

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MAY 11, 2012**

REQUEST FOR ADVISORY OPINION OC-21

HAVING SEEN:

1. The request for an advisory opinion presented to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal") by the Argentine Republic, the Federative Republic of Brazil, the Oriental Republic of Uruguay, and the Republic of Paraguay (hereinafter "the requesting States") on July 7, 2011.

2. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of September 13, 2011, in which, in accordance with Article 73(1) and 73(2) of the Rules of Procedure of the Court¹ (hereinafter "the Rules of Procedure"), it informed all the Member States of the Organization of American States (hereinafter "the OAS"), the OAS Secretary General, the President of the OAS Permanent Council, the Inter-American Commission on Human Rights, and the Inter-American Children's Institute, that the President of the Court (hereinafter "the President"), in consultation with the Court, had established December 15, 2011, as the closing date for the presentation of written observations on the said request. In addition, the notes of the Secretariat of November 30, 2011, in which this time frame was extended until February 17, 2012, and the Secretariat notified all those mentioned above.

3. The notes of the Secretariat of September 23, 2011, and the publication on the Court's website, in which, in accordance with Article 73(2) and 73(3) of the Rules of Procedure of the Court, the President invited all interested parties to present their written opinion on the points submitted to consultation, and informed that December 15, 2011, was the closing date in this regard. Also, the notes of the Secretariat of December 1, 2011, and the publication on the Court's website, in which notice was given that this time frame had been extended until February 17, 2012.

¹ Rules of Procedure of the Inter-American Court of Human Rights, approved by the Court at its eighty-fifth regular session held from November 16 to 28, 2009.

4. The briefs of October 5 and 19, and December 16, 2011, in which the requesting States appointed their respective Agents and Deputy Agents in the proceedings concerning the request for an advisory opinion.
5. The brief of November 11, 2011, in which Boris Wilson Arias López presented his written observations.
6. The brief of December 13, 2011, in which the national Public Defense Service of the Argentine Republic presented its written observations.
7. The brief of December 15, 2011, in which the Republic of Honduras (hereinafter "the State of Honduras" or "Honduras") presented its written observations.
8. The brief of December 30, 2011, in which the Center for Human Rights Studies of the Law School of the Universidad de San Martín de Porres presented its written observations.
9. The brief of December 30, 2011, in which the Inter-American Association of Public Defenders (AIDEF) presented its written observations.
10. The brief of January 19, 2012, in which Ezequiel Heffes and Fernando Alberto Goldar presented their written observations.
11. The brief of January 25, 2012, in which the Inter-American Children's Institute presented its written observations.
12. The brief of February 1, 2012, in which the Universidad Colegio Mayor de Nuestra Señora del Rosario presented its written observations.
13. The brief of February 7, 2012, in which the Republic of Ecuador (hereinafter "the State of Ecuador" or "Ecuador") presented its written observations.
14. The briefs of February 11 and 12, 2012, in which academics of the Law School of the Universidad Nacional Autónoma de México presented their written observations.
15. The brief of February 12, 2012, in which the 1309 Committee of the Professional Practice Department of the Law School of the Universidad de Buenos Aires presented its written observations.
16. The brief of February 13, 2012, in which the Regional Office for South America of the United Nations High Commissioner for Human Rights (UNHCHR) presented its written observations.
17. The brief of February 14, 2012, in which the *Grupo Jurídico de Antioquia (GJA)* presented its written observations.
18. The brief of February 14, 2012, in which the Child Law Clinic at University College Cork presented its written observations.
19. The brief of February 16, 2012, in which the Republic of Costa Rica (hereinafter "the State of Costa Rica" or "Costa Rica") presented its written observations.
20. The brief of February 16, 2012, in which the International Human Rights Law Clinic at Washington College of Law, American University, on behalf of the Women's Refugee

Commission, the National Center for Refugee and Immigrant Children, and Kids in Need of Defense, presented its written observations.

21. The brief of February 16, 2012, in which the Uruguayan International Relations Council (CURI) presented its written observations.

22. The brief of February 16, 2012, in which the International Social Service (ISS) and the *Red Latinoamericana de Acogimiento Familiar (RELAF)* presented their written observations.

23. The brief of February 16, 2012, in which Luis Peraza Parga presented his written observations.

24. The brief of February 16, 2012, in which Beatriz Eugenia Sánchez Mojica presented her written observations.

25. The brief of February 17, 2012, in which the State of Brazil presented its written observations.

26. The brief of February 17, 2012, in which the Inter-American Commission on Human Rights presented its written observations.

27. The brief of February 17, 2012, in which the United Mexican States (hereinafter "the State of Mexico" or "Mexico") presented its written observations.

28. The brief of February 17, 2012, in which the United Nations High Commissioner for Refugees (UNHCR) presented its written observations.

29. The brief of February 17, 2012, in which the International Organization for Migration (IOM) presented its written observations.

30. The brief of February 17, 2012, in which the Regional Office for Latin America and the Caribbean of the United Nations Children's Fund (UNICEF) presented its written observations.

31. The brief of February 17, 2012, in which the Immigration Law Clinic at Southwestern Law School presented its written observations.

32. The brief of February 17, 2012, in which the Human Rights Center of the Faculty of Jurisprudence of the Pontificia Universidad Católica del Ecuador presented its written observations.

33. The brief of February 17, 2012, in which the Legal Aid Clinic for Migrants and Refugees of the Human Rights Center of the Universidad Diego Portales presented its written observations.

34. The brief of February 17, 2012, in which the Human Rights Center and the Juridical Research Institute of the Universidad Católica Andrés Bello presented their written observations.

35. The brief of February 17, 2012, in which the *Centro Estratégico de Litigio Latinoamericano, A.C.* and the Human Rights Program of the Universidad Veracruzana presented their written observations.

36. The brief of February 17, 2012, in which the Human Rights Center of the Universidad Nacional de Lanús presented its written observations.
37. The brief of February 17, 2012, in which the Institute for Democracy and Human Rights of the Pontificia Universidad Católica del Perú presented its written observations.
38. The brief of February 17, 2012, in which the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) presented its written observations.
39. The brief of February 17, 2012, in which the Programa de Defensa e Incidencia Binacional de la Iniciativa Frontera Norte de México, composed of the *Centro de Derechos Humanos del Migrante A.C.*, the *Centro de Recursos Migrantes*, the *Red de Casas YMCA para Menores Migrantes* and the *Coalición Pro Defensa del Migrante A.C.*, presented its written observations.
40. The brief of February 17, 2012, in which the *Centro de Direitos Humanos e Cidadania do Imigrante (CDHIC)* presented its written observations.
41. The brief of February 17, 2012, in which María Elena Vásquez Rodríguez, Director of the Program "*Niños y niñas sin fronteras*" of the *Corporación Colectivo Sin Fronteras*, Chile; Carlos Roberto Muñoz Reyes, spokesman of the *Red de ONGs de Infancia y Juventud de Chile*; Julio Esteban Cortés Morales, academic from the Children's Clinic of the Law School of the Universidad Central de Chile, and Iskra Leyva Pavez Soto, academic from the Social Work School of the Universidad Tecnológica Metropolitana de Chile presented their written observations.
42. The brief of February 17, 2012, in which the Federal District Human Rights Commission and the *Centro para el Desarrollo de la Justicia Internacional, A.C.* presented their written observations.
43. The brief of February 17, 2012, in which Juliana Poveda Clavijo and Oscar Yesid Osorio Barragán presented their written observations.
44. The brief of February 17, 2012, in which Álvaro Francisco Amaya Villarreal, Felipe Franco Gutiérrez and Viviana Ordóñez Salazar presented their written observations.
45. The brief of February 17, 2012, in which Women's Link Worldwide presented its written observations.
46. The brief of February 23, 2012, in which the Center for Legal and Social Studies (CELS) and the *Servicio de Apoyo y Orientación a Inmigrantes y Refugiados (CAREF)* presented their written observations.
47. The brief of March 5, 2012, in which the Plurinational State of Bolivia (hereinafter "the State of Bolivia" or "Bolivia") requested a one-month extension in order to present its official position. Also, the note of the Secretariat of March 20, 2012, informing the State of Bolivia that the time frame for the presentation of written observations concerning the request for an advisory opinion had expired on February 17, 2012. Nevertheless, the Secretariat advised Bolivia that "the Court is planning to hold a public hearing on this advisory opinion, on a date that remains to be determined," in which "the State of Bolivia may present the arguments and documentation that it deems pertinent, at the time previously established by the Court."

CONSIDERING THAT:

1. Within the established time frame the Secretariat of the Court received numerous briefs with observations and relevant documents concerning the request for an advisory opinion (*supra* having seen paragraphs 5 to 45).
2. Regarding the written observations presented jointly by the Center for Legal and Social Studies (CELS) and the *Servicio de Apoyo y Orientación a Inmigrantes y Refugiados* (CAREF) on February 23, 2012 (*supra* having seen paragraph 46), the President notes that, although they were presented six days after the expiry of the established time frame, the incorporation of this brief into this procedure regarding a request for an advisory opinion is authorized on an exceptional basis in view of the nature of this matter, which is not a contentious case but rather an advisory procedure the function of which "is to contribute to compliance with the international obligations of the American States as regards the protection of human rights, as well as to compliance with the functions attributed to the different organs of the OAS in this sphere,"² so that the right to defense is not affected, and in order to be able to take into account all the contributions the Court has received.
3. It is desirable to hold the oral proceedings established in Article 73(4) of the Rules of Procedure and for the requesting States and other Member States, the Inter-American Commission on Human Rights, the Inter-American Children's Institute, and all those who presented their written observations to present their oral arguments.

THEREFORE:

THE PRESIDENT,

in compliance with the provisions of Articles 24(1) of the Statute of the Court and 73(4) of the Rules of Procedure of the Tribunal and in exercise of the attributes conferred by Article 31(2) thereof,

DECIDES:

1. To convene a public hearing to be held during the ninety-fifth regular session of the Court, which will take place at its seat in San José, Costa Rica, starting at 3 p.m. on June 26, 2012, and at 9 a.m. on June 27, 2012, to receive oral arguments on the request for Advisory Opinion OC-21 presented by the States of Argentina, Brazil, Paraguay and Uruguay.
2. To request the Member States and the organs of the OAS, and also those who presented written observations, to advise whether they wish to take part in the hearing convened by the President, by June 4, 2012, at the latest.

² "Other Treaties" Subject to the Consultative Function of the Court (Art. 64 American Convention on Human Rights). Advisory Opinion OC-1/82 of September 24, 1982. Series A No. 1, para. 25.

3. To require the Secretariat of the Inter-American Court to notify this order to the requesting States, to the other Member States of the Organization of American States, to all the organs referred to in Article 73(1) of the Rules of Procedure, and to all those who presented written observations based on the request for Advisory Opinion OC-21.

Diego García-Sayán
President

Pablo Saavedra Alessandri
Registrar

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Registrar