

PROPOSAL FOR THE IACHR RULES OF PROCEDURE

PRECAUTIONARY MEASURES	
ARTICLE 25 - TEXT CURRENTLY IN FORCE	PROPOSAL
<p>1. In serious and urgent cases, and whenever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons.</p> <p>2. If the Commission is not in session, the President, or, in his or her absence, one of the Vice Presidents, shall consult with the other members, through the Executive Secretariat, on the application of the provision in the previous paragraph. If it is not possible to consult within a reasonable period of time under the circumstances, the President or, where appropriate, one of the Vice-Presidents shall take the decision on behalf of the Commission and shall so inform its members.</p> <p>3. The Commission may request information from the interested parties on any matter related to the adoption and observance of the precautionary measures.</p> <p>4. The granting of such measures and their adoption by the State shall not constitute a prejudgment on the merits of a case.</p>	<p>1. In connection with a pending petition or case, the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures to prevent irreparable harm to persons or to safeguard its capacity to decide upon the claims that are the subject of the pending matter. The granting of such measures and their adoption by the State shall not constitute a prejudgment on the merits of a case.</p> <p>2. The Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures to prevent irreparable harm to persons under the jurisdiction of the State concerned, independently of any pending petition or case.</p> <p>3. The measures referred to in paragraphs 1 and 2 above may be of a collective nature where the harm in question is to persons due to their association with an organization, a group, or a community of persons.</p> <p>4. In considering whether to request that a State adopt precautionary measures, the Commission shall take into account:</p> <ul style="list-style-type: none"> a. the gravity of the situation and its context; b. the urgency of the situation and the imminence of the harm in question; c. any efforts made to bring the situation of risk to the attention of the pertinent authorities; d. except where the measures are of a collective nature in accordance with paragraph 3 above, the individual identification of the potential beneficiaries of the precautionary measures;

e. the express consent of the potential beneficiaries whenever the request is filed before the Commission by a third party; and

f. with regard to requests made under paragraph 2 above, whether the allegations are more appropriately examined in the context of a petition or case rather than as a request for precautionary measures.

5. Prior to the adoption of a decision by the Commission to request precautionary measures, the State concerned shall have the opportunity to submit relevant information, unless the urgency of the situation warrants the immediate granting of the measures.

6. A State may at any time file a duly grounded petition that the Commission withdraw its request that the State concerned adopt precautionary measures. The submission of such a petition shall not suspend any state obligation to adopt or maintain the measures in question.

7. Once made, the request that the State adopt precautionary measures in connection with a petition or case shall remain in effect until its resolution, unless the Commission decides to withdraw the request in advance.

8. The Commission shall evaluate periodically whether it is pertinent to maintain any precautionary measures requested independently of petitions or cases.

9. The Commission may request relevant information from the interested parties on any matter related to the adoption, observance, and maintenance of precautionary measures. Material non-compliance by the beneficiaries or their representatives with such a request may be considered a ground for the Commission to withdraw a request that the State adopt precautionary measures. With regard to precautionary measures of a collective nature, the Commission may establish other appropriate mechanisms of periodic follow-up and review.

DEACTIVATION OF PETITITONS

ARTICLE 29.1.b - CURRENT TEXT	PROPOSAL
<p>1. The Commission, acting initially through the Executive Secretariat, shall receive and carry out the initial processing of the petitions presented as follows: [..]</p> <p>b. if the petition does not meet the requirements of these Rules of Procedure, it may request that the petitioner or his or her representative complete them in accordance with Article 26.2 of these Rules; [..]</p>	<p>1. The Commission, acting initially through the Executive Secretariat, shall receive and carry out the initial processing of the petitions presented as follows: [..]</p> <p>b. if the petition does not meet the requirements of these Rules of Procedure, it may request that the petitioner or his or her representative complete them in accordance with Article 26.2 of these Rules; [..]</p> <p>3. Whenever the petitioner or his or her representative fail to comply with a request for additional information within the time limit specified for that purpose, the Commission may proceed to deactivate the petition.</p>

ADMISSIBILITY PROCEDURE

ARTICLE 30 - CURRENT TEXT	PROPOSAL
<p>1. The Commission, through its Executive Secretariat, shall process the petitions that meet the requirements set forth in Article 28 of these Rules of Procedure.</p> <p>2. For this purpose, it shall forward the relevant parts of the petition to the State in question. The identity of the petitioner shall not be revealed without his or her express authorization. The request to the State for information shall not constitute a prejudgment with regard to any decision the Commission may adopt on the admissibility of the petition.</p> <p>3. The State shall submit its response within two months counted from the date the request is transmitted. The Executive Secretariat shall evaluate requests for extensions of this period that are duly founded. However, it shall not grant extensions that exceed three months from the date of the first request for information sent to the State.</p>	<p>1. The Commission, through its Executive Secretariat, shall process the petitions that meet the requirements set forth in Article 28 of these Rules of Procedure.</p> <p>2. For this purpose, it shall forward the relevant parts of the petition to the State in question. The identity of the petitioner shall not be revealed without his or her express authorization. The request to the State for information shall not constitute a prejudgment with regard to any decision the Commission may adopt on the admissibility of the petition.</p> <p>3. The State shall submit its response within two months counted from the date the request is transmitted. The Executive Secretariat shall evaluate requests for extensions of this period that are duly founded. However, it shall not grant extensions that exceed three months from the date of the first request for information sent to the State.</p> <p>4. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, the Commission shall</p>

<p>4. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, the Commission shall request the promptest reply from the State, using for this purpose the means it considers most expeditious.</p> <p>5. Prior to deciding upon the admissibility of the petition, the Commission may invite the parties to submit additional observations, either in writing or in a hearing, as provided for in Chapter VI of these Rules of Procedure.</p> <p>6. Once the observations have been received or the period set has elapsed with no observations received, the Commission shall verify whether the grounds for the petition exist or subsist. If it considers that they do not exist or subsist, it shall order the case archived.</p> <p>7. In the cases envisioned in subparagraph 4, the Commission may request that the State presents its response and observations on the admissibility and the merits of the matter. The response and observations of the State shall be submitted within a reasonable period, to be determined by the Commission in accordance with the circumstances of each case.</p>	<p>request the promptest reply from the State, using for this purpose the means it considers most expeditious.</p> <p>5. Prior to deciding upon the admissibility of the petition, the Commission may invite the parties to submit additional observations, either in writing or in a hearing, as provided for in Chapter VI of these Rules of Procedure.</p> <p>6. Any considerations on or challenges to the admissibility of the petition shall be submitted during the initial phase of the proceedings and prior to the Commission's decision on admissibility or the notification of its decision to consolidate the analysis of the admissibility and the merits of the matter pursuant to Article 37.7 of these Rules.</p> <p>7. In the cases envisioned in subparagraph 4, the Commission may request that the State presents its response and observations on the admissibility and the merits of the matter. The response and observations of the State shall be submitted within a reasonable period, to be determined by the Commission in accordance with the circumstances of each case.</p>
--	---

DESISTANCE OF PETITIONS AND CASES

ARTICLE 35 – CURRENT TEXT	PROPOSAL
<p>The petitioner may at any time desist from his or her petition or case, to which effect he or she must so state in writing to the Commission. The statement by the petitioner shall be analyzed by the Commission, which may archive the petition or case if it deems this appropriate, or continue to process it in the interest of protecting a particular right.</p>	<p>The petitioner may at any time desist from his or her petition or case, to which effect he or she must so state in writing to the Commission. The statement by the petitioner shall be analyzed by the Commission, which may archive the petition or case if it deems this appropriate.</p>

WORKING GROUP ON ADMISSIBILITY

ARTICLE 36 - CURRENT TEXT	PROPOSAL
<p>A working group shall meet prior to each regular session in order to study the admissibility of petitions and make recommendations to the plenary of the Commission.</p>	<p>The Commission shall establish a working group of three or more of its members to study, between sessions, the admissibility of petitions and make recommendations to the plenary.</p>

IN LOCO INVESTIGATION

ARTICLE 40 - CURRENT TEXT	PROPOSAL
<p>1. If it deems it necessary and advisable, the Commission may carry out an on-site investigation, for the effective conduct of which it shall request and the State concerned shall furnish all pertinent facilities.</p> <p>2. However, in serious and urgent cases, only the presentation of a petition or communication that fulfils all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an on-site investigation with the prior consent of the State in whose territory a violation has allegedly been committed.</p>	<p>1. If it deems it necessary and advisable, the Commission may carry out an on-site investigation, for the effective conduct of which it shall request and the State concerned shall furnish all pertinent facilities. In serious and urgent cases, only the presentation of a petition or communication that fulfils all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an on-site investigation with the prior consent of the State in whose territory a violation has allegedly been committed.</p> <p>2. The Commission may delegate to one of its members the reception of testimony pursuant to the rules established in sections 5, 6, 7 and 8 of Article 63.</p>

ARCHIVING OF PETITIONS AND CASES

(CURRENT TEXT OF ARTICLE 30.6 - ADMISSIBILITY PROCEDURE)	PROPOSAL (NEW ARTICLE)
<p>Once the observations have been received or the period set has elapsed with no observations received, the Commission shall verify whether the grounds for the petition exist or subsist. If it considers that they do not exist or subsist, it shall order the case archived.</p>	<p>1. At any time during the proceedings the Commission may decide to archive the file whenever:</p> <ul style="list-style-type: none">a. the grounds for the petition or case do not exist or subsist;b. the information necessary for the adoption of a decision is unavailable. <p>2. Before considering the archiving of a petition or case, it shall request that the petitioners submit the necessary information and shall give notice of the possibility of a decision to archive. Once the time limit specified for that purpose has expired, the Commission shall proceed to adopt the appropriate decision.</p>

GENERAL HEARINGS

ARTICLE 64 CURRENT TEXT	PROPOSAL
<p>1. Persons who are interested in presenting testimony or information to the Commission on the human rights situation in one or more States, or on matters of general interest, shall direct a written request for a hearing to the</p>	<p>1. Persons who are interested in presenting testimony or information to the Commission on the human rights situation in one or more States, or on matters of general interest, shall direct a written request for a hearing to the Executive</p>

<p>Executive Secretariat at least 50 days prior to the beginning of the respective session of the Commission.</p> <p>2. Persons making such a request shall indicate the purpose of their appearance, a summary of the information they will furnish, the approximate time required for that purpose, and the identity of the participants. In cases of hearings on the human rights situation in a State, they shall also indicate whether the respective State should be called to the hearing. If this is not specified in the request, the Commission shall presume that the presence of the respective State is desired.</p> <p>3. If the Commission accedes to the request, it shall convene the requesting party and, if applicable, the State in question. The Executive Secretariat shall inform the party or parties as to the date, place, and time of the hearing at least one month in advance. However, under exceptional circumstances, that time period may be reduced.</p>	<p>Secretariat at least 50 days prior to the beginning of the respective session of the Commission.</p> <p>2. Persons making such a request shall indicate the purpose of their appearance, a summary of the information they will furnish, the approximate time required for that purpose, and the identity of the participants.</p> <p>3. If the Commission accedes to a request for a hearing on the situation of human rights in a State, it shall convene the requesting party and the State concerned, unless the Commission decides to hold a private hearing pursuant to Article 66. In the hearings convened under the present Article, the Commission may also request the appearance of any other party whom it deems appropriate.</p> <p>4. The Executive Secretariat shall inform the parties as to the date, place, and time of the hearing at least one month in advance. However, under exceptional circumstances, that time period may be reduced.</p>
---	---

DELEGATES AND ADVISORS

ARTICLE 69 CURRENT TEXT	PROPOSAL
<p>1. The Commission shall entrust one or more of its members and its Executive Secretary to represent it and participate as delegates in the consideration of any matter before the Inter-American Court of Human Rights. That representation shall remain in effect as long as the delegate is a member of the Commission or serves as its Executive Secretary, although the Commission may, under exceptional circumstances, decide to extend the duration of that representation.</p> <p>2. If the petitioner so requests, the Commission shall include him or her as a delegate.</p> <p>3. In appointing such delegates, the Commission shall issue any instructions it considers necessary to guide their actions before the Court.</p>	<p>1. The Commission shall entrust one or more of its members and its Executive Secretary to represent it and participate as delegates in the consideration of any matter before the Inter-American Court of Human Rights. That representation shall remain in effect as long as the delegate is a member of the Commission or serves as its Executive Secretary, although the Commission may, under exceptional circumstances, decide to extend the duration of that representation.</p> <p>2. In appointing such delegates, the Commission shall issue any instructions it considers necessary to guide their actions before the Court.</p> <p>3. When it designates more than one delegate, the Commission shall assign to one of them the responsibility of resolving situations that are not foreseen in the instructions, or of clarifying any doubts raised by a delegate.</p>

4. When it designates more than one delegate, the Commission shall assign to one of them the responsibility of resolving situations that are not foreseen in the instructions, or of clarifying any doubts raised by a delegate.

4. The delegates may receive the assistance of any person designated by the Commission to be an advisor. In the exercise of their role, advisors shall follow the instructions issued by the delegates.