

RESOLUTION 1/19
Initial Review of Petitions

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
October 29, 2019

Emphasizing that, in accordance with Articles 26(1) and 29(1) of the Rules of Procedure, the Inter-American Commission on Human Rights (IACHR) delegates to its Executive Secretariat the responsibility for the initial study and processing of individual petitions;

Emphasizing also, that in accordance with Article 27 of the Rules of Procedure, the IACHR will only take into consideration to advance to the subsequent procedural stages those petitions that meet the requirements set forth in the American Convention, its Statute and Rules of procedure; doing so through a *prima facie* analysis;

Considering that one of the primary challenges faced by the IACHR is reducing procedural delay in the processing of cases and petitions. And that in this context, one of the measures set out by the Commission in its Strategic Plan 2017-2021 to address this challenge is precisely the strict application of the requirements for opening a petition for processing, within the parameters of its Rules of Procedure;

Taking into account, the criteria established by the IACHR through its decisions on the admissibility of petitions, and the Executive Secretariat's practices on this matter.

And, conscious of the importance of responding in a timely, transparent, and effective manner to the petitioning party and to the States; and generating certainty and celerity in the decisions adopted during the initial processing stage;

The Inter-American Commission on Human Rights:

Resolves that, in those cases in which the Executive Secretariat, after completing the initial study of the petition, has notified the petitioner of its decision not to open the petition for processing under the terms of the aforementioned norms, the petitioner may exceptionally request that said initial study be repeated under the following conditions:

- When the decision not to open the petition for processing was based on a lack of exhaustion of domestic remedies or the wrongful exhaustion of domestic remedies, the petitioner must indicate which remedies he exhausted and which are the pertinent remedies to the denounced situation; as well as to provide a chronological account of the exhaustion of said remedies. Or, an explanation of why an exception to the exhaustion of said remedies would be applicable, using arguments and information different from that presented in his original petition.

- When the decision not to open a petition for processing was based on the petition being filed outside of the six-month statutory period, the petitioner must clearly indicate when the decision that exhausted the domestic remedies was made, and clearly indicate when said decision was notified, and provide evidence of said notification.
- This exceptional request for a new initial review can also be filed when the petition was dismissed on grounds of lack of competence of the IACHR; lack of a colorable claim (*falta de caracterización*); or duplication of procedures.
- In all cases the arguments that sustain the exceptional request for revision must be brief, concise and not consist in the mere repetition of arguments already stated in the initial petition.
- When the decision of dismiss the petition was notified by electronic means, the request for a new initial review must be submitted to the Commission within a month from the date of the notification of the dismissal. These requests must be submitted through the following email: CIDHDenuncias@oas.org.
- When the decision of dismissing a petition is exceptionally notified by conventional postal services, the request for a new initial review must be submitted to the Commission within three months from the date the IACHR sent or mailed the letter with the decision of dismissal.
- These time frames are definitive and cannot be extended; no further communication will be accepted when these time frames expire.

Decides that the decision adopted by the Executive Secretariat regarding this exceptional requests for a new initial review are final, and that it will not accept any further request for a new review of the decision.

And, reiterates that is the petitioner's responsibility to keep informed the Executive Secretariat of the IACHR about any fact or relevant information about his claims subsequent to the initial filling of the petition and prior to the decision on the initial processing of the petition as the conclusion of the initial review stage. It is also the responsibility of the petitioner to inform the Executive Secretariat in a timely fashion about any change or update in its contact information.

Transitory provisions:

Considering that the Executive Secretariat has analyzed 2,734 dismissed petitions, which requests for a new initial review were received during the last years up to the adoption of the present Resolution, the IACHR decides:

First: to conduct a new review of 348 of those requests. In this regard, the Executive Secretariat will notify its final decision individually by the usual channels during the first semester of the next year 2020.

Second: to definitively dismiss 2,386 of those petitions, listed in the annex to this Resolution. The IACHR deems dully notified the dismissal of these petitions by the publication of the present Resolution.