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OPEN LETTER TO THE HEADS OF STATE OF ARGENTINA, BRAZIL, CHILE, COLOMBIA AND PARAGUAY

In recent press releases issued by the Ministries of Foreign Affairs of Chile and of Paraguay on 23 and 24 April respectively, the governments of Argentina, Brazil, Colombia, Paraguay and Chile have indicated that they have delivered a statement on the Inter-American system for the protection of human rights to the Executive Secretary of the Inter-American Commission on Human Rights (IACHR).

This statement affirms that, when taking action, the organs of the Inter-American system should take into account: the critical importance of the principle of subsidiarity; the measure of autonomy enjoyed by the states “to decide the most appropriate ways of ensuring rights and guarantees, as a way to give effect to their democratic processes”; and the strict application of legal sources in resolving cases brought to their attention. It also states that “the organs of the Inter-American human rights system should take into consideration the political, economic and social realities of States”.

In this regard, Amnesty International would like to take this opportunity to draw to your attention, in your capacity as the Heads of State of these five countries, the following:

The Inter-American system of human rights protection – comprising the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (Inter-American Court), both autonomous and independent bodies of the Organization of American States (OAS) – is crucial to the realization of human rights in the Americas. In this region, the IACHR and the Inter-American Court have played a central role in guaranteeing the exercise of human rights and combating impunity not only during times of widespread state repression and internal armed conflict, but also in respect of cases of individual violations of human rights.

This has ensured that when states are unable to investigate human rights violations committed in their territories, the victims have recourse to an independent protection mechanism capable of guaranteeing truth, justice, reparation and non-repetition measures. Since the Inter-American system was created 60 years ago, thousands of victims and their relatives throughout the region have seen it as their only chance to obtain justice when this has been denied them at the domestic level.

In addition, the Inter-American system has been the cornerstone of building a culture of respect for and of guaranteeing human rights in the Americas. The development of Inter-American standards and jurisprudence, which have subsequently been accepted and adopted by countries in the region, has not only fostered the creation of public policies on human rights, but also the elaboration of national jurisprudence that respects human rights. Moreover, these advances in Inter-American standards and jurisprudence have also been influential and beneficial at the international level. It is not uncommon for the judgments of the Inter-American system to be referenced as the basis for the standards and jurisprudence of other regional human rights mechanisms (such as the African European systems) and the universal human rights system. It is Amnesty International's firm conviction that the Inter-American system is a heritage to be safeguarded in the Americas.

In the light of this, Amnesty International believes it is deeply regrettable that the governments of Argentina, Brazil, Chile, Colombia and Paraguay are seeking to impose constraints on the actions of the regional Inter-American mechanism in their own interests and so put the rights of victims at risk. The region currently living through a period of serious human rights crises, such as those in Venezuela and Nicaragua, as a result of which thousands of people are seeking for justice, truth and reparation. The people of the region need an agile and effective Inter-American system that responds to the needs and realities of the continent and is free from political interference.

Therefore, Amnesty International urges you in your capacity as the Heads of States of these five countries, as a matter of urgency, to refrain from any action that could reduce the independence and autonomy of the organs of the Inter-American system and calls on you to redouble efforts to uphold, finance and comply in good faith with the resolutions of the Inter-American system, a system that belongs to all the people of the Americas.

Respectfully,



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