

FORM FOR FILING PETITIONS ALLEGING HUMAN RIGHTS VIOLATIONS

The following form, prepared by the Commission's Executive Secretariat, is intended to make it easier for victims of violations, their family members, organizations of civil society or other persons to file complaints alleging human rights violations by OAS member States.

The form is based on the information that the Commission's Rules of Procedure require in order to process petitions and to determine whether the State, against which the complaint is brought has violated any of the human rights protected by an international treaty to which it is a party. The required information is stipulated in Article 28 of the Commission's Rules of Procedure:

Article 28. Requirements for the consideration of petitions. Petitions addressed to the Commission shall contain the following information:

- a. the name, nationality and signature of the person or persons making the denunciation; or in cases where the petitioner is a nongovernmental entity, the name and signature of its legal representative(s);
- b. whether the petitioner wishes that his or her identity be withheld from the State;
- c. the address for receiving correspondence from the Commission and, if available, a telephone number, facsimile number, and email address;
- d. an account of the act or situation that is denounced, specifying the place and date of the alleged violations; e. if possible, the name of the victim and of any public authority who has taken cognizance of the fact or situation alleged;
- e. the State the petitioner considers responsible, by act or omission, for the violation of any of the human rights recognized in the American Convention

on Human Rights and other applicable instruments, even if no specific reference is made to the article(s) alleged to have been violated;

- f. compliance with the time period provided for in Article 32 of these Rules of Procedure;
- g. any steps taken to exhaust domestic remedies, or the impossibility of doing so as provided in Article 31 of these Rules of Procedure; and
- h. an indication of whether the complaint has been submitted to another international settlement proceeding as provided in Article 33 of these Rules of Procedure.

Before completing the attached form, please read the following instructions carefully.

INSTRUCTIONS

The form should be filled in as completely as possible and include all available information regarding the particular act alleged to constitute one or more violations of human rights by an OAS member State. Responses to the questions should be simple and direct. If the requested information is not available to the person filing the complaint or does not exist, the response on the form should be “information not available” or “not pertinent,” as appropriate.

If more space is needed to answer a question on the form, please attach a separate sheet.

The form can also be filled out at the Commission’s web site: www.cidh.org

Once completed, the form should be sent to the Executive Secretary of the IACHR by:

Mail, to the following postal address:

Inter-American Commission on Human Rights

1889 F Street, N. W.

Washington, D.C. 20006

USA

Fax, to the following number: 1-202-458-3992.

E-mail, to the following address: cidhoea@oas.org

Please bear in mind that if the form is sent by e- mail, the petitioner will then be asked to confirm the complaint by sending it again, this time by mail or fax, with his/her signature.

FORM

I. PERSON, GROUP OF PERSONS OR ORGANIZATION FILING THE PETITION

Name:

(if the party filing the petition is a nongovernmental entity, please include the name of its legal representative(s))

Postal address:

(NOTE: The Commission will not be able to process your complaint if it does not include a postal address)

Telephone:

Fax:

E-mail:

Do you want the Commission to withhold the petitioner's identity during processing?

Yes.....No

II. NAME OF THE PERSON OR PERSONS AFFECTED BY THE HUMAN RIGHTS VIOLATIONS

Name:

Postal address:

Telephone:

Fax:

E-mail:

If the victim is deceased, please also identify his or her next of kin:

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III. OAS MEMBER STATE AGAINST WHICH THE COMPLAINT IS BROUGHT

IV. FACTS DENOUNCED

Give a full and detailed account of the events. Specify where and when the alleged violations occurred.

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Available evidence

Indicate what documents can prove the violations being denounced (for example, court records, forensic reports, photographs, films, and so on). If you

have the documents in your possession, please attach a copy. DO NOT ATTACH ORIGINALS (Copies need not be notarized or otherwise authenticated).

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Name the witnesses to the violations being denounced. If those persons have made sworn statements to the court authorities, if possible send a copy of that testimony or indicate whether it can be sent sometime in the future. Indicate whether the identity of the witnesses is to be kept confidential.

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Identify the persons and/or authorities responsible for the facts denounced.

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V. HUMAN RIGHTS VIOLATED (If possible, indicate which provisions of the American Convention or of other applicable instruments you believe were violated)

VI. LEGAL REMEDIES TO REDRESS THE CONSEQUENCES OF THE FACTS DENOUNCED

Detail the measures taken by the victim or the petitioner with judges, courts or other authorities. If the victim or petitioner was unable to institute or exhaust this type of measure, was it because

- (1) the domestic laws of the State do not provide for due process of law to protect the violated right;
- (2) the party alleging the violation was denied access to the remedies under domestic law or has been prevented from exhausting them; or
- (3) there has been an unwarranted delay in rendering a final judgment on the aforementioned remedies?

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Kindly indicate whether any judicial inquiry was conducted and if so when it began. If it has ended, please give the date the inquiry was closed and what the finding was. If it has not yet closed, explain why.

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If the court proceedings have ended, please indicate the date on which the victim was notified of the final decision.

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VII. PLEASE INDICATE WHETHER THE VICTIM'S LIFE, INTEGRITY OR HEALTH IS IN JEOPARDY. WAS THE ASSISTANCE OF THE AUTHORITIES REQUESTED, AND IF SO, WHAT WAS THE RESPONSE?

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VIII. PLEASE INDICATE WHETHER THE CLAIM CONTAINED IN THE PETITION HAS BEEN FILED WITH THE UNITED NATIONS HUMAN RIGHTS COMMITTEE OR ANY OTHER INTERNATIONAL ORGANIZATION

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SIGNATURE.....
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DATE.....
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