

APPENDIX II

RULES OF PROCEDURE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

Adopted by the Court at its Twenty-Third Regular Session
held January 9 - 18, 1991

Article 1 - Purpose

1. These Rules regulate the organization and establish the procedures of the Inter-American Court of Human Rights.
2. The Court may adopt such other Rules as are necessary to carry out its functions.
3. In the absence of a provision in these Rules or in case of doubt as to their interpretation, the Court shall decide.

Article 2 - Definitions

For the purposes of these Rules:

- a. the term "Court" means the Inter-American Court of Human Rights;
- b. the term "Convention" means the American Convention on Human Rights (Pact of San José, Costa Rica);
- c. the term "Statute" means the Statute of the Court approved by the General Assembly of the Organization of American States on October 31, 1979 (AG/RES. 448 [IX-O/79]), as amended;
- d. the expression "Permanent Commission" means the Permanent Commission of the Court;
- e. the expression "titular judge" means any judge elected in pursuance of Articles 53 and 54 of the Convention;
- f. the expression "**ad hoc** judge" means any judge appointed in pursuance of Article 55 of the Convention;
- g. the expression "interim judge" means any judge appointed in pursuance of Articles 6(3) and 19(4) of the Statute;
- h. the expression "Contracting States" means the States which have ratified or adhered to the Convention;
- i. the expression "Member States" means the States which are Members of the Organization of American States;
- j. the expression "parties to the case" means the parties in a case before the Court;
- k. the term "Commission" means the Inter-American Commission on Human Rights;
- l. the expression "Delegates of the Commission" means the persons designated by the Commission to represent it before the Court;
- m. the term "Agent" means the person designated by a State to represent it before the Court;
- n. the expression "original claimant" means the person, group of persons, or nongovernmental entity that instituted the original petition with the Commission pursuant to Article 44 of the Convention;
- o. the term "victim" means the person whose rights under the Convention are alleged to have been violated;
- p. the expression "report of the Commission" means the report provided for in Article 50 of the Convention;
- q. the acronym "OAS" means the Organization of American States;
- r. the expression "General Assembly" means the General Assembly of the OAS;
- s. the expression "Permanent Council" means the Permanent Council of the OAS;
- t. the expression "Secretary General" means the Secretary General of the OAS;

- u. the term "Secretary" means the Secretary of the Court;
- v. the expression "Deputy Secretary" means the Deputy Secretary of the Court;
- w. the term "Secretariat" means the Secretariat of the Court.

TITLE I
ORGANIZATION AND FUNCTIONING OF THE COURT

Chapter I
The Presidency

Article 3 - Election of the President and Vice-President

1. The President and Vice-President are elected by the Court for a period of two years. Their terms begin on July 1 of the corresponding year. The election shall be held during the regular session nearest to that date.
2. The election referred to in this Article shall be by secret ballot of the titular judges present. The judge who wins four or more votes shall be deemed elected. If no candidate receives the required number of votes, a ballot shall take place between the two judges who have received the most votes. In the case of a tie vote, the judge having precedence in accordance with Article 13 of the Statute shall be deemed elected.

Article 4 - Functions of the President

1. The functions of the President are
 - a. to represent the Court;
 - b. to preside over the meetings of the Court and to submit for its consideration the topics of the agenda;
 - c. to direct and promote the work of the Court;
 - d. to rule on points of order that may arise during the meetings of the Court. If any judge so requests, the point of order shall be decided by a majority vote;
 - e. to present, at the beginning of each regular or special session, a report to the Court on the activities he has carried out as President during the recess between sessions;
 - f. to exercise such other functions as are conferred upon him by the Statute or these Rules, or entrusted to him by the Court.
2. In specific cases, the President may delegate the representation to which paragraph 1(a) of this Article refers to the Vice-President or any of the judges or, if necessary, to the Secretary or Deputy Secretary.
3. If the President is a national of one of the parties to a case before the Court or in special situations in which he considers it appropriate, he shall relinquish the Presidency for that particular case. The same rule shall apply to the Vice-President or to any judge called upon to exercise the Presidency.

Article 5 - Functions of the Vice-President

1. The Vice-President shall replace the President in the latter's temporary absence and shall assume the Presidency when the absence is permanent. In the latter case, the Court shall elect a Vice-President to serve out that term. The same procedure shall be followed if the absence of the Vice-President is permanent.
2. In the absence of the President and the Vice-President, their functions shall be assumed by the other judges in the order of precedence established in Article 13 of the Statute.

Article 6 - Commissions

1. The Permanent Commission is composed of the President, the Vice-President and a third judge appointed by the President. The President may appoint a fourth judge for specific cases or on a permanent basis. The Permanent Commission assists the President in the exercise of his functions.
2. The Court may appoint other commissions for specific matters. In urgent cases, they may be appointed by the President if the Court is not in session.
3. In performing their functions, the commissions shall be governed, wherever relevant, by the provisions of these Rules.

Chapter II
The Secretariat

Article 7 - Election of the Secretary

1. The Court shall elect its Secretary. The Secretary must possess the legal qualifications required for the position, a good command of the working languages of the Court and the experience necessary to carry out his functions.
2. The Secretary shall be elected for a period of five years and may be reelected. He may be freely removed at any time if the Court so decides by the vote of no less than four judges. The vote shall be by secret ballot.
3. The Secretary shall be elected in the manner provided for in Article 3(2) of these Rules.

Article 8 - Deputy Secretary

1. The Deputy Secretary shall be appointed, at the proposal of the Secretary of the Court, in the manner provided for in the Statute. He shall assist the Secretary in the performance of his functions and substitute for him in his temporary absences.
2. If the Secretary and Deputy Secretary are both unable to perform their functions, the President may appoint an Acting Secretary.

Article 9 - Oath

1. The Secretary and Deputy Secretary shall take an oath before the President.
2. The staff of the Secretariat, including any persons carrying out interim or temporary functions, shall, upon assuming their functions, take an oath before the President undertaking to respect the confidential nature of any facts that may come to their attention in performing such functions. If the President is not present at the seat of the Court, the Secretary shall administer the oath.
3. All oaths shall be recorded in a document that shall be signed by the person being sworn and the person administering the oath.

Article 10 - Functions of the Secretary

The functions of the Secretary are

- a. to notify the judgments, advisory opinions, decisions and other rulings of the Court;
- b. to announce the hearings of the Court;
- c. to record the minutes of the meetings of the Court;
- d. to attend all meetings of the Court held at the seat or away from it;
- e. to deal with the correspondence of the Court;
- f. to direct the administration of the Court, pursuant to the instructions of the President;
- g. to prepare the draft programs, regulations and budgets of the Court;
- h. to plan, direct and coordinate the work of the staff of the Court;
- i. to carry out the tasks assigned to him by the Court or the President;
- j. to perform any other duties provided for by the Statute or these Rules.

Chapter III
Functioning of the Court

Article 11 - Regular Sessions

The Court shall meet in two regular sessions each year, one in each semester, on the dates decided upon by the Court at the immediately preceding session. The President may change these dates in exceptional circumstances.

Article 12 - Special Sessions

Special sessions may be convoked by the President on his own initiative or at the request of a majority of the judges.

Article 13 - Quorum

The quorum for the deliberations of the Court is five judges.

Article 14 - Hearings, Deliberations and Decisions

1. The hearings shall be public and shall be held at the seat of the Court. When exceptional circumstances warrant it, the Court may decide to hold a hearing in private or at some other location. The Court shall decide who is permitted to attend such hearings. Even in these exceptional cases, however, minutes shall be kept in the manner prescribed in Article 42 of these Rules.
2. The Court shall deliberate in private and its deliberations shall remain secret. Only the judges shall take part in the deliberations, although the Secretary and Deputy Secretary or their substitutes may be present, as well as such other Secretariat staff as may be required. No other persons may be admitted except by special decision of the Court and after having taken an oath.
3. Any question which is to be voted upon shall be formulated in precise terms in one of the working languages. At the request of any of the judges, the text thereof shall be translated by the Secretariat into the other working languages and distributed prior to the vote.

4. The minutes of the deliberations of the Court shall be limited to a statement of the subject of the discussion and the decisions that were taken. Dissenting votes and declarations made for the record shall also be noted.

Article 15 - Decisions and Voting

1. The President shall present, point by point, the matters to be voted upon. Each judge shall vote either in the affirmative or the negative; abstentions shall not be permitted.
2. The votes shall be cast in inverse order to the order of precedence established in Article 13 of the Statute.
3. The decisions of the Court shall be made by a majority of the judges present.
4. In the event of a tie, the President shall have a second and casting vote.

Article 16 - Continuation in Office by the Judges

Judges whose terms have expired shall continue to exercise their functions in cases that they have begun to hear and that are still pending. However, in the event of death, resignation, inability to sit, withdrawal, or exemption from sitting, the judge in question shall be substituted by the judge who was selected to replace him, if applicable, or by the judge who has precedence among the new judges elected upon expiration of the term of the judge to be replaced.

Article 17 - Interim Judges

Interim judges, appointed in pursuance of Articles 6(3) and 19(4) of the Statute, shall have the same rights and functions as titular judges, except for the limitations expressly established.

Article 18 - Ad Hoc Judges

1. In a case arising under Articles 55(2) or 55(3) of the Convention and 10(2) or 10(3) of the Statute, the President, acting through the Secretariat, shall invite the States referred to in those provisions to appoint and *ad hoc* judge within thirty days following the Agent's receipt of the written invitation. The invitation may also be delivered to the Embassy of the State in question in Costa Rica or, if the State is not represented there, to its Delegation to the OAS in Washington, D. C., United States of America. The President shall also bring the relevant provisions to the attention of the States concerned.
2. When it appears that two or more States have a common interest, the President shall invite them to appoint a single *ad hoc* judge in accordance with Article 10 of the Statute. If no agreement has been communicated to the Court within the thirty-day period following receipt of the written invitation by the last of these States to receive it at the location stipulated in the preceding paragraph, each State shall have fifteen days in which to submit a candidate. Thereafter, and if several candidates have been presented, the President shall choose by lot one *ad hoc* judge, and shall communicate the result to the interested parties.
3. If the interested States fail to exercise their rights within the periods provided for in the preceding paragraphs, they shall be deemed to have waived such rights.
4. The Secretary shall communicate the appointment of the *ad hoc* judges to the parties to the case.
5. *Ad hoc* judges shall take an oath at the first meeting devoted to the consideration of the case for which they have been appointed.
6. *Ad hoc* judges shall receive honoraria for days worked, consistent with the budgetary policies of the Court.

Article 19 - Disqualification, Withdrawal or Exemption

1. Disqualifications, withdrawals or exemptions of the judges shall be governed by the provisions of Article 19 of the Statute.
2. Motions for disqualifications and withdrawal must be filed prior to the first hearing of the case. However, if the grounds therefor were not known at that time, such motions may be submitted to the Court at the first possible opportunity to enable it to rule on the matter immediately.
3. When, for whatever reason, a judge is not present at one of the hearing or at other stages of the proceedings, the Court may decide to exempt him from continuing to hear the case, taking into account all the circumstances it deems relevant.

**TITLE II
PROCEDURE**

**Chapter I
General Rules**

Article 20 - Official Languages

1. The official languages of the Court are those of the OAS.
2. The working languages shall be those agreed upon by the Court every three years, taking into account the languages spoken by the judges. In a specific case, however, the language of one of the parties may also be adopted as a working language, provided it is one of the official languages.
3. The working languages shall be determined at the beginning of the proceedings in each case, unless they are the same as those already being employed by the Court.
4. The Court may authorize any person appearing before it to use his own language if he does not have sufficient knowledge of the working languages. In these circumstances, however, the Court shall make the necessary arrangements to ensure that an interpreter is present to translate that testimony into the working languages.
5. The Court shall, in all cases, determine the authentic text.

Article 21 - Representation of the States

1. The States parties to a case shall be represented by an Agent, who may be assisted by any person of his choice.
2. If a State replaces its Agent, it shall notify the Court of that fact. The substitution shall only take effect once the notification has been received at the seat of the Court.
3. A Deputy Agent may be designated. His actions shall have the same validity as those of the Agent.
4. When appointing its Agent, the State in question shall notify the address to which all relevant communications shall be deemed to have been officially transmitted.

Article 22 - Representation of the Commission

1. The Commission shall be represented by the Delegates whom it shall have designated for that purpose. The Delegates may be assisted by any person of their choice.

2. If the attorneys retained by the original claimant, by the alleged victim or by the next of kin of the victim are among the persons selected by the Delegates to assist them, pursuant to the preceding paragraph, this fact shall be brought to the attention of the Court.

Article 23 - Cooperation by the States

1. The States parties to a case have the obligation to cooperate in order to ensure that all notices, communications or summonses addressed to persons subject to their jurisdiction are duly executed. They shall also expedite compliance with summonses by persons who either reside in or need to pass through their territory.
2. The same rule shall apply to any proceedings that the Court decides to carry out or order in the territory of a State party to the case.
3. When the performance of any of the measures referred to in the preceding paragraphs requires the cooperation of any other State, the President shall request the government in question to provide the requisite assistance.

Article 24 - Interim Measures

1. At any stage of the proceeding involving cases of extreme gravity and urgency and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order whatever provisional measures it deems appropriate, pursuant to Article 63(2) of the Convention.
2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.
3. Such request may be presented to the President, to any judge of the Court or to the Secretariat, by any means of communication. The recipient of the request shall immediately bring it to the attention of the President.
4. If the Court is not sitting, the President shall convoke it immediately. Pending the meeting of the Court, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt the necessary urgent measures and to act so as to permit any provisional measures subsequently ordered by the Court to have the requisite effect.
5. In its Annual Report to the General Assembly, the Court shall include a statement regarding the provisional measures ordered during the period covered by the report. If such measures have not been duly executed, the Court shall make whatever recommendations it deems appropriate.

Article 25 - Procedure by Default

1. When a party fails to appear in or to continue with a case, the Court shall, on its own motion, take whatever measures are necessary to complete consideration of the case.
2. When a party enters a case at a later stage of the proceedings, it shall take the proceedings at that stage.

Chapter II

Institution of the proceedings

Article 26 - Filing of the Application

For a case to be referred to the Court under Article 61(1) of the Convention, an application shall be filed with the Secretariat, in ten copies, indicating:

1. the appointment of the Agent or Delegates, pursuant to Articles 21 and 22 of these Rules;
2. when the case is referred by a State, it shall, if pertinent, present its objections to the opinion of the Commission;
3. when the case is referred by the Commission, it shall include, in addition, the report referred to in Article 50 of the Convention;

4. when the case is before the Commission, the following information shall also be provided:
 - a. the parties to the case;
 - b. the date of the report of the Commission to which Article 50 of the Convention refers;
5. the purpose of the application, a statement of the facts, the supporting evidence, the legal arguments and relevant conclusions.

Article 27 - Preliminary Review of the Application

When during a preliminary review of the application the President finds that the basic requirements have not been met, he shall request the applicant to correct any deficiencies within twenty days.

Article 28 - Communications of the Application

1. On receipt of the application, the Secretary shall give notice thereof and transmit copies to the following:
 - a. the President and the judges of the Court;
 - b. the respondent State;
 - c. the Commission, when it is not also the applicant;
 - d. the original claimant, if known;
 - e. the victim or his next of kin, if applicable.
2. The Secretary shall inform the other Contracting States and the Secretary General of the filing of the application.
3. When giving the notice, the Secretary shall request that, within a period of two weeks, the respondent States designate their Agent and, if appropriate, the Commission appoint its Delegates, in accordance with Articles 21 and 22 of these Rules. Until the Delegates are duly appointed, the Commission shall be deemed to be properly represented by its President for all purposes in the case.

Chapter III **Examination of the cases**

Article 29 - Written Proceedings

1. The respondent State shall always have the right to file a written answer to the application within three months following notification thereof.
2. The President shall consult the Agents and the Delegates on whether they consider other steps in the written proceedings to be necessary. If the response is in the affirmative, he shall fix the deadlines for the filing of the documents.
3. The documents to which this article refers shall be filed with the Secretariat in ten copies. The Secretary shall transmit them to the persons indicated in Article 28(1) of these Rules.

Article 30 - Joinder of Cases

1. The Court may, at any stage of the proceedings, direct the joinder of cases that are interrelated.
2. It may also order the joinder of the written or oral proceedings of several cases, including the examination of witnesses.

3. After consulting the Agents and the Delegates, the President may direct that the proceedings in two or more cases be conducted simultaneously, without prejudice to the decision of the Court regarding the joinder of the cases.

Article 31 - Preliminary Objections

1. Preliminary objections may be filed only within thirty days following notification of the application.
2. The document setting out the preliminary objections shall be filed with the Secretariat in ten copies and shall set out the facts on which the objection is based, the legal arguments, and the conclusions and supporting documents, as well as any evidence which the party filing the objection may wish to produce.
3. The Secretary shall immediately transmit the preliminary objections to the persons indicated in Article 28(1) of these Rules.
4. The presentation of preliminary objections shall not cause the suspension of the proceedings on the merits, unless the Court expressly decides otherwise.
5. Any parties to the case wishing to submit briefs regarding the preliminary objections may do so within thirty days after receipt of the communication.
6. The Court may, if it deems it appropriate, convene a special hearing relating to the preliminary objections, after which it shall rule on the objections or order that they be joined to the merits.

Article 32 - Oral Proceedings

The President shall, after consulting the Agents and the Delegates, fix the date for the opening of the oral proceedings.

Article 33 - Conduct of the Hearings

The President shall direct the hearings. He shall prescribe the order in which the persons listed in Articles 21 and 22 of these Rules shall be heard.

Article 34 - Measures for Taking Evidence

1. The Court may, at the request of a party or on its own motion, obtain any evidence which it considers likely to clarify the facts of the case. In particular, it may decide to hear as a witness or expert witness, or in any other capacity, any person whose evidence, statements or opinion it deems useful.
2. The Court may, at any time during the proceedings, request the parties to provide any type of evidence available to them or any explanation or statement that, in its judgment, would be likely to clarify the facts of the case.
3. The Court may, at any time during the proceedings, designate any person, office, commission or authority of its choice to obtain information, express an opinion or make a report on any given point. These reports may not be published without the authorization of the Court.
4. The Court may, at any time during the proceedings, designate one or more of its members to conduct an inquiry, carry out an investigation on the spot or take evidence in some other manner.

Article 35 - Cost of Request Evidence

The party requesting the production of evidence shall defray the cost thereof.

Article 36 - Convocation of Witnesses, Experts Witnesses and Other Persons

1. Witnesses, expert witnesses, or other persons whom the Court decides to hear, shall be summoned by the Secretary.
2. The summons shall indicate:

- a. the name, status and other particulars of the person summoned;
- b. the name of the parties;
- c. the object of the inquiry, expert opinion, or any other measure ordered by the Court or by the President;
- d. the provisions made for the reimbursement of the expenses incurred by the person summoned.

Article 37 - Oath or Solemn Declaration by Witnesses and Expert Witnesses

1. After his identity has been established and before giving evidence, every witness shall take an oath or make a solemn declaration as follows:
 "I swear" -- or "I solemnly declare" -- "upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth."
2. After his identity has been established and before carrying out his task, every expert witness shall take an oath or make a solemn declaration along the following lines:
 "I swear" -- or "I solemnly declare" -- "that I will discharge my duty as an expert witness honorably and conscientiously."
3. This oath shall be taken or this declaration made before the Court or before the President or any of the judges who have been so delegated by the Court.

Article 38 - Disqualification of a Witness

1. The disqualification of a witness shall take place before he testifies, unless the grounds for the disqualification become known only thereafter.
2. If the Court considers it necessary, it may nevertheless hear, for purposes of information, a person who is not qualified to be heard as a witness.
3. The Court shall assess the value of the testimony and of the disqualification.

Article 39 - Objection to an Expert Witness

1. The grounds for disqualification applicable to judges under Article 19(1) of the Statute shall also apply to expert witnesses.
2. Objections shall be presented within fifteen days following notification of the appointment of the expert witness in question.
3. If the expert witness who has been challenged contests the grounds invoked against him, the Court shall decide, except that when the Court is not in session the President, in consultation with the Permanent Commission, may order the evidence to be presented. The Court shall be informed thereof and shall have the final decision on the value of the evidence.
4. When it becomes necessary to appoint a new expert witness, the Court shall decide. Nevertheless, if there is urgency in obtaining the evidence, the President, in consultation with the Permanent Commission, shall make the appointment and inform the Court accordingly. The Court shall have the final decision in assessing the value of the evidence.

Article 40 - Failure to Appear or False Evidence

1. When, without good reason, a witness or any other person who has been duly summoned fails to appear or refuses to give evidence, the State having jurisdiction over such witness or other person shall be informed accordingly. The same

provision shall apply when a witness or expert witness has, in the opinion of the Court, violated the oath or solemn declaration mentioned in Article 37 of these Rules.

2. States shall not institute proceedings nor take reprisals against any persons on account of their testimony before the Court. However, the Court may request the States to take the measures provided for in their domestic legislation against those who, in the opinion of the Court, have violated their oath.

Article 41 - Questions Put During the Hearings

1. The judges may ask any person appearing before the Court whatever questions they deem appropriate.
2. The witnesses, expert witnesses and any other persons referred to in Article 36 of these Rules may, subject to the control of the President, be examined by the Agents and the Delegates or, at their request, by the persons referred to in Articles 21 and 22 of these Rules.
3. The President is empowered to rule on the relevance of the questions posed and to excuse the person to whom the questions are addressed from replying, unless the Court shall decide otherwise.

Article 42 - Minutes of the Hearings

1. Minutes shall be made of each hearing and shall contain the following:
 - a. the names of the judges present;
 - b. the names of those persons referred to in Articles 21 and 22 of these Rules who are present at the hearing;
 - c. the names and other relevant information concerning the witnesses, expert witnesses and other persons appearing at the hearing;
 - d. the declarations expressly made for insertion in the minutes by the States parties or the Commission;
 - e. the declarations of the witnesses, expert witnesses and other persons appearing at the hearing, as well as the questions put to them and their replies;
 - f. the text of the questions put by the judges and the responses thereto;
 - g. the text of any decisions rendered by the Court during the hearing.
2. The Agents and Delegates, as well as the witnesses, expert witnesses and other persons appearing at the hearing, shall receive a copy of their arguments, statements or testimony, to enable them, subject to the control of the Secretary, to correct any material errors appearing in the transcript of the hearing. The Secretary, in accordance with the instructions of the President, shall fix the time limits granted for this purpose.
3. The minutes shall be signed by the President and the Secretary, who shall attest to their accuracy.
4. Copies of the minutes shall be transmitted to the Agents and to the Delegates.

Article 43 - Discontinuance

1. When the party which has filed the case notifies the Court of its intention not to proceed with it, the Court, after having obtained the opinions of the other parties thereto and the persons referred to in Article 22(2) of these Rules, shall decide whether it is appropriate to approve the discontinuance and, accordingly, to strike the case off its list.
2. When the parties to a case inform the Court that there exists a friendly settlement, arrangement or other fact capable of providing a solution of the matter, the Court may strike the case off its list after having obtained the opinion of the persons referred to in Article 22(2) of these Rules.

3. Notwithstanding the existence of the conditions indicated in the two preceding paragraphs, the Court, mindful of its responsibility to protect human rights, may decide that it should proceed with the consideration of the case.

Article 44 - Application of Article 63(1) of the Convention

1. Article 63(1) of the Convention may be invoked at any stage of the proceedings, even when reference thereto was not made in the application.
2. The Court may invite the persons referred to in Article 22(2) of the Rules to submit briefs regarding the application of Article 63(1) of the Convention.

Article 45 - Decisions

1. The judgments and interlocutory decisions for discontinuance of a case shall be rendered by the Court.
2. All other decisions shall be rendered by the Court, if it is sitting, or by the President, if it is not, unless otherwise provided. The decisions of the President may be appealed to the Court.

**Chapter IV
Judgments**

Article 46 - Contents of the Judgment

1. A judgment shall contain:
 - a. the names of the President, the judges who rendered it, and the Secretary and Deputy Secretary;
 - b. the date on which it was delivered at a hearing;
 - c. the identification of the parties;
 - d. the names of the persons referred to in Articles 21 and 22 of these Rules;
 - e. a description of the proceedings;
 - f. the submissions of the States parties to the case and of the Commission;
 - g. the facts of the case;
 - h. the legal arguments;
 - i. the operative provisions of the judgment;
 - j. the allocation of compensation, if any, without prejudice to what is provided for in the article that follows;
 - k. the decision, if any, in regard to costs;
 - l. the names of the judges constituting the majority;
 - m. a statement indicating which text is authentic.

2. Any judge who has taken part in the consideration of the case is entitled to append to the judgment a dissenting or concurring opinion. These opinions shall be submitted within a time-limit to be fixed by the President, to enable the other judges to take cognizance thereof before the judgment is handed down.

Article 47 - Judgment Relating to Article 63(1) of the Convention

1. When the Court finds that there is a breach of the Convention, it shall in the same judgment decide on the application of Article 63(1) of the Convention if that question is ready for decision. If the question is not ready for decision, the Court shall reserve its decision thereon in whole or in part and shall determine the further proceedings.
2. For the purposes of ruling on the application of Article 63(1) of the Convention, the Court shall, as far as possible, be composed of the same judges who rendered the judgment on the merits of the case. However, in the event of death, resignation, disability, withdrawal or exemption, the judge concerned shall be replaced in the manner provided for in Article 16 of these Rules.
3. If the Court is informed that the injured party and the party adjudged to be responsible have reached an agreement that conforms to its judgment on the merits, it shall verify the fairness of the agreement and, pursuant to Article 43 of these Rules, decide accordingly.

Article 48 - Delivery and Communication of the Judgment

1. When the case is ready for a decision, the Court shall meet in private. A preliminary vote shall be taken and a date fixed for the deliberation and final vote.
2. After the final deliberation, the Court shall take a final vote, approve the wording of the judgment, and fix the date of the public hearing at which it shall be communicated to the parties.
3. Until the aforementioned communication, the texts, the legal arguments and the votes shall all remain secret.
4. The judgments shall be signed by all of the judges who participated in the voting and by the Secretary. A judgment signed by only a majority of the judges shall, however, be valid.
5. The dissenting or concurring opinions referred to in Article 46(2) of these Rules shall be signed by the judges who support them and by the Secretary.
6. The judgment shall conclude with an order, signed by the President and the Secretary and sealed by the latter, providing for the communication and execution of the judgment.
7. The originals of the judgments shall be deposited in the archives of the Court. The Secretary shall send certified copies to the States parties to the case, to the Commission, to the President of the Permanent Council, to the Secretary General, to the persons referred to in Article 22(2) of these Rules, and to any interested persons who request them.
8. The Secretary shall transmit the judgment to all the Contracting States.

Article 49 - Publication of Judgments and Other Decisions

1. The Secretary shall be responsible for the publication of:
 - a. the judgments and other decisions of the Court;
 - b. documents relating to the proceedings, including the report of the Commission, but excluding any particulars bearing on attempts to reach a friendly settlement and any documents which the President considers irrelevant or inappropriate to publish;
 - c. the record of the hearings;
 - d. any other document whose publication the President considers useful.

2. The judgments shall be published in the working languages used in each case; all other documents shall be published in their original language.
3. Documents deposited with the Secretariat regarding cases already adjudicated shall be accessible to the public, unless otherwise decided by the Court.

Article 50 - Application for an Interpretation of a Judgment

1. Applications for an interpretation pursuant to Article 67 of the Convention shall be filed with the Secretariat in ten copies and shall state with precision the issues relating to the meaning or scope of the judgment on which the interpretation is requested.
2. The Secretary shall transmit the application for interpretation to the States parties to the case and to the Commission, as appropriate, and shall invite them to submit, in ten copies, any written comments they deem relevant within a time-limit laid down by the President.
3. When considering an application for interpretation, the Court shall be composed, whenever possible, of the same judges who adjudicated the case whose interpretation is being sought. However, in the event of death, resignation, disability, withdrawal or exemption, the judge affected shall be replaced in accordance with Article 16 of these Rules.
4. An application for interpretation shall not suspend the effect of the judgment.
5. The Court shall determine the procedure to be followed and shall render its decision by means of a judgment.

**TITLE III
ADVISORY OPINIONS**

Article 51 - Interpretation of the Convention

1. Requests for an advisory opinion under Article 64(1) of the Convention shall state with precision the specific questions on which the opinion of the Court is sought.
2. Requests for an advisory opinion submitted by a Member State or by the Commission shall, in addition, identify the provisions to be interpreted, the considerations giving rise to the request, and the names and addresses of the Agent or of the Delegates appointed under Articles 21 and 22 of these Rules.
3. If the advisory opinion is sought by an OAS organ other than the Commission, the request shall also specify, in addition to the information listed in the preceding paragraph, how it relates to its sphere of competence.

Article 52 - Interpretation of Other Treaties

1. If the interpretation requested refers to other treaties concerning the protection of human rights in the American states, as provided for in Article 64(1) of the Convention, the application shall indicate the name of, and parties to, the treaty, the specific questions on which the opinion of the Court is sought, and the considerations giving rise to the request.
2. When the request is submitted by one of the organs of the OAS, the application shall also indicate how the request relates to its spheres of competence.

Article 53 - Interpretation of Domestic Laws

1. Request for advisory opinions presented pursuant to Article 64(2) of the Convention shall indicate the following:
 - a. The provisions of domestic law and of the Convention or of other treaties concerning the protection of human rights to which the request relates;
 - b. the specific questions on which the opinion of the Court is sought;

- c. the name and address of the applicant's Agent, appointed pursuant to Article 21 of these Rules.
2. Copies of the domestic laws referred to in the request shall accompany the application.

Article 54 - Procedure

1. On receipt of a request for an advisory opinion, the Secretary shall transmit copies thereof to all the Member States, to the Commission, to the Secretary General and to the OAS organs whose spheres of competence relate to the subject of the request, if appropriate.
2. The President shall fix the time-limits for the filing of written comments by interested parties.
3. The President may invite or authorize any interested party to submit a written opinion on the issues covered by the request. If the request is governed by Article 64(2) of the Convention, he may do so after consulting with the Agent.
4. At the conclusion of the written proceedings, the Court shall decide whether there should be oral proceedings and shall fix the date for such a hearing, unless it Delegates the latter task to the President. In cases governed by Article 64(2) of the Convention, a prior consultation with the Agent is required.

Article 55 - Application by Analogy

The Court shall apply the provisions of Title II of these Rules to advisory proceedings, to the extent that it deems them to be compatible.

Article 56 - Adoption and Content of Advisory Opinions

1. The adoption of advisory opinions shall be governed by Article 48 of these Rules.
2. Advisory opinions shall contain the following:
 - a. the names of the President, the judges who rendered the opinion, and the Secretary and Deputy Secretary;
 - b. the date on which it was delivered at a public hearing, if applicable;
 - c. the issues presented to the Court;
 - d. a summary of the considerations giving rise to the request;
 - e. a description of the proceedings;
 - f. the legal arguments;
 - g. the names of the judges constituting the majority;
 - h. the opinion of the Court;
 - i. a statement indicating which text is authentic.
3. Any judge who has taken part in the deliberations on the advisory opinion request is entitled to append to the opinion of the Court a concurring or dissenting opinion. These opinions shall be submitted within a time-limit to be fixed by the President, to enable the other judges to take cognizance thereof before the advisory opinion is rendered.
4. Advisory opinions may be delivered in public.

**TITLE IV
FINAL AND TRANSITORY PROVISIONS**

Article 57 - Abrogation and Modification of the Rules of Procedure

These Rules may be amended by the vote of an absolute majority of the titular judges of the Court. Upon entry into force, they shall abrogate the previous Rules of Procedure.

Article 58 - Entry into Force

These Rules, whose Spanish and English versions are equally authentic, shall enter into force on August 1, 1991. They shall only apply for cases brought before the Court after that date.