

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

Approved by the Court during its XLIX Ordinary Period of Sessions, held from November 16 to 25, 2000,<sup>1</sup> and partially amended by the Court during its LXXXII Ordinary Period of Sessions, held from January 19 to 31, 2009.

### PRELIMINARY PROVISIONS

#### Article 1. Purpose

1. These Rules regulate the organization and establish the procedure of the Inter-American Court of Human Rights.
2. The Court may adopt other Rules as may be 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:

1. the term “**Agent**” refers to the person designated by a State to represent it before the Inter-American Court of Human Rights;
2. the term “**Deputy Agent**” refers to the person designated by a State to assist the Agent in the discharge of his duties and to replace him during his temporary absences;
3. the term “amicus **curiae**” refers to the person who is unrelated to the case and to the proceeding and who submits to the Court a reasoning about the facts contained in the application or legal considerations over the subject-matter of the proceeding, by means of a document or an argument presented in the hearing;<sup>2</sup>
4. the expression “**General Assembly**” refers to the General Assembly of the

---

<sup>1</sup> The first Rules of Procedure of the Court was approved by the Tribunal in its III Ordinary Period of Sessions, held from June 30 to August 9, 1980. The Court amended the Rules of Procedure during its XXIII Ordinary Period of Sessions, held from January 9 to 18, 1991; during its XXXIV Ordinary Period of Sessions, held from September 9 to 20, 1996; during its XLIX Ordinary Period of Sessions, held from November 16 to 25, 2000; and during its LXI Ordinary Period of Sessions, held from November 20 to December 4, 2003.

<sup>2</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

Organization of American States;

5. the term “**Commission**” refers to the Inter-American Commission on Human Rights;
6. the expression “**Permanent Commission**” refers to the Permanent Commission of the Inter-American Court of Human Rights;
7. the expression “**Permanent Council**” refers to the Permanent Council of the Organization of American States;
8. the term “**Convention**” refers to the American Convention on Human Rights (Pact of San José, Costa Rica);
9. the term “**Court**” refers to the Inter-American Court of Human Rights;
10. the term “**Delegates**” refers to the persons designated by the Commission to represent it before the Court;
11. the expression “**original claimant**” refers to the person, group of persons, or nongovernmental entity that instituted the original petition before the Commission, pursuant to Article 44 of the Convention;
12. the term “**day**” shall be understood to be a natural day;
13. the expression “**States Parties**” refers to the States that have ratified or adhered to the Convention;
14. the expression “**Member States**” refers to the States that are members of the Organization of American States;
15. the term “**Statute**” refers to the Statute of the Court adopted by the General Assembly of the Organization of American States on 31 October 1979 (AG/RES. 448 [IX-0/79]), as amended;
16. the expression “**next-of-kin**” refers to the immediate family, that is, the direct ascendants and descendants, siblings, spouses or permanent companions, or those determined by the Court, if applicable;
17. the expression “**report of the Commission**” refers to the report provided for in Article 50 of the Convention;
18. the term “**Judge**” refers to the judges who compose the Court for each case;
19. the expression “**Titular Judge**” refers to any judge elected pursuant to Articles 53

- and 54 of the Convention;
20. the expression “**Interim Judge**” refers to any judge appointed pursuant to Articles 6(3) and 19(4) of the Statute;
  21. the expression “**Judge *ad hoc***” refers to any judge appointed pursuant to Article 55 of the Convention;
  22. the term “**month**” shall be understood to be a calendar month;
  23. the acronym “**OAS**” refers to the Organization of American States;
  24. the expression “**parties to the case**” refers to the victim or the alleged victim, the State and, only procedurally, the Commission;
  25. the term “**Expert Witness**” refers to the person that, within his or her special area of knowledge, be it scientific, artistic, technical or practical, informs the tribunal about specific legal issues related to his or her special knowledge or experience.<sup>3</sup>
  26. the term “**President**” refers to the President of the Court;
  27. the term “**alleged victim**” refers to the person whose rights under the American Convention have allegedly been violated;
  28. the term “**Secretariat**” refers to the Secretariat of the Court;
  29. the term “**Secretary**” refers to the Secretary of the Court;
  30. the expression “**Deputy Secretary**” refers to the Deputy Secretary of the Court;
  31. the expression “**Secretary General**” refers to the Secretary General of the Organization of American States;
  32. the expression “**Vice-President**” refers to the Vice-President of the Court;
  33. the term “**victim**” refers to the person whose rights have been violated, according to a judgment pronounced by the Court.

## TITLE I

---

<sup>3</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

# ORGANIZATION AND FUNCTIONING OF THE COURT

## Chapter I THE PRESIDENCY AND VICE-PRESIDENCY

### Article 3. Election of the President and the Vice-President

1. The President and the Vice-President shall be elected by the Court for a period of two years and may be reelected. Their term shall begin on the first day of the first session of the corresponding year. The election shall take place at the last ordinary session held by the Court during the preceding year.
2. The elections 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 to have been elected. If no candidate receives the required number of votes, a ballot shall take place between the two judges who have received most of the votes. In the event of a tie, the judge having precedence in accordance with Article 13 of the Statute shall be deemed to have been elected.

### Article 4. Functions of the President

1. The functions of the President are to:
  - a. represent the Court;
  - b. preside over the meetings of the Court and to submit for its consideration the topics appearing on the agenda;
  - c. direct and promote the work of the Court;
  - d. 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. present a biannual report to the Court on the activities he has carried out as President during that period;
  - f. 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 referred to in paragraph 1(a) of this Article to the Vice-President, to any of the judges or, if necessary, to the Secretary or to the Deputy Secretary.

3. If the President is a national of one of the parties to a case before the Court, or in exceptional circumstances in which he considers it is appropriate, he shall relinquish the Presidency for that particular case. The same rule shall apply to the Vice-President or to any other judge called upon to exercise the functions of the President.

#### **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 the rest of the 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 shall be composed by the President, the Vice-President and any other judges the President deems it appropriate to appoint, according to the needs of the Court. The Permanent Commission shall assist 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. The commissions shall be governed by the provisions of these Rules, as applicable.

### **Chapter II THE SECRETARIAT**

#### **Article 7. Election of the Secretary**

1. The Court shall elect its Secretary, who must possess the legal qualifications required for the position, a good command of the working languages of the Court, and the experience necessary for discharging his functions.
2. The Secretary shall be elected for a term of five years and may be re-elected. He may be removed at any time if the Court so decides. A majority of no fewer than four judges, voting by secret ballot in the presence of a quorum, is required

for the appointment or removal of the Secretary.

### **Article 8. Deputy Secretary**

1. The Deputy Secretary shall be appointed on the proposal of the Secretary, in the manner prescribed in the Statute. He shall assist the Secretary in the performance of his functions and replace him during his temporary absences.
2. If the Secretary and the Deputy Secretary are both unable to perform their functions, the President may appoint an Interim Secretary.
3. If the Secretary and the Deputy Secretary are both temporarily away from the seat of the Court, the Secretary may appoint a lawyer of the Secretariat to be in charge of the Court in their absence.

### **Article 9. Oath**

1. The Secretary and the Deputy Secretary shall take an oath or make a solemn declaration before the President, undertaking to discharge their duties faithfully, and to respect the confidential nature of the facts that come to their attention while exercising their functions.
2. The staff of the Secretariat, including any persons called upon to perform interim or temporary duties, shall, upon assuming their functions, take an oath or make a solemn declaration before the President undertaking to discharge their duties faithfully and to respect the confidential nature of the facts that come to their attention while exercising their functions. If the President is not present at the seat of the Court, the Secretary or Deputy Secretary shall administer the oath.
3. All oaths shall be recorded in a document to be signed by the person being sworn in and by the person administering the oath.

### **Article 10. Functions of the Secretary**

The functions of the Secretary shall be to:

- a. communicate the judgments, advisory opinions, orders, and other rulings of the Court;
- b. keep the minutes of the meetings of the Court;
- c. attend the meetings of the Court held at its seat or elsewhere;
- d. process the correspondence of the Court;
- e. direct the administration of the Court, pursuant to the instructions of the President;
- f. prepare the drafts of the working schedules, rules and regulations, and

- budgets of the Court;
- g. plan, direct, and coordinate the work of the staff of the Court;
  - h. carry out the tasks assigned to him by the Court or by the President;
  - i. perform any other duties provided for in the Statute or in these Rules.

### Chapter III FUNCTIONING OF THE COURT

#### Article 11. Ordinary Sessions

During the year, the Court shall hold the ordinary periods of sessions needed for the exercise of its functions on the dates decided upon by the Court at the previous ordinary session. In exceptional circumstances, the President may change the dates of these sessions after prior consultation with the Court.

#### Article 12. Special Sessions

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

#### Article 13. Sessions held away from the Tribunal's seat<sup>4</sup>

The Court may convene in any Member State when a majority of the Court considers it desirable, and with the prior consent of the State concerned.

#### Article 14. Quorum

The quorum for the deliberations of the Court shall consist of five judges.

#### Article 15. Hearings, Deliberations, and Decisions

1. The Court shall hold hearings when it deems pertinent. Hearings shall be public, unless the Tribunal deems it appropriate that they be in private.<sup>5</sup>
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 the Deputy Secretary or their substitutes may attend, as well as such other Secretariat staff as may be required. No other persons may be admitted, except

---

<sup>4</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>5</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

by special decision of the Court and after taking an oath or making a solemn declaration.

3. Any question that calls for a vote shall be formulated in precise terms in one of the working languages. At the request of any of the judges, the Secretariat shall translate the text thereof into the other working language and distribute it prior to the vote.
4. The development of the hearings and deliberations of the Court shall be registered in audio-recordings.<sup>6</sup>

#### **Article 16. 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; there shall be no abstentions.
2. The votes shall be casted in inverse order to the order of precedence established in Article 13 of the Statute.
3. The decisions of the Court shall be adopted by a majority of the judges present at the time of the voting.
4. In the event of a tie, the President shall have a casting vote.

#### **Article 17. Continuation in Office by the Judges**

1. 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, impediment, excuse, or disqualification, the judge in question shall be replaced by the judge who was elected to take his place, 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.
2. All matters relating to reparations and costs, as well as monitoring compliance with the judgments of the Court, shall be heard by the judges comprising it at that stage of the proceedings, unless a public hearing has already been held. In that event, they shall be heard by the judges who attended that hearing.

---

<sup>6</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.



3. All matters relating to provisional measures shall be heard by the Court composed of Titular Judges.

### **Article 18. Interim Judges**

Interim Judges shall have the same rights and functions as Titular Judges, except for such limitations that have been expressly established.

### **Article 19. Judges *Ad Hoc***

1. In a case arising under Article 55(2) and 55(3) of the Convention and Article 10(2) and 10(3) of the Statute, the President, acting through the Secretariat, shall inform the States referred to in those provisions of their right to appoint a Judge *ad hoc* within 30 days of notification of the application.
2. When it appears that two or more States have a common interest, the President shall inform them that they may jointly appoint one Judge *ad hoc*, pursuant to Article 10 of the Statute. If those States have not communicated their agreement to the Court within 30 days of the last notification of the application, each State may propose its candidate within 15 days. Thereafter, and if more than one candidate has been nominated, the President shall choose a common Judge *ad hoc* by lot, and shall communicate the result to the interested parties.
3. Should the interested States fail to exercise their right within the time limits established in the preceding paragraphs, they shall be deemed to have waived that right.
4. The Secretary shall communicate the appointment of Judges *ad hoc* to the other parties to the case.
5. The Judge *ad hoc* shall take an oath at the first meeting devoted to the consideration of the case for which he has been appointed.
6. Judges *ad hoc* shall receive honoraria on the same terms as Titular Judges.

### **Article 20. Impediments, excuses, and disqualification**

1. Impediments, excuses, and disqualification of Judges shall be governed by the provisions of Article 19 of the Statute.
2. Motions for impediments and excuses must be filed prior to the first hearing of the case. However, if the grounds therefore were not known at the time, such motions may be submitted to the Court at the first possible opportunity, so that

it can rule on the matter immediately.

3. When, for any reason whatsoever, a judge is not present at one of the hearings or at other stages of the proceedings, the Court may decide to disqualify him from continuing to hear the case, taking all the circumstances it deems relevant into account.

## TITLE II PROCEDURE

### Chapter I GENERAL RULES

#### Article 21. Official Languages

1. The official languages of the Court shall be those of the OAS, which are Spanish, English, Portuguese, and French.
2. The working languages shall be those agreed upon by the Court each year. However, in a specific case, the language of one of the parties may be adopted as a working language, provided it is one of the official languages.
3. The working languages for each case shall be determined at the beginning of the proceedings, 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 such circumstances, however, the Court shall make the necessary arrangements to ensure that an interpreter is present to translate that testimony into the working languages. The interpreter must take an oath or make a solemn declaration, undertaking to discharge his duties faithfully and to respect the confidential nature of the facts that come to his attention in the exercise of his functions.
5. The Court shall, in all cases, determine which text is authentic.

#### Article 22. Representation of the States<sup>7</sup>

1. The States Parties to a case shall be represented by Agents, who may, in turn, be assisted by any persons of their choice.

---

<sup>7</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

2. If a State replaces its Agent or Agents, it shall so notify the Court, and the replacements shall only take effect once the notification has been received at the seat of the Court.
3. Deputy Agents may be designated, who will assist the Agents in the exercise of their functions and replace them during temporary absences.
4. When appointing its Agents, the State in question shall indicate the address at which all relevant communications shall be deemed to have been officially received.

### **Article 23. Representation of the Commission**

The Commission shall be represented by the Delegates it has designated for the purpose. The Delegates may be assisted by any persons of their choice.

### **Article 24. Participation of the Alleged Victims<sup>8</sup>**

1. When the application has been admitted, the alleged victims or their duly accredited representatives may submit their pleadings, motions, and evidence autonomously throughout the proceedings.
2. When there are several alleged victims or duly accredited representatives, these shall designate a common intervener who shall be the only person authorized to present pleadings, motions, and evidence during the proceedings, including the public hearings.
3. In case of disagreement, the Court shall make the appropriate ruling.

### **Article 25. Cooperation of the States**

1. The States Parties to a case have the obligation to cooperate so as to ensure that all notices, communications, or summonses addressed to persons subject to their jurisdiction are duly executed. They shall also facilitate compliance with summonses by persons who either reside or are present within their territory.
2. The same rule shall apply to any proceeding that the Court decides to conduct or order in the territory of a State Party to a case.

---

<sup>8</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

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 corresponding government to provide the requisite assistance.

### Article 26. Provisional Measures

1. At any stage of the proceedings 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 such provisional measures as it deems pertinent, 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. In contentious cases already submitted to the Court, the victims or alleged victims or their duly accredited representatives, may present a request for provisional measures in relation to the cases directly to the Court.
4. The request may be made to the President, to any judge of the Court, or to the Secretariat, by any means of communication. In every case, the recipient of the request shall immediately bring it to the President's attention.
5. The Court, or if the Court is not sitting, the President, when he considers it is possible and essential, may require the State, the Commission, or the representatives of the beneficiaries to provide information on a request for provisional measures before deciding on the measure requested.<sup>9</sup>
6. If the Court is not sitting, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures that may be ordered by the Court at its next session.
7. The monitoring of urgent or provisional measures ordered shall be carried out by means of the submission of State's reports and the filing of the corresponding observations to those reports by the representatives of the beneficiaries.<sup>10</sup> The Inter-American Commission on Human Rights shall present observations to the State's reports and to the observations of the beneficiaries of the measures or their representatives.

---

<sup>9</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

<sup>10</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

8. When it considers it pertinent, the Court shall require from other sources of information, any relevant data on the matter that allows the assessment of the gravity and urgency of the situation and the effectiveness of the measures. To that end, it may require expert reports and any other report it considers appropriate.<sup>11</sup>
9. The Court, or its President if the Court is not sitting, may convene the parties to a public or private<sup>12</sup> hearing on provisional measures.
10. In its Annual Report to the General Assembly, the Court shall include a statement concerning the provisional measures ordered during the period covered by the report. If those measures have not been duly implemented, the Court shall make such recommendations as it deems appropriate.

#### Article 27. Filing of Briefs

1. The application, the answer thereto, the brief containing pleadings, motions, and evidence, as well as any other written material addressed to the Court, may be presented in person, by courier, facsimile, telex, mail, or any other method generally used. When any such material is transmitted to the Court by electronic means, the original documents and annexes must be submitted to the Tribunal within a non-renewable term of 21 days as from the expiration of the deadline established to submit those documents. To ensure the authenticity of the documents the Court shall have an adequate protocol.<sup>13</sup>
2. The original application, the answer thereto, the brief containing pleadings, motions, and evidence (Article 37 of the Rules of Procedure), the reply to the preliminary objections (Article 38(4) of the Rules of Procedure), as well as all respective attachments, shall be accompanied by 3 identical copies and received by the Tribunal within the term of 21 days described in the previous subsection.<sup>14</sup>
3. The President may, in consultation with the Permanent Commission, reject any communication from the parties that he considers patently inadmissible, and

---

<sup>11</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>12</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>13</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>14</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

shall order that it be returned to the interested party, without further action.

### **Article 28. Default Procedure**

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

### **Article 29. Joinder of Cases and Proceedings**

1. The Court may, at any stage of the proceedings, order the joinder of interrelated cases, when there is identity of parties, subject-matter and ruling law.
2. The Court may also order that the written or oral proceedings of several cases, including the introduction of witnesses, be carried out jointly.
3. After consulting the Agents and the Delegates, the President may direct that two or more cases be conducted simultaneously.

### **Article 30. Decisions**

1. The judgments and orders finalizing the process shall be rendered exclusively by the Court.
2. All other orders shall be rendered by the Court if it is sitting and by the President if it is not, unless otherwise provided. Decisions of the President that are not purely procedural may be appealed before the Court.
3. Judgments and orders of the Court may not be contested in any way.

### **Article 31. Publication of Judgments and Other Decisions<sup>15</sup>**

1. The Court shall make public:
  - a. its judgments and other decisions, including separate opinions, dissenting or concurring, whenever they fulfill the requirements set forth in Article 59(2) of these Rules;

---

<sup>15</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

- b. documents from the case file, except those considered irrelevant or unsuitable to such end;
  - c. the conduct of the hearing by means of the corresponding technological means;
  - d. any other document that the Court considers suitable for publication.
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 relating to cases already adjudicated, and deposited with the Secretariat of the Court, shall be made accessible to the public, unless the Court decides otherwise.

### **Article 32. Application of Article 63(1) of the Convention**

Application of this provision may be invoked at any stage of the proceedings.

## **Chapter II WRITTEN PROCEEDINGS**

### **Article 33. Institution of the Proceedings**

For a case to be referred to the Court under Article 61(1) of the Convention, an application must be filed with the Secretariat of the Court in its working languages. Though the filing of an application in only one working language shall not suspend the proceeding, translations into the other language or languages must be submitted within 30 days.

### **Article 34. Filing of the Application<sup>16</sup>**

The brief containing the application shall indicate:

1. the claims (including those relating to reparations and costs); the parties to the

---

<sup>16</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

case; a statement of the facts; the orders on the opening of the proceeding and the admissibility of the petition by the Commission; the supporting evidence, with an indication of the facts on which it will bear; the individualization of the witnesses and expert witnesses and the subject of their declarations; and the legal arguments and pertinent conclusions. In addition, the Commission shall include the name and address of the alleged victims, or of their duly accredited representatives, when this is possible.

2. the names of the Agents or the Delegates.
3. If this information is not provided in the application, the Commission, in its capacity as guarantor of the public interest under the American Convention, shall represent the alleged victims in order to ensure that they enjoy legal defense.

If the application is filed by the Commission, it shall be accompanied by the report referred to in Article 50 of the Convention.

#### **Article 35. 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 20 days.

#### **Article 36. Notification of the Application**<sup>17</sup>

1. The Secretary of the Court shall notify the application to:
  - a. the President and the judges of the Court;
  - b. the respondent State;
  - c. the Commission, when it has not submitted the application;
  - d. the alleged victim, or his duly accredited representatives, if applicable.
2. The Secretary shall inform the other States Parties, the Permanent Council of the OAS through its President, and the Secretary General of the OAS, of the filing of the application.
3. When notifying, the Secretary shall request the respondent States to designate their Agent or Agents, and the Commission to appoint its Delegates, within 30 days. Until the Delegates are duly appointed, the Commission shall be deemed to be properly represented by its President for all purposes of the case.

---

<sup>17</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.



### **Article 37. Brief containing pleadings, motions, and evidence**<sup>18</sup>

Upon notice of the application to the alleged victim or his duly accredited representatives, these shall have a non-renewable term of two months as of the receipt of the application and its annexes to autonomously submit to the Court the brief containing pleadings, motions, and evidence.

### **Article 38. Preliminary Objections**

1. Preliminary objections may only be filed in the answer to the application.
2. The document setting out the preliminary objections shall set out the facts on which the objection is based, legal arguments and conclusions, and supporting documents, as well as any evidence which the party filing the objection wishes to offer.
3. The presentation of preliminary objections shall not suspend the proceedings on the merits, nor their respective deadlines.
4. Any parties to the case wishing to submit written briefs on the preliminary objections may do so within 30 days of receipt of the communication.
5. When the Court considers it indispensable, it may convene a special hearing on the preliminary objections, after which it shall rule on the objections.
6. The Court may decide upon the preliminary objections and the merits of the case in a single judgment, under the principle of procedural economy.

### **Article 39. Answer to the Application**

1. The respondent shall answer the application together with the brief containing pleadings, motions, and evidence in writing, within the non-renewable term of 2 months as of the receipt of the latter brief and its annexes.<sup>19</sup> The answer shall contain the same requisites established in Article 34 of these Rules of Procedure, and shall be communicated by the Secretary of the Court to those persons mentioned in article 36(1) hereof.

---

<sup>18</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

<sup>19</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

2. In its answer, the respondent shall state whether it accepts the facts and claims or whether it contradicts them, and the Court may consider those facts that have not been expressly denied and claims that have not been expressly contested as accepted.

#### **Article 40. Other Steps in the Written Proceedings**

Once the application has been answered, and before the opening of the oral proceedings, the parties may seek the permission of the President to enter additional written pleadings. In such a case, the President, if he sees fit, shall establish the time limits for presentation of the relevant documents.

#### **Article 41. Arguments of *Amicus Curiae*<sup>20</sup>**

The brief of one who wishes to act as *amicus curiae* may be submitted to the Tribunal, together with its annexes, at any point during the contentious proceedings, but within the term of 15 days following the public hearing. If the Court does not hold a public hearing, *amicus* briefs must be submitted within the term of 15 days following the Resolution setting deadlines for the submission of final arguments and documentary evidence. Following consultation with the President, the *amicus curiae* brief and its annexes shall be immediately transmitted to the parties, for their information.

### **Chapter III ORAL PROCEEDINGS**

#### **Article 42. Opening**

The President shall announce the date for the opening of the oral proceedings and shall call such hearings as may be necessary.

#### **Article 43. Conduct of the Hearings**<sup>21</sup>

1. The President shall direct the hearings, prescribe the order in which the persons eligible to take part shall be heard, and determine the measures required for the smooth conduct of the hearings.

---

<sup>20</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>21</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

2. The provisions of Article 24 of these Rules of Procedure shall be observed with respect to the declarations of victims or alleged victims, and to the presentations of their duly accredited representatives.

#### Article 44. Questions During the Hearings

1. The judges may ask all persons appearing before the Court any questions they deem proper.
2. The alleged victims,<sup>22</sup> witnesses, expert witnesses, and any other person the Court decides to hear may, subject to the control of the President, be examined by the persons referred to in Articles 22, 23, and 24 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 decides otherwise. Leading questions shall not be permitted.

#### Article 45. Minutes of the Hearings<sup>23</sup>

1. At each hearing, the Secretariat will keep record of:
  - a. the names of the judges present;
  - b. the names of those persons referred to in Articles 22, 23, and 24 of these Rules who are present at the hearing;
  - c. the names and personal information of the witnesses, expert witnesses, and other persons appearing at the hearing.
2. The Secretariat shall record the hearings and annex a copy of the recording to the case file.
3. The Agents, Delegates, victims or alleged victims, or their duly accredited representatives, shall receive a copy of the recording of the public hearing following its conclusion.

### Chapter IV EVIDENCE

---

<sup>22</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>23</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

#### Article 46. Admission<sup>24</sup>

1. Items of evidence tendered by the parties shall be admissible only if they are offered in the application of the Commission, in the pleadings, motions, and evidence of the alleged victims, in the answer to the application and observations to the pleadings and motions filed by the State or, when appropriate, in the document setting out the preliminary objections and the answer thereto.
2. Evidence tendered to the Commission shall form part of the case file, provided that it has been received through adversarial proceedings, unless the Court considers it essential that such evidence should be repeated.
3. Should any of the parties allege *force majeure*, serious impediment, or the emergence of supervening events as grounds for producing an item of evidence, the Court may, in that particular instance, admit such evidence at a time other than those indicated above, provided that the opposing parties are guaranteed the right of defense.

#### Article 47. Procedure for Taking Evidence<sup>25</sup>

The Court may, at any stage of the proceedings:

1. Obtain, on its own motion, any evidence it considers helpful and necessary. In particular, it may hear, in the capacity as alleged victim, witness, expert witness, or in any other capacity, any person whose declaration, testimony, or opinion it deems to be relevant.
2. Request the parties to provide any evidence within their reach or any explanation or statement that, in its opinion, may be useful.
3. Request any entity, office, organ, or authority of its choice to obtain information, express an opinion, or deliver a report or pronouncement on any given point. Such documents may not be published without the authorization of the Court.
4. Commission one or more of its members to take steps in the advancement of the proceedings, including convening hearings at the seat of the Court or at a different location.

---

<sup>24</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

<sup>25</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

5. If it is impossible to proceed according to the terms established in the previous subsection, the judges may commission the Secretariat to take steps in the advancement of the proceedings so required.

#### **Article 48. Cost of Evidence**

The party requesting the production of an item of evidence shall cover its cost.

#### **Article 49. Substitution of Declarants Offered<sup>26</sup>**

A party that has proposed the admission of the declaration of an alleged victim, witness, or expert witness and wishes to replace that declaration must submit a request to the Tribunal establishing the reasons therefor.

#### **Article 50. Convocation of Alleged Victims, Witnesses, and Expert Witnesses<sup>27</sup>**

1. The Court shall determine when the parties are to call the alleged victims, witnesses, and expert witnesses whom the Court considers necessary to hear. Furthermore, when convening an alleged victim, witness, or expert witness to testify, the Court shall indicate the object of the declaration, testimony, or expert opinion. The Tribunal may designate expert witnesses and admit those who, in such capacity, are proposed by the parties, and shall assess expert reports taking into account the identity of the party who offered them.
2. A party offering testimonial or expert evidence shall bear the costs of the appearance of alleged victims, witnesses, or expert witnesses before the Tribunal.
3. The Court may require that particular alleged victims, witnesses, and expert witnesses offered by the parties give their statements, testimonies or expert reports by means of sworn declarations or affidavits. Once the sworn declaration or affidavit is received, it shall be transmitted to the other parties in order for them to present their observations.

#### **Article 51. Oaths or Solemn Declarations by Witnesses and Expert Witnesses**

---

<sup>26</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>27</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

1. After his or her identity has been established, and before testifying,<sup>28</sup> every witness shall take an oath or make a solemn declaration stating that he or she will speak the truth, the whole truth, and nothing but the truth.
2. After his or her identity has been established, and before performing his task, every expert witness shall take an oath or make a solemn declaration in which he or she shall state that he will discharge his duties honorably and conscientiously.
3. The oath shall be taken, or the declaration made, before the Court or the President or any of the judges so delegated by the Court.

#### **Article 52. Objections to Witnesses<sup>29</sup>**

1. Any party may object to a witness within 10 days of receiving the definitive list of witnesses offered to the Court.
2. The Court shall assess the value of the testimonies and objections made by the parties.

#### **Article 53. Objections to Expert Witnesses**

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 10 days of receiving the definitive list of expert witnesses offered to the Court.<sup>30</sup>
3. If the expert witness who has been challenged contests the ground invoked against him, the Court shall rule on the matter. However, when the Court is not in session, the President may, after consultation with the Permanent Commission, order the evidence to be presented. The Court shall be informed thereof and shall rule on the value of the evidence.
4. Should it become necessary to appoint a new expert witness, the Court shall rule on the matter. Nevertheless, if the evidence must be heard as a matter of urgency, the President, after consultation with the Permanent Commission, shall make the appointment and inform the Court accordingly. The Court shall rule

---

<sup>28</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>29</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>30</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

on the value of the evidence.

**Article 54. Protection of Alleged Victims,<sup>31</sup> Witnesses, and Expert Witnesses**

States may not institute proceedings against alleged victims,<sup>32</sup> witnesses, or expert witnesses, nor exert pressure on them or on their families on account of declarations or opinions they have delivered before the Court.

**Article 55. Failure to Appear or False Evidence<sup>33</sup>**

When a person summoned to appear or declare before the Court fails to appear or refuses to give evidence without good reason, or when, in the opinion of the Court, he or she has violated his or her oath or solemn declaration, the Court shall inform the State with jurisdiction over that witness so that the appropriate action may be taken under the relevant domestic legislation.

**Chapter V**  
**EARLY TERMINATION OF THE PROCEEDINGS**

**Article 56. Discontinuance of a Case<sup>34</sup>**

1. When the party that has brought the case notifies the Court of its intention not to proceed with it, the Court shall, after hearing the opinions of the other parties thereto, decide whether to discontinue the case.
2. If the respondent informs the Court of its acquiescence to the claims of the party that has brought the case or the claims of the alleged victims or their representatives, the Court shall decide, after hearing the opinions of the other parties to the case, whether to accept such acquiescence, and rule upon its juridical effects. In that event, the Court shall determine the corresponding reparations and costs.

**Article 57. Friendly Settlement**

When the parties to a case before the Court inform it of the existence of a friendly

---

<sup>31</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>32</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

<sup>33</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

<sup>34</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

settlement, compromise, or any other occurrence likely to lead to a settlement of the dispute, the Court may declare the matter closed.

### **Article 58. Continuation of a Case**

Bearing in mind its responsibility to protect human rights, the Court may decide to continue the consideration of a case notwithstanding the existence of the conditions indicated in the preceding paragraphs.

## **Chapter VI JUDGMENTS**

### **Article 59. Contents of the Judgment**

1. The judgment shall contain:
  - a. the names of the President, the judges who rendered the decision, the Secretary and Deputy Secretary;
  - b. the identity of the parties and their representatives;
  - c. a description of the proceedings;
  - d. the facts of the case;
  - e. the conclusions of the parties;
  - f. the legal arguments;
  - g. the ruling on the case;
  - h. the decision on reparations and costs, if applicable;
  - i. the result of the voting;
  - j. a statement indicating which text is authentic.
2. Any judge who has taken part in the consideration of a case is entitled to append a separate opinion, concurring or dissenting, to the judgment. These opinions shall be submitted within a time limit to be fixed by the President, so that the other judges may take cognizance thereof prior to notification of the judgment. Said opinions shall only refer to the issues covered in the judgment.

### **Article 60. Judgment on Reparations**

1. When no specific ruling on reparations has been made in the judgment on the merits, the Court shall set the date and determine the procedure for the deferred decision thereon.
2. If the Court is informed that the parties to the case have reached an agreement in regard to the execution of the judgment on the merits, it shall verify that the agreement is in accord with the Convention and rule accordingly.



### **Article 61. Delivery and Communication of the Judgment**

1. When a case is ready for judgment, the Court shall deliberate in private and adopt the judgment, which shall be notified to the parties by the Secretariat.
2. The text, legal arguments, and votes shall remain secret until the parties have been notified of the judgment.
3. Judgments shall be signed by all the judges who participated in the voting and by the Secretary. However, a judgment signed by the majority of the judges and the Secretary shall also be valid.
4. Separate opinions, dissenting or concurring, shall be signed by the judges submitting them and by the Secretary.
5. The judgments 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.
6. The originals of the judgments shall be deposited in the archives of the Court. The Secretary shall dispatch certified copies to the States Parties, the parties to the case, the Permanent Council through its President, the Secretary General of the OAS, and any other interested person who requests them.

### **Article 62. Request for Interpretation**

1. The request for interpretation referred to in Article 67 of the Convention may be made in connection with judgments on the merits or on reparations, and shall be filed with the Secretariat. It shall state with precision the questions relating to the meaning or scope of the judgment of which interpretation is requested.
2. The Secretary shall transmit the request for interpretation to the parties to the case and shall invite them to submit any written comments they deem relevant within the time limit established by the President.
3. When considering a request for interpretation, the Court shall be composed, whenever possible, of the same judges who delivered the judgment of which interpretation is being sought. However, in the event of death, resignation, impediment, excuse, or disqualification, the judge in question shall be replaced pursuant to Article 17 of these Rules.
4. A request 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 in the form of a judgment.

**Article 63. Procedure for monitoring compliance with the Judgments and other decisions of the Court**<sup>35</sup>

1. The procedure for monitoring compliance with the judgments and other decisions of the Court shall be carried out by means of the submission of reports by the State and observations to those reports by the victims or their legal representatives. The Commission shall present observations to the State's reports and to the observations of the victims or their representatives.
2. The Court may require from other sources of information relevant data regarding the case in order to evaluate compliance therewith. To that end, the Tribunal shall also require expert declarations or reports it considers appropriate.
3. When it deems appropriate, the Tribunal may convene the parties to a hearing in order to monitor compliance with its decisions.
4. Once the Tribunal has obtained all the relevant information, it shall determine the state of compliance with its decisions and issue the pertinent orders.

**TITLE III  
ADVISORY OPINIONS**

**Article 64. 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 being 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 the Delegates.
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 the sphere of competence of the organ in

---

<sup>35</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

question.

### **Article 65. 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 request shall indicate the name of, and parties to, the treaty, the specific questions on which the opinion of the Court is being sought, and the considerations giving rise to the request.
2. If the request is submitted by an OAS organ, it shall indicate how the subject of the request falls within the sphere of competence of the organ in question.

### **Article 66. Interpretation of Domestic Laws**

1. A request for an advisory opinion 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 being sought;
  - c. the name and address of the applicant's Agent.
2. Copies of the domestic laws referred to in the request shall accompany the application.

### **Article 67. Procedure**

1. On receipt of a request for an advisory opinion, the Secretary shall transmit copies thereof to all the Member States, the Commission, the Permanent Council of the OAS through its President, the Secretary General of the OAS and the OAS organs within whose spheres of competence the subject of the revision of request falls, as appropriate.
2. The President shall establish the time limits for the filing of written comments by the 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 prior consultation 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. Prior consultation with the Agent is required in cases governed by Article 64(2) of the Convention.

### **Article 68. 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 69. Delivery and Content of Advisory Opinions**

1. The delivery of advisory opinions shall be governed by Article 61 of these Rules.
2. Advisory opinions shall contain:
  - a. the name of the President, the judges who rendered the opinion, the Secretary, and Deputy Secretary;
  - b. the issues presented to the Court;
  - c. a description of the proceedings;
  - d. the legal arguments;
  - e. the opinion of the Court;
  - f. a statement indicating which text is authentic.
3. Any judge who has taken part in the delivery of an advisory opinion is entitled to append a separate opinion, dissenting or concurring, to the opinion of the Court. These opinions shall be submitted within a time limit to be fixed by the President, so that the other judges can take cognizance thereof before the advisory opinion is rendered. They shall be published in accordance with Article 31(1) (a) of these Rules.
4. Advisory opinions may be delivered in public.

## **TITLE IV FINAL AND TEMPORARY PROVISIONS**

### **Article 70. Amendments to the Rules of Procedure**

These Rules of Procedure may be amended by the decision of an absolute majority of the Titular Judges of the Court. Upon their entry into force, any earlier provision which conflicts with these new Rules of Procedure is repealed.<sup>36</sup>

### **Article 71. Entry into Force**

---

<sup>36</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009

These Rules of Procedure, the Spanish and English versions of which are equally authentic, shall enter into force on March 24, 2009.<sup>37</sup>

**Article 72. Application**<sup>38</sup>

1. Provisions modified or added to these Rules of Procedure related to the processing of cases before the Court shall be immediately and fully applied to all the cases or requests for opinion brought before the Court after the entry into force of the corresponding changes.
2. Cases pending resolution shall be processed according to the provisions of these Rules of Procedure, except for those cases in which a hearing has already been convened upon the entry into force of these Rules of Procedure; such cases shall be governed by the provisions of the previous Rules of Procedure.

Done at the seat of the Inter-American Court of Human Rights in San José, Costa Rica, on this twenty-ninth day of January, 2009.

---

<sup>37</sup> Amended by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009.

<sup>38</sup> Added by the Court during its LXXXII Ordinary Period of Sessions, in the session held on January 29, 2009