

ABC

THE INTER-AMERICAN COURT OF HUMAN RIGHTS 2019



WHAT, HOW, WHEN, WHERE AND WHY OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS: FREQUENTLY ASKED QUESTIONS



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341.245.2

C827a

Inter-American Court of Human Rights

ABC of the Inter-American Court of Human Rights : What, How,
When and Why of the Inter-American Court of Human Rights.
Frequently Asked Questions / Inter-American Court of Human Rights. –

San José, C.R. : IACHR, 2019.

23 p. : 28 x 22 cm.

ISBN 978-9977-36-244-1

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Inter-American Human Rights System

“The American Convention on Human Rights, also called the Pact of San José, Costa Rica, is an international treaty that contemplates the rights and liberties that must be respected by States Parties.”

WHAT IS THE AMERICAN CONVENTION?

The American Convention on Human Rights, also called the Pact of San José, Costa Rica, is an international treaty that contemplates the rights and liberties that must be respected by States Parties. In addition, the Convention establishes the Commission and Court as organs competent to hear issues regarding the compliance of agreements undertaken by States Parties to the Convention and regulates their operations.

WHEN DID THE AMERICAN CONVENTION ENTER INTO FORCE?

The American Convention was adopted after the Inter-American Specialized Conference on Human Rights, on 22 November 1969, in the city of San José, Costa Rica, and entered into force on 18 July 1978, pursuant to Article 74(2) of the Convention.

WHICH STATES ARE PART OF THE AMERICAN CONVENTION?

The States that have ratified the American Convention are: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.

On 10 September 2012, Venezuela presented an instrument of denunciation of the American Convention on Human Rights to the Secretary-General of the Organization of American States (OAS). The denunciation took effect on 10 September 2013.

On 26 May 1998, Trinidad and Tobago presented a denunciation before the Secretary-General of the OAS. The denunciation took effect on 28 May 1999.

Under Article 78(1) of the American Convention on Human Rights, “[t]he States Parties may denounce this Convention ... by means of notice given one year in advance.” It is worth mentioning that, as established in the second section of Article 78 of the Convention, the denunciations do not exempt States from their obligations under the American Convention regarding human rights violations that may occur between the date of denouncement and the date the denouncement takes effect.

WHAT ARE THE RIGHTS AND LIBERTIES ENSHRINED IN THE AMERICAN CONVENTION?

The American Convention first establishes the obligation of States to respect the rights and liberties recognized in the Convention, as well as the duty to adopt dispositions of internal law that might be necessary to effectuate the enjoyment of such rights.

Second, the Convention establishes the following rights and liberties: the right to juridical personality; the right to life; the right to humane treatment; freedom from slavery; the right to personal liberty; the right to a fair trial; freedom from ex post facto laws; the right to compensation; the right to privacy; freedom of conscience and religion; freedom of thought and expression; the right of reply; the right of assembly; freedom of association; rights of the family; the right to a name; rights of the child; the right to nationality; the right to property; freedom of movement and residence; the right to participate in government; the right to equal protection; the right to judicial protection; and the progressive development of economic, social, and cultural rights.

WHAT ARE THE ADDITIONAL PROTOCOLS TO THE AMERICAN CONVENTION?

The Convention has two additional protocols. The first is the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, or “Protocol of San Salvador,” which was adopted on 17 November 1988 and entered into force on 16 November 1999. The second, the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, was signed on 8 June 1990.

WHAT IS THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS?

The American States, in the exercise of their sovereignty and in the framework of the Organization of American States, adopted a series of international instruments that have become the foundation of a regional system of human rights promotion and protection, known as the Inter-American System for the Protection of Human Rights. This system recognizes and defines the rights enshrined in those instruments, and establishes obligations with the purpose of promoting and protecting such rights. In addition, two organs were created through this system with the intention to safeguard those rights: the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights.

The Inter-American System was formally started with the passing of the American Declaration of the Rights and Duties of Man in 1948. Additionally, the System includes other instruments, such as the American Convention on Human

Rights; protocols and conventions on specialized themes, such as, among others, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance of Persons, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; and the Rules of Procedure and Statutes of its organs.

WHAT ORGANS COMPRISE THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS?

The Inter-American System of Human Rights is comprised of the Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights (Inter-American Court).

WHAT IS THE INTER-AMERICAN COMMISSION AND WHAT ARE ITS RESPONSIBILITIES?

The primary function of the Commission is to promote the observance and defense of human rights and serve as an advisory body to the Organization of American States in such matters. On the one hand, the Commission has competencies with political ramifications, among which special emphasis should be given to the occurrence of visits *in loco* and the preparation of reports about the human rights situations in Member States. On the other hand, it undertakes functions with a quasi-judicial dimension. It is via this latter form of competence that it is able to receive denunciations of individuals or organizations relating to human rights violations, examine these petitions, and adjudicate cases with the assumption that they comply with admissibility requirements.

Inter-American Court of Human Rights

WHAT IS THE INTER-AMERICAN COURT OF HUMAN RIGHTS AND WHAT ARE ITS RESPONSIBILITIES?

The Inter-American Court is one of three regional human rights tribunals, together with the European Court of Human Rights and the African Court of Human and Peoples' Rights. It is an autonomous legal institution whose objective is to interpret and apply the American Convention. The Inter-American Court exercises a contentious function, in which it resolves contentious cases and supervises judgments; an advisory function; and a function wherein it can order provisional measures.

WHICH STATES HAVE ACCEPTED THE CONTENTIOUS JURISDICTION OF THE COURT?

Twenty States have recognized the contentious jurisdiction of the Court, including as follows: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.

WHERE IS THE HEADQUARTERS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS?

The seat of the Inter-American Court is in San José, Costa Rica.

WHY IS THE COURT LOCATED IN SAN JOSÉ, COSTA RICA?

On 1 July 1978, the General Assembly of the OAS recommended approval of the formal offer of the Government of Costa Rica to establish the headquarters of the Court in that country.

This decision was then ratified by the States Parties to the Convention during the Sixth Special Session of the OAS General Assembly, celebrated in November 1978. The ceremony of the Court's installation occurred in San José on 3 September 1979.



Inter-American Court of Human Rights

WHAT ARE THE INTERNATIONAL INSTRUMENTS THAT CONTROL THE OPERATIONS OF THE INTER-AMERICAN COURT?

The organization, proceedings, and operation of the Court are regulated by the American Convention. In addition, the Court operates under a Statute and Rules of Procedure issued by the Court itself.

WHEN DID THE CURRENT RULES OF PROCEDURE AND STATUTE OF THE I/A COURT ENTER INTO FORCE?

The Rules of Procedure entered into force on 1 January 2010, while the Statute entered into force in 1979.

WHAT IS THE COMPOSITION OF THE INTER-AMERICAN COURT?

The Court is composed of seven Judges, nationals of the Member States of the OAS. The current composition includes the following, in order of precedence:

“The Court is composed of seven Judges, nationals of the Member States of the OAS.”

Eduardo Ferrer Mac-Gregor Poisot (Mexico), President; Eduardo Vio Grossi (Chile), Vice-President; Humberto Antonio Sierra Porto (Colombia); Elizabeth Odio Benito (Costa Rica); Eugenio Raúl Zaffaroni (Argentina), Patricio Pazmiño Freire (Ecuador) and Ricardo Pérez Manrique (Uruguay).

WHAT IS THE SECRETARIAT OF THE COURT?

The Secretariat is comprised of a Secretary and a Deputy Secretary, which provide legal and administrative support to the Court in its judicial work. The current Secretary is Pablo Saavedra Alessandri (Chile) and the Deputy Secretary is Emilia Segares Rodríguez (Costa Rica).

WHAT WAS THE BUDGET THAT THE OEA SET FOR THE COURT IN 2018?

The sum of ordinary and special income received by the Court during the 2018 fiscal year was US \$5,251,100,22. The ordinary revenue, stemming from the regular fund of the OAS and approved by the General Assembly was US \$3,588,236.25, representing 68% of the total revenue of the Court for that fiscal year. Special revenue came from the voluntary support of States, projects of international cooperation, and voluntary support from other institutions. In 2018 the sum total of special revenue was US \$1,662,863.97.

WHAT DOES THE INTERNSHIP AND VISITING PROFESSIONAL PROGRAM ENTAIL?

The Program of Internships and Professional Visits at the Court offers students and professionals in the fields of law, international relations, political science, languages, and translation the opportunity to gain practical experience in the Inter-American System.

This program aims to provide an understanding of the workings of the Inter-American System and relevant international instruments; share the activities of the Court; give selected participants relevant and practical experience that may complement their academic and professional training, which could be later applied in different work contexts after the internship or professional visit; and promote the participation of people of different nationalities and different legal systems.

About the Judges

“The Judges are chosen on a personal basis by States parties, by secret ballot and by absolute majority, during the OAS General Assembly just before the end of term of the exiting Judges.”

HOW ARE THE JUDGES OF THE INTER-AMERICAN COURT ELECTED?

The Secretary-General of the OAS requests States parties to the Convention to present a list of names of candidates to be Judges of the Court. Each State party may propose up to three candidates, nationals of the State that proposes them or of any other Member State of the Organization.

The Judges are chosen on a personal basis by States parties, by secret ballot and by absolute majority, during the OAS General Assembly just before the end of term of the exiting Judges.

HOW LONG ARE THE JUDGES' TERMS OF SERVICE?

The Judges serve a term of six years and can be reelected once for the same period. However, even Judges with terms coming to a close continue to participate in the cases in which they were involved before the end of their term and in cases that are in the sentence phase.

HOW ARE THE PRESIDENT AND VICE-PRESIDENT OF THE COURT DECIDED, AND HOW LONG ARE THEIR TERMS?

The President and Vice-President are elected by the Plenary of the Court, for a period of two years, and can be reelected for the same period.

ARE JUDGES ALWAYS AT THE HEADQUARTERS OF THE COURT?

The Judges are at the disposition of the Court, and should move to its headquarters or to the place where it may hold its sessions, as often and for as long as needed.

Although there is no requirement that the Judges live in the seat of the Court, the President should always be available to lend his or her services.

CAN THE JUDGES DECIDE CASES CONCERNING THEIR NATIONALITIES?

The Judges may not hear cases concerning their nationalities. However, in interstate cases it is possible for the States to name an *ad hoc* judge of the nationality of the States involved in the case in question.



Current Composition

In front from right to left: Judge Humberto Antonio Sierra Porto; Judge Eduardo Ferrer Mac-Gregor Poisot, President; Judge Eduardo Vio Grossi, Vice-President; Judge Elizabeth Odio Benito.

Behind from right to left: Judge Ricardo Pérez Manrique; Judge Eugenio Raúl Zaffaroni and Judge L. Patricio Pazmiño Freire.

Functions of the Inter-American Court

WHAT IS THE CONTENTIOUS FUNCTION OF THE COURT?

Within this function, the Court determines if a State has incurred an international responsibility for violating a right enshrined in the American Convention or other relevant human rights treaties in the Inter-American System. Similarly, the Court also supervises the compliance of sentences in this manner.

WHAT ARE PROVISIONAL MEASURES?

They are measures that the Court hands down in cases that are very serious, urgent, and when they may be necessary to avoid irreparable harm to people. These three requisites must be satisfied *prima facie* before these measures can be awarded.

WHAT IS THE ADVISORY FUNCTION OF THE COURT?

This function allows the Court to respond to questions posed by OAS Member States or organs of the OAS regarding: a) the compatibility of internal norms with the Convention, and b) the interpretation of the Convention or other treaties concerning the protection of human rights in the American States.

WHAT DOES THE SUPERVISION OF EXECUTION OF JUDGMENTS ENTAIL?

The supervision of compliance with the Court's resolutions first entails a request for information on behalf of the Court to the State about the activities the latter has developed to comply with a decision within the window of time given by the Court, as well as gathering observations from the Commission and from the victims or their representatives. Once the Court has this information, it can determine whether there has been compliance with the judgment, redirect the actions of the State toward this end, and fulfill its obligation to inform the General Assembly about the state of compliance with the cases that come before it. Similarly, when it deems it pertinent, the Court may call the State and victims' representatives to a hearing to supervise compliance with its decisions and consider the decision of the Commission.

WHY DOES THE COURT CONDUCT THIS PROCESS OF SUPERVISION?

Effective implementation of the decisions of the Court is key to the full validity and efficacy of the Inter-American System of Human Rights, without which its *raison d'être* would become illusory.

Therefore, the Court has considered that effective compliance with its decisions is an integral part of the right to access to justice. In this sense, it is necessary to have effective mechanisms to execute the decisions of the Court.

Periods of Sessions of the Inter-American Court

HOW MANY PERIODS OF SESSIONS DOES THE COURT HOLD PER YEAR?

Each year the Court holds as many periods of sessions as necessary to function efficiently. Usually, the Court holds six Ordinary Sessions at its seat, San José, and two Special Sessions away from its seat.

WHAT DOES THE COURT DO DURING SESSION PERIODS?

During its Periods of Sessions, the Court carries out different activities, among which include hearings and resolutions about contentious cases, provisional measures, supervision of compliance with judgments, and the adoption of judgments. In a similar manner, the Court considers different procedures in the matters pending before it, and analyzes the different reports presented by the Inter-American Commission, representatives of the presumed victims or the presumed victims themselves, and the States involved in matters in which provisional measures may have been adopted or in cases in the phase of supervision of compliance with the judgment. In addition, the Court also considers matters of an administrative nature.

The exercise of the functions of the Inter-American Court in its periods of sessions comprises of hearings, which are characterized by important and dynamic participation of the parties involved in the given matters and cases. This participation is crucial in terms of the effectiveness of measures and obligations ordered by the Court and it acts as a measure of the progress and duration of the trials.

WHAT ARE THE SPECIAL SESSIONS OF THE COURT AWAY FROM ITS SEAT?

Starting in 2005, the Inter-American Court has celebrated periods of special sessions away from its seat in San José, Costa Rica. On such occasions, the Court has relocated to Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, and Uruguay. This initiative of the Court allows it to efficiently fulfill two objectives: On one hand, it has allowed the Court to increase its jurisdictional activities, and on the other, it has allowed it to efficiently spread both its work in particular and that of the Inter-American System for the

Protection of Human Rights in general. During 2018 the Court held on Period of Special Sessions in el Salvador, from 27 to 31 August.

Hearings

WHAT ARE PUBLIC HEARINGS ON CONTENTIOUS CASES?

In the framework of the contentious jurisdiction of the Court, the development of a judgment consists of various stages with both written and oral components. The second stage, which is essentially oral, is carried out in public hearings on each case, which may last about a day and a half. In such hearings, the Commission presents the basis for the presentation of the case before the Court and any other matter that it may consider relevant in resolving the case.

Next, the Judges of the Court hear experts, witnesses, and alleged victims summoned by resolution, who are questioned by the parties (only the Commission with respect to the experts) and, if such is the case, by the Judges. Then, the President gives the floor to the alleged victims or their representatives, as well as to the defendant State, so that they can present their allegations in regards to the merits of the case. Afterward, the President grants the presumed victims, their representatives, and the State, respectively, the possibility of an answer and a rejoinder. Upon conclusion of the allegations, the Commission presents its final observations, after which the Judges pose their final questions to the parties.

WHAT ARE HEARINGS ON PROVISIONAL MEASURES?

In a hearing on provisional measures, the representatives of the beneficiaries and the Inter-American Commission have the opportunity to demonstrate, if such is the case, the continued prevalence of the situations that originally required the adoption of provisional measures. Meanwhile, the State must present information on the measures adopted with the end goal of surpassing these situations of extreme seriousness, urgency, and irreparability of harm, and, ideally, demonstrate that the facts no longer support such circumstances. In this kind of hearing, the applicants of the provisional measures start presenting their allegations in regards to the three above-mentioned conditions, followed by the Inter-American Commission or representatives of the beneficiaries, if applicable, and ending with the State's presentation of its corresponding observations. The representatives, Commission, and the State all have the option to submit an answer and rejoinder. Finally, the Judges have the opportunity to question the participants of the hearing.

It is worth mentioning that in the context of these hearings, which can be public or private, the Court tends to have a more conciliatory character and, to that extent, it is not limited to taking note of the information presented by the parties,

but rather, under the principles that make it a human rights Court, among other measures, it suggests alternative solutions, calls attention to noncompliance due to a lack of will, promotes proposals for compliance timelines by working with everyone involved, makes its facilities available, and takes whatever measure it deems necessary to help the process.

WHAT ARE HEARINGS ON SUPERVISION AND COMPLIANCE WITH JUDGMENTS?

The Court from time to time may convene the State and victims' representatives to a hearing to supervise compliance with its decisions, during which it also hears the decisions of the Commission. In such hearings, which tend to last for about two hours, the State presents its advances in compliance with the obligations ordered by the Court in the judgment concerned, and the representatives of the victims and Inter-American Commission present their observations regarding the state of compliance in question. The parties also have the options of answer and rejoinder, respectively. Finally, the Judges have the opportunity to question the parties.

In the context of these hearings, as in hearings on provisional measures, the Court has a conciliatory posture and, to that extent, is not limited to taking note of the information presented by the parties, but rather, under the principles that make it a human rights Court, among other measures, it suggests alternative solutions, calls attention to noncompliance due to a lack of will, promotes proposals for compliance timelines by working with everyone involved, and makes its facilities available so that the parties can hold meetings.

ARE HEARINGS PUBLIC?

Yes, anyone may attend hearings of the Court, save for when the Court considers it best that a hearing be private.

Contentious Proceedings before the Court

HOW IS A CASE BROUGHT BEFORE THE COURT?

Under the American Convention, only States Parties and the Commission have the right to submit a case to the Court. Therefore, the Court cannot entertain petitions submitted by individuals or organizations. As such, individuals or organizations that believe a situation exists in violation of the Convention and wish to use the Inter-American System must direct their complaints to the Inter-American Commission, which is competent to hear petitions presented by any person, group of persons, or legally recognized non-governmental entity that may have reports or complaints of violations of the Convention by a State Party.

WHEN DOES THE COURT HAVE JURISDICTION TO HEAR A CASE ABOUT A GIVEN STATE?

The Court is competent to hear any case submitted to it in regards to interpreting and applying the Convention, provided that the States Parties in the case have recognized its contentious jurisdiction.

Each State Party can, at the time of formalizing its instrument of ratification or adhesion to the American Convention, or at any other prior time, declare that it recognizes the jurisdiction of the Court as an *ipso jure* obligation.

HOW LONG ARE THE PROCEEDINGS OF A CASE BEFORE THE COURT?

The average duration of a contentious case before the Court in 2018 was 22.9 months. This average contemplates the length of time from the submission date of the case until the time when the Court issues its judgment of reparations.

WHAT ARE *AMICUS CURIAE*?

An *amicus curiae* is a brief written by third parties to a case, who voluntarily offer their opinion on some aspect regarding the case, in order to collaborate with the Court in its resolution of the judgment.

WHO CAN SUBMIT AN *AMICUS CURIAE*?

Any person or institution can submit an *amicus curiae*.

CAN THE COURT VISIT THE TERRITORIES OF STATES?

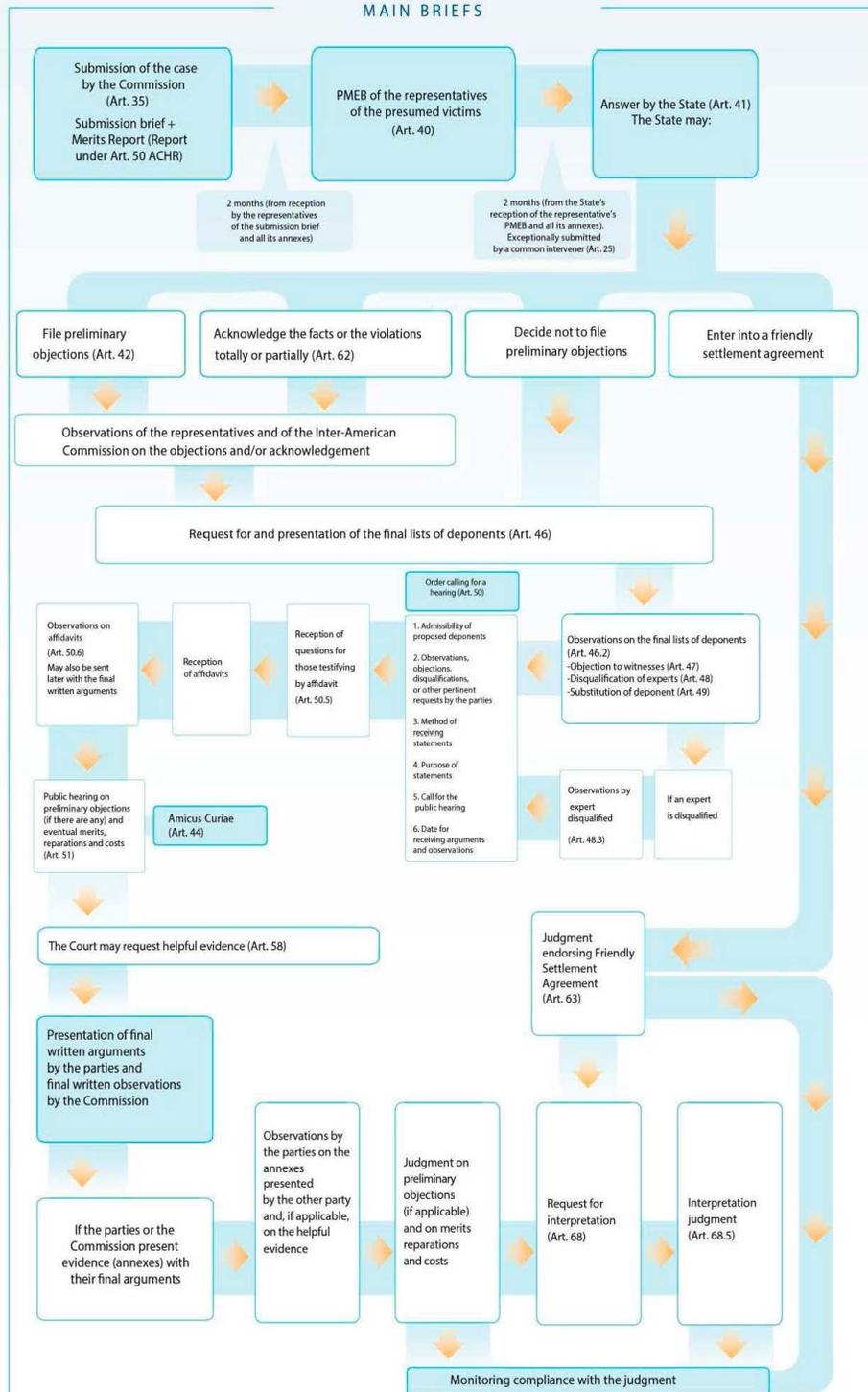
The work of the Court is strictly judicial and concerns the competence bestowed upon it by the American Convention, with regards to its three functions: contentious, precautionary, and advisory. Therefore it cannot, for example, pronounce upon the general human rights situation of a State or carry out visits *in loco*, as those are functions that derive from the competence of the Commission. However, under Article 58 of the Rules of Procedure, it can “at any stage of the proceedings” request the execution of procedures for taking evidence in the context of its processing of a contentious case. In this manner, the Court has undertaken visits *in situ* in States’ territories in the context of specific cases. For example, in 2015, the Court performed three such proceedings in the context of the Cases *Kaliña and Lokono Peoples v. Suriname*, *Community Garífuna Triunfo de la Cruz and its members v. Honduras*, and *Garífuna Punta Piedra Community and its members v. Honduras*, in the territories of the States of Honduras and Suriname.

WHAT INFORMATION ABOUT THE COURT IS PUBLIC?

Under its Rules of Procedure, the Court may make the following documents public: Its judgments and other decisions, including separate opinions, dissents, or concurrences, when the requirements mentioned in the Rules are met; parts of the file, except those that may be considered irrelevant or improper; the progression of the hearings via technological means; and all other documents considered proper.

In addition, documents filed with the Secretariat of the Court, concerning cases that have already been decided, are publicly accessible, unless the Court has decided otherwise.

OUTLINE OF THE PROCEDURE BEFORE THE IACHR



ACHR: American Convention on Human Rights
 PMEB: Pleadings, motions and evidence brief
 Affidavit: Sworn statement authenticated by notary public
 Amicus Curiae: May be presented at any time following submission of the case up until 15 days after the hearing

Inter-American Defender and Victims' Legal Assistance Fund

“The Court has considered that (...) it is necessary that all people be assured the necessary conditions to be able to access both national and international justice and effectively assert their rights and liberties.”

WHAT IS THE INTER-AMERICAN DEFENDER?

The Inter-American Defender is a person or group of persons, appointed by the Court in cases in which the alleged victims do not have duly accredited legal representation.

WHAT IS THE PURPOSE OF THE INTER-AMERICAN PUBLIC DEFENDER?

The Court has considered that for the effective defense of human rights and the consolidation of the Rule of Law, it is necessary that all people be assured the necessary conditions to be able to access both national and international justice and effectively assert their rights and liberties. Providing legal assistance to those who lack economic resources or legal representation, on the one hand, avoids discrimination in regards to access to justice by not making it dependent upon the economic position of the plaintiff, and on the other hand, allows a skillful and adequate defense in Court.

WHAT IS THE VICTIMS' LEGAL ASSISTANCE FUND?

The Legal Assistance Fund of the Court seeks to facilitate access to the Inter-American System of Human Rights to those persons who do not currently have the necessary resources to bring their case to the system. Once a case has been submitted to the Court, every person who lacks the economic resources needed to settle the expenses they might incur in the process before the Court is able to request aid specifically from the Victims' Fund.

WHAT IS THE DELIVERY OF JUDGMENTS?

This process involves the deliberation of the Judges during the period of sessions in which the delivery of a Judgment is anticipated. The deliberation process may last for several days during a period of sessions, and due to its complexity, it may be suspended and reinitiated in a later period of sessions. At this stage, the judgment is read, having been previously revised by the Judges, and there is space for debate regarding controversial points, *i.e.*, thorough questioning of the different legal decisions at issue. In addition, the Judges engage in a detailed study

of the evidence offered in the record of the case and the parties' arguments at all the stages of the process.

If the Judges request a change or modification of some aspect of the draft judgment, a new proposal is immediately worked up that is in turn submitted to the consideration and vote of the Judges. In this way, in this deliberation phase the Judges continue to discuss and approve different paragraphs of the draft judgment until coming to the point of resolution of the judgment, at which time the judgment is submitted to a final vote by the Judges of the Court. In some cases, Judges submit dissenting or concurring opinions with regard to the Judgment, which are considered part of the final document. The result of the deliberation is a final judgment, not subject to appeal, of the case.

WHAT IS THE *QUORUM* NEEDED FOR THE COURT'S DELIBERATIONS?

The *quorum* for the deliberations of the Court is five Judges.

ARE VERDICTS OF THE COURT ABLE TO BE APPEALED?

No, the Court's verdicts are final and not subject to appeal.

ARE JUDGMENTS OF THE COURT BINDING?

Yes, the judgments of the Court are binding.

WHAT IS THE CONTROL OF CONVENTIONALITY?

It is a practice that is used to apply international law, in this case International Human Rights Law, and specifically the American Convention and its sources, including the jurisprudence of the Court. In this way, in various judgments the Court has established that it recognizes that internal authorities are subject to the rule of law and, because of this, are obligated to apply the regulations in force in their legal systems. But when a State is party to an international treaty such as the American Convention, all of its organs, including its judges and other organs linked to the administration of justice at any level, are also subject to the treaty. This obliges them to safeguard the provisions of the Convention so that it does not dwindle in strength when faced with laws contrary to its goals, and so that legal or administrative decisions do not render the complete or partial compliance of international obligations illusory. That is, all state authorities are under the obligation to exercise *ex officio* a "control of conventionality" between their internal laws and the American Convention, in the framework of their

respective jurisdictions and corresponding procedural rules. In this task, state authorities must bear in mind not only the treaty, but also the interpretation of it by the Court, as the Court is the ultimate interpreter of the American Convention.

WHAT IS A VOTE ON A JUDGMENT?

When a judgment does not express in whole or in part the unanimous opinion of the Judges, any Judge has the right to add their opinion to the verdict. Such votes form an integral part of the Judgment.

WHAT ARE INTERPRETATIONS OF THE JUDGMENT?

If any of the parties to the process are in disagreement about the meaning or scope of a given judgment, the Court may interpret it via a judgment of interpretation. This interpretation is performed at the request of any of the parties, provided that the request is presented within ninety days of the notification of the verdict.

ARE THE DELIBERATIONS PUBLIC?

No, the Court always deliberates in private and its deliberations remain secret. Only the Judges participate in this activity, although the Secretary and Deputy Secretary may also be present, as well as any of the required personnel of the Secretariat. No one else may be admitted unless by special decision of the Court and under oath or solemn declaration.

Useful Links

[American Convention](#)

[Rules of Procedure of the Court](#)

[Statute of the I/A Court](#)

[Judgments of the Court](#)

[Provisional Measures of the Court](#)

[Monitoring Compliance with Judgments of the Court](#)

[Press Releases](#)

[Session Dates of the Court](#)

[Rules of Procedure of the Inter-American Commission](#)

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