

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF JUNE 15, 2017**

REQUEST FOR ADVISORY OPINION OC-25

HAVING SEEN:

1. The request for an advisory opinion submitted to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal") by the Republic of Ecuador (hereinafter "the requesting State" or "Ecuador") on August 18, 2016 in relation to "the institution of asylum in its different forms and to the legitimacy of its recognition as a human right of every individual in accordance with the principle of equality and non-discrimination." The State appointed María Carola Iñiguez Zambrano, Under-Secretary of International Supranational Organizations of the Foreign Ministry, and Ambassador Claudio Cevallos Berrazueta, as its agents for this request.
2. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of November 17, 2016, in which, pursuant to Articles 73(1) and 73(2) of the Court's Rules of Procedure (hereinafter "the Rules of Procedure"), it advised all the Member States of the Organization of American States (hereinafter "the OAS"), the OAS Secretary General, the President of the OAS Permanent Council, and the Inter-American Commission on Human Rights, that the President of the Court (hereinafter "the President"), in consultation with the Court, had established March 31, 2017, as the deadline for the presentation of written observations on this request. Also, the notes of the Secretariat of March 28 and 29, 2017, in which this deadline was extended until May 4, 2017, which was notified to all those mentioned above.
3. The notes of the Secretariat of November 22, 2016, and the publication on the Court's website, in which, pursuant to Article 73(2) and 73(3) of the Court's Rules of Procedure, the President invited all those who were interested to submit their written opinion on the issues raised in the request and advised that the Court had established March 31, 2017, as the deadline for receiving such opinions, and also the notes of the Secretariat of March 29 and 30, 2017, and the publication on the Court's website, advising that this deadline had been extended until May 4, 2017.
4. The briefs in which the following States submitted their written observations: 1) Argentine Republic (hereinafter "Argentina"), 2) Plurinational State of Bolivia, 3) Republic of Guatemala, 4) Jamaica, 5) United Mexican States (hereinafter "Mexico") and 6) Republic of Panama.

5. The brief in which the Inter-American Commission on Human Rights presented its written observations, and appointed Commissioner Margarette May Macaulay as its delegate, and Executive Secretary Paulo Abrão, Deputy Executive Secretary Elizabeth Abi-Mershed, Silvia Serrano Guzmán, Álvaro Botero Navarro and Mónica Oehler Toca, as legal advisers.

6. The briefs in which the following international organizations, inter-governmental organizations, State agencies, international and national associations, non-governmental organizations, academic institutions, and private individuals submitted their written observations: 1) United Nations High Commissioner for Refugees (UNHCR); 2) Instituto de Políticas Públicas en Derechos Humanos (IPPDH) del MERCOSUR; 3) Asociación Interamericana de Defensorías Públicas (AIDEF); 4) Defensoria Pública da União do Brasil; 5) Comisión de Derechos Humanos del Distrito Federal de México; 6) Consejo Noruego para Refugiados; 7) Centro de Direito Internacional (CEDIN); 8) Asylum Access Ecuador; 9) Asociación Española para el Derecho Internacional de los Derechos Humanos; 10) Consejería Camex Oxlajuj Ix and Misión Internacional de Verificación (MIV); 11) International Legal Office for Cooperation and Development (ILOCAD) and other interested parties that subscribe the document; 12) Sin Fronteras IAP; 13) Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; 14) Universidad Centroamericana José Simeón Cañas; 15) Centro de Derechos Humanos de la Universidad Católica Andrés Bello; 16) Facultad de Derecho y Ciencias Políticas de la Universidad de San Buenaventura Cali; 17) Departamento de Derecho Constitucional de la Universidad Externado de Colombia; 18) Instituto Tecnológico Autónomo de México (ITAM); 19) Centro de Derechos Humanos de la Pontificia Universidad Católica del Ecuador; 20) Facultad de Ciencias Jurídicas y Sociales de la Universidad Rafael Landívar; 21) Escuela de Derecho de la Universidad EAFIT Medellín; 22) Facultad de Derecho Tijuana de la Universidad Autónoma de Baja California; 23) University College London "Public International Law Pro Bono Project"; 24) Centro Universitário Antônio Eufrásio de Toledo de Presidente Prudente; 25) Clínica de Direitos Humanos e Direito Ambiental da Universidade do Estado do Amazonas; 26) Clínica de Migrantes, Refugiados y Trata de Personas del Grupo de Interés Público de la Universidad del Norte; 27) Faculdade de Direito da Universidade do Estado do Rio de Janeiro; 28) Clínica Jurídica de Derechos Humanos de la Pontificia Universidad Javeriana-Cali; 29) International Migrants Bill of Rights Initiative Georgetown University Law Center; 30) Facultad de Derecho de la Universidad de Costa Rica; 31) Faculdade de Direito da Universidade de São Paulo; 32) Martha Cecilia Olmedo Vera; 33) Luis Peraza Parga; 34) Docentes e pesquisadores da Pontificia Universidade Católica do Paraná, Centro Universitário Autônomo do Brasil e Faculdade Campo Real; 35) José Benjamín González Mauricio and Rafael Ríos Nuño; 36) Jorge Alberto Pérez Tolentino; 37) María-Teresa Gil-Bazo of Newcastle University; 38) Bernardo de Souza Dantas Fico; 39) Ivonei Souza Trindade; 40) Gloria María Algarín Herrera, Lizeth Paola Charris Díaz, Ana Elvira Torrenegra Ariza and Andrea Rodríguez Zavala de Andrea Rodríguez Zavala Abogados; 41) Alejandro Ponce Martínez and Diego Corral Coronel del Estudio Jurídico Quevedo & Ponce; 42) Sergio Armando Villa Ramos; 43) José Manuel Pérez Guerra; 44) María del Carmen Rangel Medina and Dante Jonathan Armando Zapata Plascencia; 45) David Andrés Murillo Cruz; 46) Juan Carlos Alfredo Tohom Reyes, Wendy Lucía To Wu, Juan José Margos García and Mario Alfredo Rivera Maldonado; and 47) Manuel Fernando García Barrios.

CONSIDERING THAT:

1. The Secretariat of the Court received numerous briefs with relevant observations and documents regarding the request for an advisory opinion before the established deadline (*supra* having seen paragraphs 4 to 6).
2. The written observations submitted by the States of Jamaica, Argentina and Mexico were received on May 5, 9 and 23, 2017, respectively, and the written observations of Facultad de Derecho de la Universidad de Costa Rica, Faculdade de Direito da Universidade de São Paulo and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos were received on May 5, 2017. In this regard, the President notes that these observations were presented one, five and nineteen days after the established deadline had expired. However, in view of the nature of this matter, because it is not a contentious case, but rather a procedure on an advisory matter,¹ the right of defense has not been affected. Therefore, in order to be able to take into account all the contributions received by this Court, exceptionally, the incorporation of those briefs into this procedure of a request for an advisory opinion is authorized.
3. It is desirable to hold the oral procedure established in Article 73(4) of the Rules of Procedure so that the requesting State and the other Member States, the Inter-American Commission on Human Rights, and all those who submitted their written observations may present their oral arguments.

THEREFORE:

THE PRESIDENT,

Pursuant to the provisions of Articles 24(1) of the Statute of the Court and 73(4) of the Court's Rules of Procedure, and in exercise of his authority under Article 31(2) of the latter,

DECIDES:

1. To convene a public hearing to be held on August 24, 2017, starting at 3:00 p.m., and on August 25, 2017, starting at 9:00 a.m., during the 119^o Regular Period of Sessions, that will take place at the seat of the Tribunal in San Jose, Costa Rica, in order to receive oral arguments on the request for advisory opinion OC-25 presented by the State of Ecuador.
2. To request the Member States, the organs of the OAS, and those who submitted written observations to advise whether they wish to take part in the hearing called by the President by July 17, 2017, at the latest, and to inform the Secretariat the name of the persons who will be present during the hearing.

¹ This Court has indicated that its advisory jurisdiction is intended to assist the American States in fulfilling their international human rights obligations and to assist the different organs of the OAS to carry out the functions assigned to them in this field. "*Other Treaties*" Subject to the Consultative Jurisdiction 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, and Request for an advisory opinion OC-24. Call to convene a hearing. Order of the President of the Inter-American Court of Human Rights of March 31, 2017, *considerandum* 2.

3. To require the Secretariat of the Inter-American Court to notify this order to the requesting State, to the other Member States of the Organization of American States, to all the organs mentioned in Article 73(1) of the Court's Rules of Procedure and to all those who submitted written observations on the request for advisory opinion OC-25.

Roberto F. Caldas
President

Pablo Saavedra Alessandri
Secretary

So ordered,

Roberto F. Caldas
President

Pablo Saavedra Alessandri
Secretary