

# **RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL**

## **CHAPTER II ORGANIZATION**

### **Article 1: Composition**

1. The Tribunal shall be composed of six members.

#### Member qualifications

2. (a) Each member must be a national of an Organization of American States member state, but no two members may be nationals of the same member state. All members shall be experienced lawyers, law professors, or judges by profession, and shall serve strictly in their personal capacity.
2. (b) The following persons are ineligible to serve as members of the Tribunal: permanent representatives of the member states on the organs, agencies, or entities of the Organization; persons who serve permanently on those bodies in any capacity; and staff members of the General Secretariat.

#### Election

3. The members of the Tribunal shall be elected directly by the General Assembly, except for the case referred to in paragraph 1(5)(b) below. The member elected to the Tribunal shall take an oath to the President or Vice President of the Tribunal before taking office.

#### Duration of term

4. The term of each elected member shall be six years. Elections are staggered so that one new member is elected each year.
5. (a) A member's term shall begin on the first day of January following the member's election.
5. (b) If a member resigns or otherwise leaves the Tribunal before the expiration of his term, a substitute member shall be elected by the General Assembly, or by the Permanent Council if the General Assembly has not been convened. The substitute member elected shall serve only for the remainder of the replaced member's term, but shall not assume his seniority.

## Reelection

6. (a) A member may be reelected, but may serve no more than two consecutive terms in office. For the purposes of this limitation, election to serve the remainder of a replaced member's term under paragraph 5 above shall not be considered a full six-year term.
6. (b) A member so reelected shall lose all the seniority accumulated in his prior term.

## **Article 2: Officers and panels**

1. (a) The Tribunal shall have a President and a Vice President. Each member of the Tribunal, beginning with the two members having the most and second most seniority, respectively shall hold these offices successively for one year.
1. (b) In the absence of the President, the Vice President shall preside, and if he also is absent, the member of the Tribunal with the greatest seniority shall preside
2. For each regular or special session, the Tribunal shall be convened as a panel consisting of three of its six members.
3. Under exceptional circumstances, for cases involving particular importance or difficulty, or to deal with cases that a three judge panel is unable to resolve, on the initiative of the President of the Tribunal or any of its members, the President, at his discretion, may convene an en banc session (plenary session) composed of the six members of the Tribunal. Such a plenary session also may be convened when the President, at any stage in the proceedings, considers that it is necessary or appropriate for a case to be considered by all members of the Tribunal.
4. The composition of the panel shall be renewed for each one of the Tribunal's sessions.
5. At the conclusion of the last session each year, the President, in the presence of the other members of the panel in session and the Secretary of the Tribunal, shall determine by lot among the six members the order in which members will sit on each panel the following year. However, in the interest of continuity and effective administration, the panels shall be organized so as to ensure that the President or the Vice President of the Tribunal will sit on each panel.
6. In the interest of maintaining the effective operation of the Tribunal, the President shall endeavor in selecting the members of each panel in order to ensure that the composition of each panel: a) reasonably reflects the two major legal traditions of the Hemisphere (the common-law tradition and the civil-law tradition), b) has a reasonable ability to conduct work in the language used for hearing particular cases, and c) responds to other practical reasons. If the President considers necessary to

exchange places on the panels, he will request the consent of the designated members.

7. The President of the Tribunal shall announce the names of the members chosen by lot to constitute the panels for the next sessions. In the event one of those members resigns or is otherwise unable to serve, another member of the Tribunal chosen by the President shall replace him.
8. When the President of the Tribunal considers it necessary to convene a special session of the Tribunal under Article 6 of these Rules of Procedure, the composition of the panel shall be determined by the President from among the six members, with due regard for the principle of ensuring that all members are given an equal opportunity to participate in the proceedings of the Tribunal.
9. The President may attend all Tribunal sessions for purposes of dealing with administrative matters.

### **Article 3: Functions of the President of the Tribunal**

1. The President of the Tribunal shall supervise the preliminary procedures for each panel.
2. The President shall inform all members of the Tribunal about the measures taken during each preliminary period.
3. The President shall supervise the work of the Secretariat and shall represent the Tribunal in respect of all administrative matters that he has not delegated to the Secretary.
4. The President shall select another member of the Tribunal to replace a member of the panel who is unable to serve under Article 2, or has challenged him-self or has been replaced under Articles 13 or 14.
5. The panel member with greatest seniority shall chair the panel and supervise the proceedings in each panel, the order of discussion, and the conduct of hearings.
6. The President, or a member designated by the President, shall represent the Tribunal before the General Assembly and at any other special functions.

### **Article 4: Tribunal Secretariat**

1. The Tribunal shall have a Secretary selected by the judges of the Tribunal. This selection is to be approved by the Secretary General of the Organization. With respect to his specific functions, the Secretary shall be responsible to the Tribunal

and, when it is not in session, to its President. The Tribunal shall also have at its disposal such personnel and services as may be necessary for its functioning, to be provided by the General Secretariat of the Organization.

2. If the Secretary is unable to perform his duties as such, he shall be replaced by another official also designated by the Secretary General in accordance with paragraph 1 of this article.
3. The Secretary shall be responsible for the publication of a collection of the judgments of the Tribunal, and the compilation and maintenance of other records as well as for the maintenance and updating of the Tribunal's Web page.
4. The Secretary shall be responsible for the files, the accounts, and all the administrative work of the Tribunal. He shall be present at all hearings and at private meetings, and he shall witness all actions concerning the Tribunal unless directed otherwise by the Tribunal.
5. The Secretary shall also have any other functions that may be assigned to him by the President of the Tribunal or, as the case may be, by the most senior member present at the session, to effectively conduct the Tribunal's activities.
6. The Secretary is responsible for keeping the members of the Tribunal informed on pending cases and other administrative matters bearing on the proper functioning of the Tribunal. Except in exceptional circumstances, the Secretariat shall provide by all suitable means, not less than twenty-one days prior to consideration of the case concerned, the appropriate materials and a summary of the documentation of the cases to the panel members assigned to consider and decide them.
7. The Secretariat shall provide each newly elected member of the Tribunal, within three months of his election, with the fundamental laws and documents explaining the operations of the Tribunal and shall inform him about the cases pending and provide other material and assistance necessary to the proper discharge of his duties.

#### **Article 5: Regular sessions**

The Tribunal may meet if at least three of its members are present.

The Tribunal shall hold regular sessions provided the following conditions exist:

1. There are one or more cases pending consideration by the Tribunal, in accordance with the provisions of paragraph 2 of Article 35 of these Rules of Procedure; and/or
2. In the opinion of the President, such case or cases, or the administrative needs of the Tribunal, justify the holding of a session.

### **Article 6: Special sessions**

1. The President may convoke a special session when the pending cases so require, provided the conditions mentioned in the preceding Article prevail, or when, in the opinion of the President, special circumstances require such a session which may be held in any month of the year.
2. Before a special session is called, the President of the Tribunal shall confer with the other members designated by the President to sit on the panel in accordance with Article 2 of these Rules of Procedure.

### **Article 7: Communication of the President's decisions**

The decisions made by the President in accordance with the preceding articles shall be made known to the members of the Tribunal at least thirty days before the beginning of a regular session, and as soon as possible in the case of special sessions.

### **Article 8: Members unable to attend**

The members of the Tribunal who are unable to attend the session for which they have been called shall notify the Tribunal Secretariat accordingly as soon as possible.

### **Article 9: Remission of files**

Notwithstanding Article 24, paragraph 4, as soon as the Secretariat knows which members will make up the Panel for a given session, it shall send a copy of each of the case files involved to each such member.

### **Article 10: Advancement or postponement of sessions**

The President may, according to the circumstances, advance or postpone the beginning of any session of the Tribunal.

### **Article 11: Place of meetings**

Both the regular sessions and the special sessions shall be held at the headquarters of the General Secretariat. Nevertheless, when cases of force majeure or exceptional circumstances occur, the President may request the Tribunal to meet at any other site in a

member state, with the prior authorization of the government of that state and the approval of the members who are due to serve.

**Article 12: Nature of deliberations**

All deliberations related to the decision making process or other circumstances where executive decisions are required shall be secret.