

**SPEECH DELIVERED BY DEPUTY LIC. RODRIGO MADRIGAL -NIETO  
ON SEPTEMBER 5, 1979, DURING THE VISIT PAID TO THE LEGISLATURE  
BY THE JUDGES OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS.**

Mr. President

Deputies

Honorable Visitors

Distinguished judges of the Inter-American Court of Human Rights, your presence here today at the Costa Rican Legislature evokes transcendental moment in the history of humanity. As when the Romas, through their *praetor peregrinus*, extended their civil and constitutional law to the nations they had conquered; when the laws of the Indies were promulgated; when slavery was abolished and Lincoln freed the blacks; when from the barren plains of Castille and Aragon, from the forests of Wales and Scotland, the meadow of Virginia or the streets of Paris, the people started a march which did not falter until, in each case, a new milestone had been attained, with resolutions that opened a new era in the struggle to assert the rights of man in this his endless pilgrimage on earth. But above, we think today of our Christian vocation, for it is Christianity, with its profound and generous concept of the human being, with its bonds of love, faith and justice, with its gospel of peace, that brings about the truest and most genuine encounter of the individual in his attempt to achieve a spiritual condition. And it is here that the most profound concept of human rights begins to develop.

The life of man on earth is one long struggle to assert his own dignity. Progress -and, nowadays, development- can only make sense in the face of this supreme goal of mankind.

If we carry the conclusions of the dignity of man to their final expression, we are forced to accept that such dignity cannot be the product of man's own historic conditions, but rather of something exceeding himself, of a supreme gift that grants mankind that dignity which is above any other being's and which gives man's own liberty and his rationality all of its meaning. If man has dignity, this world cannot exhaust itself. Man -an Pascal said- transcends his own being.

My common sense and the strict order of things refuse to believe that this struggle of humanity to achieve the dignity of man, this secular vigil, this universal cause of mankind, should all be aimed towards the dignifying of a being who, apparently, is destined to perish, as the poet Horace lamented, or who upon entering this world does not bring with him a spark of divinity for which life would be worth living.

Human rights come before the State and are not subject to the will of the State. They possess an ethical and national dimension in keeping with the greatness and dignity of man; thus, man finds his place in the center of historical and becomes a citizen without ceasing to be man.

It has been said that democracy would never have been attained were it not for Christianity. Let us examine the following declarations: the Bill of Rights of England, the Declaration of Independence of the United States, the Declaration of the Rights of Man and of the Citizen of France, or the most ancient declarations of Spain; whatever the political signs at the time of their promulgation, they all latently contain an inspiration and natural legal sense that we find throughout philosophy, a proof of respect for the human personality and of a curtailment of the excesses of established powers. And they finally brought about American and universal pacts to provide a firm and defined context for a right that is essential to mankind.

It is for this reason that I take the liberty of stating that the American Convention on Human Rights and, as a result, the creation of the Inter-American Court of Human Rights, is the fruit of twenty centuries of history, for although it is true that human rights have but recently been recognized, they are a revelation of the tenacious efforts of man throughout the history of the human race, which would appear to carry in its soul the Promethean fire which spurs it to fight for its dignity.

This Court is, therefore, one of the most beautiful and solid monuments which American man dedicates to mankind as an ideal or what the dawning of the XXI Century could be like.

Despite America's relative newness as compared to the countless pages of the history of mankind, it has nevertheless maintained a degree of concern for the rights of man that almost parallels that of the great European and North American nations. The subject makes its appearance at the meeting of American plenipotentiaries summoned with acknowledged foresight by Bolívar in Panama at a time when we scarcely began to proclaim our independence. It was later enthusiastically repeated in Lima, in Mexico, in Bogota, and in countless other capitals, in an effort to guarantee new rights in one way or another, either through the Rights of Asylum in 1933 the promulgation of the American Declarations of the Rights and Duties of Man in 1948, ending with the approval of the American Convention on Human rights approved in San José in 1969, which paved the way for the inauguration of this august Court which today honors the Costa Rican Parliament with its presence.

Costa Rica was the first country to adhere to the Convention; the first country to ratify it and, up to now, the only one to submit itself to the jurisdiction of the Court. And this is due to the fact that Costa Rica, regardless of parties, feels that to cede a little of its sovereignty is a small price to pay if by so doing it can contribute to the creation of an international guardianship of human rights. Why? Why this hurried eagerness to strengthen human rights in our continent? Because we wish to preach with our example and thus, in an open and discreet manner, motivate other countries which have not yet ratified the pact or which have not yet submitted themselves to this new jurisprudence to do so as soon as possible. Because we know how hazardous are the destinies of these nations and how one must fight in order to consolidate a better future for them.

America was born before the astonished eyes of Christopher Columbus and Europe, as a continent of hope, a broadening of the world. Later it became the land of liberty for all persecuted men and for those seeking adventure and progress. Now, with an added spiritual dimension, we want it to be the promised land of human rights comprising liberty, equality, fraternity, social justice and peace, all of which can be summed up in the dignity and greatness of man. There is much fighting to be done in order to achieve these goals.

The peace of America -indeed, the peace of the world- depends on maintaining harmonious relationships between the individual and the various communities to which he belongs and, simultaneously, among the communities themselves. And I believe that we all agree that in order to attain such peace and harmony, the rights of man already in their third dimension comprise not only the basic needs, such as health, housing, food and clothing, but also cultural enrichment, political self-determination and an enhanced development of all the physical and spiritual potential of man, fulfilled in an atmosphere of liberty which is an inseparable part of the human being and, consequently, of his rights.

We are well aware, distinguished judges, that the complex problems of America exceed and surpass your immediate task. But the Costa Rican Parliament, authentic representative of this nation and conscious of the honor bestowed upon our country by its designation as the seat of the Court, would, through me, like to acknowledge in your presence all the factors that make up the colossal task facing you and to express to you the great faith and hope we place on your word. In reply to the challenge posed by the honor conferred on us, we pledge ourselves with solidarity to work arduously towards the strengthening and extension of human rights in our country.

We believe the tasks of the legislature, as also those of political control itself, which are typical of any parliament, represent a daily struggle to seek among a diversity of criteria and interest for a connecting thread, an inspiration with a single objective, to raise the condition of man. This Congress, democratic, independent and a authentic representative of the will of the nation, is still far from perfect; it has still to conquer the passion and fickleness that often beset it. But even while recognizing our defects, in all humility we can still say that there is a singleness of purpose in the ends that you, as judges, and we, as legislators, pursue: both our roles are basically to act as educators, for you, distinguished judges, if you act as modern, dynamic judges -and we are fully confident that you will- in seeking truth and justice, will make of this Court the lucid conscience of America. Because we have been told that «the truth shall set you free» and by beckoning Christians towards liberty it will be you, with your fine human sensibility, with your vast experience, with your talent and wisdom, who will elucidate that truth and, by those means, grant a new dimension to the freedom of American man.

How many fathers, how many children and brothers and sisters, will anxiously turn their eyes towards you in the hope of a carefully considered decision which will bring back peace and liberty to their loved ones! How often will you be brightening man's struggle for liberty and how often will you be faced with the painful duty of informing those who have recourse to your tribunal that the law does not protect them.

These circumstances will surely occur again and again but we have faith in your mission, for we know you have been elected not for trivial political motives, but because your spirit is governed by a righteous conscience.

And so we trust, distinguished judges, that your verdicts will forever erase from the American continent terms such as «worms», «desappeared persons», «victims of torture», and «exiles», so often used to describe the distressing conditions in which many of our fellow men live.

The work you are now beginning is delicate and far-reaching. In practice, the pact that gave rise to the Court suffers from certain weaknesses. There are certain deficiencies in the Statutes of the Court which it will be up to you rectify. In short, you will have to give shape to the Court with your work. But it is of such great importance to the future of mankind that we already perceive that it will gradually be written up in letters of gold in the luminous pages in which nations record their most noble efforts.

In his excellent inaugural speech, the illustrious Costa Rican who presides over your honorable Court expressed a series of concepts which we make our own; we feel a deep satisfaction at the sight of such a worthy countryman occupying the presidency of that Court. However, as an institution, we must limit our homage for him to these few words, for our respect of his position predominates in our spirit and for this same reason we must place him above all considerations of nationality, as he himself indicated with simplicity and elegance.

Distinguished judges, I have conveyed to you the congratulations and best wishes of the Costa Rican Parliament which, together with a thoughtful reflection regarding the Court itself, allow us to predict that as a result of your conduct and your work, your robes will always be of the same moral fibre, the same intellectual weave and the same spiritual tone as that of the immaculate mantle of Themis.