

The article, as amended, was adopted by the Third Committee on 25 November 1959 by 63 votes to 0, with 8 abstentions. The text as approved read as follows:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence, and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and exami-

nation of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself, or to confess guilt.

4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

FUTURE WORK ON DRAFT COVENANTS

Not having been able to conclude the consideration of the draft Covenants, the Third Committee adopted a draft resolution on 27 November 1959, by 57 votes to 0, with 7 abstentions, by which the General Assembly would decide to give priority to the item at its fifteenth (1960) session and to request the Third Committee to devote as many meetings as possible at that session to the consideration of the draft Covenants. The text to this effect was adopted at a plenary meeting of the General Assembly on 10 December 1959, by 70 votes to 0, with 4 abstentions, as resolution 1458 (XIV).

DOCUMENTARY REFERENCES

BACKGROUND DOCUMENTS

E/2573. Report of the 10th session of the Commission on Human Rights, Annexes I-III.

A/2929. Official records of General Assembly, 10th session, Annexes, agenda item 28, Part II, document A/2929 (Annotations on the text of the draft international covenant on human rights).

A/3077. Official records of General Assembly, 10th session, Annexes, agenda item 28, Part I, document A/3077 (report of Third Committee).

A/3525. Official records of General Assembly, 11th session, Annexes, agenda item 31, document A/3525 (report of Third Committee).

A/3764. Official records of General Assembly, 12th

session, Annexes, agenda item 33, document A/3764 (report of Third Committee).

A/4045. Official records of General Assembly, 13th session, Annexes, agenda item 32, document A/4045 (report of Third Committee).

GENERAL ASSEMBLY—14TH SESSION

Third Committee, meetings 954, 969, 970, 975.
Plenary Meeting 852.

DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

A/4149. Note by Secretary-General.

A/C.3/L.788. Note by Chairman of Third Committee.