

**SPEECH DELIVERED AT THE COSTA RICAN BAR ASSOCIATION  
BY LICDA. ELIZABETH ODIO-BENITO, MINISTER OF JUSTICE  
OF THE REPUBLIC OF COSTA RICA, DURING THE CLOSING CEREMONY  
OF THE FIRST REGULAR SESSION OF THE INTER-AMERICAN COURT  
OF HUMAN RIGHTS HELD ON SEPTEMBER 14, 1979.**

Ladies and gentlemen:

The rights and liberties of man essentially rest on the dignity and responsibility of the human being. The moral conscience of mankind is developing a growing awareness of this doctrine; and this awareness undoubtedly marks a phase of transcendent importance to the evolution of humanity.

The judges of the Inter-American Court of Human Rights who are today concluding their first session have contributed in an outstanding manner to this gradual conquest of human rights.

The task still before the distinguished members of this Inter-American Court is, however, vast in scope. Expectations are very high, and the path that the new Court must take in seeking to assert its prestige is long and full of obstacles created by sentiments of nationalism and the traditional concept of sovereignty.

The balance between legitimate national interests and the principles for the protection of man, which is now recognized by international law, is a difficult one to formulate, and an even more difficult one to impose. It is certainly not easy to make governments understand that, although they still continue to be the first subjects of international law: in rank of longer omnipotent, but must obey a superior law: in rank of importance. Man comes before any State under international law.

The degree of success achieved by the Court in overcoming the obstacles it must face will depend on the support given it by American public opinion; such support will, in turn, depend on the moral virtues, the intelligence, integrity and conscience, the legal knowledge, the impartiality and independence with respect to the powers of the State, which the judges display in carrying out their duties.

Eduardo H. Couture maintains that the dignity of the law depends on the dignity of the judge: «The worth of the law of any country will, at a given moment in history, be dependent on the worth of the judges as men.» And he goes on to indicate that three basic principles govern all aspects of the functions and duties of a judge: independence, authority and responsibility. Couture explains further: «Independence, so that their verdicts shall not be a consequence of hunger or fear; authority, so that their verdicts shall not be mere aca-

democratic digressions that could be ignored by the Executive Power at will; and responsibility, so that the judgment shall not obey ambition, pride or arrogance, but rather the watchful conscience of man confronting his destiny.»

Distinguished judges of the Inter-American Court of Human Rights: all of the above qualities, which you no doubt possess and which are essential to the fulfillment of your duties as magistrates, will still not suffice for the duties entrusted to an international judge and, most especially, to a judge charged with guarding the essential rights and liberties of man. In the first place, because, contrary to the role of the national judge, who basically applies positive law, the international judge must also create the law and, in creating it, is closer to the role of a legislator. Because, furthermore, in confronting a less rigorous and technically more imprecise law, he must dedicate himself to creating the «clarifying and progressive jurisprudence» to which the President of Costa Rica made allusion in his speech at the installation of this Inter-American Court. And finally, because the international judge knows that any judgment he hands down does not yet, to a great extent, have the support of strict and efficacious means to implement it.

Nevertheless, I am convinced that you will know how to surmount those obstacles and will fulfill all the hopes placed in you. In the meantime, allow me to reiterate, on behalf of the Government of the Republic, that we gladly offer our collaboration and support, full of faith in our historic mission.