

GENERAL ASSEMBLY



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DECLARATIONS AND RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

(Provisional version pending revision by the Style Committee)

AG/RES. 2662 (XLI-O/11)

RIGHT TO THE TRUTH

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

HAVING SEEN resolutions AG/RES. 2175 (XXXVI-O/06), AG/RES. 2267 (XXXVII-O/07), AG/RES. 2406 (XXXVIII-O/08), AG/RES. 2509 (XXXIX-O/09), and AG/RES 2595 (XL-O/10) on the “Right to the Truth”;

CONSIDERING the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights (Pact of San José, Costa Rica), the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on Forced Disappearance of Persons;

CONSIDERING IN PARTICULAR Articles 25, 8, 13, and 1.1 of the American Convention on Human Rights, related, respectively, to the right to judicial protection, the right to a fair trial and judicial guarantees, the right to freedom of expression, and the obligation of states to respect and guarantee human rights;

CONSIDERING ALSO the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1949 Geneva Conventions and the 1977 Additional Protocols thereto, the 2006 International Convention for the Protection of All Persons from Enforced Disappearance, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action;

NOTING the universality, interdependence, indivisibility, and interrelatedness of civil, political, economic, social, and cultural rights;

TAKING NOTE of Articles 32 and 33 of Additional Protocol I, adopted on June 8, 1977, to the Geneva Conventions of August 12, 1949, and relating to the protection of victims of international armed conflicts, which recognize the right of families, as soon as circumstances permit, to know the fate of persons who have disappeared in armed conflicts;

EMPHASIZING that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of severe or systematic violations of human rights;

MINDFUL that the right to the truth may be characterized differently in some legal systems as the right to know or to be informed or as freedom of information;

RECALLING ALSO the latest report of the Office of the United Nations High Commissioner for Human Rights on the right to the truth (A/HRC/12/19) and its findings on the importance of the protection of witnesses during criminal proceedings related to serious violations of human rights and violations of international humanitarian law, as well as issues relating to the development and management of file systems to ensure the effective fulfillment of the right to truth;

BEARING IN MIND the report of the Office of the United Nations High Commissioner for Human Rights on forensic genetics and human rights (A/HRC/15/26), which recognizes the important role that forensic genetics plays in ensuring the effective exercise of the right to truth;

EMPHASIZING the commitment the regional community should make toward recognizing the right of victims of gross violations of human rights and serious violations of international humanitarian law, and of their families and society as a whole, to know the truth regarding such violations to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations, and the circumstances under which they occurred;

EMPHASIZING ALSO that it is important for states to provide appropriate and effective mechanisms for society as a whole and, in particular, for members of the victims' families to learn the truth regarding gross human rights violations and serious violations of international humanitarian law;

CONVINCED that states, within the framework of their own internal legal systems, should preserve records and other evidence concerning gross human rights violations and serious violations of international humanitarian law, in order to facilitate knowledge thereof, investigate allegations, and provide victims with access to an effective remedy in accordance with international law, in order to prevent these incidents from occurring again in the future, among other reasons,

RESOLVES:

1. To recognize the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promoting and protecting human rights.

2. To welcome the establishment in several states of specific judicial mechanisms, and to respect their decisions; as well as the creation of other non-judicial or ad hoc mechanisms, such as truth and reconciliation commissions, that contribute to the work of the justice system and to the investigation of violations of human rights and international humanitarian law; and to express appreciation for the preparation and publication of their reports.

3. To encourage the states concerned to disseminate and implement the recommendations of national non-judicial or ad hoc mechanisms, such as truth and reconciliation commissions, to monitor the implementation of said recommendations at the domestic level, and to report on compliance with the decisions of judicial mechanisms.

4. To encourage other states to consider the possibility of establishing specific judicial mechanisms and, where appropriate, truth commissions or other similar bodies to complement the justice system in order to contribute to the investigation and punishment of gross violations of human rights and serious violations of international humanitarian law.

5. To encourage states and the Inter-American Commission on Human Rights (IACHR), within its sphere of competence, to provide the states that so request with necessary and appropriate assistance concerning the right to the truth, through, *inter alia*, technical cooperation and information exchange on national administrative, legislative, and judicial measures applied, as well as experiences and best practices geared toward the protection, promotion, and implementation of this right.

6. To urge those states that have not already done so to consider signing and ratifying the International Convention for the Protection of All Persons from Forced Disappearance.

7. Once again to request the IACHR to continue working on the preparation of a report, for presentation to the Permanent Council prior to the forty-second regular session of the General Assembly of the OAS, on the evolution of the right to the truth in the Hemisphere, which report shall include national mechanisms and experiences in this regard as well as best practices to ensure effective fulfillment of the right to the truth. This will be done with a view to the Permanent Council's holding, in the first half of 2012, a special meeting on the right to the truth to discuss the IACHR report and exchange national experiences.

8. To encourage all states to take appropriate measures to establish mechanisms or institutions for disseminating information on human rights violations and ensuring that citizens have appropriate access to said information, in order to further the exercise of the right to the truth, prevent future human rights violations, and establish accountability in this area.

9. To request the Permanent Council to report to the General Assembly at its forty-second regular session on the implementation of this resolution. Execution of its activities shall be subject to the financial resources available in the program-budget of the Organization and other resources.