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DRAFT RESOLUTION

RIGHT TO THE TRUTH

(Agreed upon by the Permanent Council at its meeting of May 25, 2012)

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), and AG/RES. 2662 (XLI-O/11) on “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 ensure 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 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;

UNDERSCORING the need for the Organization of American States (OAS) to continue its work on the Right to the Truth, in the framework of the efforts by its policy bodies as well as by the human rights promotion and protection bodies of the inter-American human rights system;

EMPHASIZING that it is important for member 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 member 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 so as 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; and

TAKING NOTE of resolution 65/196 of the United Nations General Assembly, "Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims,"

RESOLVES:

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

2. To welcome the establishment in several member 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 member 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 member 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 member states and the Inter-American Commission on Human Rights (IACHR), within its sphere of competence, to provide member 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 member states that have not already done so to consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

7. To encourage the IACHR to complete preparation of the report on the Right to the Truth, requested in 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), AG/RES 2595 (XL-O/10), and AG/RES. 2662 (XLI-O/11) and, in that connection, to urge the member states to support said process, to allow the OAS policy organs to continue the progressive development of this right, and to finalize a special meeting organized by the Council for the first half of 2013 to discuss the IACHR report and exchange national experiences.

8. To encourage all member 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-third regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.