

» **AMERICAN CONVENTION ON HUMAN RIGHTS "PACT OF SAN JOSE, COSTA RICA" (B-32)**

Signatories and Ratifications

ADOPTED AT: SAN JOSE, COSTA RICA

DATE: 11/22/69

CONF/ASSEM/MEETING: INTER-AMERICAN SPECIALIZED CONFERENCE ON HUMAN RIGHTS

ENTRY INTO FORCE: 07/18/78, IN ACCORDANCE WITH ARTICLE 74.2 OF THE CONVENTION

DEPOSITORY: GENERAL SECRETARIAT, OAS (ORIGINAL INSTRUMENT AND RATIFICATIONS)

TEXT: OAS, TREATY SERIES, NO. 36

UN REGISTRATION: 08/27/79 No. 17955 Vol.

OBSERVATIONS:

GENERAL INFORMATION OF THE TREATY: B-32

COUNTRY	SIGNATURE	RATIFICATION/ACCESSION	DEPOSIT	INFORMATION*
Antigua y Barbuda	-	-	-	-
Argentina	02/02/84	08/14/84	09/05/84 RA	Yes
Bahamas	-	-	-	-
Barbados	06/20/78	11/05/81	11/27/82 RA	Yes
Belize	-	-	-	-
Bolivia	-	06/20/79	07/19/79 AD	Yes
Brazil	-	07/09/92	09/25/92 AD	Yes
Canada	-	-	-	-
Chile	11/22/69	08/10/90	08/21/90 RA	Yes
Colombia	11/22/69	05/28/73	07/31/73 RA	Yes
Costa Rica	11/22/69	03/02/70	04/08/70 RA	Yes
Dominica	-	06/03/93	06/11/93 RA	Yes
Ecuador	11/22/69	12/08/77	12/28/77 RA	Yes
El Salvador	11/22/69	06/20/78	06/23/78 RA	Yes
Grenada	07/14/78	07/14/78	07/18/78 RA	-
Guatemala	11/22/69	04/27/78	05/25/78 RA	Yes
Guyana	-	-	-	-
Haití	-	09/14/77	09/27/77 AD	Yes
Honduras	11/22/69	09/05/77	09/08/77 RA	Yes
Jamaica	09/16/77	07/19/78	08/07/78 RA	Yes
México	-	03/02/81	03/24/81 AD	Yes
Nicaragua	11/22/69	09/25/79	09/25/79 RA	Yes
Panamá	11/22/69	05/08/78	06/22/78 RA	Yes
Paraguay	11/22/69	08/18/89	08/24/89 RA	Yes
Perú	07/27/77	07/12/78	07/28/78 RA	Yes
Dominican Republic	09/07/77	01/21/78	04/19/78 RA	Yes
St. Kitts & Nevis	-	-	-	-
St. Lucia	-	-	-	-
St. Vincent & Grenadines	-	-	-	-
Suriname	-	11/12/87	11/12/87 AD	Yes
Trinidad & Tobago	-	04/03/91	05/28/91 AD (¥)	Denunciation

United States	06/01/77	-	-	-
Uruguay	11/22/69	03/26/85	04/19/85 RA	Yes
Venezuela	11/22/69	06/23/77	08/09/77 RA (¥)	Denunciation

REF = REFERENCE
INSTRUMENT

INST = TYPE OF

D = DECLARATION
RATIFICATION

RA =

R = RESERVATION
ACCEPTANCE

AC =

INFORMA = INFORMATION REQUIRED BY THE TREATY
ACCESSION

AD =

***DECLARATIONS/RESERVATIONS/DENUNCIATIONS/WITHDRAWS
TREATY REFERENCES: B-32**

Chile:

(Declaration made at the time of signature)

The Delegation of Chile signs this Convention, subject to its subsequent parliamentary approval and ratification,

in accordance with the constitutional rules in force.

(Reservations made at the time of ratification)

Recognition of Competence:

a) The Government of Chile declares that it recognizes, for an indefinite period of time and on the condition of reciprocity, the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights established in the American Convention on Human Rights, as provided for in Article 45 of the Convention.

b) The Government of Chile declares that it recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the Convention in accordance with its Article 62.

In making these declarations, the Government of Chile places on record that this recognition of the competence and jurisdiction of the Commission applies to events subsequent to the date of deposit of this instrument of ratification or, in any case, to events which began subsequent to March 11, 1990. Moreover, in acknowledging the competence and jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the Government of Chile declares that, when these bodies apply the provisions of Article 21.2 of the Convention, they may not make statements concerning the reasons of public utility or social interest taken into account in depriving a person of his property.

Ecuador:

(Declaration made at the time of signature)

The Delegation of Ecuador has the honor of signing the American Convention on Human Rights. It does not believe that it is necessary to make any specific reservation at this time, without prejudice to the general power set forth in the Convention itself that leaves the governments free to ratify it or not.

Recognition of Competence:

On July 24, 1984 recognized the applicability of Articles 45 and 62 of the American Convention on Human

Rights, by Decree No. 2768 of July 24, 1984, published in the Registro Oficial No. 795 on July 27 of said month and year.

In addition, the Minister of Foreign Affairs of Ecuador made the following declaration on July 30, 1984, in conformity with Articles 45(4) and 62(2) of the above-mentioned Convention: In keeping with the provisions of Article 45, paragraph 1, of the American Convention on Human Rights--Pact of San José, Costa Rica-- (ratified by Ecuador on October 21, 1977, and in force since October 27, 1977), the Government of Ecuador recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights set forth in the Convention, under the terms provided for in paragraph 2 of that Article.

This recognition of competence is to be valid for an indefinite time and on condition of reciprocity.

As provided in Article 62, paragraph 1, of the Convention in reference, the Government of Ecuador declares that it recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention.

This recognition of jurisdiction is for an indeterminate period and on condition of reciprocity. The Ecuadorian State reserves the right to withdraw its recognition of this competence and this jurisdiction whenever it may deem it advisable to do so.

Dominican Republic:

(Declaration made at the time of signature)

The Dominican Republic, upon signing the American Convention on Human Rights, aspires that the principle pertaining to abolition of the death penalty shall become purely and simply that, with general application throughout the states of the American region, and likewise maintains the observations and comments made on the aforementioned Draft Convention which it distributed to the delegations to the Council of the Organization of American States on June 20, 1969.

Uruguay:

(Reservation made at the time of signature)

Article 80.2 of the Constitution of Uruguay provides that a person's citizenship is suspended if the person is "under indictment on a criminal charge which may result in a penitentiary sentence." Such a restriction on the exercise of the rights recognized in Article 23 of the Convention is not envisaged among the circumstances provided for in Article 23, paragraph 2, for which reason the Delegation of Uruguay expresses a reservation on this matter.

(Reservation made at the time of ratification)

With the reservation made at the time of signature. Notification of this reservation was given in conformity with the Vienna Convention on the Law of Treaties, signed on May 23, 1969.

Recognition of Competence:

In the instrument of ratification dated March 26, 1985 and deposited with the General Secretariat of the OAS on April 19, 1985, the Government of the Oriental Republic of Uruguay declares that it recognizes the competence of the Inter-American Commission on Human Rights for an indefinite period and of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of this Convention, on the condition of reciprocity, in accordance with Articles 45.3 and 62.2 of the Convention.

Argentina:

(Reservation and interpretative declarations made at the time of ratification)

The instrument of ratification was received at the General Secretariat of the OAS on September 5, 1984, with a reservation and interpretative declarations. The notification procedure of the reservation was taken in conformity with the Vienna Convention on the Law of Treaties signed on May 23, 1969.

The texts of the above-mentioned reservation and of the interpretative declarations are the following:

I. Reservation:

Article 21 is subject to the following reservation: "The Argentine Government establishes that questions relating to the Government's economic policy shall not be subject to review by an international tribunal. Neither shall it consider reviewable anything the national courts may determine to be matters of 'public utility' and 'social interest', nor anything they may understand to be 'fair compensation'."

II. Interpretative Declarations:

Article 5, paragraph 3, shall be interpreted to mean that a punishment shall not be applied to any person other than the criminal, that is, that there shall be no vicarious criminal punishment.

Article 7, paragraph 7, shall be interpreted to mean that the prohibition against "detention for debt" does not involve prohibiting the state from basing punishment on default of certain debts, when the punishment is not imposed for default itself but rather for a prior independent, illegal, punishable act.

Article 10 shall be interpreted to mean that the "miscarriage of justice" has been established by a national court.

Recognition of Competence:

In the instrument of ratification dated August 14, 1984, and deposited with the General Secretariat of the OAS on September 5, 1984, the Government of Argentina recognizes the competence of the Inter-American Commission on Human Rights and on the jurisdiction of the Inter-American Court of Human Rights. This recognition is for an indeterminate period and on condition of reciprocity on all cases related to the interpretation or application of the Convention cited, with the partial reservation and bearing in mind the interpretative statements contained in the instrument of ratification.

The instrument of ratification further notes that the obligations undertaken by virtue of the Convention shall only be effective as regards acts that have occurred after the ratification of the above-mentioned instrument.

Barbados:

(Reservations made at the time of ratification)

The instrument of ratification was received at the General Secretariat of the OAS on November 5, 1981, with reservations. Notification of the reservations submitted was given in conformity with the Vienna Convention on the Law of Treaties, signed on May 23, 1969. The twelve-month period from the notification of said reservations expired on November 26, 1982, without any objection being raised to the reservations.

The text of the reservations with respect to Articles 4(4), 4(5) and 8(2) (e), is the following:

In respect of 4(4) the criminal code of Barbados provides for death by hanging as a penalty for murder and treason. The Government is at present reviewing the whole matter of the death penalty which is only rarely inflicted but wishes to enter a reservation on this point inasmuch as treason in certain circumstances might be regarded as a political offence and falling within the terms of section 4(4).

In respect of 4(5) while the youth or old age of an offender may be matters which the Privy Council, the highest Court of Appeal, might take into account in considering whether the sentence of death should be carried out, persons of 16 years and over or over 70 years of age may be executed under Barbadian law.

In respect of 8(2)(e) Barbadian law does not provide as a minimum guarantee in criminal proceeding any inalienable right to be assisted by counsel provided by the state. Legal aid is provided for certain scheduled offences such as homicide, and rape.

Colombia:

Recognition of Competence:

On June 21, 1985, presented an Instrument of acceptance by which recognizes the competence of the Inter-American Commission on Human Rights for an indefinite time, on the condition of strict reciprocity and nonretroactivity, for the cases involving the interpretation or application of the Convention, and reserves the right to withdraw its recognition of competence should it deem this advisable. The same Instrument recognizes the jurisdiction of the Inter-American Court of Human Rights, for an indefinite time, on the condition of reciprocity and nonretroactivity, for cases involving the interpretation or application of the Convention, and reserves the right to withdraw its recognition of competence should it deem this advisable.

Costa Rica:

Recognition of Competence:

Presented on July 2, 1980, at the General Secretariat of the OAS an instrument recognizing the competence of the Inter-American Commission on Human Rights and the jurisdiction of the Inter-American Court of Human Rights, in accordance with Articles 45 and 62 of the Convention.

(Declaration and reservations made at the time of ratification)

1) That Costa Rica declares that it recognizes, without conditions and while the American Convention on Human Rights remains in effect, the competence of the Inter-American Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of human rights established by the cited Convention.

2) That Costa Rica declares that it recognizes, without conditions and while the American Convention on Human Rights remains in effect, the mandatory jurisdiction of the Court, as a matter of law and without a specific convention on the Inter-American Court on Human Rights, on all cases relating to the interpretation or application of such multilateral treaty.

El Salvador:

(Declaration and reservations made at the time of ratification)

The present Convention is ratified, its provisions being interpreted to mean that the Inter-American Court of Human Rights shall have jurisdiction to hear any case that can be submitted to it, either by the Inter-American Commission on Human Rights or by any State Party, provided that the State of El Salvador, as a party to the case, recognizes or has recognized such jurisdiction, by any of the means and under the arrangements indicated in the Convention.

The American Convention on Human Rights, known as the "Pact of San José, Costa Rica", signed at San José, Costa Rica, on November 22, 1969, composed of a preamble and eighty-two articles, approved by the Executive Branch in the Field of Foreign Affairs by Agreement 405, dated June 14 of the current year, is hereby ratified, with the reservation that such ratification is understood without prejudice to those provisions of the Convention that might be in conflict with express precepts of the Political Constitution of the Republic.

The instrument of ratification was received at the General Secretariat of the OAS on June 23, 1978, with a reservation and a declaration. The notification procedure of the reservation was taken in conformity with the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Recognition of Competence deposited on June 6, 1995 : In its instrument of recognition the Government of El Salvador declares:

"The Honorable Legislative Assembly of the Republic of El Salvador ratified in Legislative Decree N0. 319 dated March 30, 1995, the the Republic of El Salvador's Declaration on the Recognition of the Jurisdiction of the Inter-American Court of Human Rights, in conformity with Article 62 of the Inter-American Convention on Human Rights, "Pact of San José, Costa Rica." This declaration was published in Official

Register No. 82, Book 327, on May 5, 1995.

I. The Government of El Salvador recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights, in accordance with Article 62 of the American Convention on Human Rights, "Pact of San José."

II. The Government of El Salvador, in recognizing that competence, expressed that its recognition is for an indefinite period and on condition of reciprocity, and that it retains the right to include exclusively subsequent deeds or juridical acts or deeds or juridical acts began subsequent to the date of deposit of this declaration of acceptance, by reserving the right to withdraw its recognition of competence whenever it may deem it advisable to do so.

III. The Government of El Salvador recognizes the competence of the Court, insofar as this recognition is compatible with the provisions in the constitution of the Republic of El Salvador.

Guatemala:

(Reservation made at the time of ratification)

The Government of the Republic of Guatemala ratifies the American Convention on Human Rights, signed at San José, Costa Rica, on November 22, 1969, with a reservation as to Article 4, paragraph 4 thereof, since the Constitution of the Republic of Guatemala, in its Article 54, only excludes the application of the death penalty to political crimes, but not to common crimes related to political crimes.

The instrument of ratification was received at the General Secretariat of the OAS on May 25, 1978, with a reservation. The notification procedure of the reservation was taken in conformity with the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Withdrawal of Guatemala's reservation:

The Government of Guatemala, by Government Agreement No. 281-86, dated May 20 1986, has withdrawn the above-mentioned reservation, which was included in its instrument of ratification dated April 27, 1978, considering that it is no longer supported by the Constitution in the light of the new legal system in force. The withdrawal of the reservation will become effective as of August 12, 1986, in conformity with Article 22 of the Vienna Convention on the Law of Treaties of 1969, in application of Article 75 of the American Convention on Human Rights.

Recognition of Competence:

On March 9, 1987, presented at the General Secretariat of the OAS, the Government Agreement No. 123-87, dated February 20, 1987, of the

Republic of Guatemala, by which it recognizes the jurisdiction of the Inter-American Court of Human Rights, in the following terms:

(Article 1) To declare that it recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the American Convention on Human Rights.

(Article 2) To accept the competence of the Inter-American Court of Human Rights for an indefinite period of time, such competence being general in nature, under terms of reciprocity and with the reservation that cases in which the competence of the Court is recognized are exclusively those that shall have taken place after the date that this declaration is presented to the Secretary General of the Organization of American States.

Honduras:

Recognition of Competence:

Presented on September 9, 1981, at the General Secretariat of the OAS, an instrument recognizing the jurisdiction of the Inter-American Court of Human Rights in accordance with Article 62 of the Convention.

Jamaica:

Recognition of Competence:

The instrument of ratification, dated July 19, 1978, states, in conformity with Article 45, paragraph 1 of the Convention, that the Government of Jamaica recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.

Mexico:

DECLARATION FOR RECOGNITION OF THE JURISDICTION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

1. The United States of Mexico recognizes as binding ipso facto the adjudicatory jurisdiction of the Inter-American Court of Human Rights on matters relating to the interpretation or application of the American Convention on Human Rights, in accordance with article 62.1 of the same, with the exception of cases derived from application of article 33 of the Political Constitution of the United States of Mexico.

2. Acceptance of the adjudicatory jurisdiction of the Inter-American Court of Human Rights shall only be applicable to facts or juridical acts subsequent to the date of deposit of this declaration, and shall not therefore apply retroactively.

3. Acceptance of the adjudicatory jurisdiction of the Inter-American Court of Human Rights is of a general nature and shall continue in force for one year after the date on which the United States of Mexico gives notice that it has denounced it.

(Declarations and reservation made at the time of ratification)

The instrument of accession was received at the General Secretariat of the OAS on March 24, 1981, with two interpretative declarations and one reservation. Notification of the reservation submitted was given in conformity with the provisions of the Vienna Convention on the Law of Treaties, signed on May 23, 1969. The twelve-month period from the notification of said reservation expired on April 2, 1982, without any objection being raised to the reservation.

The texts of the interpretative declarations and the reservation are the following:

Interpretative Declarations:

With respect to Article 4, paragraph 1, the Government of Mexico considers that the expression "in general" does not constitute an obligation to adopt or keep in force legislation to protect life "from the moment of conception", since this matter falls within the domain reserved to the States.

Furthermore, the Government of Mexico believes that the limitation established by the Mexican Constitution to the effect that all public acts of religious worship must be performed inside places of public worship, conforms to the limitations set forth in Article 12, paragraph 3.

Reservation:

The Government of Mexico makes express reservation to Article 23, paragraph 2, since the Mexican Constitution provides, in Article 130, that ministers of denominations shall not have an active or passive vote, nor the right to associate for political purposes.

On April 9, 2002, the Government of Mexico notified the General Secretariat of its intention to partially withdraw its interpretative declarations and reservation, which now read as follows:

Interpretative declaration

With respect to Article 4, paragraph 1, the Government of Mexico considers that the expression "in general" used in that paragraph does not constitute an obligation to adopt, or keep in force, legislation to protect life "from the moment of conception," since this matter falls within the domain reserved to the States.

Reservation

The Government of Mexico makes express reservation to Article 23, paragraph 2, since the Mexican Constitution provides, in Article 130, that ministers of denominations shall not have a passive vote, nor the right to associate for political purposes.

Nicaragua:

Recognition of Competence:

On February 12, 1991, presented at the General Secretariat of the OAS, an instrument dated January 15, 1991, by which the Government of Nicaragua declares:

I. The Government of Nicaragua recognizes as binding as of right with no special convention the competence of the Inter-American Court of Human Rights in all cases involving interpretation and application of the Inter-American Convention on Human Rights, "Pact of San Jose, Costa Rica," by virtue of Article 62(1) thereof.

II. The foregoing notwithstanding, the Government of Nicaragua states for the record that its acceptance of the competence of the Inter-American Court of Human Rights is given for an indefinite period, is general in character and grounded in reciprocity, and is subject to the reservations that this recognition of competence applies only to cases arising solely out of events subsequent to, and out of acts which began to be committed after, the date of deposit of this declaration with the Secretary General of the Organization of American States.

On February 6, 2006, Nicaragua delivered a note to the General Secretariat in which it reported that the Government of the Republic of Nicaragua had added a third paragraph to the Declaration No. 49 of January 15, 1991 regarding the American Convention on Human Rights, in which it declares that it recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in the Convention.

Panama:

Recognition of Competence:

On May 9, 1990, presented at the General Secretariat of the OAS, an instrument, dated February 20, 1990, by which it declares that the Government of the Republic of Panama recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the American Convention on Human Rights.

Peru:

Recognition of Competence:

Presented on January 21, 1981, at the General Secretariat of the OAS an instrument recognizing the competence of the Inter- American Commission on Human Rights and the jurisdiction of the Inter-American Court of Human Rights, in accordance with Articles 45 and 62 of the Convention.

Withdrawal of Declaration/Reservation: 07/09/99

Withdrawal of Denunciation: 01/31/01

Suriname:

Adhesion.

Recognition of Competence:

On November 12, 1987, presented at the General Secretariat of the OAS, an instrument recognizing the jurisdiction of the Inter-American Court of Human Rights in accordance with Article 62 of the Convention.

Venezuela:

(Reservation and declaration made at the time of ratification)

Article 60, paragraph 5 of the Constitution of the Republic of Venezuela establishes that: No one may be convicted in a criminal trial without first having been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offense against the res publica may be tried in absentia, with the guarantees and in the manner prescribed by law. Such a possibility is not provided for in Article 8, paragraph 1 of the Convention, and for this reason Venezuela formulates the corresponding reservation, and,

DECLARES: That, in accordance with the provisions of Article 45, paragraph 1 of the Convention, the Government of the Republic of Venezuela recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed violations of human rights set forth in that Convention, in the terms stipulated in paragraph 2 of that article. This recognition of competence is made for an indefinite period of time.

The instrument of ratification was received at the General Secretariat of the OAS on August 9, 1977 with a reservation and a declaration. The notification procedure of the reservation was taken in conformity with the Vienna Convention on the Law of Treaties signed

on May 23, 1969.

Recognition of Competence:

On August 9, 1977 recognized the competence of the Inter-American Commission on Human Rights and on June 24, 1981 recognized the jurisdiction of the Inter-American Court of Human Rights, in accordance with Articles 45 and 62 of the Convention, respectively.

DENUNCIATION

Pursuant to article 78 of the American Convention on Human Rights, "States Parties may denounce this Convention at the expiration of a five-year period from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties". Similarly, that article states that "such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation".

*-The Bolivarian Republic of Venezuela manifested its decision to denounce the American Convention on Human Rights on September 10, 2012

Text of the

communication:http://www.oas.org:8101/DIL/Nota_República_Bolivariana_Venezuela_to_SG.English.pdf

Trinidad and Tobago:

(Reservations made at the time of adhesion)

1. As regards Article 4(5) of the Convention the Government of the Republic of Trinidad and Tobago makes a reservation in that under the laws of Trinidad and Tobago there is no prohibition against the carrying out a sentence of death on a person over seventy (70) years of age.

Recognition of Competence:

2. As regards Article 62 of the Convention, the Government of the Republic of Trinidad and Tobago recognizes the compulsory jurisdiction of the Inter-American Court of Human Rights as stated in said article only to such extent that recognition is consistent with the relevant sections of the Constitution of the Republic of Trinidad and Tobago; and provided that any judgment of the court does not infringe, create or abolish any existing rights or duties of any private citizen.

DENUNCIATIONS

Pursuant to article 78 of the American Convention on Human Rights, The States Parties may denounce this Convention at the expiration of the five-year period from the date of its entry into force and by means of notice

given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

Similarly, that article states that Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

1. Trinidad and Tobago

Denunciation notified May 26, 1998

Text of the denunciation:

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF TRINIDAD AND TOBAGO
His Excellency Cesar Gaviria Trujillo
Secretary General
Organization of American States
Washington D.C.

26 May, 1998

Excellency,

NOTICE TO DENOUNCE THE AMERICAN CONVENTION ON HUMAN RIGHTS

By its decision in *Pratt and Morgan v. Attorney General for Jamaica* (2.A.C.1, 1994) the Judicial Committee of the Privy Council decided that strict guidelines must be observed by states in the hearing and determination of appeals from convicted murderers who have been condemned to death. In any case in which execution was to take place more than five years after the sentence of death there would be strong grounds for believing that the delay was such as to constitute "inhuman or degrading punishment or other treatment". A State that wished to retain capital punishment must accept the responsibility of ensuring that execution followed as swiftly as practicable after sentence, allowing a reasonable time for appeal and consideration of reprieve. Capital appeals must be expedited. The aim should be to hear capital appeals within twelve months of conviction. It should be possible to complete the entire domestic appeal process (including an appeal to the Privy Council) within approximately two years. It should be possible for the International Human Rights bodies, such as the United Nations

Humans Rights

Committee and the Inter-American Commission on Human Rights, to dispose of complaints to them in death penalty cases at most within eighteen months.

The effect of the decision of the Judicial Committee of the Privy Council in the case of Pratt and Morgan is that, notwithstanding the fact that the death penalty is the punishment for the crime of murder in Trinidad and Tobago, inordinate delay in carrying out the death penalty constitutes cruel and unusual punishment and is accordingly a contravention of section 5(2)(b) of the Constitution of Trinidad and Tobago. As the Court's ruling represents the constitutional standard for Trinidad and Tobago, the Government is mandated to ensure that the appellate process is expedited by the elimination of delays within the system in order that capital sentences imposed in accordance with the laws of Trinidad and Tobago can be enforced.

In the circumstances, and wishing to uphold its domestic law to subject no one to inhuman or degrading punishment or treatment and thereby to observe its obligations under article 5 of the American Convention on Human Rights, the Attorney General and Minister of Foreign Affairs, as representatives of the Government of Trinidad and Tobago, met with the Assistant Secretary-General of the Organization of American States and with the Inter-American Commission on Human Rights. The Attorney General and the Minister of Foreign Affairs presented to the Commission its case detailing the problems facing Trinidad and Tobago in complying with the timeframes laid down by the Judicial Committee of the Privy Council for the consideration of petitions by the International Human Rights Bodies in capital cases. The Attorney General sought the cooperation of the Commission in implementing the relevant timeframes for completion of the consideration of petitions to the Commission in capital cases so that the mandatory sentence of death for convicted murderers can be carried into effect. The Commission indicated that whilst it was sympathetic to the problem facing Trinidad and Tobago, the Commission had its own established procedures for the termination of Petitions. Accordingly for reasons which the Government of Trinidad and Tobago respects, the Commission was unable to give any assurances that capital cases would be completed within the timeframe sought.

The Government of Trinidad and Tobago is unable to allow the inability of the Commission to deal with applications in respect of capital cases expeditiously to frustrate the implementation of the lawful penalty for the crime of murder in Trinidad and Tobago. Persons convicted and sentenced to death after due process of law can have the constitutionality of their death sentence determined before the Courts of Trinidad and Tobago. Sufficient safeguards therefore exist for the protection of the human and fundamental rights of condemned prisoners.

According, the Government of Trinidad and Tobago pursuant to article 78 of the American Convention on Human rights, hereby gives notice to the Secretary-General of the Organization of American States of the withdrawal of its ratification of the said American Convention on Human Rights.

Please accept, Excellency, the renewed assurances of my highest consideration.

Ralph Maraj
Minister of Foreign Affairs

Brazil:

(Interpretative declaration made at the time of adhesion)

The Government of Brazil understands that Articles 43 and 48, (D) do not include the automatic right of on site visits and inspections by the Inter-American Commission of Human Rights, which will depend on the express consent of the State.

Reconocimiento de Competencia.-

"The Government of the Federative Republic of Brazil declares its recognition as binding, for an indefinite period of time, ipso jure, of the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the American Convention on Human Rights, according to Article 62 of that Convention, on the condition of reciprocity, and for matters arising after the time of this declaration."

(Date: December 10, 1998)

Paraguay:

Recognition of competence

The aforementioned instrument of the Government of Paraguay states:

I. That, by virtue of the enactment of Decree No. 16,078 of January 8, 1993, which recognizes the competence of the Inter-American Court of Human Rights for the interpretation and application of the American Convention on Human Rights or Pact of San Jose, Costa Rica.

II. This recognition is for an indefinite period, and should be interpreted in keeping with the guiding principles of international law, in the sense that this recognition pertains expressly to events occurring after this declaration and only on the condition of reciprocity.

Dominica:

(Reservation made at the time of ratification)

In the instrument of ratification, the Government of the Commonwealth of Dominica presented the following reservations concerning the American Convention on Human Rights.

Whereas the American Convention on Human Rights was opened for signature and ratification by or adherence of any member state of the Organisation of American States:

And Whereas ratification of or adherence to the Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organisation of American States.

And Whereas Article 75 of the said Convention provides that the Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Now Therefore the Commonwealth of Dominica hereby ratifies the American Convention on Human Rights subject to the following reservations:

- 1) Article 5. This should not be read as prohibiting corporal punishment administered in accordance with the Corporal Punishment Act of Dominica or the Juvenile Offenders

Punishment Act.

- 2) Article 4.4. Reservation is made in respect of the words "or related common crimes".
- 3) Article 8.2.(e) This Article shall not apply in respect of Dominica.
- 4) Article 21.2. This must be interpreted in the light of the provisions of the Constitution of Dominica and is not to be deemed to extend or limit the rights declared in the Constitution.
- 5) Article 27.1. This must also be read in the light of our Constitution and is not to be deemed to extend or limit the rights declared by the Constitution.
- 6) Article 62. The Commonwealth of Dominica does not recognize the jurisdiction of the Court.

Bolivia:

Recognition of competence:

The Government of Bolivia declares in that instrument:

I. The Constitutional Government of the Republic, under Article 59, paragraph 12, of the State Constitutional, by Law 1430 of February 11, approved and ratified the American Convention on Human Rights "Pact of San Jose", signed at San Jose, Costa Rica, on November 22, 1969, and recognized the competence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, under Articles 45 and 62 of the Convention.

II. By virtue of the power vested in me under Article 96, paragraph 2, Constitution of the State, I issue this instrument ratifying the American Convention on Human Rights "Pact of San Jose", recognizing the competence of the Inter-American Commission on Human Rights, and recognizing as binding, ipso facto, unconditionally and indefinitely the jurisdiction of the Inter-American Court of Human Rights, under Article 62 of the Convention.

The Government of Bolivia in letter OAS/262/93, of July 22, 1993, made an interpretative declaration at the time of deposit of the instrument of recognition of the competence of the Inter-American Court of Human Rights. The text of the declaration is as follows:

"The Government of Bolivia declares that the norms of unconditionally and indeterminacy shall apply with strict observance to the Constitution of Bolivia, especially with respect to the principles of reciprocity, non retroactivity and judicial autonomy."

Haiti

Recognition of Competence

DECLARATION OF RECOGNITION
OF THE JURISDICTION OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
BY THE REPUBLIC OF HAITI

WE,
RENE PREVAL,
PRESIDENT OF THE REPUBLIC OF HAITI,

Having seen the Constitution of the Republic of 1987; and

Having seen the law dated August 18, 1979, whereby the Republic of Haiti ratified the American Convention on Human Rights,

Hereby declare that we recognize as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention. This declaration has been issued for presentation to the General Secretariat of the Organization of American States, which shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court, pursuant to Article 62 of the Convention.

Attached to the present declaration is the law of August 18, 1979, whereby the Republic of Haiti ratified the American Convention on Human Rights, which was promulgated in the Official Journal of the Republic.

Done in the National Palace, in Port-au-Prince, on March 3, 1998, the 195th year of independence.

(signed)
René Préval
President of the Republic of Haiti

(signed)
Minister of Foreign Affairs