

**SPEECH DELIVERED BY DR. CARLOS ROBERTO REINA,  
JUDGE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,  
ON SEPTEMBER 5, 1979, DURING THE VISIT TO THE LEGISLATURE OF COSTA RICA.**

Mr. President, Congressmen:

First of all, allow me to introduce the members of the Inter-american Court of Human rights. The President, Dr. Rodolfo Piza Escalante, of Costa Rica; the Vice-President, Dr. Máximo Cisneros, of Peru; and Dr. Huntley Munroe, of Jamaica; Dr. César Ordóñez, of Colombia; Dr. Thomas Buergenthal, of the United States; and myself, Carlos Roberto Reina, of Honduras.

The Inter-American Court of Human Rights is highly honored to be invited to the seat of the Costa Rican Legislature and to be received in a Plenary Session. This truly makes us feel at home, as this country is a model of democracy and respect for human rights.

It is a nation on the Central American isthmus which long ago made the decision to live in democracy and liberty, respecting that great social arbiter, the Law. A nation which lives at peace because that is the only way in which justice can be clearly meted out and the only way in which the importance of what human dignity is and signifies can be fully comprehended.

I have been asked to speak on the subject of Parliament, pluralism and human rights. It is a subject that covers the very essence of human rights problems worldwide. I shall speak first of Parliament. The democratic, representative system which we, the people of America, have chosen, follows essential patterns which characterize and typify it, so that any adulteration of those elements of democracy destroys all it stands for and the very essence of a republic. This very simple premise appears to have been misunderstood by many governments which, for various reasons (all very subordinate), seriously adulterate the system we have chosen as a means of achieving harmony within the law in the relationships between rulers and the ruled.

Let us examine some of these elements which are inherent to democracy: the first is the consultation of the will of the sovereign people, the only depositors of original power, with no deformations whatsoever. In Costa Rica this achieved through an independent branch of government, which we visit today and in which is reflected the desire of rulers and ruled alike for a truly exemplary representation that is pure and undeformed, so that one and all accept its contents and consequences.

Another element is that of the independence of the branches of government. This means that no branch should be subordinate to another within what we call a republic. Although it is true that such branches are interdependent, it is equally true that none of them can be interfered within such a way as to deform its own will.

Yet another element is the priority of the law, created in fulfilling all the requirements stipulated by legislative norms, as an indispensable social arbiter to achieve harmony within the community. We also have a branch which regulates constitutional mechanisms, so as to avoid any irregularities in the interpretation, application and functions of the norms contemplated by that fundamental law of the Republic, the Constitution.

And, lastly, the implementation of regulations governing the services rendered by those who work for the State. It must be remembered that every civil servant, from the president of the nation to the most humble government employee, is paid by the people to serve diligently his countrymen and all who reside within the territory of the Republic.

We could mention other requirements that play a decisive role in the democratic system of government. But we would make special mention of the legislative branch, that which represents the people, the citizens; this branch, of course, is of tremendous importance to the structure of democratic power. Parliament is the sacred meeting place of the people and the anvil of civic conscience. Its deliberations, charged with a total awareness of the vast problems of the people, produce the laws which govern civilized co-existence. These standards must be respected by all, for otherwise one would inevitably fall under the influence of the law of the jungle, which is as fatal for the progress of ideas as it is for the welfare of nations.

The Latin American Parliament has been one of the most generous attempts to improve the legislative systems of America. In this American forum resides part of the hopes for vindication espoused by congresses of the people everywhere. Allow me to mention that I am a member of the Latin American Parliament, even though there is no parliament in my country, because I was Vice-President of the last Legislature and the Latin American Parliament has decided that those of us who were members of the last parliaments of those countries where parliaments have, for some reason outside the law, been suppressed, shall continue to be representative members before this great American conclave.

In this atmosphere of liberty and democracy, one could speak at great length about parliamentarianism. However, we shall halt here in order to tackle the subject of pluralism, another of the themes we must cover on this historic afternoon in San José. Men gather together in the pursuit of ideals, of higher values which direct political currents, and each individual is the inexorable result of his ethical and political formation. This is the origin of the groups of political participation which basically follow two important directions: the conservative tendencies which defend the status quo, in other words, social immobility, and those which advocate more profound social dynamics, integral and irreversible, known as structural changes. These are the progressive currents. Within them can be found a wide array of variations, ranging from nazi-fascist concepts to communism, with their diverse international trends.

We have, then, a plurality of political conceptions in response to important national problems. A truly democratic parliament is the place, the battle-ground, where these various forms of perceiving life

in society must necessarily meet. This pluralism of positions must have something in common, a cohesiveness which will permit them to coincide in at least one premise which is today an imperative of the first order: that factor leading to cohesion must be the respect of human rights, the respect of human dignity.

Let us refer to man's essential values: his condition of having been born a human being, a fact which has validity both for right and left-wing persuasions. Those who refuse to accept this fundamental prerequisite of political, social, economic and cultural ideologies, are in reality not proposing correct solutions to the intricate problems of our nations. Ideological pluralism signifies peaceful co-existence under the shelter of the law and must be a guideline aimed at improving the human condition of man.

Let us now look at the concept of human rights. With his reason, his habits, his inspiration, man has created a great social arbiter: the law, that conjunction of juridical norms.

If an individual violates these norms, the coercive apparatus of the State sanctions him by imposing a penalty. But what happens when the violator of such norms is the State itself, through its government? Here lies the basic problem we face in the defense of human rights. How does one punish the entity entrusted with applying the guidelines which will guarantee the rights of man? How can one guarantee man's status against his own State or any other State? How can one prevent national sovereignty from being invoked when an international organization tries to protect a man who was born with rights as a human being? How can one make those who hold in their hands the political decision of a State understand that morality and law combine in the defense of the dignity of man? Our Court will progress insofar as the States permit it to do so. Unoubtedly it will gradually perfect its mechanisms and we hope that this important subject-matter, with the historic inevitability it has in our time, will improve its procedures and gain in prestige day by day.

It is a great merit for Costa Rica and for this Legislature, to have been the first nation to accept the obligatory jurisdiction of this Court, as don Rodrigo Madrigal Nieto stated in his opening speech. This fact reflects values which are strongly rooted in our sister nation and in its representatives; it reflects a high respect for good faith in the performance of international commitments, the so-called standard of *pacta sunt servanda*. The contradiction of signing a treaty which represents a commitment of the State at an international level, and then ratifying it, depositing the instrument of ratification and promulgating it, only to neglect to apply it because some other requirement is still lacking, must be avoided at all costs. Such a contradiction would, in any nation throughout the world, reflect bad faith in subscribing to international obligations. We Central Americans all feel extremely proud of the fact the one of the nations comprising the Federation of Central America should have been the pioneer in signing and accepting this great commitment of our continent, that of imparting justice in the field of human rights.

As the decade of the seventies draws to a close, we should give serious thought to the central theme of America and the world: human rights. The decade of the eighties will bring more justice to the humanitarian field if the mechanisms starting to operate in Costa Rica today acquire prestige, and develop and produce the dynamics of an effective reply to violations of human rights.

Parliaments will contribute decisively to this cause if they will only produce laws or ratify treaties which will allow internal legislation to open its doors to an internationalization of human rights. In this connection, allow me, with great feelings of respect for the Legislature of Costa Rica, to read Article 7 of the Constitution of this country, which reflects a sincere devotion to the seriousness of international commitments, to the respect of other nations, and, above all, to the good faith manifested in that difficult compromise between international law and internal law.

Article 7 of the Costa Rican Constitution states thus: «All public treaties, international agreements and concordats duly approved by the Legislature, shall, from the date of their promulgation or from whatever date is specified in such documents, enjoy a higher authority than the laws.» In extraordinarily simple terms, which reflect the manner in which democracy functions in Costa Rica, a great deal has been said; other nations, however, have not dared to include in their own Constitutions such immortal words as those contained in Article 7 of the Costa Rican Constitution.

Our task in the Court will be to dispense justice, promptly and effectively, without weakness or lack of perseverance, so that nations may recover their faith in law and democracy, that man may be improved by this total guarantee of his dignity. The rights of man are so vast and universal that they cover all areas of science; it is in this intricate, complex world of human rights that we will be asked to defend justice. And we, the judges of the Court, will act in all conscience, as men who know the price of human dignity. I should like to point out that at least three of the judges of this tribunal of humanitarian law are familiar with the impotence felt by man in his search for rights; on certain occasions, there has been no one to turn to. As a result, we shall be very understanding when anybody comes to this Court to invoke justice with regard to that which is the basis of man-his own human dignity.

In these august quarters of the legislature of the primary world power in the field of human rights, we repeat that the Court of Human Rights cannot fail; it shall fulfill its mission surmounting all obstacles and overcoming the most deep-seated feelings of intolerance it might find in its path. From San José, Costa Rica, we proclaim to the world that America is the second continent to entrust humanitarian justice to an international tribunal, and that the world and history will understand the immeasurable importance of this great step.

In concluding, we would state the following: ideas, like all great causes of mankind, cannot defend themselves; they must be protected from every tribunal and at every opportunity.

Parliaments must play a leading role in this sacrosanct cause of the defense of human dignity; all ideologies must rest on the corner-stone of man in the integral sense. If man does not perfect his essential values, then all ideologies shall be doomed to failure. More than 600 million persons in America now have a Court to which they can have recourse in their search for humanitarian justice. It is essential that human rights be taught in a scientific and technical fashion. This noble cause suffers from what so often happens with certain very famous achievements; as a result of discussing them so much one believes one knows them, whereas basically one really knows nothing about them at all.

The people of America must recover their faith in the law, in democracy and in liberty. The Inter-American Court of Human Rights must be the pillar supporting this rehabilitation of American faith which

basically depends on the dignity of those of us who live in this continent, which is once again becoming the continent of hope.

My final conclusion is that there is no nobler nor more profound cause than that which aims at freeing man from all excesses of power and at delivering to him his sublime condition as a human being.