

**RULES OF PROCEDURE OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

Approved by the Commission at its 137th Regular Period of Sessions, held from October 28 to November 13, 2009, and modified on September 2nd, 2011 and during the 147th Regular Period of Sessions, held from 8 to 22 March 2013, for entry into force on August 1st, 2013.

**TITLE I
ORGANIZATION OF THE COMMISSION**

**CHAPTER I
NATURE AND COMPOSITION**

Article 1. Nature and Composition

1. The Inter-American Commission on Human Rights is an autonomous organ of the Organization of American States whose principal functions are to promote the observance and defense of human rights and to serve as an advisory body to the Organization in this area.
2. The Commission represents all the Member States of the Organization.
3. The Commission is composed of seven members elected in their individual capacity by the General Assembly of the Organization. They shall be persons of high moral character and recognized competence in the field of human rights.

**CHAPTER II
MEMBERSHIP**

Article 2. Duration of the Term of Office

1. The members of the Commission shall be elected for four years and may be re-elected only once.
2. In the event that new members of the Commission have not been elected to replace those completing their term of office, the latter shall continue to serve until the new members are elected.

Article 3. Precedence

The members of the Commission shall follow the President and Vice-Presidents in order of precedence according to their seniority in office. When there are two or more members with equal seniority, precedence shall be determined according to age.

Article 4. Incompatibility

1. The position of member of the Inter-American Commission on Human Rights is incompatible with the exercise of activities which could affect the independence or impartiality of the member, or the dignity or prestige of the office. Upon taking office, members shall undertake not to represent victims or their relatives, or States, in precautionary measures, petitions and individual cases before the IACHR for a period of two years, counted from the date of the end of their term as members of the Commission.

2. The Commission, with the affirmative vote of at least five of its members, shall decide whether a situation of incompatibility exists.

3. The Commission, prior to taking a decision, shall hear the member whose activities are claimed to be incompatible.

4. The decision with respect to the incompatibility, together with all the background information, shall be sent to the General Assembly, through the Secretary General of the Organization, for the purposes set forth in Article 8.3 of the Commission's Statute.

Article 5. Resignation

The resignation of a member of the Commission shall be submitted to the President of the Commission in writing. The President shall immediately notify the Secretary General of the OAS for the appropriate purposes.

**CHAPTER III
BOARD OF OFFICERS OF THE COMMISSION**

Article 6. Composition and Functions

The Commission shall have as its board of officers a President, a First Vice-President and a Second Vice-President, who shall perform the functions set forth in these Rules of Procedure.

Article 7. Elections

1. Only members present shall participate in the election of each of the officers referred to in the preceding article.

2. Elections shall be by secret ballot. However, with the unanimous consent of the members present, the Commission may decide on another procedure.

3. The affirmative vote of an absolute majority of the members of the Commission shall be required for election to any of the positions referred to in Article 6.

4. Should it be necessary to hold more than one ballot for election to any of these positions, the names receiving the lowest number of votes shall be eliminated successively.

5. Elections shall be held on the first day of the Commission's first session of the calendar year.

Article 8. Duration of Term of Officers

1. The term of office of the officers is one year. The term runs from the date of their election until the elections held the following year for the new board, pursuant to Article 7, paragraph 5. The members of the board of officers may be re-elected to their respective positions only once during each four-year period.

2. In the event that the term of office of a Commission member expires, and he or she is President or Vice-President, the provisions of Article 9, paragraphs 2 and 3 of these Rules of Procedure shall apply.

Article 9. Resignation, Vacancy and Replacements

1. If a member of the board of officers resigns from that position or ceases to be a member of the Commission, the Commission shall fill the position at the next period of sessions for the remainder of the term of office.

2. The First Vice-President shall serve as President until the Commission elects a new President under the provisions of paragraph 1 of this article.

3. In addition, the First Vice-President shall replace the President if the latter is temporarily unable to perform his or her duties. In the event of the absence or disability of the First Vice-President, or if that position is vacant, the Second Vice-President shall serve as President. In the event of the absence or disability of the Second Vice-President, the member with the greatest seniority according to Article 3 shall serve as President.

Article 10. Powers of the President

1. The powers of the President shall be:
 - a. to represent the Commission before the other organs of the Organization and other institutions;
 - b. to convoke sessions of the Commission in accordance with the Statute and these Rules of Procedure;
 - c. to preside over sessions of the Commission and submit to it for consideration all matters appearing on the agenda of the work program approved for the corresponding session; to decide the points of order raised during the deliberations; and to submit matters to a vote in accordance with the applicable provisions of these Rules of Procedure;
 - d. to give the floor to the members in the order in which they have requested it;
 - e. to promote the work of the Commission and oversee compliance with its program-budget;

- f. to present a written report to the Commission at the beginning of its period of sessions on what he or she has done during its recesses to carry out the functions assigned to him or her by the Statute and these Rules of Procedure;
 - g. to seek compliance with the decisions of the Commission;
 - h. to attend the meetings of the General Assembly of the OAS and other activities related to the promotion and protection of human rights;
 - i. to travel to the headquarters of the Commission and remain there for as long as he or she considers necessary to carry out his or her functions;
 - j. to designate special committees, ad hoc committees and subcommittees composed of several members to carry out any mandate within his or her area of competence; and
 - k. to perform any other functions that may be conferred upon him or her in these Rules of Procedure or other tasks entrusted to him or her by the Commission.
2. The President may delegate to one of the Vice-Presidents or to another member of the Commission the powers specified in paragraphs *a*, *h* and *k*.

CHAPTER IV EXECUTIVE SECRETARIAT

Article 11¹

1. The Executive Secretariat shall be composed of an Executive Secretary, and at least one Assistant Executive Secretary, as well as the professional, technical and administrative staff needed to carry out its activities.
2. The Executive Secretary shall be a person of independence and high moral standing, with experience and recognized expertise in the field of human rights.
3. The Executive Secretary is appointed by the Secretary-General of the Organization. The Commission shall undertake the following internal procedure to identify the best qualified candidate and forward his or her name to the Secretary General, proposing appointment for a four-year term that can be renewed once.
- a. The Commission shall open a public competition to fill the vacancy, publicizing the criteria and qualifications for the office and description of the functions and duties to be fulfilled.
 - b. The Commission shall review the applications submitted and identify three to five finalists who shall then be interviewed for the post.

¹ Approved by the Commission on September 2, 2011.

- c. The curriculum vitae of each finalist shall be made public, including on the Commission's website, during one month prior to the final selection, in order to receive observations on the candidates.
 - d. The Commission shall determine the best qualified candidate, taking into account the observations, by an absolute majority of its members.
4. Prior to and during their period of appointment, the Executive Secretary and Assistant Executive Secretary shall disclose to the Commission any interest which may be considered to be in conflict with the exercise of his or her functions.

Article 12. Powers of the Executive Secretary

1. The powers of the Executive Secretary shall be:
 - a. to direct, plan, and coordinate the work of the Executive Secretariat and to coordinate the operational aspects of the tasks assigned to working groups and rapporteurships;
 - b. to prepare, in consultation with the President, the draft program-budget of the Commission, which shall be governed by the budgetary provisions in force for the OAS, and with respect to which he or she shall report to the Commission;
 - c. to prepare the draft work program for each session in consultation with the President;
 - d. advise the President and members of the Commission in the performance of their duties;
 - e. to present a written report to the Commission at the beginning of each period of sessions on the activities of the Secretariat since the preceding period of sessions, and on any general matters that may be of interest to the Commission; and
 - f. to implement the decisions entrusted to him or her by the Commission or its President.
2. The Assistant Executive Secretary shall replace the Executive Secretary in the event of his or her absence or disability. In the absence or disability of both, the Executive Secretary or the Assistant Executive Secretary, as the case may be, shall designate one of the specialists of the Executive Secretariat as a temporary replacement.
3. The Executive Secretary, Assistant Executive Secretary, and staff of the Executive Secretariat must observe the strictest discretion in all matters the Commission considers confidential. Upon taking office, the Executive Secretary shall undertake not to represent victims or their relatives, or States, in precautionary measures, individual petitions or cases before the IACHR for a period of two years, counted from the time he or she ceases to discharge the functions of Executive Secretary.

Article 13. Functions of the Executive Secretariat

The Executive Secretariat shall prepare the draft reports, resolutions, studies and any other work entrusted to it by the Commission or by the President. In addition, it shall receive and process the correspondence, petitions and communications addressed to the Commission. The Executive Secretariat may also request that interested parties provide any information it deems relevant, in accordance with the provisions of these Rules of Procedure.

**CHAPTER V
FUNCTIONING OF THE COMMISSION**

Article 14. Periods of Sessions

1. The Commission shall hold at least two regular periods of sessions per year for the duration previously determined by it and as many special sessions as it deems necessary. Prior to the conclusion of each period of sessions, the date and place of the next period shall be determined.

2. The sessions of the Commission shall be held at its headquarters. However, the Commission may decide to meet elsewhere, pursuant to the vote of an absolute majority of its members and with the consent or at the invitation of the State concerned.

3. Each period of sessions shall consist of the number of sessions necessary to carry out its activities. The sessions shall be confidential, unless the Commission determines otherwise.

4. Any member who because of illness or for any other serious reason is unable to attend all or part of any session of the Commission, or to fulfill any other function, shall notify the Executive Secretary to this effect as soon as possible. The Executive Secretary shall so inform the President and ensure that those reasons appear in the record.

Article 15. Rapporteurships and Working Groups

1. The Commission may assign specific tasks or mandates to either an individual member or group of members concerning the preparation of its periods of sessions or the execution of special programs, studies and projects.

2. The Commission may designate its members as country rapporteurs, in which case the Commission will ensure that each Member State of the OAS has a rapporteur. In the first session of the year, or whenever necessary, the IACHR will consider the functioning and work of the country rapporteurships, and decide on their designation. The country rapporteurs will also be responsible for carrying out the follow-up assigned by the Commission and will report to the plenary of the Commission at least once a year on the activities undertaken.

3. The Commission may create rapporteurships with mandates that are linked to the fulfillment of its functions of promotion and protection of human rights, and in accordance with the thematic areas deemed of special interest for achieving this purpose. The grounds for the decision will

be expressed in a resolution adopted by the absolute majority of votes of the members of the Commission in which the following will be recorded:

- a. the definition of the conferred mandate, including its functions and scope; and
- b. the description of the activities to be carried out and the methods of planned financing to defray them.

The mandates will be evaluated periodically and will also be subject to review, renewal, or termination at least once every three years.

4. The rapporteurships mentioned in the previous paragraph may function as thematic rapporteurships, assigned to a member of the Commission, or as special rapporteurships, assigned to other persons designated by the Commission. The thematic rapporteurs will be designated by the Commission in the first session of the year or whenever necessary. The special rapporteurs will be designated by the Commission in accordance with the following parameters:

- a. a public competition to fill the vacancy, which publicizes the criteria to be employed in the selection of candidates, the appropriate background for the position, and the applicable resolution by the IACHR establishing the procedures for the selection;
- b. the election shall require the affirmative vote of an absolute majority of members of the Commission and an announcement publicizing the grounds of the decision.

Prior to the appointment process, and during the exercise of their functions, special rapporteurs must disclose to the Commission any interest which may be considered to be in conflict with the mandate of the rapporteurship. Special rapporteurs shall serve for a period of three years, renewable once, unless the mandate of the rapporteurship terminates earlier. The Commission, by an absolute majority of its members, may decide to replace a special rapporteur for reasonable cause.

5. Special rapporteurs shall perform their duties in coordination with the Executive Secretary, who may delegate to them the preparation of reports on petitions and cases.

6. The thematic and special rapporteurs shall perform their activities in coordination with the country rapporteurs. Rapporteurs shall present their work plans to the plenary of the Commission for approval. They shall report in writing to the Commission, at least annually, on the work undertaken.

7. The activities and functions provided for in the Rapporteurships' mandates shall be performed in accordance with the present Rules of Procedure and the guidelines, codes of conduct and manuals that the Commission might adopt.

8. All rapporteurs shall advise the plenary with respect to issues they have become aware of that may be considered matters of controversy, grave concern or special interest for the Commission.

Article 16. Quorum for Sessions

The presence of an absolute majority of the members of the Commission shall be necessary to constitute a quorum.

Article 17. Discussion and Voting

1. The sessions shall conform primarily to the Rules of Procedure and secondarily to the pertinent provisions of the Rules of Procedure of the Permanent Council of the OAS.
2. Members of the Commission may not participate in the discussion, investigation, deliberation or decision of a matter submitted to the Commission in the following cases:
 - a. if they are nationals of the State which is the subject of the Commission's general or specific review, or if they were accredited or carrying out a special mission as diplomatic agents before that State; or
 - b. if they have previously participated in any capacity in a decision concerning the same facts on which the matter is based or have acted as an adviser to, or representative of, any of the parties interested in the decision.
3. If a member considers that he or she should abstain from participating in the study or decision of a matter, that member shall so inform the Commission, which shall decide if the disqualification is warranted.
4. Any member may raise the issue of the disqualification of another member on the basis of the grounds set forth in paragraph 2 of this article.
5. When the Commission is not meeting in regular or special session, the members may deliberate and decide on matters within their competence by the means they consider appropriate.

Article 18. Special Quorum to take Decisions

1. The Commission shall decide the following matters by an absolute majority vote of its members:
 - a. election of the board of officers of the Commission;
 - b. interpretation of the application of these Rules of Procedure;
 - c. adoption of a report on the situation of human rights in a specific State; and
 - d. for matters where such a majority is required under the provisions of the American Convention, the Statute or these Rules of Procedure.
2. In respect of other matters, the vote of the majority of the members present shall be sufficient.

Article 19. Explanation of Vote

1. Whether or not members agree with the decision of the majority, they shall be entitled to present a written explanation of their vote, which shall be included following the text of that decision.

2. If the decision concerns the approval of a report or preliminary report, the explanation of the vote shall be included following the text of that report or preliminary report.

3. When the decision does not appear in a separate document, the explanation of the vote shall be included in the minutes of the meeting, following the decision in question.

4. The explanation of vote shall be presented in writing to the Secretariat within the 30 days following the period of sessions in which that decision was adopted. In urgent cases, an absolute majority of the members may stipulate a shorter period. Once that deadline has elapsed, and no written explanation of the vote has been presented to the Secretariat, the member in question shall be deemed to have desisted from submitting an explanation of his or her vote, without prejudice to his or her dissent being recorded.

Article 20. Minutes of Sessions

1. Summary minutes shall be taken of each session. They shall state the day and time at which it was held, the names of the members present, the matters dealt with, the decisions taken, and any statement made by a member especially for inclusion in the minutes. These minutes are confidential internal working documents.

2. The Executive Secretariat shall distribute copies of the summary minutes of each session to the members of the Commission, who may present their observations to the Secretariat prior to the period of sessions at which those minutes are to be approved. If there has been no objection as of the beginning of that period of sessions, the minutes shall be considered approved.

Article 21. Compensation for Special Services

Pursuant to the approval of an absolute majority of its members, the Commission may entrust any member with the preparation of a special study or other specific work to be carried out individually outside the sessions. Such work shall be compensated in accordance with the funds available in the budget. The amount of the fees shall be set on the basis of the number of days required for the preparation and drafting of the work.

TITLE II PROCEDURE

CHAPTER I GENERAL PROVISIONS

Article 22. Official Languages

1. The official languages of the Commission shall be Spanish, French, English and Portuguese. The working languages shall be those decided by the Commission, in accordance with the languages spoken by its members.

2. Any member of the Commission may dispense with the interpretation of debates and preparation of documents in his or her language.

Article 23. Presentation of Petitions

Any person or group of persons or nongovernmental entity legally recognized in one or more of the Member States of the OAS may submit petitions to the Commission, on their behalf or on behalf of third persons, concerning alleged violations of a human right recognized in, as the case may be, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights “Pact of San José, Costa Rica”, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”, the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance of Persons, and/or the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women “Convention of Belém do Pará”, in accordance with their respective provisions, the Statute of the Commission, and these Rules of Procedure. The petitioner may designate an attorney or other person to represent him or her before the Commission, either in the petition itself or in a separate document.

Article 24. Consideration *Motu Proprio*

The Commission may also, *motu proprio*, initiate the processing of a petition which, in its view, meets the necessary requirements.

Article 25. Precautionary Measures²

1. In accordance with Articles 106 of the Charter of the Organization of American States, 41.b of the American Convention on Human Rights, 18.b of the Statute of the Commission and XIII of the American Convention on Forced Disappearance of Persons, the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures. Such measures, whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system.

2. For the purpose of taking the decision referred to in paragraph 1, the Commission shall consider that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

² Article 25 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

3. Precautionary measures may protect persons or groups of persons, as long as the beneficiary or beneficiaries may be determined or determinable through their geographic location or membership in or association with a group, people, community or organization.

4. Requests for precautionary measures addressed to the Commission shall contain, *inter alia*:

- a. identifying information for the persons proposed as beneficiaries or information that allows them to be determined;
- b. a detailed and chronological description of the facts that motivate the request and any other available information; and
- c. the description of the measures of protection requested.

5. Prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay. In that circumstance, the Commission shall review that decision as soon as possible, or at the latest during its next period of sessions, taking into account the information received from the parties.

6. In considering the request the Commission shall take into account its context and the following elements:

- a. whether the situation has been brought to the attention of the pertinent authorities or the reasons why it would not have been possible to do so;
- b. the individual identification of the potential beneficiaries of the precautionary measures or the determination of the group to which they belong or are associated with; and
- c. the consent of the potential beneficiaries when the request is presented by a third party unless the absence of consent is justified.

7. The decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions that include, among others, the following elements:

- a. a description of the alleged situation and of the beneficiaries;
- b. the information presented by the State, if available;
- c. the considerations by the Commission concerning the requirements of seriousness, urgency, and irreparability;
- d. if applicable, the time period for which the measures will be in effect; and
- e. the votes of the members of the Commission.

8. The granting of such measures and their adoption by the State shall not constitute a prejudgment on the violation of any right protected by the American Convention on Human Rights or other applicable instruments.

9. The Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. At any time, the State may file a duly grounded petition that the Commission lift the precautionary measures in force. Prior to taking a decision on such a request, the Commission shall request observations from the beneficiaries. The presentation of such a request shall not suspend the precautionary measures in force.

10. The Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review.

11. In addition to the terms of subparagraph 9 above, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation.

12. The Commission may present a request for provisional measures to the Inter-American Court in accordance with the conditions established in Article 76 of these Rules. Any precautionary measures issued with respect to the matter shall remain in effect until the Court notifies the parties of its resolution of the request.

13. In the case of a decision of the Inter-American Court dismissing an application for provisional measures, the Commission shall not consider a new request for precautionary measures unless there are new facts that justify it. In any case, the Commission may consider the use of other mechanisms to monitor the situation.

CHAPTER II
PETITIONS REFERRING TO THE AMERICAN CONVENTION
ON HUMAN RIGHTS AND OTHER APPLICABLE INSTRUMENTS

Article 26. Initial Review

1. The Executive Secretariat of the Commission shall be responsible for the study and initial processing of petitions lodged before the Commission that fulfill all the requirements set forth in the Statute and in Article 28 of these Rules of Procedure.

2. If a petition or communication does not meet the requirements set for in these Rules of Procedure, the Executive Secretariat may request the petitioner or his or her representative to fulfill them.

3. If the Executive Secretariat has any doubt as to whether the requirements referred to have been met, it shall consult the Commission.

Article 27. Condition for Considering the Petition

The Commission shall consider petitions regarding alleged violations of the human rights enshrined in the American Convention on Human Rights and other applicable instruments, with respect to the Member States of the OAS, only when the petitions fulfill the requirements set forth in those instruments, in the Statute, and in these Rules of Procedure.

Article 28. Requirements for the Consideration of Petitions³

Petitions addressed to the Commission shall contain the following information:

1. the name of the person or persons making the denunciation; or in cases where the petitioner is a nongovernmental entity, its legal representative(s) and the Member State in which it is legally recognized;
2. whether the petitioner wishes that his or her identity be withheld from the State, and the respective reasons;
3. the e-mail address for receiving correspondence from the Commission and, if available, a telephone number, facsimile number, and postal address;
4. an account of the fact or situation that is denounced, specifying the place and date of the alleged violations;
5. if possible, the name of the victim and of any public authority who has taken cognizance of the fact or situation alleged;
6. the State the petitioner considers responsible, by act or omission, for the violation of any of the human rights recognized in the American Convention on Human Rights and other applicable instruments, even if no specific reference is made to the article(s) alleged to have been violated;
7. compliance with the time period provided for in Article 32 of these Rules of Procedure;
8. any steps taken to exhaust domestic remedies, or the impossibility of doing so as provided in Article 31 of these Rules of Procedure; and
9. an indication of whether the complaint has been submitted to another international settlement proceeding as provided in Article 33 of these Rules of Procedure.

³ Article 28 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

Article 29. Initial Processing⁴

1. The Commission, acting initially through the Executive Secretariat, shall receive and carry out the initial processing of the petitions presented. Each petition shall be registered, the date of receipt shall be recorded on the petition itself and an acknowledgement of receipt shall be sent to the petitioner.

2. The petition shall be studied in the order it was received; however, the Commission may expedite the evaluation of a petition in situations such as the following:

- a. when the passage of time would deprive the petition of its effectiveness, in particular:
 - i. when the alleged victim is an older person or a child;
 - ii. when the alleged victim is terminally ill;
 - iii. when it is alleged that the death penalty could be applied to the presumed victim;
or
 - iv. when the object of the petition is connected to a precautionary or provisional measure in effect;
- b. when the alleged victims are persons deprived of liberty;
- c. when the State formally expresses its intention to enter into a friendly settlement process in the matter; or
- d. when any of the following circumstances are present:
 - i. the decision could have the effect of repairing serious structural situations that would have an impact in the enjoyment of human rights; or
 - ii. the decision could promote changes in legislation or state practices and avoid the reception of multiple petitions on the same matter.

3. If the petition does not meet the requirements of these Rules of Procedure, the Commission may request that the petitioner or his or her representative complete them in accordance with Article 26.2 of these Rules.

4. If the petition sets forth distinct facts, or if it refers to more than one person or to alleged violations not interconnected in time and place, the Commission may divide it and process the files separately, so long as all the requirements of Article 28 of these Rules of Procedure are met.

5. If two or more petitions address similar facts, involve the same persons, or reveal the same pattern of conduct, the Commission may join them and process them together in the same file.

⁴ Article 29 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

6. In the situations provided for in subparagraphs 4 and 5, the Commission shall give written notification to petitioners.

7. In serious or urgent cases, the Executive Secretariat shall immediately notify the Commission.

Article 30. Admissibility Procedure⁵

1. The Commission, through its Executive Secretariat, shall process the petitions that meet the requirements set forth in Article 28 of these Rules of Procedure.

2. For this purpose, it shall forward the relevant parts of the petition to the State in question. The request for information made to the State shall not constitute a prejudgment with regard to any decision the Commission may adopt on the admissibility of the petition.

3. The State shall submit its response within three months from the date the request is transmitted. The Executive Secretariat shall evaluate requests for extensions of this period that are duly founded. However, it shall not grant extensions that exceed four months from the date of transmission of the first request for information sent to the State.

4. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, the Commission shall request the promptest reply from the State, using for this purpose the means it considers most expeditious.

5. Prior to deciding upon the admissibility of the petition, the Commission may invite the parties to submit additional observations, either in writing or in a hearing, as provided for in Chapter VI of these Rules of Procedure.

6. The considerations on or challenges to the admissibility of the petition shall be submitted as from the time that the relevant parts of the petition are forwarded to the State and prior to the Commission's decision on admissibility.

7. In the cases referred to in paragraph 4, the Commission may request that the State presents its response and observations on the admissibility and the merits of the matter. The response and observations of the State shall be submitted within a reasonable period, to be determined by the Commission in accordance with the circumstances of each case.

Article 31. Exhaustion of Domestic Remedies

1. In order to decide on the admissibility of a matter, the Commission shall verify whether the remedies of the domestic legal system have been pursued and exhausted in accordance with the generally recognized principles of international law.

⁵ Article 30 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

2. The provisions of the preceding paragraph shall not apply when:
 - a. the domestic legislation of the State concerned does not afford due process of law for protection of the right or rights that have allegedly been violated;
 - b. the party alleging violation of his or her rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or
 - c. there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.
3. When the petitioner contends that he or she is unable to prove compliance with the requirement indicated in this article, it shall be up to the State concerned to demonstrate to the Commission that the remedies under domestic law have not been previously exhausted, unless that is clearly evident from the record.

Article 32. Statute of Limitations for Petitions

1. The Commission shall consider those petitions that are lodged within a period of six-months following the date on which the alleged victim has been notified of the decision that exhausted the domestic remedies.
2. In those cases in which the exceptions to the requirement of prior exhaustion of domestic remedies are applicable, the petition shall be presented within a reasonable period of time, as determined by the Commission. For this purpose, the Commission shall consider the date on which the alleged violation of rights occurred and the circumstances of each case.

Article 33. Duplication of Procedures

1. The Commission shall not consider a petition if its subject matter:
 - a. is pending settlement pursuant to another procedure before an international governmental organization of which the State concerned is a member; or
 - b. essentially duplicates a petition pending or already examined and settled by the Commission or by another international governmental organization of which the State concerned is a member.
2. However, the Commission shall not refrain from considering petitions referred to in paragraph 1 when:
 - a. the procedure followed before the other organization is limited to a general examination of the human rights situation in the State in question and there has been no decision on the specific facts that are the subject of the petition before the Commission, or it will not lead to an effective settlement; or

- b. the petitioner before the Commission or a family member is the alleged victim of the violation denounced and the petitioner before the other organization is a third party or a nongovernmental entity having no mandate from the former.

Article 34. Other Grounds for Inadmissibility

The Commission shall declare any petition or case inadmissible when:

- a. it does not state facts that tend to establish a violation of the rights referred to in Article 27 of these Rules of Procedure;
- b. the statements of the petitioner or of the State indicate that it is manifestly groundless or out of order; or
- c. supervening information or evidence presented to the Commission reveals that a matter is inadmissible or out of order.

Article 35. Working Group on Admissibility

The Commission shall establish a working group of three or more of its members to study, between sessions, the admissibility of petitions and make recommendations to the plenary.

Article 36. Decision on Admissibility⁶

1. Once it has considered the positions of the parties, the Commission shall make a decision on the admissibility of the matter. The reports on admissibility and inadmissibility shall be public and the Commission shall include them in its Annual Report to the General Assembly of the OAS.

2. When an admissibility report is adopted, the petition shall be registered as a case and the proceedings on the merits shall be initiated. The adoption of an admissibility report does not constitute a prejudgment as to the merits of the matter.

3. In exceptional circumstances, and after having requested information from the parties in accordance with the provisions of Article 30 of these Rules of Procedure, the Commission may open a case but defer its treatment of admissibility until the debate and decision on the merits. The decision shall be adopted by a reasoned resolution of the Commission, which will include an analysis of those exceptional circumstances. The exceptional circumstances that the Commission shall take into account will include the following:

- a. when the consideration of the applicability of a possible exception to the requirement of exhaustion of domestic remedies would be inextricably tied to the merits of the matter;
- b. in cases of seriousness and urgency, or when the Commission considers that the life or personal integrity of a person may be in imminent danger; or

⁶ Article 36 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

- c. when the passage of time may prevent the useful effect of the decision by the Commission.

4. When the Commission proceeds in accordance with Article 30.7 of these Rules of Procedure, it shall open a case and inform the parties in writing that it has deferred its treatment of admissibility until the debate and decision on the merits.

Article 37. Procedure on the Merits⁷

1. Upon opening the case, the Commission shall set a period of four months for the petitioners to submit additional observations on the merits. The pertinent parts of those observations shall be transmitted to the State in question so that it may submit its observations within four months.

2. The Executive Secretariat shall evaluate requests for an extension of the time periods established in the preceding subparagraph that are duly founded. However, it shall not grant extensions that exceed six months from the date the initial request for observations was sent to each party.

3. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, and once the case has been opened, the Commission shall request that the parties forward their additional observations on the merits within a reasonable time period, established by the Commission taking into account the circumstances of each case.

4. Prior to making its decision on the merits of the case, the Commission shall set a time period for the parties to express whether they have an interest in initiating the friendly settlement procedure provided for in Article 40 of these Rules of Procedure. In the cases provided for in Article 30.7 and in the preceding subparagraph, the Commission shall request the parties to respond in a more expeditious manner. The Commission may also invite the parties to submit additional observations in writing.

5. If it deems it necessary in order to advance in its consideration of the case, the Commission may convene the parties for a hearing, as provided for in Chapter VI of these Rules of Procedure.

Article 38. Presumption

The facts alleged in the petition, the pertinent parts of which have been transmitted to the State in question, shall be presumed to be true if the State has not provided responsive information during the period set by the Commission under the provisions of Article 37 of these Rules of Procedure, as long as other evidence does not lead to a different conclusion.

Article 39. On-site Investigation

1. If it deems it necessary and advisable, the Commission may carry out an on-site investigation, for the effective conduct of which it shall request and the State concerned shall furnish all

⁷ Article 37 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

pertinent facilities. In serious and urgent cases, and with the prior consent of the State in whose territory a violation has allegedly been committed, the sole presentation of a petition or communication that fulfils all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an on-site investigation.

2. The Commission may delegate to one or more of its members the reception of testimony pursuant to the rules established in sections 5, 6, 7 and 8 of Article 65.

Article 40. Friendly Settlement

1. On its own initiative or at the request of any of the parties, the Commission shall place itself at the disposal of the parties concerned, at any stage of the examination of a petition or case, with a view to reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in the American Convention on Human Rights, the American Declaration and other applicable instruments.

2. The friendly settlement procedure shall be initiated and continue on the basis of the consent of the parties.

3. When it deems it necessary, the Commission may entrust to one or more of its members the task of facilitating negotiations between the parties.

4. The Commission may terminate its intervention in the friendly settlement procedure if it finds that the matter is not susceptible to such a resolution or any of the parties does not consent to its application, decides not to continue it, or does not display the willingness to reach a friendly settlement based on the respect for human rights.

5. If a friendly settlement is reached, the Commission shall adopt a report with a brief statement of the facts and of the solution reached, shall transmit it to the parties concerned and shall publish it. Prior to adopting that report, the Commission shall verify whether the victim of the alleged violation or, as the case may be, his or her successors, have consented to the friendly settlement agreement. In all cases, the friendly settlement must be based on respect for the human rights recognized in the American Convention on Human Rights, the American Declaration and other applicable instruments.

6. If no friendly settlement is reached, the Commission shall continue to process the petition or case.

Article 41. Withdrawal

The petitioner may at any time desist from his or her petition or case, to which effect he or she must so notify it in writing to the Commission. The statement by the petitioner shall be analyzed by the Commission, which may archive the petition or case if it deems it appropriate, or continue to process it in the interest of protecting a particular right.

Article 42. Archiving of Petitions and Cases⁸

1. At any time during the proceedings, the Commission may decide to archive the file when it verifies that the grounds for the petition or case do not exist or subsist. The Commission may also decide to archive the case when:

- a. the information necessary for the adoption of a decision is unavailable, despite attempts to secure such information; or
- b. the unjustified procedural inactivity of the petitioner constitutes a serious indication of lack of interest in the processing of petition.

2. Before considering the archiving of a petition or case, it shall request that the petitioners submit the necessary information and notify the possibility of a decision to archive. Once the time limit specified for that purpose has expired, the Commission shall proceed to adopt the corresponding decision.

3. The decision to archive shall be final, except in the following cases:
 - a. material error;
 - b. supervening facts;
 - c. new information that would have affected the decision of the Commission; or
 - d. fraud.

Article 43. Decision on the Merits

1. The Commission shall deliberate on the merits of the case, to which end it shall prepare a report in which it will examine the arguments, the evidence presented by the parties, and the information obtained during hearings and on-site observations. In addition, the Commission may take into account other information that is a matter of public knowledge.

2. The Commission shall deliberate in private, and all aspects of the discussions shall be confidential.

3. Any question put to a vote shall be formulated in precise terms in one of the official languages of the OAS. At the request of any member, the text shall be translated by the Secretariat into one of the other official languages and distributed prior to the vote.

4. The minutes referring to the Commission's deliberations shall restrict themselves to the subject of the debate and the decision approved, as well as any separate opinions and any statements made for inclusion in the minutes. If the report does not represent, in whole or in part, the unanimous opinion of the members of the Commission, any of them may add his or her opinion separately, following the procedure established in Article 19.4 of these Rules of Procedure.

⁸ Article 42 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

Article 44. Report on the Merits⁹

After the deliberation and vote on the merits of the case, the Commission shall proceed as follows:

1. If it establishes that there was no violation in a given case, it shall so state in its report on the merits. The report shall be transmitted to the parties, and shall be published and included in the Commission's Annual Report to the OAS General Assembly.

2. If it establishes one or more violations, it shall prepare a preliminary report with the proposals and recommendations it deems pertinent and shall transmit it to the State in question. In so doing, it shall set a deadline by which the State in question must report on the measures adopted to comply with the recommendations. The State shall not be authorized to publish the report until the Commission adopts a decision in this respect.

3. It shall notify the petitioner of the adoption of the report and its transmittal to the State. In the case of States Parties to the American Convention that have accepted the contentious jurisdiction of the Inter-American Court, upon notifying the petitioner, the Commission shall give him or her one month to present his or her position as to whether the case should be submitted to the Court. When the petitioner is interested in the submission of the case, he or she should present the following:

- a. the position of the victim or the victim's family members, if different from that of the petitioner;
- b. the reasons he or she considers that the case should be referred to the Court; and
- c. the claims concerning reparations and costs.

Article 45. Referral of the Case to the Court

1. If the State in question has accepted the jurisdiction of the Inter-American Court in accordance with Article 62 of the American Convention, and the Commission considers that the State has not complied with the recommendations of the report approved in accordance with Article 50 of the American Convention, it shall refer the case to the Court, unless there is a reasoned decision by an absolute majority of the members of the Commission to the contrary.

2. The Commission shall give fundamental consideration to obtaining justice in the particular case, based, among others, on the following factors:

- a. the position of the petitioner;
- b. the nature and seriousness of the violation;
- c. the need to develop or clarify the case-law of the system; and

⁹ Article 44 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

- d. the future effect of the decision within the legal systems of the Member States.

Article 46. Suspension of Time Limit to Refer the Case to the Court¹⁰

1. The Commission may consider, at the request of the State concerned, the suspension of the time limit established in Article 51.1 of the American Convention for the referral of the case to the Court, pursuant to the following conditions:

- a. that the State shows its willingness and ability to implement the recommendations included in the merits report through the adoption of concrete and adequate measures of compliance. To this end, the Commission may take into account the existence of domestic legislation that establishes a mechanism for compliance with its recommendations; and
- b. that in its request the State expressly and irrevocably accepts the suspension of the time limit established in Article 51.1 of the American Convention for the submission of the case to the Court and consequently expressly waives the right to file preliminary objections regarding compliance with the aforementioned time limit in the event that the matter is later referred to the Court.

2. In establishing the period for the suspension of the time limit, the Commission may take into account the following factors:

- a. The complexity of the matter and of the measures necessary to comply with the recommendations of the Commission, in particular, when it implies the involvement of different branches of the government or coordination between the central and regional governments, among others;
- b. The measures toward compliance with the recommendations, which were adopted by the State prior to the extension request; and
- c. The position of the petitioner.

Article 47. Publication of the Report

1. If within three months from the transmittal of the preliminary report to the State in question the matter has not been solved or, for those States that have accepted the jurisdiction of the Inter-American Court, has not been referred by the Commission or by the State to the Court for a decision, the Commission, by an absolute majority of votes, may issue a final report that contains its opinion and final conclusions and recommendations.

2. The final report shall be transmitted to the parties, who, within the time period set by the Commission, shall present information on compliance with the recommendations.

¹⁰ Article 46 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

3. The Commission shall evaluate compliance with its recommendations based on the information available, and shall decide on the publication of the final report by the vote of an absolute majority of its members. The Commission shall also make a determination as to whether to include it in the Annual Report to the OAS General Assembly, and/or to publish it in any other manner deemed appropriate.

Article 48. Follow-Up

1. Once the Commission has published a report on a friendly settlement or on the merits in which it has made recommendations, it may adopt the follow-up measures it deems appropriate, such as requesting information from the parties and holding hearings in order to verify compliance with friendly settlement agreements and its recommendations.

2. The Commission shall report on progress in complying with those agreements and recommendations as it deems appropriate.

Article 49. Certification of Reports

The originals of the reports signed by the Commissioners who participated in their adoption shall be deposited in the files of the Commission. The reports transmitted to the parties shall be certified by the Executive Secretariat.

Article 50. Interstate Communications

1. A communication presented by a State Party to the American Convention on Human Rights that has accepted the competence of the Commission to receive and examine such communications against other States Parties shall be transmitted to the State Party in question, whether or not it has accepted the Commission's competence in this respect. If that competence has not been accepted, the communication shall be transmitted in order that the State concerned may exercise its option under Article 45, paragraph 3 of the Convention, to recognize that competence in the specific case that is the subject of the communication.

2. If the State in question has accepted the Commission's competence to consider a communication from another State Party, the respective procedure shall be governed by the provisions of the present Chapter II, insofar as they apply.

CHAPTER III PETITIONS CONCERNING STATES THAT ARE NOT PARTIES TO THE AMERICAN CONVENTION ON HUMAN RIGHTS

Article 51. Receipt of the Petition

The Commission shall receive and examine any petition that contains a denunciation of alleged violations of the human rights set forth in the American Declaration of the Rights and Duties of Man in relation to the Member States of the Organization that are not parties to the American Convention on Human Rights.

Article 52. Applicable Procedure

The procedure applicable to petitions concerning Member States of the OAS that are not parties to the American Convention shall be that provided for in the general provisions included in Chapter I of Title II; in Articles 28 to 44 and 47 to 49 of these Rules of Procedure.

**CHAPTER IV
ON-SITE OBSERVATIONS**

Article 53. Designation of the Special Commission

On-site observations shall in each case be conducted by a Special Commission named for that purpose. The number of members of the Special Commission and the designation of its President shall be determined by the Commission. In cases of great urgency, such decisions may be made by the President subject to the approval of the Commission.

Article 54. Disqualification

A member of the Commission who is a national of or who resides in the territory of the State, in which the on-site observation is to be conducted, shall be disqualified from participating in it.

Article 55. Schedule of Activities

The Special Commission shall organize its own activities. To that end, it may assign any activity related to its mission to its own members and, in consultation with the Executive Secretary, to any staff members or necessary personnel of the Executive Secretariat.

Article 56. Necessary Facilities and Guarantees

In extending an invitation for an on-site observation or in giving its consent thereto, the State shall furnish to the Special Commission all necessary facilities for carrying out its mission. In particular, it shall commit itself not to take any reprisals of any kind against any persons or entities cooperating with or providing information or testimony to the Special Commission.

Article 57. Other Applicable Standards

Without prejudice to the provisions in the preceding article, any on-site observation agreed upon by the Commission shall be carried out in accordance with the following standards:

- a. the Special Commission or any of its members shall be able to interview any persons, groups, entities or institutions freely and in private;
- b. the State shall grant the necessary guarantees to those who provide the Special Commission with information, testimony or evidence of any kind;

- c. the members of the Special Commission shall be able to travel freely throughout the territory of the country, for which purpose the State shall extend all the corresponding facilities, including the necessary documentation;
- d. the State shall ensure the availability of local means of transportation;
- e. the members of the Special Commission shall have access to the jails and all other detention and interrogation sites and shall be able to interview in private those persons imprisoned or detained;
- f. the State shall provide the Special Commission with any document related to the observance of human rights that the latter may consider necessary for the presentation of its reports;
- g. the Special Commission shall be able to use any method appropriate for filming, photographing, collecting, documenting, recording, or reproducing the information it considers useful;
- h. the State shall adopt the security measures necessary to protect the Special Commission;
- i. the State shall ensure the availability of appropriate lodging for the members of the Special Commission;
- j. the same guarantees and facilities that are set forth in this article for the members of the Special Commission shall also be extended to the staff of the Executive Secretariat; and
- k. the expenses incurred by the Special Commission, each of its members and the staff of the Executive Secretariat shall be borne by the OAS, subject to the pertinent provisions.

CHAPTER V
ANNUAL REPORT AND OTHER REPORTS OF THE COMMISSION

Article 58. Preparation of Reports

The Commission shall submit an annual report to the General Assembly of the OAS. In addition, the Commission shall prepare the studies and reports it deems advisable for the performance of its functions and shall publish them as it sees fit. Once their publication is approved, the Commission shall transmit them, through the General Secretariat, to the Member States of the OAS and its pertinent organs.

Article 59. Annual Report¹¹

1. The Annual Report presented by the Commission to the General Assembly of the Organization shall be comprised of two volumes.
2. The first volume shall include the following:
 - a. An Introduction with the progress made in attaining the objectives set forth in the American Declaration, the American Convention and all other Inter-American human rights instruments, and the status of their ratification, an account of the origin, legal bases, structure and purposes of the Commission; the mandates conferred upon the Commission by inter-American human rights instruments, the General Assembly of the Organization and the other competent organs.
 - b. In Chapter I,
 - i. a list of the periods of sessions held during the time period covered by the report and of other activities carried out by the Commission to achieve its purposes, objectives and mandates; and
 - ii. a summary of the activities carried out by the Commission with the Court, other organs of the OAS and regional or universal organs of the same type, and the results achieved.
 - c. In Chapter II, a presentation of the status of the petition and case system, with the following information:
 - i. petitions under initial study;
 - ii. petitions declared admissible and inadmissible and the respective reports;
 - iii. merits reports issued;
 - iv. friendly settlements approved during the period;
 - v. archive reports adopted;
 - vi. precautionary measures granted; and
 - vii. status of compliance with recommendations in individual cases.
 - d. In Chapter III, an account of the activities of its Rapporteurships, Special Rapporteurships and Thematic Units, including reference to each report they produced, as well as other promotional activities.

¹¹ Article 59 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

- e. In Chapter IV,
 - i. section A) will include an annual overview of the human rights situation in the hemisphere, derived from its monitoring work, which shall identify the main tendencies, problems, challenges, progress and best practices of civil and political rights, and social, economic and cultural rights;
 - ii. section B) will include the special reports that the Commission considers necessary regarding the situation of human rights in Member States, pursuant to the criteria, methodology and procedure provided for in the following subparagraphs.
 - f. In Chapter V, follow-up reports, highlighting the progress reached and the difficulties for the effective observance of human rights.
 - g. In Chapter VI, an account of institutional development activities, which shall include information on financial resources and the execution of the Commission's budget.
3. In a second volume of the Annual Report, the Commission shall incorporate country, thematic or regional reports adopted or published during the year, including those prepared by Rapporteurships, Special Rapporteurships and Thematic Units.
4. The Commission will apply the rules established in subsections 5 to 9 of this Article in the preparation of Chapters IV and V of its Annual Report, in the exercise of its mandate to promote and protect human rights and, in particular, its duty to inform the OAS Member States about human rights situations that may require a response from the political organs and priority attention from the Commission.
5. The Commission will utilize reliable and credible information from:
- a. official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, policy statements, official communications to the Commission and to other human rights organs, as well as any other statement or action attributable to the Government;
 - b. information available in cases, petitions and precautionary and provisional measures in the inter-American system, as well as information on compliance by the State with recommendations of the Commission and judgments of the Inter-American Court;
 - c. information gathered in the course of on-site visits by the Commission, its Rapporteurs and members of its staff;
 - d. information obtained during hearings held by the Commission as part of its sessions;
 - e. conclusions of other international human rights bodies, including UN treaty bodies, UN Rapporteurs and working groups, the Human Rights Council, and other UN specialized agencies;

- f. human rights reports issued by governments and regional organs;
 - g. reports by civil society organizations, as well as information presented by such organizations and private persons; and
 - h. public information that is widely disseminated in the media.
6. The criteria for including a Member State in Chapter IV.B of the Annual Report are the following:
- a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
 - i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;
 - ii. there has been an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order; or
 - iii. the democratically-constituted government has been overthrown by force or the existing government has otherwise come to power through means other than free and fair election, based on universal and secret ballot, pursuant to internationally accepted norms and principles reflected in the Inter-American Democratic Charter.
 - b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.
 - c. There State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.
 - d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:
 - i. serious institutional crises that infringe the enjoyment of human rights;
 - ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;

- iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court; and
- iv. systematic violations of human rights attributable to the State in the framework of an internal armed conflict.

7. The decision on the specific countries to include in Chapter IV.B shall be adopted by the Commission each year, in accordance with the special quorum set forth in Article 18 of the present Rules of Procedure. The inclusion of a State in that chapter in a particular year does not create a presumption that it will be included in it the next year. When the Commission receives information from the concerned state that leads to the conclusion that the conditions that gave rise to its inclusion have been overcome, it will not include the country in that chapter unless new reasons demand it.

8. When a State included in Chapter IV.B of the Annual Report has been the subject of an on-site visit, it will not be included in that Chapter of the Annual Report for the year corresponding to the visit. The monitoring of the situation of human rights for that year in that State will be carried out by means of the country report prepared in relation to the on site visit. Once the country report has been published, the Commission will follow up on compliance with the respective recommendations by means of Chapter V of its Annual Report. Thereafter, the Commission shall decide, in accordance with the present Rules of Procedure, if the monitoring of the situation of human rights in the respective country should be included in any of the aforementioned chapters of the Annual Report.

9. By means of Chapter V of its Annual Report, the Commission shall follow-up on measures adopted to comply with the recommendations issued in its country reports, thematic reports, or in reports previously published in Chapter IV.B.

10. Prior to publication of Chapters IV.B and V of the Annual Report, the Commission will transmit a preliminary copy of the Report to the State concerned. That State may send a reply within a maximum timeframe of a month from the transmission of the Report. This reply will be made available through a link on the Commission's website, unless the State requests otherwise.

11. The Commission shall include in its Annual Report any other information, observation or recommendation that it considers pertinent to present to the General Assembly.

Article 60. Report on Human Rights in a State

The preparation of a general or special report on the status of human rights in a specific State shall be done according to the following rules:

- a. after the draft report has been approved by the Commission, it shall be transmitted to the government of the Member State in question so that it may make any observations it deems pertinent;
- b. the Commission shall indicate to that State the deadline within which it must present its observations;

- c. once the Commission has received the observations from the State, it shall study them and, in light thereof, may maintain or modify its report and decide how it is to be published;
- d. if no observation has been submitted by the State as of the expiration of the deadline, the Commission shall publish the report in the manner it deems appropriate;
- e. after its publication, the Commission shall transmit it through the General Secretariat to the Member States and General Assembly of the OAS.

CHAPTER VI HEARINGS BEFORE THE COMMISSION

Article 61. Initiative

The Commission may decide to hold hearings on its own initiative or at the request of an interested party. The decision to convoke the hearings shall be made by the President of the Commission, at the proposal of the Executive Secretary.

Article 62. Purpose

The hearings may have the purpose of receiving information from the parties with respect to a petition or case being processed before the Commission, follow-up to recommendations, precautionary measures, or general or particular information related to human rights in one or more Members States of the OAS.

Article 63. Guarantees

The State in question shall grant the necessary guarantees to all the persons who attend a hearing or who in the course of a hearing provide information, testimony or evidence of any type to the Commission. That State may not prosecute the witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission.

Article 64. Hearings on Petitions or Cases

1. Hearings on petitions or cases shall have as their purpose the receipt of oral or written presentations by the parties relative to new facts and information additional to that which has been produced during the proceeding. The information may refer to any of the following issues: admissibility; the initiation or development of the friendly settlement procedure; the verification of the facts; the merits of the matter; follow-up on recommendations; or any other matter pertinent to the processing of the petition or case.

2. Requests for hearings must be submitted in writing at least 50 days prior to the beginning of the respective session of the Commission. Requests for hearings shall indicate their purpose and the identity of the participants.

3. If the Commission accedes to the request or decides to hold a hearing on its own initiative, it shall convoke both parties. If one party, having been duly notified, does not appear, the Commission shall proceed with the hearing. The Commission shall adopt the necessary measures to maintain in confidence the identity of the experts and witnesses if it believes that they require such protection.

4. The Executive Secretariat shall inform the parties as to the date, place and time of the hearing at least one month in advance. However, in exceptional circumstances, that time period may be reduced.

Article 65. Presentation and Production of Evidence

1. During the hearing, the parties may present any document, testimony, expert report or item of evidence. At the request of a party or on its own initiative, the Commission may receive the testimony of witnesses or experts.

2. With respect to the documentary evidence submitted during the hearing, the Commission shall grant the parties a prudential time period for submitting their observations.

3. A party that proposes witnesses or experts for a hearing shall so state in its request. For this purpose, it shall identify the witness or expert and the purpose of his or her witness or expert testimony.

4. Upon deciding on the request for a hearing, the Commission shall also determine whether to receive the witness or expert testimony proposed.

5. When one party offers witness and expert testimony, the Commission shall notify the other party to that effect.

6. In extraordinary circumstances and for the purpose of safeguarding the evidence, the Commission may, at its discretion, receive testimony in hearings without satisfying the terms of the previous paragraph. In such circumstances, it shall take the measures necessary to guarantee the procedural balance between the parties in the matter submitted for its consideration.

7. The Commission shall hear one witness at a time; the other witnesses shall remain outside the hearing room. Witnesses may not read their presentations to the Commission.

8. Prior to giving their testimony, witnesses and experts shall identify themselves and take an oath or make a solemn promise to tell the truth. At the express request of the interested person, the Commission may maintain the identity of a witness or expert in confidence when necessary to protect him or her or other persons.

Article 66. Hearings of a General Nature

1. Persons who are interested in presenting testimony or information to the Commission on the human rights situation in one or more States, or on matters of general interest, shall direct a written request for a hearing to the Executive Secretariat at least 50 days prior to the beginning of the respective session of the Commission.

2. Persons making such a request shall indicate the purpose of their appearance, a summary of the information they will furnish, the approximate time required for that purpose, and the identity of the participants.

3. If the Commission accedes to a request for a hearing on the situation of human rights in a State, it shall convene the State concerned, unless the Commission decides to hold a private hearing pursuant to Article 68.

4. Should the Commission deem it appropriate, it may also request the participation of other interested parties in the hearings on the human rights situation in one or more States, or on matters of general interest.

5. The Executive Secretariat shall inform the party or parties as to the date, place, and time of the hearing at least one month in advance. However, under exceptional circumstances, that time period may be reduced.

Article 67. Participation of the Commission Members

The President of the Commission may form working groups to participate in the program of hearings.

Article 68. Public Nature of Hearings

Hearings shall be public. When warranted by exceptional circumstances, the Commission, at its own initiative or at the request of an interested party, may hold private hearings and shall decide who may attend them. This decision pertains exclusively to the Commission, which shall notify the parties in this regard prior to the beginning of the hearing, either orally or in writing. Even in these cases, the minutes shall be prepared in the terms set forth in Article 70 of these Rules of Procedure.

Article 69. Expenses

The party that proposes the production of evidence at a hearing shall cover all of the attendant expenses.

Article 70. Documents and Minutes of the Hearings

1. Minutes will be prepared for each hearing. Minutes of hearing shall record the day and time it was held, the names of the participants, the decisions adopted, and the commitments assumed by the parties. The documents submitted by the parties in the hearing shall be attached as annexes to the minutes.

2. The minutes of the hearings are internal working documents of the Commission. If a party so requests, the Commission shall provide a copy, unless, in the view of the Commission, its contents could entail some risk to persons.

3. The Commission shall make a tape of the testimony and shall make it available to the parties that so request.

**TITLE III
RELATIONS WITH THE INTER-AMERICAN COURT OF HUMAN RIGHTS**

**CHAPTER I
DELEGATES, ADVISERS, WITNESSES AND EXPERTS**

Article 71. Delegates and Advisors

1. The Commission shall entrust one or more of its members and its Executive Secretary to represent it and participate as delegates in the consideration of any matter before the Inter-American Court of Human Rights. That representation shall remain in effect as long as the delegate is a member of the Commission or serves as its Executive Secretary, although the Commission may, under exceptional circumstances, decide to extend the duration of that representation.

2. In appointing such delegates, the Commission shall issue any instructions it considers necessary to guide their actions before the Court.

3. When it designates more than one delegate, the Commission shall assign to one of them the responsibility of resolving situations that are not foreseen in the instructions, or of clarifying any doubts raised by a delegate.

4. The delegates may receive the assistance of any person designated by the Commission to be an advisor. In the exercise of their role, advisors shall follow the instructions issued by the delegates.

Article 72. Experts¹²

1. The Commission may request the Court to summon expert witnesses.

2. The presentation of such experts shall be done in accordance with the Rules of Procedure of the Court.

**CHAPTER II
PROCEDURE BEFORE THE COURT**

Article 73. Notification to the State and the Petitioner

If the Commission decides to refer a case to the Court, the Executive Secretary shall immediately give notice of that decision to the State, the petitioner and the victim. With that communication the Commission shall transmit to the petitioner all the elements necessary for the preparation and presentation of the application.

¹² Article 72 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

Article 74. Referral of the case to the Court

1. When, in accordance with Article 61 of the American Convention on Human Rights and Article 45 of these Rules, the Commission decides to bring a case before the Inter-American Court, it shall submit, through its Secretariat, a copy of the report adopted pursuant to Article 50 of the American Convention, accompanied by a copy of the file before the Commission, excluding any internal working documents, and including any other document deemed useful for the analysis of the case.

2. The Commission shall also submit a note of referral of the case to the Court which may include:

- a. the available data of the injured party or his or her duly accredited representative, with the indication of whether the petitioner has requested that his or her identity be withheld;
- b. an appraisal of the degree of compliance with the recommendations issued in the merits report;
- c. the grounds for the referral of the case to the Court;
- d. the names of its delegates; and
- e. any other information deemed useful for the analysis of the case.

3. Once the case has been submitted to the jurisdiction of the Court, the Commission shall make public the report approved in accordance with Article 50 of the American Convention and the note of referral of the case to the Court.

Article 75. Transmittal of other Elements

The Commission shall transmit to the Court, at its request, any other petition, evidence, document or information concerning the case, with the exception of documents concerning futile attempts to reach a friendly settlement. The transmittal of documents shall in each case be subject to the decision of the Commission, which shall withhold the name and identity of the petitioner, if the latter has not authorized that this be revealed.

Article 76. Provisional measures¹³

1. The Commission may request that the Court adopt provisional measures in cases of extreme seriousness and urgency, when it becomes necessary to avoid irreparable damage to persons. In taking its decision, the Commission shall take into account the position of the beneficiaries and their representatives.

¹³ Article 76 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.

2. The Commission shall consider the following criteria to present a request for provisional measures:
- a. when the State concerned has not implemented the precautionary measures granted by the Commission;
 - b. when the precautionary measures have not been effective;
 - c. when there is a precautionary measure connected to a case submitted to the jurisdiction of the Court; or
 - d. when the Commission considers it pertinent for the efficacy of the requested measures, to which end it shall provide its reasons.

**TITLE IV
FINAL PROVISIONS**

Article 77. Computing Time

All time periods set forth in the present Rules of Procedure -in numbers of days- will be understood to be counted as calendar days.

Article 78. Interpretation

Any doubt that might arise with respect to the interpretation of these Rules of Procedure shall be resolved by an absolute majority of the members of the Commission.

Article 79. Amendment of the Rules of Procedure¹⁴

The Rules of Procedure may be amended, after a public consultation, by an absolute majority of the members of the Commission.

Article 80. Transitory Provision

These Rules of Procedure, the Spanish and English versions of which are equally authentic, shall enter into force on December 31, 2009.

¹⁴ Article 79 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held from March 8-22, 2013.