

Dual DistributionThird session
THIRD COMMITTEE

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Recapitulation of Amendments to Article 8

(In the chronological order of their submission to the Committee)

Article 8 - Text adopted by the Commission on Human Rights:

"In the determination of his rights and obligations and of any criminal charge against him, everyone is entitled in full equality to a fair hearing by an independent and impartial tribunal."

AMENDMENTS:

Panama (A/C.3/220)

It is proposed that the phrase "in full equality" be eliminated from this article in as much as the subject of equality is covered by another article.

It is further proposed that an article dealing in toto with the subject of fair trial be made up of Article 8, modified as stated above, and the first paragraph of Article 9, as follows:

Article:

1. In the determination of his rights and obligations and of any criminal charge against him, everyone is entitled to a fair hearing by an independent and impartial tribunal.
2. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

Union of Soviet Socialist Republics (E/800)

Alterations and Supplements to Article 8:

Insert the following before the text as adopted by the Commission:

"All people are equal before the law. Judges must be independent and answerable only to the law. Legal procedure in all States must be based on democratic principles.

"Hearings in all courts must be public, with the exception of cases for which provision is made by law for the purpose of complying with public morality or in the interests of national security. The accused
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shall be entitled to the services of a defence counsel in court.
"Should the accused be unfamiliar with the national language, he must be enabled to acquaint himself with all the details of the case by means of an interpreter, and he must be given the right to speak in court in his native language."

Egypt (A/C.3/264)

Amendment does not concern the English text.

Cuba (A/C.3/224)

Articles 8 and 9:

Transfer these texts, worded as follows, to the section relating to purely juridical rights (Article 26: "Rights to a fair trial"):

"Any person against whom a charge is made is presumed to be innocent until proved guilty according to law.

"Everyone charged with a penal offence has the right to an impartial and public hearing and trial by previously established tribunals in accordance with existing laws.

"Such person shall not be subjected to cruel, degrading or non-customary punishment."

It is pointed out that the improvements made in Article 5 by the Cuban delegation's amendments render Article 8 almost superfluous.
