

# STATUTE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS<sup>i</sup>

Adopted by the General Assembly of the OAS at its  
Ninth Regular Session, held in La Paz Bolivia, October 1979  
(Resolution N° 448)

## CHAPTER I

### GENERAL PROVISIONS

#### **Article 1. Nature and Legal Organization**

The Inter-American Court of Human Rights is an autonomous judicial institution whose purpose is the application and interpretation of the American Convention on Human Rights. The Court exercises its functions in accordance with the provisions of the aforementioned Convention and the present Statute.

#### **Article 2. Jurisdiction**

The Court shall exercise adjudicatory and advisory jurisdiction:

1. Its adjudicatory jurisdiction shall be governed by the provisions of Articles 61, 62 and 63 of the Convention, and
2. Its advisory jurisdiction shall be governed by the provisions of Article 64 of the Convention.

#### **Article 3. Seat**

1. The seat of the Court shall be San José, Costa Rica; however, the Court may convene in any member state of the Organization of American States (OAS) when a majority of the Court considers it desirable, and with the prior consent of the State concerned.
2. The seat of the Court may be changed by a vote of two-thirds of the States Parties to the Convention, in the OAS General Assembly.

## CHAPTER II

### COMPOSITION OF THE COURT

#### **Article 4. Composition**

1. The Court shall consist of seven judges, nationals of the member states of the OAS, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions under the

law of the State of which they are nationals or of the State that proposes them as candidates.

2. No two judges may be nationals of the same State.

#### **Article 5. Judicial Terms**

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. A judge elected to replace a judge whose term has not expired shall complete that term.

2. The terms of office of the judges shall run from January 1 of the year following that of their election to December 31 of the year in which their terms expire.

3. The judges shall serve until the end of their terms. Nevertheless, they shall continue to hear the cases they have begun to hear and that are still pending, and shall not be replaced by the newly elected judges in the handling of those cases.

#### **Article 6. Election of the Judges - Date**

1. Election of judges shall take place, insofar as possible, during the session of the OAS General Assembly immediately prior to the expiration of the term of the outgoing judges.

2. Vacancies on the Court caused by death, permanent disability, resignation or dismissal of judges shall, insofar as possible, be filled at the next session of the OAS General Assembly. However, an election shall not be necessary when a vacancy occurs within six months of the expiration of a term.

3. If necessary in order to preserve a quorum of the Court, the States Parties to the Convention, at a meeting of the OAS Permanent Council, and at the request of the President of the Court, shall appoint one or more interim judges who shall serve until such time as they are replaced by elected judges.

#### **Article 7. Candidates**

1. Judges shall be elected by the States Parties to the Convention, at the OAS General Assembly, from a list of candidates nominated by those States.

2. Each State Party may nominate up to three candidates, nationals of the state that proposes them or of any other member state of the OAS.

3. When a slate of three is proposed, at least one of the candidates must be a national of a state other than the nominating state.

#### **Article 8. Election - Preliminary Procedures**

1. Six months prior to expiration of the terms to which the judges of the Court were elected, the Secretary General of the OAS shall address a written request

to each State Party to the Convention that it nominate its candidates within the next ninety days.

2. The Secretary General of the OAS shall draw up an alphabetical list of the candidates nominated, and shall forward it to the States Parties, if possible, at least thirty days before the next session of the OAS General Assembly.

3. In the case of vacancies on the Court, as well as in cases of the death or permanent disability of a candidate, the aforementioned time periods shall be shortened to a period that the Secretary General of the OAS deems reasonable.

#### **Article 9. Voting**

1. The judges shall be elected by secret ballot and by an absolute majority of the States Parties to the Convention, from among the candidates referred to in Article 7 of the present Statute.

2. The candidates who obtain the largest number of votes and an absolute majority shall be declared elected. Should several ballots be necessary, those candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the States Parties.

#### **Article 10. Ad Hoc Judges**

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.

2. If one of the judges called upon to hear a case is a national of one of the States Parties to the case, any other State Party to the case may appoint a person to serve on the Court as an ad hoc judge.

3. If among the judges called upon to hear a case, none is a national of the States Parties to the case, each of the latter may appoint an ad hoc judge. Should several States have the same interest in the case, they shall be regarded as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

4. The right of any State to appoint an ad hoc judge shall be considered relinquished if the State should fail to do so within thirty days following the written request from the President of the Court.

5. The provisions of Articles 4, 11, 15, 16, 18, 19 and 20 of the present Statute shall apply to ad hoc judges.

#### **Article 11. Oath**

1. Upon assuming office, each judge shall take the following oath or make the following solemn declaration: "I swear" - or "I solemnly declare" - "that I shall exercise my functions as a judge honorably, independently and impartially and that I shall keep secret all deliberations."

2. The oath shall be administered by the President of the Court and, if possible, in the presence of the other judges.

### **CHAPTER III**

#### **STRUCTURE OF THE COURT**

##### **Article 12. Presidency**

1. The Court shall elect from among its members a President and Vice-President who shall serve for a period of two years; they may be reelected.

2. The President shall direct the work of the Court, represent it, regulate the disposition of matters brought before the Court, and preside over its sessions.

3. The Vice-President shall take the place of the President in the latter's temporary absence, or if the office of the President becomes vacant. In the latter case, the Court shall elect a new Vice-President to serve out the term of the previous Vice-President.

4. In the absence of the President and the Vice-President, their duties shall be assumed by other judges, following the order of precedence established in Article 13 of the present Statute.

##### **Article 13. Precedence**

1. Elected judges shall take precedence after the President and Vice-President according to their seniority in office.

2. Judges having the same seniority in office shall take precedence according to age.

3. Ad hoc and interim judges shall take precedence after the elected judges, according to age. However, if an ad hoc or interim judge has previously served as an elected judge, he shall have precedence over any other ad hoc or interim judge.

##### **Article 14. Secretariat**

1. The Secretariat of the Court shall function under the immediate authority of the Secretary, in accordance with the administrative standards of the OAS General Secretariat, in all matters that are not incompatible with the independence of the Court.

2. The Secretary shall be appointed by the Court. He shall be a full-time employee serving in a position of trust to the Court, shall have his office at the seat of the Court and shall attend any meetings that the Court holds away from its seat.

3. There shall be an Assistant Secretary who shall assist the Secretary in his duties and shall replace him in his temporary absence.

4. The Staff of the Secretariat shall be appointed by the Secretary General of the OAS, in consultation with the Secretary of the Court.

## **CHAPTER IV**

### **RIGHTS, DUTIES AND RESPONSIBILITIES**

#### **Article 15. Privileges and Immunities**

1. The judges of the Court shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents under international law. During the exercise of their functions, they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.

2. At no time shall the judges of the Court be held liable for any decisions or opinions issued in the exercise of their functions.

3. The Court itself and its staff shall enjoy the privileges and immunities provided for in the Agreement on Privileges and Immunities of the Organization of American States, of May 15, 1949, mutatis mutandis, taking into account the importance and independence of the Court.

4. The provision of paragraphs 1, 2 and 3 of this article shall apply to the States Parties to the Convention. They shall also apply to such other member states of the OAS as expressly accept them, either in general or for specific cases.

5. The system of privileges and immunities of the judges of the Court and of its staff may be regulated or supplemented by multilateral or bilateral agreements between the Court, the OAS and its member states.

#### **Article 16. Service**

1. The judges shall remain at the disposal of the Court, and shall travel to the seat of the Court or to the place where the Court is holding its sessions as often and for as long a time as may be necessary, as established in the Regulations.

2. The President shall render his service on a permanent basis.

#### **Article 17. Emoluments**

1. The emoluments of the President and the judges of the Court shall be set in accordance with the obligations and incompatibilities imposed on them by Articles 16 and 18, and bearing in mind the importance and independence of their functions.

2. The ad hoc judges shall receive the emoluments established by Regulations, within the limits of the Court's budget.

3. The judges shall also receive per diem and travel allowances, when appropriate.

### **Article 18. Incompatibilities**

1. The position of judge of the Inter-American Court of Human Rights is incompatible with the following positions and activities:

a. Members or high-ranking officials of the executive branch of government, except for those who hold positions that do not place them under the direct control of the executive branch and those of diplomatic agents who are not Chiefs of Missions to the OAS or to any of its member states;

b. Officials of international organizations;

c. Any others that might prevent the judges from discharging their duties, or that might affect their independence or impartiality, or the dignity and prestige of the office.

2. In case of doubt as to incompatibility, the Court shall decide. If the incompatibility is not resolved, the provisions of Article 73 of the Convention and Article 20(2) of the present Statute shall apply.

3. Incompatibilities may lead only to dismissal of the judge and the imposition of applicable liabilities, but shall not invalidate the acts and decisions in which the judge in question participated.

### **Article 19. Disqualification**

1. Judges may not take part in matters in which, in the opinion of the Court, they or members of their family have a direct interest or in which they have previously taken part as agents, counsel or advocates, or as members of a national or international court or an investigatory committee, or in any other capacity.

2. If a judge is disqualified from hearing a case or for some other appropriate reason considers that he should not take part in a specific matter, he shall advise the President of his disqualification. Should the latter disagree, the Court shall decide.

3. If the President considers that a judge has cause for disqualification or for some other pertinent reason should not take part in a given matter, he shall advise him to that effect. Should the judge in question disagree, the Court shall decide.

4. When one or more judges are disqualified pursuant to this article, the President may request the States Parties to the Convention, in a meeting of the OAS Permanent Council, to appoint interim judges to replace them.

### **Article 20. Disciplinary Regime**

1. In the performance of their duties and at all other times, the judges and staff of the Court shall conduct themselves in a manner that is in keeping with the office of those who perform an international judicial function. They shall be answerable to the Court for their conduct, as well as for any violation, act of

negligence or omission committed in the exercise of their functions.

2. The OAS General Assembly shall have disciplinary authority over the judges, but may exercise that authority only at the request of the Court itself, composed for this purpose of the remaining judges. The Court shall inform the General Assembly of the reasons for its request.

3. Disciplinary authority over the Secretary shall lie with the Court, and over the rest of the staff, with the Secretary, who shall exercise that authority with the approval of the President.

4. The Court shall issue disciplinary rules, subject to the administrative regulations of the OAS General Secretariat insofar as they may be applicable in accordance with Article 59 of the Convention.

### **Article 21. Resignation - Incapacity**

1. Any resignation from the Court shall be submitted in writing to the President of the Court. The resignation shall not become effective until the Court has accepted it.

2. The Court shall decide whether a judge is incapable of performing his functions.

3. The President of the Court shall notify the Secretary General of the OAS of the acceptance of a resignation or a determination of incapacity, for appropriate action.

## **CHAPTER V**

### **THE WORKINGS OF THE COURT**

#### **Article 22. Sessions**

1. The Court shall hold regular and special sessions.

2. Regular sessions shall be held as determined by the Regulations of the Court.

3. Special sessions shall be convoked by the President or at the request of a majority of the judges.

#### **Article 23. Quorum**

1. The quorum for deliberations by the Court shall be five judges.

2. Decisions of the Court shall be taken by a majority vote of the judges present.

3. In the event of a tie, the President shall cast the deciding vote.

#### **Article 24. Hearings, Deliberations, Decisions**

1. The hearings shall be public, unless the Court, in exceptional circumstances, decides otherwise.

2. The Court shall deliberate in private. Its deliberations shall remain secret, unless the Court decides otherwise.

3. The decisions, judgments and opinions of the Court shall be delivered in public session, and the parties shall be given written notification thereof. In addition, the decisions, judgments and opinions shall be published, along with judges' individual votes and opinions and with such other data or background information that the Court may deem appropriate.

#### **Article 25. Rules and Regulations**

1. The Court shall draw up its Rules of Procedure.

2. The Rules of Procedure may delegate to the President or to Committees of the Court authority to carry out certain parts of the legal proceedings, with the exception of issuing final rulings or advisory opinions. Rulings or decisions issued by the President or the Committees of the Court that are not purely procedural in nature may be appealed before the full Court.

3. The Court shall also draw up its own Regulations.

#### **Article 26. Budget, Financial System**

1. The Court shall draw up its own budget and shall submit it for approval to the General Assembly of the OAS, through the General Secretariat. The latter may not introduce any changes in it.

2. The Court shall administer its own budget.

### **CHAPTER VI**

#### **RELATIONS WITH GOVERNMENTS AND ORGANIZATIONS**

#### **Article 27. Relations with the Host Country, Governments and Organizations**

1. The relations of the Court with the host country shall be governed through a headquarters agreement. The seat of the Court shall be international in nature.

2. The relations of the Court with governments, with the OAS and its organs, agencies and entities and with other international governmental organizations involved in promoting and defending human rights shall be governed through special

agreements.

**Article 28. Relations with the Inter-American Commission  
on Human Rights**

The Inter-American Commission on Human Rights shall appear as a party before the Court in all cases within the adjudicatory jurisdiction of the Court, pursuant to Article 2(1) of the present Statute.

**Article 29. Agreements of Cooperation**

1. The Court may enter into agreements of cooperation with such nonprofit institutions as law schools, bar associations, courts, academies and educational or research institutions dealing with related disciplines in order to obtain their cooperation and to strengthen and promote the juridical and institutional principles of the Convention in general and of the Court in particular.

2. The Court shall include an account of such agreements and their results in its Annual Report to the OAS General Assembly.

**Article 30. Report to the OAS General Assembly**

The Court shall submit a report on its work of the previous year to each regular session of the OAS General Assembly. It shall indicate those cases in which a State has failed to comply with the Court's ruling. It may also submit to the OAS General Assembly proposals or recommendations on ways to improve the inter-American system of human rights, insofar as they concern the work of the Court.

**CHAPTER VII**

**FINAL PROVISIONS**

**Article 31. Amendments to the Statute**

The present Statute may be amended by the OAS General Assembly, at the initiative of any member state or of the Court itself.

**Article 32. Entry into Force**

The present Statute shall enter into force on January 1, 1980.

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<sup>i</sup> Source: Web site of the Inter-American Commission on Human Rights, available at <http://www.cidh.oas.org/>.