

Rules of the Inter-American Commission on Human Rights on the Legal Assistance Fund of the Inter-American Human Rights System

Article 1. Purpose

The present Rules shall govern the functioning of the Legal Assistance Fund for Victims, regarding the Inter-American Commission on Human Rights.

Article 2. Legal Assistance

The Commission may grant resources of the legal assistance Fund at the request of a petitioner after the Commission has declared the complaint admissible or has informed its decision to join the issue of admissibility to the merits.

Article 3. Criterion of necessity and availability of the Fund's resources

The legal assistance benefit shall be granted on condition of available resources, to those persons demonstrating the lack of sufficient means to afford all or some of the expenses described in Article 4 of these Rules.

Article 4. Purpose of the legal assistance

The legal assistance referred to in these Rules shall be used to defray the expenses derived from gathering and sending of documentary evidence, as well as the expenses derived from the appearance of the alleged victim, witnesses and experts in hearings held by the Commission and other expenses considered pertinent by the Commission for the processing of a petition or case.

Article 5. Requirements to apply for the legal assistance benefit

Any applicant to the legal assistance benefit shall demonstrate, by an affidavit and other pertinent methods of proof, that he or she lacks sufficient means to cover the expenses described in Article 4 of the present Rules, and shall specify the expenses to which the resources of the Fund will be applied, as well as its relation to the petition or case.

Article 6. Admittance of the request

The Executive Secretariat of the Inter-American Commission shall carry out a preliminary review of the request and if necessary, will request additional information to the applicant. Once the preliminary examination has been completed, the Secretariat shall put the request to the consideration of the Directive Council of the Fund.

The Directive Council shall analyze each one of the applications filed, determine their admittance and establish which aspects of the processing of the claim may be covered by the Fund's resources.

The decision on the granting of resources to cover the expenses derived from the appearance of alleged victims, witnesses and experts in public hearings shall be taken at the moment of granting the hearing.

In case of granting the benefit, the beneficiary shall receive in advance the financial resources assigned to him or her and will be required to submit the support documentation of the expenses afterwards.

Article 7. Composition of the Directive Council of the legal assistance Fund

The Directive Council of the legal assistance Fund shall be composed by one representative of the Inter-American Commission and one representative of the General Secretariat of the OAS.

Article 8. Financial Administration of the Legal Assistance Fund

The financial administration of the Legal Assistance Fund, as far as the Inter-American Commission on Human Rights is concerned, shall be the responsibility of the Secretariat for Administration and Finances of the OAS.

Once the Directive Council of the Fund has approved a request and this decision has been notified to the beneficiary, the Secretariat for Administration and Finances of the OAS shall open an expenses file, in which will be documented all the expenses incurred in accordance with the parameters established by the Directive Board.

Article 9. Reimbursement of expenses to the Legal Assistance Fund

The Commission shall include among the recommendations of the report on the merits of a claim adopted pursuant to Articles 50 of the American Convention and 45 of its Rules, as the case may be, an estimate of the expenses incurred and charged to the Legal Assistance Fund so that the State concern may reimburse the amount to that Fund.

Article 10. Publication

The Commission will publish annually a brief report on the expenses charged to Legal Assistance Fund.

Article 11. Interpretation

Any questions regarding the interpretation of these rules shall be resolved by an absolute majority of the members of the Commission.

Article 12. Amendment of the Rules

The present Rules may be amended by the decision of the absolute majority of the Commission's members.

Article 13. Entry into force

The present Rules shall enter into force on March 1, 2011.