

Int'l HR--3-6-95

Marcos Hearing 3-14

Distribute Western Samoan article for next class

Get notes/ materials from Model Pacific HR
Eastern Carelia case

Note the increased number of ratifiers of the American Convention, mentioned at 78 Supp--23 ratifiers, 14 have recognized the contentious jurisdiction of the Court. Art. 62(3)--295B

Does the American ^{Declaration}~~Convention~~ on the Rights and Duties of Man have legal effect?

US says no, 79Supp 1/6, but Court says yes, 79Supp T

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

March 1, 1995 4:30 pm

WALTER A.Y.H. CHINN, CLERK

CASE NUMBER: MDL 840

CASE NAME: In Re: Estate of Ferdinand Marcos

APPEARANCES BY P:
D:

JUDGE: Manuel L. Real **REPORTER:**

DATE: March 1, 1995 **TIME:**

COURT ACTION: EO: Deft's M/For a New Trial, Pltf's M/For Contempt & Pltf's M/Order Directing the Clerk to Certify the Final Judgment for Transfer to Other Districts will all be set for March 14, 1995 @10:00 a.m. Before Judge Manuel Real in Honolulu, Hawaii.

cc: All counsel of record

Leslie L. Sai
Courtroom Deputy Clerk

The Inter-American Court of Human Rights

Is it a full-time or part-time court? Part-time.

Where does it meet? San Jose, Costa Rica.

Always? No, it can meet elsewhere. 294B.

How are matters brought to the Court

Contentious Jurisdiction--by states or by the Commission; but only against states that have accepted the contentious jurisdiction of the Court.

Are the decisions of the Court binding? Yes

Does the Court have the power to award damages? Yes, art. 68(2).

Does the Court have the power to order provisional remedies? Yes, art. 63(2).

How are the judgments enforced?

Through the OAS.

Reports are issued, to embarrass the recalcitrant governments?

Advisory Jurisdiction--Art 64(1)--are there any limits on when advisory opinions can be requested? Any question related to human rights? Any interpretation of any treaty on any matter related to human rights? Even if the treaty is a global treaty, or a bilateral treaty? 297B An extradition treaty? A bilateral commercial treaty? 298 1/2. What about interpreting the American Declaration on the Rights and Duties of Man?

Review status of advisory opinions in US system.

Eastern Carelia case

In the Eastern Carelia Case, P.C.I.J. Series B, No. 5, p. 7 (1923), the League of Nations requested that the Permanent Court of International Justice issue an advisory opinion regarding a border dispute between Finland and Russia. Russia was not then a member of the League and refused to participate in the court's proceedings. The P.C.I.J. refused to give an advisory opinion because to have done so would have been substantially the same as deciding the dispute between the parties and because the case presented questions of fact requiring the presentation of both sides for their proper disposal.
