

**International human rights and humanitarian law experts
urge the Bolivian Government and Armed Forces to abide by their
international law obligations**

On November 15, 2019, the interim Bolivian Government issued Supreme Decree 4078, which purports to immunize from criminal responsibility “personnel of the Armed Forces participating in the operations to reestablish internal order and stability” for all actions undertaken in response to the current protests. In light of the decree, international law experts reiterate core principles of international law related to the use of force, freedom of assembly, and command responsibility, and urge the Bolivian Government to take into consideration the legal obligations of the Bolivian State under international law.

- **The Bolivian State has an obligation to give effect to the international treaties it has ratified that protect human rights.** Bolivia has ratified and constitutionalized international treaties that protect human rights, including the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights (ICCPR), and the American Convention on Human Rights. Bolivia has also accepted the jurisdiction of the Inter-American Court of Human Rights.
- **Right to protest and free assembly.** Peaceful assembly and protest are protected by Bolivia’s Constitution, national legislation, and binding international law.
- **Principles on the use of force and international obligations to protect the rights to life and physical integrity of protesters.** Principle 9 of the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials prohibits the intentional lethal use of firearms, unless such use is strictly unavoidable in order to protect life. Indiscriminately firing into a crowd of protesters is never allowed.
- **Extrajudicial killings are prohibited under international law in every major human rights treaty.** Such killings constitute crimes against humanity when committed in a widespread or systematic attack against civilians.
- **Under the doctrine of command responsibility, superiors (including civilian superiors), can be held responsible for the crimes of their subordinates.** Even if superiors did not directly order the commission of the crimes, if the superiors had effective control, knew or should have known that the actions of the subordinates were likely to lead to a crime, and the superiors failed to prevent or failed to punish the actions, they are responsible under the doctrine of command responsibility.

Executive Summary

- **Laws or decrees that immunize perpetrators of human rights violations from accountability are invalid under international law.** Supreme Decree 4078 has the potential to be used for these impermissible ends that would contravene Bolivia's binding obligations under international law.
- **Under Inter-American jurisprudence, when a State adopts laws which are contrary to the American Convention, domestic courts may not give legal effect to such measures without violating the Convention.**

The undersigned experts have reviewed and endorsed the attached document, which restates well established principles of international law that are relevant to the context of Bolivia today.

International human rights and humanitarian law experts urge the Bolivian Government and Armed Forces to abide by their obligations under international law.

On November 15, 2019, the interim Bolivian Government issued Supreme Decree 4078, which purports to immunize from criminal responsibility “personnel of the Armed Forces participating in the operations to reestablish internal order and stability” for all actions undertaken in response to the current protests. Following this decree, the Inter-American Commission on Human Rights expressed its concern, noting that this attempt to exempt Armed Forces from criminal accountability contravenes international human rights standards.¹

As scholars and experts in international human rights, international criminal justice, and the law of armed conflict, we wish to reiterate core international legal principles concerning the use of force in the context of peaceful protests, command responsibility, and the incompatibility of measures that create immunity for gross human rights violations with Bolivia’s binding human rights obligations.

I. The Bolivian State has an obligation to give effect to the international human rights treaties it has ratified

Bolivia has constitutionalized all international treaties that protect human rights it has ratified. [Article 13.IV](#) of the Constitution of the Plurinational State of Bolivia (Constitución Política del Estado (2009)) states that the rights and duties of the Constitution must be interpreted in accordance with international human rights treaties ratified by Bolivia. In addition, [Article 14.III](#) “guarantees the free and effective exercise of the rights established in this Constitution, the laws and international human rights treaties.”

Among the treaties that protect human rights, and which Bolivia has ratified, are: the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights (ICCPR), and the American Convention on Human Rights. Bolivia has also accepted the jurisdiction of the Inter-American Court of Human Rights.

II. Right to protest and free assembly

Peaceful assembly and protest are protected rights under international and domestic laws. In Bolivia, the right to peaceful protest is enshrined in [Article 21](#) of the Constitution of the

¹ Inter-American Commission on Human Rights (IACHR), “La [@CIDH](#) alerta para el Decreto Supremo No. 4078 sobre actuación de FF.AA. en [#Bolivia](#), de fecha 15 de nov 2019.” Statement in the official account of the IACHR on Twitter, available at <https://twitter.com/CIDH/status/1195817630533390336>.

Plurinational State of Bolivia (2009). The respect for this right is also a binding international obligation for Bolivia, pursuant to Article 21 of the ICCPR, Article 20 of the Universal Declaration of Human Rights, Article XXI of the American Declaration on the Rights and Duties of Man, and Article 15 of the American Convention on Human Rights, among other international human rights instruments. Bolivia has constitutionalized all international human rights treaties that it has ratified, per articles 13 and 14 of its Constitution of 2009.

Bolivia has implemented international human rights law and international humanitarian law throughout its national legislation. For example, its [“Administrative Resolution N° 0266/2017, Manual for Police Operations of Maintenance and Restoration of Public Order”](#) explicitly incorporates international human rights treaty obligations.

III. Principles on the use of force and international obligations to protect the rights to life and physical integrity of protesters

States’ duty to protect life is enshrined in all major human rights instruments and is part of customary international law. See, for example, Universal Declaration on Human Rights (art. 3), ICCPR (art. 6), American Convention on Human Rights (art. 4), American Declaration of the Rights and Duties of Man (art. I), Convention on the Rights of the Child (art. 6).

In the context of policing protests, it is well established that state agents must respect the right to life and the corollary right to be free from arbitrary deprivation of life.² The principles of international human rights law that apply in the context of policing and protests are reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.³ These Principles articulate internationally accepted standards around the use of force by law enforcement.⁴

While the Basic Principles are not, in their entirety, binding on States, Principle 9 of the Basic Principles is a “rigorous applicatio[n] of legal rules that States have otherwise assumed

² William J. Aceves, When Death Becomes Murder: A Primer on Extrajudicial Killing, 50 Colum. Hum. Rts. L. Rev. 116, 129–30 (2018), citing *Florentina Olmedo v. Paraguay*, Commc’n No. 1828/2008, para. 2.1 (Hum. Rts. Comm. 2012).

³ UN General Assembly, *Interim report on the worldwide situation in regard to extrajudicial, summary or arbitrary executions submitted by Philip Alston, Special Rapporteur*, para. 35, A/61/311 (5 September 2006).

⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, available at <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

under customary or conventional international law.”⁵ Thus, Principle 9 “reflects binding international law.”⁶

Principle 9 of the Basic Principles states:

law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when *strictly unavoidable in order to protect life*.

Basic Principles, Principle 9 (emphasis added). Principle 9 thus reflects the core international legal obligation on the part of States to protect life. The Basic Principles also reiterate the obligation on the part of States to respect the right of individuals to participate in lawful and peaceful assemblies (Principle 12). Even when protests are deemed unlawful because they are considered violent, Principle 14 states that “law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.”⁷ Accordingly, the use of lethal force must be as a last resort and only under circumstances where there is imminent threat to life. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has provided further guidance in the context of protests, including protests that may turn violent: “The mere fact that some protesters in the crowd are violent does not turn the demonstration as a whole into a non-peaceful assembly. In violent assemblies (that are both unlawful and not peaceful) minimum force should also be used, and firearms may be used only in accordance with Principle 9. Indiscriminate fire into a crowd is never allowed.”⁸

⁵ UN General Assembly, *Interim report on the worldwide situation in regard to extrajudicial, summary or arbitrary executions submitted by Philip Alston, Special Rapporteur*, para. 35, A/61/311 (5 September 2006). See also *Case of Montero Aranguren et al. (Detention Center of Catia) v. Venezuela*, Inter-Am. Ct. H.R., Judgment, Preliminary Objection, Merits, Reparations and Costs (ser. C) No. 150, para. 69 (July 5, 2006).

⁶ *Arbitrary executions submitted by Philip Alston, Special Rapporteur*, para. 35, A/61/311 (5 September 2006).

⁷ See also UN Human Rights Council, *Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies*, para. 70, A/HRC/31/66 (4 February 2016), available at <https://undocs.org/A/HRC/26/36>.

⁸ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns*, para. 75, A/HRC/26/36 (1 April, 2014).

Extrajudicial killings are prohibited under international law. This prohibition is codified in every major human rights treaty, including in the American Convention on Human Rights and the ICCPR. The prohibition on extrajudicial killings is so pervasive that it is part of customary international law and is binding on all states. When committed within the context of a widespread or systematic attack against a civilian population, extrajudicial killings constitute crimes against humanity under international law. These prohibitions find expression in the statutes of the major international criminal tribunals as well as in penal codes around the world.

When perpetrators cannot be tried in the country where they committed the crime, or in international criminal tribunals, there is an increasing use of universal jurisdiction to ensure that perpetrators of serious crimes, including torture and extrajudicial killings do not escape justice.⁹

IV. Command responsibility for extrajudicial killings

The doctrine of command responsibility reflects a key principle of military functioning: A commander is ultimately responsible for the actions of individuals under their command do or fail to do. This is the essence of command. As a legal doctrine, courts can hold superior officers liable for crimes committed by individuals under their command, even if such commanders did not personally commit or directly order the crime. This doctrine—set forth in international law, including in Article 28 of the Rome Statute, which addresses the responsibility of commanders and other superiors—is designed to encourage commanders and superiors to prevent their forces from perpetrating war crimes.¹⁰ It thus ensures that leaders are not shielded from accountability when their supervisory failures allow crimes to be committed or promote impunity after the fact.¹¹ Command responsibility thus operates as a preventative measure against humanitarian tragedies and as an instrument of justice. The prevention and punishment prongs of the doctrine are linked in that a robust system of investigation and punishment for crimes that have been committed by subordinates helps to deter these crimes from being committed by others.

⁹ “In 2017 alone, 126 suspects of genocide, crimes against humanity and war crimes from 21 countries were investigated, prosecuted or brought to trial in 14 countries in Europe, Latin America and Africa.” Trial International, *Universal Jurisdiction Annual Review 2018*, at 5, available at <https://trialinternational.org/wp-content/uploads/2018/03/UJAR-Make-way-for-Justice-2018.pdf>.

¹⁰ Rome Statute of the International Criminal Court, art. 28, available at <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> (Hereinafter “Rome Statute”).

¹¹ See, e.g., International Criminal Tribunal of the former Yugoslavia (ICTY), *Mucic et al. (“Celebici”)*, TC, Judgement, Case No. IT-96-21-T, 16 November 1998, para. 398-99 (footnote omitted); International Criminal Court (ICC), *Bemba*, PTC II, Decision on the Confirmation of Charges, Case No. ICC-01/05-01/08-424, 15 June 2009, paras. 423-25.

IV.A. Direct liability

Military and civilian superior officers are likely to be liable for crimes committed by their subordinates, including crimes against humanity and other gross human rights violations, when they plan, instigate, or order them. Individual criminal responsibility for war crimes and gross human rights violations is set out in international law, including under the Geneva Conventions¹² and the Rome Statute.¹³ Even if superiors did not plan, instigate or order crimes committed by their subordinates, they can still be held criminally liable for these crimes under the doctrine of command responsibility if they fail to prevent or punish crimes by their subordinates.

IV.B. Liability under the doctrine of command responsibility

Liability under the command responsibility doctrine is established when: (1) a subordinate of the accused has committed, or was about to commit, a crime; (2) the accused is a military commander or effectively acting as a superior over the individual who committed the crime; (3) the accused has effective control over the individual who committed the crime; (4) the accused knew or should have known their subordinates were committing crimes; and (5) the accused failed to prevent their subordinates from committing crimes or failed to punish the crimes.

Underlying crime

In this context, the underlying crime is one that violates core international human rights. For the purposes of liability under command responsibility, the underlying crime does not have to be completed in order for liability to attach: if the crime is about to be committed by the forces under the accused's command, liability can be triggered.¹⁴ Accordingly, relevant conduct could include situations in which subordinates directly perpetrated a crime, where subordinates planned or ordered a crime, where subordinates aided or abetted a crime, or where subordinates committed crimes by omission.¹⁵

Military or civilian superior

¹² Geneva Convention I, art. 49(1); Additional Protocols to the Geneva Conventions I, art. 85(3)(a-b), art. 85(4)(c) (Hereinafter "Add. Prot. I").

¹³ Rome Statute, art. 25(3)(d).

¹⁴ See, e.g., Rome Statute, art. 28(a)(i).

¹⁵ ICTY, *Oric*, TC II, Judgement, Case No. IT-03-68-T, 30 June 2006, para. 300-302; ICTR, *Nahimana et al.*, Appeal Judgement, 28 November 2007, para. 486, referring to ICTY, *Blagojevic and Jokic*, AC, Appeal Judgement, Case No. IT-02-60-A, 9 May 2007, paras. 280-82.

The accused must have been a military superior or effectively acting as a superior over the forces that committed the crime.¹⁶ This includes civilians in positions of command, such as a president, vice president, or cabinet member with relevant authority. Authority can be *de jure*, that is, as a matter of law. This is the case when there is an official appointment or authority is formally granted,¹⁷ as for example, in the Constitution of a State. Individuals, including civilians, can also be held liable in the absence of official *de jure* authority if they are “effectively in command” over armed forces.¹⁸ Effective command over subordinates can be “inferred from the accused’s ability to give them orders and to punish them in the event of violations.”¹⁹

Effective control

The perpetrator of the crime must be a subordinate of the accused “by virtue of his or her position, senior in some sort of formal or informal hierarchy to the perpetrator.”²⁰ The accused must have effective command and control or effective authority and control over the forces that committed the crime.²¹ A superior has effective command or authority and control if they have the material ability to prevent and punish the commission of offenses.²² Where the specific individual who committed the crime is not identifiable, it is sufficient if the individual is identified as a member of a group over which the accused has control.²³

Knowledge of the crimes

It is enough that the superior “knew, or owing to the circumstances at the time, should have known that the forces were committing or about to commit” a crime.²⁴ Indications that a commander *should have known* about crimes include, for example, the number of crimes, the

¹⁶ See, e.g., Rome Statute, arts. 28(a), 28(b); Add. Prot. I, art. 86(2), art. 87.

¹⁷ ICTY, *Kordic and Cerkez*, TC, Judgement, Case No. IT-95-14/2-T, 26 February 2001, para. 419.

¹⁸ ICTY, *Mucic et al. (“Celebici”)*, TC, Judgement, Case No. IT-96-21-T, 16 November 1998, para. 354.

¹⁹ ICTY, *Aleksovski*, TC, Judgement, Case No. IT-95-14/1-T, 25 June 1999, para. 103.

²⁰ ICTY, *Halilovic*, AC, Appeal Judgement, Case No. IT-01-48-A, 16 October 2007, para. 59.

²¹ See Rome Statute, art. 28(a).

²² ICTY, *Mucic et al. (“Celebici”)*, TC, Judgement, Case No. IT-96-21-T, 16 November 1998, para. 378. See also ICTY, *Naletilic and Martinovic*, TC, Judgement, Case No. IT-98-34-T, 31 March 2003, para. 66; ICTY, *Stakic*, TC II, Judgement, IT-97-24-T, 31 July 2003, para. 459.

²³ ICTY, *Oric*, TC II, Judgement, Case No. IT-03-68-T, 30 June 2006, para. 31.

²⁴ See, e.g., Rome Statute, art. 28(a)(i); Add. Prot. I, art. 86(2). Under the Rome Statute, when the superior is a civilian, there is also a requirement that the crime must be related to activities that were within the “effective responsibility and control of the superior.” Rome Statute, art. 28(b). Other courts, such as U.S. federal courts, make no distinction between the elements for command responsibility for civilian and military superiors. See, e.g., *Ford ex rel. Estate of Ford v. Garcia*, 289 F. 3d 1283, 1290-92 (11th Cir. 2002); *Doe v. Qi*, 349 F.Supp.2d 1258, 1330-32 (N.D. Cal. 2004).

type of crimes, whether the crimes were widespread or notorious, the number and type of forces involved, the means of available communication, the location of the commander at the time, and the geographical location of the acts.²⁵ Where a superior officer or commander is part of an established military with functioning reporting systems, courts are more likely to find that they should have known about crimes under their command.²⁶

Duty to prevent and punish

A superior is required to take all necessary and reasonable steps within their power to prevent crimes.²⁷ Superiors are also required to take all necessary and reasonable steps to punish the perpetrators or report the crime to authorities for investigation and prosecution.²⁸ If a superior fails to take these steps, they can be held liable under command responsibility.²⁹ The duty to prevent and the duty to punish are two separate responsibilities, and superiors must fulfil both. If “the accused knew or had reason to know that subordinates were about to commit a crime and failed to prevent that crime, he cannot make up for his failure to act by punishing the subordinates afterwards.”³⁰ Superiors have a responsibility to prevent and punish crimes even if these crimes were ordered “by other superiors.”³¹

Whether a superior took all reasonable steps to prevent or punish depends on what measures are within their power,³² and what is appropriate in the situation.³³ This is assessed on a case-by-case basis.³⁴ The degree of effective control that a superior exercises will determine what is within

²⁵ ICC, *Bemba*, Pre-Trial Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute 15 June 2009, para. 431 (footnotes omitted); ICTY, *Prosecutor v. Blaškić ("Lašva Valley")*, Judgment, IT-95-14-T, 3 March 2000, para. 308; confirmed in ICTY, *Prosecutor v. Blaškić ("Lašva Valley")*, Appeal Judgment, 29 July 2004, paras. 54-57.

²⁶ ICTY, *Prosecutor v. Blaškić ("Lašva Valley")*, Judgment, IT-95-14-T, 3 March 2000, para. 308; confirmed in ICTY *Prosecutor v. Blaškić ("Lašva Valley")*, Appeal Judgment, 29 July 2004, paras. 54-57.

²⁷ See, e.g., Rome Statute, art. 28(a); Add. Prot. I, art. 86(2).

²⁸ See ad hoc and international tribunals, via Case Matrix Network, *International Criminal Law Guidelines: Command Responsibility*, § 3.1 (January 2016), available at <https://www.legal-tools.org/doc/7441a2/pdf/>.

²⁹ See ad hoc and international tribunals, at Case Matrix Network, *International Criminal Law Guidelines: Command Responsibility*, § 3.1 (January 2016).

³⁰ ICTY, *The Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016, para. 589.

³¹ Special Court for Sierra Leone (SCSL), *Fofana and Kondewa*, TC I, Judgement, Case No.SCSL-04-14-T, 2 August 2007, para. 248 (footnotes omitted), referring to ICTY, *Strugar*, TC II, Judgement, Case No. IT-01-42-T, 31 January 2005, para. 374.

³² ICTY, *The Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016, para. 588.

³³ ICC, *Bemba Gombo*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute 15 June 2009, para. 495 (footnotes omitted).

³⁴ ICTY, *Aleksovski*, TC, Judgement, Case No. IT-95-14/1-T, 25 June 1999, para. 81.

their powers.³⁵ In a more organized bureaucracy, a superior has a greater ability to prevent and punish crimes than in a more informal group. Merely warning security forces that they will be disciplined or arrested if they commit crimes, for example, is not sufficient to satisfy the superiors' obligation to prevent crimes by their subordinates.³⁶ Reasonable and necessary measures can include reporting the matter to competent authorities where this report is likely to trigger an investigation, carrying out an effective investigation to establish the facts, issuing specific orders prohibiting or stopping the criminal activities and ensuring the orders are implemented, and taking disciplinary measures against the commission of crimes.³⁷ These measures to prevent and punish the commission of crimes by government security forces must be taken by superior officers or civilian commanders, even if another superior has given orders that will reasonably lead to the commission of crimes. In other words, superior officers and civilian commanders have a duty to "prevent his subordinates from following unlawful orders given by other superiors."³⁸

Bolivian Supreme Decree 4078, which purports to immunize from criminal responsibility "personnel of the [Bolivian] Armed Forces participating in the operations to reestablish internal order and stability" for actions undertaken in response to the current protests in Bolivia, makes it unlikely that superiors will take steps to prevent and punish crimes committed by Bolivian security forces.

V. Laws or decrees that immunize perpetrators of human rights violations from accountability are invalid under international law

Bolivian Supreme Decree 4078 (Decreto Supremo 4078) of November 15, 2019, purports to immunize "personnel of the Armed Forces participating in the operations to reestablish internal order and stability" from criminal responsibility "when complying with their constitutional functions, act in legitimate defense or according to their need, in compliance with the principles of legality, absolute necessity and proportionality, in compliance with Articles 11 and 12 of the Penal Code, Law 1760 and Criminal Procedure Code."³⁹ Despite its caveats, the decree has the

³⁵ ICTR, *Bagilishema* Trial Judgment, 7 June 2001, para. 48, with reference to ICTY, *Mucić et al. ("Čelebići")*, Trial Judgment 16 November 1998, para. 395.

³⁶ ICC, *Bemba Gombo*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute 15 June 2009, para. 495 (footnotes omitted).

³⁷ ICTY, *The Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016, para. 588.

³⁸ SCSL, *Fofana and Kondewa*, TC I, Judgement, Case No.SCSL-04-14-T, 2 August 2007, para. 248 (footnotes omitted).

³⁹ This is a translation from an unofficial copy, available at IACHR, "La @CIDH alerta para el Decreto Supremo No. 4078 sobre actuación de FF.AA. en #Bolivia, de fecha 15 de nov 2019." Statement in the official account of the CIDH on Twitter, available at

potential to be used as a means to immunize from criminal responsibility members of the Armed Forces who may commit gross human rights violations against protesters.

Under binding jurisprudence of the Inter-American Court of Human Rights, domestic measures that attempt to create impunity for gross human rights violations, including extrajudicial killings, are incompatible with the American Convention on Human Rights and are a violation of its Articles 1.1, 2, 8, and 25.⁴⁰ In the context of laws that create impunity for crimes against humanity, the Inter-American Court has also made clear that when the State “adopts laws which are contrary to the American Convention” domestic courts may not, without violating the Convention, give legal effect to such measures.⁴¹

As a State Party to the American Convention on Human Rights, Bolivia has committed to respect and give effect to the rights and freedoms protected by the Convention.⁴² Moreover, under Article 62 of the American Convention, the State of Bolivia recognizes the jurisdiction of the Inter-American Court “on all matters relating to the interpretation or application of this Convention.”⁴³

We urge the Bolivian Government to take into consideration the legal obligations of the Bolivian State under international law.

<https://twitter.com/CIDH/status/1195817630533390336>.

⁴⁰ See *Barrios Altos v. Peru*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 75 (Mar. 14, 2001).

⁴¹ *Almonacid-Arellano et al. v. Chile*, Judgment, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 154, para. 123 (Sept. 26, 2006).

⁴² See American Convention, arts. 1.1 and 2.

⁴³ American Convention, art. 62.

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