

# An Introduction to World Habeas Corpus

Arthur J. Goldberg

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## AN INTRODUCTION TO WORLD HABEAS CORPUS

AMBASSADOR ARTHUR J. GOLDBERG

**T**HE IDEA of worldwide habeas corpus, internationally recognized and enforceable in an appropriate international court, can only be applauded by those who are dedicated to the rule of law and the attainment of lasting world peace. For the very term "rule of law" or "due process of the law" implies a procedure such as habeas corpus: a means whereby official detention can be challenged and, if not justified on the basis of valid laws, terminated. Without this simple procedural mechanism, many of the substantive rights that have been recognized as so important to the cause of peace must remain little more than mere aspirations. With the advent of international habeas corpus, and the universal respect for human rights that it would encourage, a long stride toward a peaceful world would be taken.

It is peculiarly fitting that we in the United States should heartily support the movement for international habeas corpus. We have had long domestic experience with the "great writ," and experience in which we take a good deal of pride. Habeas corpus finds its place in the "bright constellation" of American rights to which—in the words of Jefferson's first inaugural address—"the wisdom of our sages and the blood of our heroes have been devoted." Indeed, it is not too much to say that we have come to regard habeas corpus as an indispensable means of supervising the administration of justice, and a cornerstone of just government.

But it is not only our traditions that should lead Americans to regard the concept of international habeas corpus with favor. Our devout national commitment to world peace points in the very same direction. We have not forgotten the thought that President Kennedy put so eloquently in the form of a question: "Is not peace, in the last analysis

basically a matter of human rights?" It is painfully obvious that, if we are to have lasting peace, we must use all appropriate and effective means to strike at the human rights abuses that divide man from man and nation from nation. For this reason, even if we were not as familiar as we are with the habeas corpus procedure, we would be naturally drawn to an international institution of the type proposed.

It is not, of course, a question of utopian dreams. We must recognize that there is not yet universal agreement on the content and extent of international rights, much less on the form of the necessary guarantees. Nor should we expect to eradicate abruptly the abuses that have prevailed for centuries. But a beginning is being made, in the efforts of international organizations to define and categorize human rights, and in the work of private bodies such as the Commission for International Due Process of Law. I believe it is important that such efforts go forward, and that the nations of the world take notice of these efforts. For unless men and nations are prepared to lend at least their attention to such endeavors, meaningful international human rights standards will remain forever beyond man's grasp. [April 19, 1967.]