights, established by the Fifth Meeting of Consultation of Ministers of Foreign Affairs, shall continue to exercise its duties until the new commission, which shall be elected by the General Assembly, is duly installed.

That the Inter-American Commission on Human Rights:

a. Shall continue to apply its present Statute and Regulations, without change, to those member states that are not parties to the American Convention on Human Rights.

b. Shall apply any new Statute and Regulations that may be approved only to those states that have ratified the American Convention on Human Rights.

c. Shall apply the present Statute and Regulations, without change, to the states parties to the aforementioned convention, pending approval of the new Statute and Regulations.