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DRAFT RESOLUTION

RIGHT TO THE TRUTH

(Agreed upon by the Permanent Council at its meeting of May 23, 2014)

THE GENERAL ASSEMBLY,

CONSIDERING 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), AG/RES. 2662 (XLI-O/11), AG/RES. 2725 (XLII-O/12), and AG/RES. 2800 (XLIII-O/13), “Right to the Truth”; the Inter-American Convention to Prevent and Punish Torture; the Inter-American Convention on Forced Disappearance of Persons; the International Convention for the Protection of All Persons from Enforced Disappearance; Additional Protocol I to the Geneva Conventions of August 12, 1949, and other inter-American and other related international instruments on human rights and international humanitarian law; the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth (A/HRC/12/19) and on forensic genetics and human rights (A/HRC/15/26); resolution A/HRC/RES/18/7, adopted by the Human Rights Council, which creates the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and the latter’s report, A/HRC/21/46; United Nations General Assembly resolution 60/147, which adopts the Basic Principles and Guidelines On the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; the recommendations of the IACHR and the decisions of the Inter-American Court of Human Rights on this subject; and, in that regard, the need for the Organization of American States to continue to review this issue in the framework of the efforts of its political bodies and of the human rights promotion and protection organs of the inter-American human rights system;

EMPHASIZING that member states should 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; and, within the framework of their own internal legal systems, should preserve records and other evidence concerning serious violations of human rights and 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;

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”; and

RECALLING 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,

RESOLVES:

1. To recognize the importance of respecting and ensuring the right of victims of gross violations of human rights and grave breaches 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, in order to contribute to ending impunity and to promoting and protecting human rights.

2. To encourage member states to establish specific judicial mechanisms, where necessary, and to respect their decisions; and to encourage 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 and, accordingly, to invite the member states concerned to disseminate these reports, implement their recommendations, monitor the implementation of said recommendations at the domestic level, and report on compliance with the decisions of judicial mechanisms.

3. To call upon the Inter-American Commission on Human Rights (IACHR) to consider completing 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), AG/RES. 2662 (XLI-O/11), AG/RES. 2725 (XLII-O/12), and AG/RES. 2800 (XLIII-O/13), in order to continue the progressive development of this right with a view to finalizing a special meeting to be organized by the Permanent Council in the second half of 2013 to discuss the IACHR report and exchange national experiences.

4. To hold, as stipulated in the preceding resolutions, a special meeting of the Permanent Council in the second half of 2014 to discuss the IACHR report and exchange national experiences.

5. To encourage member states and the IACHR, within its sphere of competence, to provide member states that so request with the necessary and appropriate assistance concerning the right to the truth through, inter alia, technical cooperation and the sharing of experiences and good practices geared toward the protection, promotion, and implementation of this right.

6. To encourage member states to consider extending an invitation to the United Nations Human Rights Council’s Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

7. To urge those member states that have not yet done so to consider signing, ratifying, or acceding to, as appropriate, the International Convention for the Protection of All Persons from Enforced Disappearance.

8. To encourage all member states to take appropriate measures to establish mechanisms or institutions to reconstruct the truth and the historical record 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-fifth regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.