

GENERAL
ASSEMBLYASSEMBLEE
GENERALEA/C.3/278
14 October 1948

ORIGINAL: ENGLISH

Dual Distribution

Third session

THIRD COMMITTEE

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Recapitulation of Amendments to Article 9

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

Article 9 - Text adopted by the Commission on Human Rights:

"1. 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.

2. No one shall be held guilty of any offence on account of any act or omission which did not constitute an offence, under national or international law, at the time when it was committed."

AMENDMENTS:

Panama

(A/C.3/220)

It is proposed that the second paragraph of this article be made part of a separate article dealing with the right to security against ex post facto laws, as follows:

Article - No one shall be held guilty of any offence on account of any act or omission which did not constitute an offence under national or international law, at the time when it was committed. Neither can anyone be imposed a heavier penalty than the one that was applicable at the time the offence was committed.

Union of Soviet Socialist Republics (E/800)

Before the word "trial" delete "public", and after the word "defence" add: "... and which must be public except in cases involving considerations of the protection of public morality or national security."

United States of America

(A/C.3/223)

Insert the word "penal" before the word "offence" in the second paragraph of Article 9, so as to read:

"

Article 9

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national
dd /or international

or international law, at the time when it was committed."

France

(A/C.3/244)

Article 9, paragraph 2:

This amendment does not apply to the English text.

Uruguay

(A/C.3/268)

In paragraph 2 insert the word "punishable" before the word "under".

Insert two new paragraphs as follows:

"3. Laws which increase penalties or diminish means of or guarantees for defence may not be applied retroactively.

"4. No one shall be subjected to torture, to the death penalty or inhuman punishments, or to degrading treatment."
