

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

Approved<sup>1</sup> by the Court during its LXXXV Regular Period of Sessions, held from November 16 to 28, 2009.<sup>2</sup>

**PRELIMINARY PROVISIONS**

**Article 1. Purpose**

1. These Rules regulate the organization and 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 expression "**Deputy Agent**" refers to the person designated by a State to assist the Agent in the discharge of his or her functions and to replace him or her during temporary absences;
3. the expression "*amicus curiae*" refers to the person or institution who is unrelated to the case and to the proceeding and submits to the Court reasoned arguments on the facts contained in the presentation of the case or legal considerations on the subject-matter of the proceeding by means of a document or an argument presented at a hearing;
4. the expression "**General Assembly**" refers to the General Assembly of the Organization of American States;
5. the term "**Commission**" refers to the Inter-American Commission on Human Rights;

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<sup>1</sup> Judge Leonardo A. Franco was present during all of the sessions in which the Court deliberated on these Rules of Procedure. Judge Leonardo A. Franco was not able to attend the last session, in which these Rules were adopted, due to circumstances beyond his control.

<sup>2</sup> The first Rules of Procedure of the Court were approved by the Tribunal in its III Regular Period of Sessions, held from June 30 to August 9, 1980; the second Rules of Procedure were approved during its XXIII Regular Period of Sessions, held from January 9 to 18, 1991; the third Rules of Procedure were approved during its XXXIV Regular Period of Sessions, held from September 9 to 20, 1996; the fourth Rules of Procedure were approved during its XLIX Regular Period of Sessions, held from November 16 to 25, 2000, and were amended during the Court's LXI Regular Period of Sessions, held from November 20 to December 4, 2003, and during the Court's LXXXII Regular Period of Sessions, held from January 19 to 31, 2009.

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 "**declarants**" refers to the alleged victims, witnesses, and expert witnesses that make declarations in a proceeding before the Court;
11. the expression "**Inter-American Defender**" refers to the person whom the Court designates to undertake the legal representation of an alleged victim that has not designated an advocate on his or her own accord;
12. the term "**Delegates**" refers to the persons designated by the Commission to represent it before the Court;
13. the term "**day**" shall be understood to be a natural day;
14. the expression "**States Parties**" refers to the States that have ratified or have adhered to the Convention;
15. the expression "**Member States**" refers to the States that are members of the Organization of American States;
16. 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;
17. the term "**Judge**" refers to the Judges who compose the Court in each case;
18. the expression "**Titular Judge**" refers to any Judge selected pursuant to Articles 53 and 54 of the Convention;
19. the expression "**Interim Judge**" refers to any Judge appointed pursuant to Articles 6(3) and 19(4) of the Statute;
20. the expression "**Judge *ad hoc***" refers to any Judge appointed pursuant to Article 55 of the Convention;
21. the term "**month**" shall be understood to be a calendar month;
22. the acronym "**OAS**" refers to the Organization of American States;
23. the term "**expert witness**" refers to the person whom, possessing particular scientific, artistic, technical, or practical knowledge or experience, informs the Court about issues in contention inasmuch as they relate to his or her special area of knowledge or experience;

24. the term "**Presidency**" refers to the President of the Court;
25. the expression "**alleged victim**" refers to the person whose rights under the Convention or another treaty of the Inter-American System have allegedly been violated;
26. the term "**representatives**" refers to the duly accredited legal representative or representatives of the alleged victim or victims;
27. the term "**Secretariat**" refers to the Secretariat of the Court;
28. the term "**Secretary**" refers to the Secretary of the Court;
29. the expression "**Deputy Secretary**" refers to the Deputy Secretary of the Court;
30. the expression "**Secretary General**" refers to the Secretary General of the OAS;
31. the term "**Tribunal**" refers to the Inter-American Court of Human Rights;
32. the term "**Vice-Presidency**" refers to the Vice-President of the Court;
33. the term "**victim**" refers to a person whose rights have been violated, according to a judgment emitted by the Court.

**TITLE I  
ORGANIZATION AND FUNCTIONING OF THE COURT**

**Chapter I  
THE PRESIDENCY AND VICE-PRESIDENCY**

**Article 3. Election of the Presidency and the Vice-Presidency**

1. The Presidency and the Vice-Presidency 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 year in question. The election shall take place during the last regular period of sessions held by the Court during the preceding year.
2. The elections referred to in this Article shall be carried out through a secret vote of the Titular Judges present, and the Judges who win four or more votes shall be elected. If no candidate receives the required number of votes, a new election shall take place between the two Judges who have received the most votes. In the event of a tie, the Judge having precedence in accordance with Article 13 of the Statute shall be deemed elected.

**Article 4. Functions of the Presidency**

1. The functions of the Presidency are to:
  - a. represent the Court;
  - b. preside over the sessions of the Court and submit the topics appearing on

the agenda to its consideration;

- c. direct and promote the work of the Court;
  - d. rule on the points of order that arise during the sessions of the Court. If any Judge so requests, a point of order shall be decided by a majority vote;
  - e. present a biannual report to the Court on the activities he or she has carried out as President during that period;
  - f. exercise such other functions as are conferred upon him or her by the Statute or these Rules, or entrusted to him or her by the Court.
2. In specific cases, the Presidency may delegate the representation referred to in paragraph 1(a) of this Article to the Vice-Presidency, to any of the Judges, or, if necessary, to the Secretary or Deputy Secretary.

#### **Article 5. Functions of the Vice-Presidency**

1. The Vice-Presidency shall replace the Presidency 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-Presidency to serve out the rest of the term. The same procedure shall be followed if the absence of the Vice-Presidency is permanent.
2. In the absence of the Presidency and the Vice-Presidency, 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 of the Presidency, the Vice-Presidency, and any other Judges that the Presidency deems appropriate to appoint, according to the needs of the Court. The Permanent Commission shall assist the Presidency in the exercise of his or her functions.
2. The Court may appoint other Commissions for specific matters. In urgent cases, these Commissions may be appointed by the Presidency 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 knowledge required for the position, a command of the working languages of the Court, and the experience necessary for discharging his or her functions.

2. The Secretary shall be elected for a term of five years and may be re-elected. He or she 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 proposed by the Secretary and appointed in the manner prescribed in the Statute. He or she shall assist the Secretary in the exercise of his or her functions and replace him or her during temporary absences.

2. If the Secretary and the Deputy Secretary are both unable to perform their functions, the Presidency 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 one of the Secretariat's attorneys to take charge of the Secretariat in their absence.

### **Article 9. Oath**

1. The Secretary and the Deputy Secretary shall take an oath or make a solemn declaration before the Presidency, 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 Presidency, 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 Presidency 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. serve notice of the judgments, advisory opinions, orders, and other rulings of the Court;
- b. keep the minutes of the sessions of the Court;
- c. attend the meetings of the Court held at its seat or elsewhere;
- d. process the correspondence of the Court;
- e. certify the authenticity of documents;
- f. direct the administration of the Court, pursuant to the instructions of the Presidency;

- g. prepare drafts of the work schedules, rules and regulations, and budgets of the Court;
- h. plan, direct, and coordinate the work of the staff of the Court;
- i. carry out the tasks assigned to him or her by the Court or the Presidency;
- j. perform any other duties provided for in the Statute or in these Rules.

### **Chapter III FUNCTIONING OF THE COURT**

#### **Article 11. Regular Sessions**

The Court shall hold the regular periods of sessions necessary for the exercise of its functions on the dates decided by the Court during the previous regular session. In exceptional circumstances, the Presidency may, in consultation with the other Judges, change the dates of the sessions.

#### **Article 12. Extraordinary Sessions**

Extraordinary sessions may be convened by the Presidency on his or her own initiative or at the request of a majority of the Judges.

#### **Article 13. Sessions held away from the seat of the Court**

The Court may convene in any Member State when a majority of the Court considers it desirable, 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 it appropriate to do so. Hearings shall be public, unless the Tribunal deems it appropriate that they be private.
2. The Court shall deliberate in private, and its deliberations shall remain secret. Only the Judges shall take part in the deliberations; however, the Secretary and Deputy Secretary or their substitutes, as well as the necessary staff of Secretariat, may attend. No other persons may be admitted, except 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 languages and distribute it prior to the vote.
4. The hearings and deliberations of the Court shall be kept on audio-recordings.

#### **Article 16. Decisions and voting**

1. The Presidency 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 cast in reverse order of precedence as 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 Presidency shall have a casting vote.

#### **Article 17. Continuation in Office of 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, recusal, or disqualification, the Judge in question shall be replaced by the Judge who was elected to take his or her place, if applicable, or by the Judge who has precedence among the new Judges elected upon the expiration of the term of the Judge to be replaced.
2. All matters relating to reparations and costs, as well as to the monitoring of compliance with the judgments of the Court, shall be heard by the Judges comprising the Court at that stage of the proceedings, unless a public hearing has already been held. In the latter case, those matters shall be heard by the Judges who attended the hearing.
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.

#### **Article 19. National Judges**

1. In the cases referred to in Article 44 of the Convention, a Judge who is a national of the respondent State shall not be able to participate in the hearing and deliberation of the case.
2. In the cases referred to in Article 45 of the Convention, national Judges will be able to participate in the hearing and deliberation of the case. If the President is a national of one of the parties to the case, he or she will cede the exercise of his or her functions.

#### **Article 20. Judges *Ad Hoc* in Interstate Cases**

1. In a case arising under Article 45 of the Convention, the Presidency, acting through the Secretariat, shall inform the States referred to in that Article of their right to appoint a Judge *ad hoc* within 30 days following the notification of the application.
2. When it appears that two or more States have a common interest, the

Presidency shall inform them that they may jointly appoint one Judge *ad hoc*, pursuant to Article 10 of the Statute. If those States do not communicate their agreement to the Court within 30 days of the last notification of the application, each State may propose its candidate within the following 15 days. Subsequently, if more than one candidate has been nominated, the Presidency 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 Inter-American Commission, the representatives of the alleged victim, and the petitioning State or respondent State, as applicable.

5. The Judge *ad hoc* shall take an oath at the first session devoted to the consideration of the case for which he or she has been appointed.

6. Judges *ad hoc* shall receive honoraria on the same terms as Titular Judges.

#### **Article 21. Impediments, recusals, and disqualification**

1. Impediments, recusals, and the disqualification of Judges shall be governed by the provisions of Article 19 of the Statute and Article 19 of these Rules of Procedure.

2. Motions for recusal or allegations of impediment must be filed prior to the first hearing of the case. However, if the grounds therefor occur or become known after that hearing, 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, 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 into account all the circumstances it deems relevant.

## **TITLE II PROCEDURE**

### **Chapter I GENERAL RULES**

#### **Article 22. Official Languages**

1. The official languages of the Court shall be those of the OAS, to wit, 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 the respondent State or, if applicable, the petitioning State may be adopted as the 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.

4. The Court may authorize any person appearing before it to use his or her own language if he or she does not have sufficient knowledge of the working languages. In those circumstances, the Court shall make the arrangements necessary to ensure that an interpreter is present to translate that statement into the working languages. The interpreter must take an oath or make a solemn declaration, undertaking to discharge his or her duties faithfully and to respect the confidential nature of the facts that come to his or her attention in the exercise of his or her functions.

5. When deemed necessary, the Court shall determine which text of an order is authentic.

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

1. States that are parties to a case shall be represented by Agents, who may be assisted by any persons of their choice.
2. Deputy Agents may be designated to assist Agents in the exercise of their functions and replace them during temporary absences.
3. If a State replaces its Agent or Agents, it shall so notify the Court; replacements shall take effect only upon said notification.

#### **Article 24. Representation of the Commission**

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

#### **Article 25. Participation of the Alleged Victims or their Representatives**

1. Once notice of the brief submitting a case before the Court has been served, in accordance with Article 39 of the Rules of Procedure, the alleged victims or their representatives may submit their brief containing pleadings, motions, and evidence autonomously and shall continue to act autonomously throughout the proceedings.
2. When there are several alleged victims or 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. Should there be no agreement as to the appointment of a common intervener in a case, the Court or its Presidency may, if appropriate, establish a deadline for the appointment of up to three representatives to act as common interveners. In the latter case, the Presidency shall establish the deadline for the submission of the respondent State's answer and the time allotted to the respondent State, the alleged victims or their representatives, and, if applicable, the petitioning State for their participation in the public hearings.
3. In case that there is disagreement among the alleged victims as to that indicated in the preceding paragraph, the Court shall make the appropriate ruling.

#### **Article 26. Cooperation of the States**

1. States that are 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 must also facilitate compliance with summonses by persons who reside or are present in 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 that is a party to a case.
3. When performance of any of the measures referred to in the preceding paragraphs requires the cooperation of any other State, the Presidency shall request that State to provide the assistance necessary.

### **Article 27. Provisional Measures**

1. At any stage of proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, on its own motion, order such provisional measures as 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. In contentious cases before the Court, victims or alleged victims, or their representatives, may submit to it a request for provisional measures, which must be related to the subject matter of the case.
4. The request may be submitted to the Presidency, 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 attention of the Presidency.
5. The Court, or if the Court is not sitting, the Presidency, upon considering that it is possible and necessary, 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.
6. If the Court is not sitting, the Presidency, in consultation with the Permanent Commission and, if possible, with the other Judges, shall call upon the State 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 during its next period of sessions.
7. The monitoring of urgent or provisional measures ordered shall be carried out through the submission of reports by the State and the filing of observations to those reports by the beneficiaries of the measures or their representatives. The Commission shall submit observations to the State's reports and to the observations of the beneficiaries of the measures or their representatives.
8. When the Court considers it appropriate, it may require from other sources of information any relevant data on the matter that would permit it to assess the gravity and urgency of the situation and the effectiveness of the measures. To that end, it may also require expert opinions and any other report that it considers appropriate.

9. The Court, or its Presidency if the Court is not sitting, may convene the Commission, the beneficiaries of the measures or their representatives, and the State to a public or private 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 28. Filing of Briefs**

1. All briefs addressed to the Court may be presented in person or by courier, facsimile, post, or electronic mail, and must be signed in order to ensure their authenticity. If a brief is transmitted to the Court by electronic means and has not been subscribed, or in the case that a brief is not accompanied by its annexes, the original documents or missing annexes must be received by the Tribunal within a non-renewable term of 21 days from the expiration of the deadline established for the submission of that brief.

2. All briefs and annexes submitted to the Court through non-electronic means shall be accompanied by two identical copies, either on paper or in digital format, and received by the Tribunal within the term of 21 days described in the previous paragraph.

3. Annexes and copies thereof must be duly individualized and identified.

4. The Presidency may, in consultation with the Permanent Commission, reject any communication that he or she considers patently inadmissible, and shall order that it be returned to the relevant party without further action.

#### **Article 29. Default Procedure**

1. When the Commission; the victims, alleged victims, or their representatives; the respondent State; or, if applicable, the petitioning State fail to appear in or pursue a matter, the Court shall, on its own motion, take the measures necessary to conduct the proceedings to their completion.

2. When victims, alleged victims, or their representatives; the respondent State; or, if applicable, the petitioning State enter a case at a later stage in the proceedings, they shall participate in the proceedings at that stage.

#### **Article 30. Joinder of Cases and Proceedings**

1. The Court may, at any stage of the proceedings, order the joinder of related cases when there is commonality of parties, subject-matter, and applicable law.

2. The Court may also order that the written or oral proceedings of several cases, including the introduction of declarants, proceed jointly.

3. After consulting the Agents, Delegates, and alleged victims or their representatives, the Presidency may order that the proceedings of two or more cases be joined.

4. The Court may, when it deems it appropriate, order that provisional measures applications be joined when the subject-matter or the parties are identical. If such is the case, the other provisions of this Article shall be applicable.

5. The Court may join proceedings for the monitoring of compliance of two or more judgments issued with respect to a single State if it considers that the decisions set out in each judgment are closely related. In those circumstances, the victims in those cases or their representatives shall designate a common intervener in accordance with Article 25 of these Rules of Procedure.

### **Article 31. Decisions**

1. Judgments and orders completing proceedings shall be rendered exclusively by the Court.

2. All other orders shall be rendered by the Court if it is sitting and by the Presidency if it is not, unless otherwise provided. Decisions of the Presidency that are not merely procedural may be appealed from to the Court.

3. Judgments and orders of the Court may not be contested in any way.

### **Article 32. Publication of Judgments and Other Decisions**

1. The Court shall make public:

- a. its judgments, orders, opinions, and other decisions, including separate opinions, dissenting or concurring, whenever they fulfill the requirements set forth in Article 65(2) of these Rules;
- b. documents from the case file, except those considered unsuitable for publication;
- c. the conduct of the hearings, except private hearings, through the appropriate means;
- d. any other document that the Court considers suitable for publication.

2. Judgments shall be published in the working languages used in each case. All other documents shall be published in their original language.

3. Documents submitted to the Secretariat of the Court that relate to cases already adjudicated shall be made accessible to the public, unless the Court decides otherwise.

### **Article 33. Transmission of Briefs**

The Court may transmit briefs, annexes, orders, judgments, advisory opinions, and other communications submitted to it by electronic means with adequate guarantees of security.

## **Chapter II WRITTEN PROCEEDINGS**

### **Article 34. Initiation of Proceedings**

For a case to be referred to the Court under Article 61(1) of the Convention, a brief must be filed with the Secretariat in any of the working languages of the Tribunal. The submission of the case in only one working language shall not suspend the proceeding; however, a translation into the language of the respondent State must be submitted within the following 21 days, as long as that language is one of the working languages of the Court.

### **Article 35. Filing of the case by the Commission**

1. The case shall be presented to the Court through the submission of the report to which article 50 of the Convention refers, which must establish all the facts that allegedly give rise to a violation and identify the alleged victims. In order for the case to be examined, the Court shall receive the following information:

- a. the names of the Delegates;
- b. the names, address, telephone number, electronic address, and facsimile number of the representatives of the alleged victims, if applicable;
- c. the reasons leading the Commission to submit the case before the Court and its observations on the answer of the respondent State to the recommendations of the report to which Article 50 of the Convention refers;
- d. a copy of the entire case file before the Commission, including all communications following the issue of the report to which Article 50 of the Convention refers;
- e. the evidence received, including the audio and the transcription, with an indication of the alleged facts and arguments on which they bear. The Commission shall indicate whether the evidence was rendered in an adversarial proceeding;
- f. when the Inter-American public order of human rights is affected in a significant manner, the possible appointment of expert witnesses, the object of their statements, and their *curricula vitae*;
- g. the claims, including those relating to reparations.

2. When it has not been possible to identify one or more of the alleged victims who figure in the facts of the case because it concerns massive or collective violations, the Tribunal shall decide whether to consider those individuals as victims.

3. The Commission shall indicate which facts contained in the report to which Article 50 of the Convention refers it is submitting to the consideration of the Court.

### **Article 36. Filing of the case by a State**

1. A State Party may submit a case to the Court, in accordance with Article 61 of the Convention, through a reasoned brief containing the following information:

- a. the names of the Agents and Alternate Agents, and the address where all relevant communications shall be deemed to have been officially received;
  - b. the names, address, telephone number, electronic address, and facsimile number of the duly accredited representatives of the alleged victims, if applicable;
  - c. the reasons leading the State to submit the case before the Court;
  - d. a copy of the entire case file before the Commission, including the report to which Article 50 of the Convention refers and all communications following the issue of that report;
  - e. the evidence offered, with an indication of the alleged facts and arguments on which they bear;
  - f. the identity of declarants and the object of their statements. Expert witnesses must also submit their *curricula vitae* and contact information.
2. Paragraphs 2 and 3 of the preceding Article are applicable in cases submitted by States before the Court.

#### **Article 37. Inter-American Defender**

In cases where alleged victims are acting without duly accredited legal representation, the Tribunal may, on its own motion, appoint an Inter-American defender to represent them during the processing of the case.

#### **Article 38. Preliminary Review of the Presentation of the Case**

When, during a preliminary review of the presentation of the case, the Presidency finds that the basic requirements have not been met, he or she shall request that its deficiencies be met within 20 days.

#### **Article 39. Notification of the Case**

1. The Secretary of the Court shall serve notice of the presentation of the case on:
  - a. the Presidency and the Judges;
  - b. the respondent State;
  - c. the Commission, when it has not presented the case;
  - d. the alleged victim, his or her representatives, or the Inter-American defender, if applicable.
2. The Secretary shall inform the other States Parties, the Permanent Council through its Presidency, and the Secretary General of the presentation of the case.
3. When giving notice, the Secretary shall request the respondent State to designate its Agent or Agents within 30 days. When appointing its Agents, the State

in question shall indicate the address at which all relevant communications shall be deemed officially received.

4. Until Delegates are appointed, the Commission shall be deemed properly represented by its Presidency for all purposes of the case.

5. When giving notice, the Secretary shall request the representatives of the alleged victims to confirm, within 30 days, the address at which all relevant communications shall be deemed officially received.

#### **Article 40. Brief containing Pleadings, Motions, and Evidence**

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

2. The brief containing pleadings, motions, and evidence shall contain:

- a. a description of the facts within the factual framework established in the presentation of the case by the Commission;
- b. the evidence offered, properly organized, with an indication of the alleged facts and arguments that it relates to;
- c. the identities of declarants and the object of their statements. Expert witnesses must also submit their *curricula vitae* and contact information;
- d. all claims, including those relating to reparations and costs.

#### **Article 41. The State's Answer**

1. The respondent shall, in writing, state its position regarding the presentation of the case and, if applicable, answer the brief containing pleadings, motions, and evidence within a non-renewable term of two months from the receipt of the latter brief and its annexes, without prejudice to the term that the Presidency may establish in the circumstances mentioned in Article 24(2) of these Rules of Procedure. In its answer, the State shall indicate:

- a. whether it accepts the facts and claims or whether it contradicts them;
- b. the evidence tendered, properly organized, with an indication of the facts and arguments that it relates to;
- c. the identity of the declarants offered and the object of their statements. Expert witnesses must also submit their *curricula vitae* and contact information;
- d. its legal arguments, observations on the reparations and reimbursement of costs requested, and conclusions.

2. The answer shall be communicated by the Secretary to those persons mentioned in Article 39(1)(a), 39(1)(c), and 39(1)(d) of these Rules of Procedure and to the petitioning State in the cases to which Article 45 of the Convention refers.

3. The Court may consider those facts that have not been expressly denied and those claims that have not been expressly controverted as accepted.

#### **Article 42. Preliminary Objections**

1. Preliminary objections may only be filed in the brief indicated in the preceding Article.

2. The document setting out preliminary objections shall contain the facts on which the objections are based, legal arguments and conclusions, and supporting documents, as well as any evidence to be offered.

3. The presentation of preliminary objections shall not suspend the proceedings on the merits, nor their respective deadlines.

4. The Commission, alleged victims or their representatives, and, if applicable, the petitioning State may present their observations to the preliminary objections within 30 days as of their receipt.

5. When the Court considers it necessary, it may convene a special hearing on the preliminary objections presented, after which it shall rule thereon.

6. The Court may decide upon the preliminary objections, the merits, and the reparations and costs of the case in a single judgment.

#### **Article 43. Other Steps in the Written Proceedings**

After receipt of the brief presenting the case, the brief containing pleadings, motions, and evidence, and the brief containing the answer, and before the initiation of oral proceedings, the Commission, the alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State may seek the permission of the Presidency to enter additional written pleadings. In such a case, if deemed appropriate, the Presidency shall establish time limits for the presentation of the relevant documents.

#### **Article 44. Arguments of *Amicus Curiae***

1. Any person or institution seeking to act as *amicus curiae* may submit a brief to the Tribunal, together with its annexes, by any of the means established in Article 28(1) of these Rules of Procedure, in the working language of the case and bearing the names and signatures of its authors.

2. If the *amicus curiae* brief is submitted by electronic means and is not signed, or if the brief is submitted without its annexes, the original and supporting documentation must be received by the Tribunal within 7 days of its transmission. If the brief is submitted out of time or is submitted without the required documentation, it shall be archived without further processing.

3. *Amicus curiae* briefs may be submitted at any time during contentious



proceedings for up to 15 days following the public hearing. If the Court does not hold a public hearing, *amicus* briefs must be submitted within 15 days following the Order setting deadlines for the submission of final arguments. Following consultation with the President, the *amicus curiae* brief and its annexes shall be immediately transmitted to the parties, for their information.

4. *Amicus curiae* briefs may be submitted during proceedings for monitoring compliance of judgments and those regarding provisional measures.

### **Chapter III ORAL PROCEEDINGS**

#### **Article 45. Opening**

The Presidency shall announce the date on which oral proceedings will open and shall fix the necessary hearings.

#### **Article 46. Definitive list of declarants**

1. The Court will request the Commission, the alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State to submit definitive lists of declarants, in which they shall confirm or retract offers of evidence submitted within time in accordance with Articles 35(1)(f), 36(1)(f), 40(2)(c), and 41(1)(c) of these Rules of Procedure, in the form of statements of alleged victims, witnesses, or expert witnesses. Additionally, they must indicate to the Court their position as to which of the declarants offered should be summoned to the hearing, where applicable, and which declarants can render their statements through affidavits.

2. The Tribunal shall transmit the definitive list of declarants to the opposing party and shall establish a time limit in which to present, if necessary, observations, objections, or challenges.

#### **Article 47. Objections to Witnesses**

1. Any party may object to a witness within ten days of receiving the definitive list of declarants offered to the Court.

2. The Court or the Presidency, as applicable in each case, shall assess the value of statements rendered and objections thereto.

#### **Article 48. Objections to Expert Witnesses**

1. An expert witness may be disqualified based on the following grounds:
  - a. he or she is a relative by blood, affinity, or adoption, up to the fourth degree, of one of the alleged victims;
  - b. he or she is or has been a representative of one of the alleged victims in proceedings regarding the facts of the case before the Court, either at the domestic level or before the Inter-American System for the promotion and protection of human rights;

- c. he or she currently has, or has had, close ties with the proposing party, or is, or has been, a subordinate of the proposing party, and the Court considers that his or her impartiality may be affected;
  - d. he or she is, or has been, an officer of the Inter-American Commission on Human Rights with knowledge of the contentious case in which his or her expert opinion is required;
  - e. he or she is or has been an Agent of the respondent State in the contentious case in which his or her expert opinion is required;
  - f. he or she has previously intervened, in any capacity and before any organ, whether national or international, in relation to the same case.
2. Objections shall be presented within 10 days of receipt of the definitive list of expert witnesses offered to the Court.
  3. The Presidency shall communicate to the expert witness in question objections made against him or her and shall establish a time limit for the expert witness to present observations thereto. All of this shall be transmitted to those who form part of the proceedings. The Court or presiding judge shall subsequently decide on the matter.

#### **Article 49. Substitution of Declarants Offered**

Exceptionally, upon receiving a well-founded request from a party and after hearing the opinion of the opposing party, the Court may accept the replacement of a declarant, as long as his or her replacement is identified, and always respecting the object of the statement, testimony, or expert opinion originally offered.

#### **Article 50. Offering, Convocation, and Appearance of Declarants**

1. The Court or its Presidency shall issue an order deciding on the observations, objections, and challenges presented, as applicable; defining the object of the statement of each one of the declarants; requiring the submission of the affidavits deemed appropriate; and summoning all those the Court deems appropriate to a hearing, if necessary.
2. The party who has proposed a statement shall notify the declarant of the order mentioned in the preceding paragraph.
3. Statements shall be limited to the object defined by the Court in the order referred to in paragraph 1 of this Article. Exceptionally, upon receiving a well-founded request and after hearing the opinion of the opposing party, the Court may modify the object of the statement or admit a statement that has exceeded the object established.
4. The party who offers a declarant shall be responsible for his or her appearance before the Tribunal or the submission of his or her affidavit, as applicable.
5. The alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State may formulate questions in writing for the

declarants offered by the opposing party and, if applicable, by the Commission who have been convened by the Court to render their statements through affidavits. The Presidency can determine the pertinence of the questions formulated and can excuse the person being questioned from responding, unless the Court determines otherwise. Leading questions and questions that do not refer to the timely-established object of the statement shall not be admitted.

6. Once an affidavit is received, it shall be transmitted to the opposing party and, if applicable, to the Commission so that observations thereto may be submitted within the time limit established by the Court or its Presidency.

### **Article 51. Hearing**

1. First, the Commission will state the grounds of the report to which Article 50 of the Convention refers and of the presentation of the case before the Court, and set out any other matter that it considers relevant for its resolution.

2. Once the Commission has concluded the statement indicated in the preceding paragraph, the Presidency shall call those declarants who have been summoned in accordance with Article 50(1) of these Rules of Procedure so that they may be interrogated in conformity with the Article that follows. The interrogation of the declarant shall be initiated by the party that has proposed said declarant.

3. After his or her identity has been established, and before testifying, the 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.

4. After his or her identity has been established by the Court, and before performing his or her task, the expert witness shall take an oath or make a solemn declaration stating that he or she will discharge his or her duties honorably and conscientiously.

5. The identities of alleged victims shall be established; however, alleged victims shall not take an oath.

6. Those alleged victims and witnesses who have not rendered their statements before the Court may not be present while the statement of another alleged victim, witness, or expert witness is being delivered at the hearing.

7. Once the Court has heard the declarants summoned and the Judges have questioned them, the Presidency shall allow the victims or their representatives and the respondent State to present their oral arguments to the Tribunal. Subsequently, the Presidency shall allow the victims or their representatives and the State to present a rebuttal and surrebuttal, respectively.

8. Once the oral arguments have concluded, the Commission shall present its final observations.

9. Finally, the President shall call upon the Judges of the Tribunal, in reverse order according to the system of precedence established in Article 13 of the Statute, so that they may ask questions to the Commission, the victims or their representatives, and the State, if they so desire.

10. In cases that are not submitted to this Tribunal by the Commission, the Presidency shall conduct hearings, determine the order in which those who will intervene in the proceedings shall submit their statements to the Court, and determine the measures appropriate so that hearings are carried out in the best possible manner.

11. The Court may receive the statements of witnesses, expert witnesses, or alleged victims through the use of electronic audio-visual means.

#### **Article 52. Questions during the debates**

1. The Judges may formulate the questions they deem appropriate to all those who appear before the Court.

2. Alleged victims, witnesses, expert witnesses, and all other persons that the Court decides to hear may be interrogated by the alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State. Interrogations shall be moderated by the Presidency.

3. The Commission may interrogate the expert witnesses that it has proposed in accordance with Article 35(1)(f) of these Rules of Procedure. It may also interrogate expert witnesses proposed by the alleged victims, the respondent State and, if applicable, the petitioning State, if authorized by the Court upon receiving a well-grounded request therefor, when the Inter-American public order of human rights is affected in a significant manner and the statement in question regards a topic included in the statement of an expert witness offered by the Commission.

4. The Presidency shall have the faculty of deciding the pertinence of questions posed and of excusing the party being questioned from answering, unless the Court deems otherwise. Leading questions shall not be admitted.

#### **Article 53. Protection of Alleged Victims, Witnesses, Expert Witnesses, Representatives, and Legal Advisers**

States may not institute proceedings against witnesses, expert witnesses, or alleged victims, or their representatives or legal advisers, nor exert pressure on them or on their families on account of statements, opinions, or legal defenses presented to the Court.

#### **Article 54. Failure to Appear or False Testimony**

When a person summoned to appear or declare before the Court fails to appear or refuses to render a statement without legitimate cause, 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 appropriate action may be taken under the relevant domestic legislation.

#### **Article 55. Minutes of the Hearings**

1. At each hearing, the Secretariat will keep a record of:

a. the names of the Judges present;

- b. the names of those intervening at the hearing;
  - c. the names and personal information of the declarants who have rendered statements.
2. The Secretariat shall record the hearings and annex a copy of the recording to the case file.
3. The Agents, Delegates, and victims or alleged victims, or their representatives, shall receive a copy of the recording of the public hearing as soon as possible.

#### **Chapter IV FINAL WRITTEN PROCEEDINGS**

##### **Article 56. Final Written Arguments**

1. The alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State shall have the opportunity to present final written arguments within the term established by the Presidency.
2. The Commission may submit final written observations within the term established in the previous section.

#### **Chapter V EVIDENCE**

##### **Article 57. Admission**

1. Items of evidence tendered before the Commission will be incorporated into the case file as long as they have been received in adversarial proceedings, unless the Court considers it indispensable to duplicate them.
2. Exceptionally, and having heard the opinion of all those participating in the proceedings, the Court may admit evidence if the party that has offered it adequately explains that the evidence was not presented or offered at the procedural moments established in Articles 35(1), 36(1), 40(2), and 41(1) of these Rules of Procedure due to *force majeure* or serious impediment. Additionally, the Court may admit evidence that refers to an event which occurred after the procedural moments indicated.

##### **Article 58. Procedure for Taking Evidence**

The Court may, at any stage of the proceedings:

- a. Obtain, on its own motion, any evidence it considers helpful and necessary. In particular, it may hear, as an alleged victim, witness, expert witness, or in any other capacity, any person whose statement, testimony, or opinion it deems to be relevant.
- b. Request the Commission; the victims or alleged victims, or their representatives; the respondent State; and, if applicable, the petitioning State to submit any evidence that they may be able to provide or any

explanation or statement that, in the Court's opinion, may be useful.

- c. 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.
- d. Commission one or more of its members to take steps in the advancement of the proceedings, including hearings at the seat of the Court or at a different location.
- e. If it is impossible to proceed according to the terms established in the previous paragraph, the Judges may commission the Secretariat to take necessary steps in the advancement of the proceedings.

#### **Article 59. Incomplete or Illegible evidence**

Any item of evidence submitted to the Court must be complete and intelligible. Otherwise, the Court shall grant the party that has offered the item of evidence a deadline within which to correct its defects or to submit relevant clarifications. Failure to submit the requested clarifications or corrections will result in the Court considering the evidence as not tendered.

#### **Article 60. Cost of Evidence**

Whoever offers an item of evidence shall cover the costs generated by its production.

### **Chapter VI DISCONTINUANCE, ACQUIESCENCE, AND FRIENDLY SETTLEMENT**

#### **Article 61. Discontinuance of a Case**

When the entity that has presented the case notifies the Court of its intention not to proceed with it, the Court shall, after hearing the opinions of all those participating in the proceedings, decide on the matter and determine the juridical effects of that decision.

#### **Article 62. Acquiescence**

If the respondent informs the Court of its acceptance of the facts or its total or partial acquiescence to the claims stated in the presentation of the case or the brief submitted by the alleged victims or their representatives, the Court shall decide, having heard the opinions of all those participating in the proceedings and at the appropriate procedural moment, whether to accept that acquiescence, and shall rule upon its juridical effects.

#### **Article 63. Friendly Settlement**

When the Commission; the victims or alleged victims, or their representatives; the respondent State; or, if applicable, the petitioning State in a case before the Court inform it of the existence of a friendly settlement, compromise, or any other occurrence likely to lead to a settlement of the dispute, the Court shall rule upon its admissibility and juridical effects at the appropriate procedural time.

### **Article 64. 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 Articles.

## **Chapter VII JUDGMENTS**

### **Article 65. Contents of the Judgment**

1. The judgment shall contain:
  - a. the names of the person who presides in the Court, the Judges who rendered the decision, the Secretary, and the Deputy Secretary;
  - b. the identity of those who participate in the proceedings and their representatives;
  - c. a description of the proceedings;
  - d. the facts of the case;
  - e. the submissions of the Commission, the victims or their representatives, the respondent State, and, if applicable, the petitioning State;
  - 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 of the judgment is authentic.
2. Any Judge who has taken part in the consideration of a case is entitled to append a separate reasoned opinion to the judgment, concurring or dissenting. These opinions shall be submitted within a time limit to be fixed by the Presidency so that the other Judges may take cognizance thereof before notice of the judgment is served. Said opinions shall only refer to the issues covered in the judgment.

### **Article 66. Judgment on reparations and costs**

1. When no specific ruling on reparations and costs 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 victims or their representatives, the respondent State, and, if applicable, the petitioning State have reached an agreement with respect to the execution of the judgment on the merits, it shall verify that the agreement accords with the Convention and rule accordingly.

### **Article 67. Delivery and Communication of the Judgment**

1. When a case is ready for judgment, the Court shall deliberate in private and approve the judgment, which shall be notified by the Secretariat to the Commission; the victims or alleged victims, or their representatives; the respondent State; and, if applicable, the petitioning State.
2. Until notice of the judgment has been served, its text, legal arguments, and votes shall remain secret.
3. Judgments shall be signed by all of 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, concurring or dissenting, shall be signed by the Judges submitting them and by the Secretary.
5. The judgments shall conclude with an order, signed by the Presidency 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 Commission; the victims or alleged victims, or their representatives; the respondent State; the petitioning State, if applicable; the Permanent Council through its Presidency; the Secretary General of the OAS; and any other interested person who requests them.

### **Article 68. Request for Interpretation**

1. The request for interpretation referred to in Article 67 of the Convention may be made in connection with judgments on preliminary objections, on the merits, or on reparations and costs, and shall be filed with the Secretariat. It shall state with precision 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 all those participating in the case and shall invite them to submit any written comments they deem relevant within the time limit established by the Presidency.
3. When considering a request for interpretation, the Court shall be composed, whenever possible, of the same Judges who delivered the judgment whose interpretation is being sought. However, in the event of death, resignation, impediment, recusal, 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 69. Procedure for Monitoring Compliance with Judgments and Other Decisions of the Court**



1. The procedure for monitoring compliance with the judgments and other decisions of the Court shall be carried out through 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 may also request the expert opinions or reports that it considers appropriate.
3. When it deems it appropriate, the Tribunal may convene the State and the victims' representatives to a hearing in order to monitor compliance with its decisions; the Court shall hear the opinion of the Commission at that hearing.
4. Once the Tribunal has obtained all relevant information, it shall determine the state of compliance with its decisions and issue the relevant orders.
5. These rules also apply to cases that have not been submitted by the Commission.

### **TITLE III ADVISORY OPINIONS**

#### **Article 70. 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 how it relates to the sphere of competence of the organ in question, in addition to the information listed in the preceding paragraph.

#### **Article 71. Interpretation of Other Treaties**

1. If, as provided for in Article 64(1) of the Convention, the interpretation requested refers to other treaties concerning the protection of human rights in the American States, the request shall indicate the name of the treaty and parties thereto, 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 its sphere of competence.

#### **Article 72. 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 requesting party's Agent.
2. Copies of the domestic laws referred to in the request shall accompany the application.

#### **Article 73. Procedure**

1. Upon receipt of a request for an advisory opinion, the Secretary shall transmit copies thereof to all of the Member States, the Commission, the Permanent Council through its Presidency, the Secretary General, and, if applicable, to the OAS organs whose sphere of competence is referred to in the request.
2. The Presidency shall establish a time limit for the filing of written comments by the interested parties.
3. The Presidency 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, the Presidency may do so after prior consultation with the Agent.
4. At the conclusion of the written proceedings, the Court shall decide whether oral proceedings should take place and shall establish the date for a hearing, unless it delegates the latter task to the Presidency. Prior consultation with the Agent is required in cases governed by Article 64(2) of the Convention.

#### **Article 74. 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 75. Delivery and Content of Advisory Opinions**

1. The delivery of advisory opinions shall be governed by Article 67 of these Rules.
2. Advisory opinions shall contain:
  - a. the names of the person who presides in the Court, the Judges who rendered the opinion, the Secretary, and the 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 of the opinion is authentic.
3. Any judge who has taken part in the delivery of an advisory opinion is entitled to append a separate reasoned opinion, concurring or dissenting, to that of the Court. These opinions shall be submitted within a time limit to be fixed by the Presidency, so that the other Judges can take cognizance thereof before the advisory opinion is served. Advisory opinions shall be published in accordance with Article 32(1)(a) of these Rules.
4. Advisory opinions may be delivered in public.

#### **TITLE IV RECTIFICATION OF ERRORS**

##### **Article 76. Rectification of errors in judgments and other decisions**

The Court may, on its own motion or at the request of any of the parties to the case, within one month of the notice of the judgment or order, rectify obvious mistakes, clerical errors, or errors in calculation. The Commission, the victims or their representatives, the respondent State, and, if applicable, the petitioning State shall be notified if an error is rectified.

#### **TITLE V FINAL AND TEMPORARY PROVISIONS**

##### **Article 77. 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, earlier versions of the Rules of Procedure are repealed.

##### **Article 78. Entering into force**

These Rules of Procedure will enter into force on January 1, 2010.

##### **Article 79. Application**

1. Contentious cases which have been submitted for the consideration of the Court before January 1, 2010, will continue to be processed, until the issuance of a judgment, in accordance to the previous Rules of Procedure.
2. In cases in which the Commission has adopted a report under article 50 of the Convention before the these Rules of Procedure have come into force, the presentation of the case before the Court will be governed by Articles 33 and 34 of the Rules of Procedure previously in force.<sup>3</sup> Statements shall be received with the aid

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<sup>3</sup> **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.

of the Victim's Legal Assistance Fund, and the dispositions of these Rules of Procedure shall apply.

Done at the seat of the Inter-American Court of Human Rights in San José, Costa Rica, on this 24<sup>th</sup> day of November, 2009.

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**Article 34. Filing of the Application**

The brief containing the application shall indicate:

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

Cecilia Medina-Quiroga  
President

Diego García-Sayán

Sergio García-Ramírez

Manuel E. Ventura-Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu-Blondet

Pablo Saavedra-Alessandri  
Registrar

So ordered,

Cecilia Medina-Quiroga  
President

Pablo Saavedra-Alessandri  
Registrar