

## U.S. Invasion of Panama--December 1989

*What were the U.S. defenses?*

1. Domestic remedies had not been exhausted. [Would it have been futile to do so?--Were Panamanian courts independent? Could defense of sovereign immunity be overcome in U.S. courts?][Who has the burden of proof?]

2. U.S. provided substantial amounts to rebuild Panama. [Analogy to case involving bomb attack on Richmond Hill Hospital in Grenada.]

3. U.S. established an army claims program that could have been used by petitioners.

4. U.S. invasion was justified by Noriega's illegal activities (refusal to follow election results, drug smuggling, suppression of human rights, etc.).

5. Inter-American Human Rights Commission does not have jurisdiction over matters involving armed conflict.

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60 petitions filed on behalf of named civilians who allegedly suffered death of family members, personal injury, and destruction of homes and property as a direct result of the U.S. invasion.

*What principles of international law were allegedly violated?*

Articles 3, 18, and 20 of the O.A.S. Charter, Article 2(4) of the U.N. Charter, common article 3 of the 1949 Geneva Conventions, Articles 51, 52, and 57 of the 1977 Geneva Protocols, and Articles I, VII, IX, XIV, XXIII, and XXVIII of the American Declaration of the Rights and Duties of Man.