

**Relevant information about petitions in the admissibility stage before
the Inter-American Commission on Human Rights**

1. What does it mean for my petition to be in the admissibility stage?

It means that the petition has been sent to the State for their observations. The admissibility stage actually begins once the petition is sent to the State. During this stage, the Commission may request more information to determine the admissibility of the matter. After this exchange of information, the Commission adopts the decision to declare the petition admissible or inadmissible based on an analysis of whether it has met the requirements established in the Rules of Procedure¹ and the Commission's Statute,² and, if applicable, in the American Convention on Human Rights (hereinafter, "the Convention").³ In the admissibility stage, the IACHR analyzes: a) whether it has jurisdiction to hear the matter;⁴ b) whether domestic remedies have been exhausted or whether exceptions to the exhaustion requirement apply;⁵ c) the time period in which the petition was presented;⁶ d) whether international proceedings have been duplicated;⁷ and e) the possible characterization of a violation of one or more of the rights enshrined in international treaties within the Inter-American System over which the Commission has jurisdiction.⁸

During this stage, the Commission may also request additional information from the parties to decide on the admissibility of the case and may even ask them to give an update regarding their interest in continuing the proceedings. Failure to respond to a request made by the Commission has consequences in the process (see question 21).

This stage culminates with the adoption, by the IACHR, of an admissibility or inadmissibility report. The admissibility stage may also conclude if the parties are notified that the IACHR has decided to archive the petition, pursuant to Article 42 of its Rules of Procedure (see question 21).

2. Who may take part in the proceedings?

On one side, the petitioning party and/or the alleged victim(s) (direct or next of kin) and on the other, the respondent State.

The **alleged victim** (direct victim or their next of kin) is the person against whom the violation of one or more rights or freedoms enshrined in the international treaties of the Inter-American System, over which the Commission has jurisdiction, is being alleged.

¹ Rules of Procedure of the Inter-American Commission on Human Rights, available at: <http://www.oas.org/en/iachr/mandate/Basics/RulesIACHR2013.pdf>.

² Statute of the Inter-American Commission on Human Rights, available at: <http://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp>

³ American Convention on Human Rights, available at: http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.

⁴ Articles 44 and 46(1)(d) of the Convention and Articles 23 and 27 of the Rules of Procedure.

⁵ Articles 46(1)(a) and 46(2) of the Convention and Article 31 of the Rules of Procedure.

⁶ Article 46(1)(b) of the Convention and Article 32 of the Rules of Procedure.

⁷ Article 46(1)(c) of the Convention and Article 33 of the Rules of Procedure.

⁸ Article 47(b) of the Convention and Articles 23, 27, and 34(a) of the Rules of Procedure.

The **petitioner** is the party who files the complaint before the IACHR and represents the interests of the alleged victim(s) (direct victim or their next of kin) in the proceedings. This may be a person or group of persons, a non-governmental entity, their representative or legal representatives. The petitioner and the alleged victim can be the same person. The Executive Secretariat shall direct its communications exclusively to the e-mail address provided by the petitioner in the file of a petition or individual case or, in the absence thereof, via any other means of contact provided for such purposes.

The OAS Member **State or States** are the subject of the international complaint.

3. What is the role of the IACHR Executive Secretariat during the processing of petitions in the admissibility stage?

The Executive Secretariat of the IACHR does not act on behalf of any of the parties, but provides legal advice to the Commission and ensures that the processing of the petition complies with the Rules of Procedure, the Commission's Statute and, if applicable, the Convention.

4. How long does the admissibility stage last?

The IACHR cannot determine how long this stage will last, as various elements of each specific case can affect the processing of a petition.

Nevertheless, the Inter-American Commission on Human Rights is aware of the procedural delays at the admissibility stage and has been adopting a series of measures designed to reduce wait times and process cases more efficiently and dynamically.

5. What happens to my petition when it enters the admissibility stage?

The petition is sent to the State in question for a period of three months, which may be extended, if necessary, to a maximum of four months, so that the State can provide a response, pursuant to Article 30(3) of the Rules of Procedure of the IACHR.

Once the State's response is received, it is forwarded to the petitioners for information purposes only, in other words, with no deadline and no request for observations. At this point, the petition is considered procedurally ready for the preparation of a report in which a decision is adopted regarding the petition's admissibility. This means that the IACHR may decide on whether the petition is admissible based on the information available in the file. The Executive Secretariat schedules the preparation of reports chronologically. In exceptional cases, the members of the Commission may ask the Executive Secretariat to prioritize the examination of a petition's admissibility.

At any time, the Commission may also request additional information from the parties to decide on the admissibility of the case and even request that they give an update regarding their interest in continuing with the case. Therefore, it is important to keep the contact information of the petitioning party up to date. Failure to respond to a request formulated by the Commission has consequences in the process (see question 21).

It is the responsibility of the petitioning party or representatives and/or alleged victims to keep a copy of the petition file with all documents sent and received.

6. What happens to my petition if the respondent State does not submit its response within the regulatory period granted by the Commission at the time of notification of the opening for processing?

If the State fails to submit its response within the statutory time limit, the Commission shall send a reiteration of the request to the State.

After a period of six months from the date on which the reiteration was sent, without having received a response from the State, the Commission may defer the examination of admissibility and consequently join this stage to the merits stage, in accordance with Resolution 1/16 (see question 24).

7. In the letter notifying the opening of the petition for processing, the IACHR makes itself available to the parties in order to reach a friendly settlement. What does this mean?

The friendly settlement procedure is a mechanism for dialogue facilitated by the Commission which aims to have the State in question and the alleged victims and/or petitioners reach an agreement, outside the realm of litigation, that would allow for a resolution of the alleged human rights violation. Under Article 40 of our Rules of Procedure, at any time in the proceedings the

IACHR may make itself available to the parties to reach a friendly settlement of the matter on the basis of respect for human rights.

Moreover, any of the parties may request the good offices of the IACHR to facilitate a negotiation process for a friendly settlement agreement at any time during the processing of the petition, from the moment of notification to the State until before the Commission issues a report on the merits of the case. To do so, either of the parties may send a written statement to the IACHR expressing interest in engaging in dialogue with the other party with the intention of reaching a friendly settlement of the matter. The friendly settlement procedure depends on the will of the parties, and therefore both parties must agree to begin and continue with the process.

Once both parties have formally expressed their willingness to make use of the friendly settlement mechanism, the Commission facilitates negotiations through the application of alternative methods of conflict resolution and through means such as working meetings, videoconferences, and exchanges of formal and informal written documents. The friendly settlement proceedings suspend litigation, so the Commission will not move forward with a decision on admissibility or on the merits as long as the parties decide to remain in the negotiation process.

This means that if a party expresses its willingness to move forward in a friendly settlement negotiation, such interest is conveyed to the opposing party. The friendly settlement process, which is facilitated by the Commission, only begins once an agreement to the negotiation is received. The mere declaration of one party's willingness to move forward in the friendly settlement negotiation **does not automatically initiate said request, nor does it suspend the expiration of regulatory deadlines.**

In the event that the friendly settlement procedure has begun and one of the parties believes that there is no willingness by the other party, or that there is no substantial progress in the negotiation, or that the matter does not lend itself to such a resolution, the party may request to end the negotiation and continue litigation of the case at the procedural stage that the matter was in before the negotiation process began.

It is also worth noting that the friendly settlement process is not a mandatory stage in the processing of a petition and users of the individual petition and case system may decide not to use this mechanism.

In 2020, the Commission issued Resolution 3/20 on Differentiated Actions to Address the Procedural Backlog in Friendly Settlement Procedures, in which it established general guidelines for the conduct of such negotiation processes. To read the content of Resolution 3/20, use the following link: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-3-20-en.pdf>.

For more information on the procedure, the Commission recommends that you consult the “Handbook: Friendly Settlement Mechanism in the Petition and Case System,” which is available at the following link: http://www.oas.org/en/iachr/friendly_settlements/docs/handbook-fs-en.pdf.

If you would like information on the type and scope of reparation measures that can be obtained through friendly settlements, we recommend that you consult the report “Impact of the Friendly Settlement Procedure,” available here: http://www.oas.org/en/iachr/friendly_settlements/docs/Report-Friendly-Settlement.pdf.

To learn about the progress made regarding friendly settlements, visit the following website: http://www.oas.org/en/iachr/friendly_settlements/default.asp.

8. Who may send and receive information related to my petition?

In general, only the parties to the process may send and receive information regarding a petition, i.e., the persons accredited as petitioners or representatives and/or alleged victims (direct victims or their next of kin) and the State concerned may send briefs and documents and/or receive information regarding their case.

In this regard, bear in mind that the Executive Secretariat directs its communications exclusively to the e-mail address on file, accredited by the petitioning party, of a petition or individual case or, otherwise, via any other means of contact provided for this purpose (see question 2).

However, in addition to the information provided by the parties to the process, the Commission, when adopting its decision, may take into consideration both publicly available information and information received as *Amicus Curiae* (friend of the court).

The legal opinions expressed by a third party outside the international dispute in its *Amicus Curiae* brief shall be transmitted to both parties for their information.

9. [Can I submit additional information related to my petition?](#)

Both parties have their procedural opportunities to present their observations and responses. In this regard, at this stage of the process, no additional information is required.

The Commission, if it deems it appropriate, may invite you to submit additional observations, as provided in Article 30(5) of the Rules of Procedure, and may even request that you declare your interest in continuing with the processing of the case, in accordance with Article 42(2) of the aforementioned Rules of Procedure.

Notwithstanding the foregoing, the additional relevant information provided by the parties at this stage shall be incorporated into the file and sent to the opposing party for their information, i.e., without a deadline and without request for additional observations.

The IACHR may not incorporate additional information received when it has not been requested and even when it is received when the matter is under its deliberation.

10. [What information should I send to the IACHR during the admissibility stage?](#)

In principle, your original petition and, if applicable, the accompanying information, are sufficient for the IACHR to conduct the analysis mentioned in question number 1 (see above).

Therefore, at this stage of the process, no additional information is required. The Commission, if it deems it appropriate, may invite you to submit additional observations, as provided for in Article 30(5) of its Rules of Procedure, and may even request that you express your interest in continuing with the processing of the case, in accordance with Article 42(2) of the Rules of Procedure.

However, if deemed necessary, the petitioning party may send additional information strictly relevant to complement the analysis of the admissibility requirements. For example, an update on the procedural status of the pending court case at the domestic level. Such information will be added to the file and sent to the opposing party for its knowledge, i.e., without a deadline and without request for additional observations.

The IACHR may not incorporate additional information received if it has not been requested and even if it is received when the matter is under its deliberation.

It is recommended to keep a copy of the petition file, composed of all documents sent and received.

At any time, the Commission may request information from the parties, therefore, it is important to maintain your contact information up to date.

Failure to respond to a request made by the Commission has consequences in the process (see question 21).

11. [How can I send information?](#)

The means by which you submit additional information has an impact on the processing time of your petition. Therefore, the best way to send additional information to the IACHR is through the Individual Petition System Portal (the IACHR Portal or Portal).⁹

One of the advantages of the Portal is that it is free to use and provides certainty and security when sending and receiving information. The IACHR Portal issues an automatic acknowledgement of receipt confirming that the information has been successfully sent, and this, in turn, is entered directly into the case file, thus reducing internal processing times. The Portal allows the entry of several files at a time with a maximum size of 40MB each. **Information sent through the Portal should not be forwarded by any other means.**

⁹ Individual Petition and Case System Portal, available at: <http://www.oas.org/en/iachr/portal/>. More details on how to register and send information/observations to the IACHR through the Portal, as well as how to check the status of your petition, can be found on the Portal's webpage.

If you experience any difficulty sending information via the IACHR Portal, first consult the Portal User Manual.¹⁰ If the difficulty persists, please send your query to the IACHR Portal technical team at the following e-mail address: CIDHPortal@oas.org.¹¹ describing in detail the error or technical failure.

Exceptionally, and due to the user's inability to use the IACHR Portal, the information may be sent by the following means (**select only one method of sending**):

1. If you have access to a computer and internet, you can send your information to the e-mail CIDHDenuncias@oas.org.

If you attach documents, they should not exceed 15MB in total, otherwise your e-mail will not be received by that account.

It will be your responsibility to indicate your petition number and clearly state the reason for your communication in the body of the message.

Unlike the Portal, sending information via e-mail does not generate an automatic acknowledgement of receipt, so you will have to wait for the Executive Secretariat to acknowledge receipt according to demand and according to the response capacity at the given time, which may take time.

If the files to be sent exceed a total of 15MB, you can send them through OneDrive or WeTransfer. For security reasons, the IACHR does not have access to other file sharing platforms. Please make sure that the content of the links does not expire in a short period of time and that they do not have access restrictions or require a password.

Please do not link the e-mail CIDHDenuncias@oas.org to automated distribution lists.

Finally, if this is your option for communicating with the IACHR Executive Secretariat, be sure to use an e-mail account that accepts communications from the **oas.org** domain.

2. If you are unable to send your submission through the IACHR Portal or via e-mail, you may use a certified mail service that allows you to track your submission and confirm its receipt.

All boxes, envelopes, packages and, in general, their contents must be properly identified with the number of your petition or case.

It is recommended that the information be sent in digital format (USB, CD, DVD, flash memory, memory card, among others) to facilitate processing. Verify that the files can be viewed or opened without any problem and that they do not have any password or access restriction.¹²

Avoid sending information in paper format. However, if it is not possible to send information in digital format, the documents should not be laminated or bound in any way. Do not send original documents (see question 13).

Any documents sent via the postal service should be addressed to:

**Inter-American Commission on Human Rights
1889 F Street NW
Washington, D.C. 20006
USA**

¹⁰ Available at: <https://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>.

¹¹ This email is exclusively for technical consultations. Please refrain from sending the same information or requests regarding your petition and its processing.

¹² Any electronic devices received by the IACHR Will not be returned to the user.

12. [In what format should I send the documentation?](#)

In order to expedite the administrative process and facilitate the processing of your case, it is requested that written submissions and/or annexes be sent preferably in digital format through the IACHR Portal.¹³

Exceptionally, they may be sent by the means already referred to in question number 11 (see above).

Documents in digital format should be sent in one of the following formats: .avi, .bmp, .doc, .docx, .eml, .flv, .gif, .ht, .jpeg, .jpg, .mov, .mp3, .mp4, .pdf, .png, .ppt, .pptx, .rtf, .txt, .wav, .wma, .wmv, .xls, .xlsx. Other formats are not supported by our system.

If you prefer to send Word documents (doc., docx), we ask that the format of the document be in letter size (8.5" x 11").

If you encounter any problems when trying to submit additional information through the IACHR Portal, please proceed as indicated in the answer to question number 11 (see above).

13. [Should I send original documents?](#)

No. Original documents should not be sent under any circumstances since the Commission does not return documents that have been sent in as part of a petition. Also, when sending copies of documents it is very important that the document be complete and legible.

14. [How do I send information if my complaint is associated with a request for precautionary measures?](#)

Given that the processing of a petition and a precautionary measure are independent of one another, information should be submitted separately using the links available for submitting additional information within each case (petition/case and precautionary measure) through your IACHR Portal account.

If you use one of the alternative ways of submitting additional information indicated in the response to question 8 (see above), it is the responsibility of the petitioner to specify whether the documentation provided is related to the petition/case and/or precautionary measure, providing the number of the respective case.

15. [How much time does the Commission take to send information from one party to the other?](#)

Given the large quantity of communications received daily by the IACHR and the consequent workload involved in the digitization and administrative handling of large quantities of documents, it is not possible to determine the time it will take the Executive Secretariat to send the information provided by the opposing party.

For this reason, the IACHR requests the parties' understanding with respect to possible delays in sending communications and, consequently, asks that they avoid sending duplicate information, reiterations, or insistencies.

All communications related to petitions and cases are processed, and both parties will receive the corresponding response.

16. [How can I track my petition?](#)

The fastest way to follow up on your petition is to log in to our Individual Petition System Portal, available at <https://www.oas.org/en/iachr/jsForm?File=/en/iachr/portal/default.asp>. To do so, you will need to create an account following the instructions in our User's Manual: Petitioners, available at: <https://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>.

Through your account on the IACHR Portal, you will be able to check the status of your petition or case, including precautionary measures. You will also receive direct notifications from the IACHR informing you of any progress in your case.

¹³ Individual Petition and Case System Portal, available at: <http://www.oas.org/en/iachr/portal/>. On the Portal's webpage you can find more details on how to register and send information/observations to the IACHR through the Portal, as well as consult the procedural status of your petition or case.

If you are unable to access the IACHR Portal, you can send your queries through the means already referred to in question 7 (see above).

Remember that any other means of submission outside of the IACHR Portal does not generate an automatic acknowledgement of receipt, so you will not receive an immediate response.

Inquiries will be handled by the User Support Section in the order in which they are received and according to the response capacity available at the time.

For more information about the User Support Section, please visit: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/usersupport/default.asp>.

17. [Do I need to travel to the headquarters of the IACHR to follow up on my petition?](#)

The Executive Secretariat of the IACHR does not recommend that the petitioning party or representative and/or the alleged victims use financial resources to travel to Washington, D.C. Since this is a prominently written proceeding, it is not necessary to come to the Commission's headquarters to follow up on your petition.

Given that no substantive allegations are received during these meetings, rather they are merely procedural matters, any submission of documentation and inquiries regarding the status of the petition can be made by the means mentioned above in questions 11 and 16 (see above).

18. [Do I need to hire a lawyer to follow up on my petition or pay a fee to the IACHR?](#)

No. The Commission does not require someone to be represented by a lawyer for the presentation and processing of petitions. Also, the IACHR does not require payment of any tariffs, rates, fees or other charges; **our services are free of charge.**

19. [Can I assign a petitioner or substitute one who has already been registered?](#)

Yes. Any designation, substitution, inclusion and/or withdrawal of a petitioner or representative must be reported to the IACHR in writing.

Additionally, it is important to keep the contact information of the petitioner or representative up to date and, if necessary, to report any change of representation, since, in order to protect the confidentiality of the information provided, the IACHR is prevented from sharing information on the status of petitions with persons who are not accredited in the respective case file.

It is important to remember that at any time the Commission may also request more information, evidence, and documents from the parties in order to decide on the matter and even request that they give an update regarding their interest in continuing with its processing, therefore, it is important to keep the contact information up to date.

Failure to respond to a request formulated by the Commission has consequences in the process (see question 21).

20. [May I withdraw my petition?](#)

Yes, it is possible to withdraw your petition at any stage. The withdrawal of a petition must be made in writing to the Commission.

In accordance with Article 41 of the Rules of Procedure of the IACHR, any withdrawal expressed by the petitioner and/or alleged victim shall be analyzed by the Commission, which may decide whether to archive the petition, pursuant to Article 42 of the same Rules of Procedure, or to continue processing the case in the interest of protecting a specific right.

If the IACHR decides to archive the petition, it shall be closed. **This decision is final**, except in the circumstances provided for in Article 42(3) of the Rules of Procedure.

21. [I received a letter about possible archiving. What does that mean?](#)

When the Executive Secretariat identifies procedural inactivity on the part of the petitioners, the Commission may ask them for information about whether the grounds for the petition they filed still exist or whether they are still interested in continuing with the processing of the petition. If no response is received within the time limit established in the notification, counted from the

date of its transmission, the file may be archived in accordance with Article 42 of its Rules of Procedure. That is why it is important for petitioners to keep their contact information up to date.

22. [When does the admissibility stage end?](#)

The admissibility stage ends when the IACHR, after deliberating and voting on the admissibility of the petition, adopts a report establishing that:

- The petition is admissible, in which case the petition proceeds to the merits stage, or;
- The petition is inadmissible, and therefore the matter is closed. If declared inadmissible, the petition is closed. **This decision is not subject to appeal and ends the process.**

In its report, the IACHR does not determine whether a State is responsible for human rights violations, nor does it determine reparation measures. This analysis is part of the merits procedure and is only carried out regarding petitions that are declared admissible.

The admissibility stage may also be concluded when the parties are notified of the decision of the IACHR to dismiss the petition, in accordance with Article 42 of its Rules of Procedure.

23. [What happens once my petition is declared admissible?](#)

Once the petition is declared admissible, the Commission will send the admissibility report to the parties. The petition is assigned a case number and it proceeds to the merits stage, in which it will be determined whether the State is responsible for the violation of one or more of the rights and freedoms enshrined in the international treaties of the Inter-American Human Rights System, over which the IACHR has jurisdiction.

24. [When does Resolution 1/16 apply?](#)

On October 18, 2016, the IACHR adopted Resolution 1/16 on *Measures to reduce procedural backlog*, in which it moved to implement Article 36(3) of its Rules of Procedure under the following circumstances:

- Petitions that have been pending before the Commission during an extended period; referring to petitions received through 2006 in which the period established under Article 30(3) of the Rules of Procedure has expired.
- Petitions for which no response has been received from the State in question during the admissibility stage.
- Petitions for which the State in question has indicated that it has no objection to admissibility.
- Petitions associated with an existing precautionary measure.
- Petitions having to do with the death penalty.
- Petitions that by their very nature lend themselves to summary decisions based on the application of a precedent of the Inter-American Commission and/or Court in identical cases.

If a petition fulfills one of these conditions, it moves on to the merits stage and admissibility is deferred until the decision on the merits. In that case, the Executive Secretariat will inform the parties that Article 36(3) of the IACHR Rules of Procedure applies and will ask the petitioners to submit additional observations on the merits within the regulatory time frame of four months. Once the Commission has received these observations, it will forward them to the State in question and ask the State to present additional observations on the merits within the same regulatory time frame of four months, with the possibility of an extension for a maximum of two additional months.

More information on Resolution 1/16 is available at: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-16-en.pdf>.