

**Important information on cases in the merits stage before  
the Inter-American Commission on Human Rights**

**1. What does it mean when my petition is in the merits stage?**

It means that your petition has been declared *admissible* by the Inter-American Commission on Human Rights (IACHR), having passed the admissibility stage, or that the Commission has decided to defer the treatment of admissibility until the debate and decision on the merits, in accordance with the provisions of Articles 30.7 and 36.3 of the IACHR Rules of Procedure.<sup>1</sup> In both circumstances, the petition receives a case number and, after notification of this decision to the parties, the proceeding on the merits is initiated.

It is at this stage that both parties have the opportunity to present their additional observations on the merits and, after the corresponding exchange between them, the Commission will adopt a decision on the case, in accordance with the provisions of the Commission's Rules of Procedure<sup>2</sup> and Statute,<sup>3</sup> as well as, to the extent applicable, the American Declaration of the Rights and Duties of Man,<sup>4</sup> the American Convention on Human Rights<sup>5</sup> (hereinafter, "ACHR") and other pertinent instruments.

During this stage, the Commission may also request further information, evidence and documents from the parties to decide on the merits of the case and even request that they express their interest in continuing with the case. Therefore, it is important to keep your contact information updated. **Failure to respond to a request made by the Commission has procedural consequences** (see answers to questions 5, 20 and 21).

This stage culminates with the adoption by the IACHR of a report on the merits in which it will examine the allegations, the evidence presented by the parties and, if applicable, the public information available and information obtained during hearings and *on-site* observations, in order to determine whether the State is responsible for the violation of one or more of the rights and freedoms enshrined in the international treaties of the Inter-American Human Rights System, over which the Commission has jurisdiction. The IACHR may also formulate recommendations to the State to cease such violations, clarify the facts, and adopt comprehensive reparation measures.<sup>6</sup>

The merits stage may also be concluded when the parties are notified of the decision adopted by the IACHR to close the case, in accordance with Article 42 of its Rules of Procedure (see answers to questions 20 and 21).

**2. What is the role of the IACHR Executive Secretariat during the processing of cases in the merits stage?**

The Executive Secretariat of the IACHR does not act on behalf of any of the parties, but rather provides legal advice to the Commission and ensures that the processing of the case complies with the Rules of Procedure, the Statute of the Commission and, if applicable, the ACHR.

**3. How long does the merits stage last?**

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<sup>1</sup> The application of Resolution 1/16, because the petition meets one of the criteria contemplated therein, is one of the most common assumptions of the deferral of the study of admissibility until the subsequent stage. IACHR, Resolution 1/16, *On Measures to Reduce the Procedural Backlog*, adopted October 18, 2016, available at: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-16-en.pdf>.

<sup>2</sup> Rules of Procedure of the Inter-American Commission on Human Rights, available at: <https://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.

<sup>3</sup> Statute of the Inter-American Commission on Human Rights, available at: <https://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp>.

<sup>4</sup> American Declaration of the Rights and Duties of Man, available at: <https://www.oas.org/en/iachr/mandate/Basics/declaration.asp>.

<sup>5</sup> American Convention on Human Rights, available at: [http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).

<sup>6</sup> Articles 48(1)(d) and 50 of the ACHR and Articles 43 and 44 of the Rules of Procedure of the IACHR.

The IACHR cannot specify the duration of this stage since various elements of each specific case may affect its processing.

However, aware of the procedural backlog at the merits stage, the Inter-American Commission on Human Rights has been adopting a series of measures aimed at reducing waiting times<sup>7</sup> and achieving a more efficient and dynamic processing.

#### **4. What happens to my case when it enters the merits stage?**

After having declared the petition admissible or having decided to defer the admissibility examination until the debate and decision on the merits, the Commission assigns a case number to the petition, which is communicated to both parties when notified of the beginning of the merits stage. At the same time, the Commission grants the petitioning party a period of four months, extendable for a maximum of two additional months, to present its additional observations on the merits, ratify its previous arguments, or expressly indicate that they have no additional observations. Once the observations of the petitioning party have been received, they shall be transmitted to the State concerned so that it may present its observations on the merits within the same four-month period, extendable for a maximum of two additional months, in accordance with Articles 37(1) and 37(2) of the IACHR Rules of Procedure.

Once the additional observations on the merits have been received from the State, they will be forwarded to the petitioning party for their information, that is, without a deadline and without a request for new observations. From this moment on, the case will be considered procedurally ready for the preparation of a report on the merits. This means that the IACHR will be able to discuss and rule on the case based on the information available in the file. The Executive Secretariat plans the preparation of reports according to chronological criteria. In exceptional cases, the members of the IACHR may instruct the Executive Secretariat to move forward with the examination of a case.

At any time, the Commission may also request further information, evidence and documents from the parties in order to adopt a decision and even request that they update their interest in continuing with the case, therefore, it is important to keep your contact information up to date. **Failure to respond to a request made by the Commission has procedural consequences** (see answers to questions 5, 20 and 21).

It is the responsibility of the petitioning party or representatives and/or the alleged victims to maintain a copy of the case file with all documents sent and received.

#### **5. What happens to my case if I do not submit my additional observations on the merits within the statutory time limit granted by the Commission when notifying me of the admissibility of the petition or the deferral of the admissibility review until the discussion and decision on the merits?**

If you do not submit your additional observations, ratify what was previously argued, or expressly indicate that you have no additional observations within the statutory period of four months, extendable for a maximum of two additional months, the Commission will reiterate said request by means of a communication sent to the contact information of the petitioning party or representatives available in the file, warning of the possibility of closing (archive) the case. If no response is received within the time period indicated in said communication, the Commission may close the file because it does not have the information necessary to reach a decision on the case, despite the efforts made to obtain it, or because it considers the lack of response to the request formulated by the IACHR to be a substantial indication of lack of interest in the processing of the case, in accordance with Article 42(1)(a) and (b) of its Rules of Procedure. **The decision to close (archive) the case is final.**

#### **6. What happens to my case if the respondent State does not submit its additional observations on the merits within the statutory time limit granted by the Commission at the time of transmitting my additional observations?**

If the respondent State does not submit its additional observations within the statutory period of four months, extendable for a maximum of two additional months, the case will become procedurally ready for the preparation of a report. This means that the IACHR will be able to discuss and rule on the case based on the information available in the file. The Executive Secretariat plans

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<sup>7</sup> For more information on the measures adopted by the Inter-American Commission on Human Rights to reduce the procedural backlog, we recommend consulting the Annual Reports of the IACHR, particularly Chapter II, on the System of petitions and cases, friendly settlements and precautionary measures, available at: <https://www.oas.org/en/iachr/reports/ia.asp>.

the preparation of reports according to chronological criteria. In some cases, the IACHR may instruct the Executive Secretariat to move forward with the examination of a case.

However, the information submitted by the petitioning party or the State after the statutory deadlines, referred to in questions 4, 5 and 6 of this brochure, shall be forwarded to the counterpart for their information and, if applicable, taken into consideration when a decision on the case is adopted.

**7. In the letter notifying the beginning of the merits stage, the IACHR has placed itself at the disposal of the parties to reach a friendly settlement of the matter. What does this mean?**

The Friendly Settlement procedure is a dialogue mechanism facilitated by the Commission with the purpose of reaching an agreement, outside of litigation, between the State concerned and the alleged victims and/or the petitioning party that enables the resolution of the matter pending before the Commission for the alleged violation of human rights. In accordance with the provisions of Article 40 of our Rules of Procedure, at any time during processing, the IACHR may make itself available to the parties to reach a friendly settlement of the matter based on respect for human rights.

Likewise, either party may request the good offices of the IACHR to facilitate a process of negotiating a friendly settlement agreement at any time during the processing of the complaint, from its notification to the State until before the Commission issues a report on the merits. For this purpose, any of the parties may send a letter to the IACHR expressing their interest in dialogue with the intention of reaching a friendly settlement. The friendly settlement procedure depends on the willingness of both parties and, therefore, they must agree to initiate and continue with this procedure.

Upon notifying the opening of the case and granting the petitioning party a period of four months, extendable for a maximum of two months, to present its additional observations on the merits, the Commission shall inform the parties that if they are interested in initiating a friendly settlement process, they should do so as soon as possible. The indication of interest in initiating the friendly settlement procedure does not exempt the requesting party from submitting its additional observations on the merits within the period granted. These additional observations are a regulatory requirement for continuing litigation at the merits stage if the State does not accept the offer or does not express its position on it.

Once both parties have formally expressed their willingness to use the friendly settlement mechanism, the Commission facilitates negotiations through the application of alternative dispute settlement methods, and through tools such as working meetings, technical meetings to promote and/or prepare for mediation, and exchanges of formal and informal written submissions. The Friendly Settlement procedure suspends litigation. Therefore, the Commission will not move forward with a decision on admissibility and/or merits if the parties decide to continue the negotiation process. This means that, if a party expresses its willingness to move forward in a friendly settlement negotiation process, their interest is communicated to the counterpart and only when the acceptance of the counterpart is received, the friendly settlement process is initiated with the facilitation of the Commission. The mere expression of a party's willingness to move forward in the negotiation of a friendly settlement **does not automatically initiate such an instance.**

If the Friendly Settlement procedure has been initiated and any of the parties determines that the counterpart has no willingness or substantial progress in the negotiation process, or that the matter cannot be resolved by this means, they may request to discontinue said procedure and continue with the litigation of the case, resuming the procedural status in which the matter was before entering into the negotiation process.

It should also be noted that the friendly settlement process is not a mandatory step in the processing of a case and users of the Individual Case and Petition System may decide not to use this mechanism.

For further information on the procedure, please consult the "Handbook: Friendly Settlement Mechanism in the Petition and Case System" available at the following link: [https://www.oas.org/en/iachr/friendly\\_settlements/docs/handbook-fs-en.pdf](https://www.oas.org/en/iachr/friendly_settlements/docs/handbook-fs-en.pdf).

For information on the type and scope of remedies that can be achieved through friendly settlement, please consult the "Impact of the Friendly Settlement" available at the following link: <https://www.oas.org/en/iachr/reports/pdfs/ImpactFriendlySettlement-2018.pdf>.

To learn about the friendly settlement agreements approved by the Commission, we recommend accessing the following link: [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/friendly\\_settlements/default.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/friendly_settlements/default.asp).

Finally, it should be noted that in 2020 the Commission issued Resolution 3/20 on Differentiated actions to address the procedural backlog in friendly settlement procedures, in which it set general guidelines of such negotiation processes. In order to know the content of Resolution 3/20, it is recommended to access the following link: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-3-20-en.pdf>.

#### 8. Can I send additional information related to my case and how to do it?

Both parties have opportunities to submit additional observations on the merits during processing. However, relevant additional information submitted by either party will be added to the file and sent to the opposing party, for their information, i.e., without time limit and without request for additional observations. **The submission of additional information is optional.**

The means by which you submit additional information has an impact on the processing time of your case. In this regard, the best way to send additional information to the IACHR is through the Individual Petition System Portal (the IACHR Portal or Portal).<sup>8</sup> Among the advantages of the Portal is that it is free to use and provides certainty and security when sending and receiving information. The IACHR Portal issues an automatic acknowledgement of receipt confirming that the information has been successfully sent, and this, in turn, is entered directly into the case file, thus reducing internal processing times. The Portal allows the entry of several files at a time with a maximum size of 40MB each. **The information sent through the Portal does not need to be forwarded by any other means.**

If you experience any difficulty sending information via the IACHR Portal, first consult the Portal's User Manual.<sup>9</sup> If the difficulty persists, please email your query to the IACHR Portal team by e-mail: [CIDHPortal@oas.org](mailto:CIDHPortal@oas.org),<sup>10</sup> describing in detail the error or technical failure.

Exceptionally, and in the event of the user's inability to access the IACHR Portal, the information may be sent by the following means (**select only one mode of submission**):

1. If you have access to a computer and internet, you can email your information to: [CIDHDenuncias@oas.org](mailto:CIDHDenuncias@oas.org). If documents are attached, they should not exceed 15MB in total, otherwise your e-mail will be undeliverable to that account. It will be your responsibility to identify the petition or case number and clearly indicate the reason for your communication in the body of the message. Unlike the Portal, sending information via e-mail does not generate an automatic acknowledgement of receipt, so you will have to wait for the Executive Secretariat to acknowledge receipt according to the demand and response capacity at that given time, which may take time. If the files to be sent exceed 15MB in total, you can send them through the *OneDrive* or *WeTransfer* tools. For security reasons, the IACHR does not have access to other file sharing platforms. Please make sure that the content of the *links* does not expire in a short period of time, have access restrictions nor require a password. **Please do not link the e-mail [CIDHDenuncias@oas.org](mailto:CIDHDenuncias@oas.org) to automated distribution lists;**
2. If it is absolutely impossible for you to send your submission through the IACHR Portal or by e-mail, you must use a certified mail service that allows you to track your submission and confirm its receipt. All boxes, envelopes, packages and, in general, their contents must be properly identified by your petition or case number. It is recommended that the information is sent in a digital format (USB, CD, DVD, flash memory, memory card, among others) to facilitate processing. Verify that the files can be viewed or opened without any problem and that they do not have any password or access restriction.<sup>11</sup> **Avoid sending information in paper format. However, if it is not possible to send information in a digital format, the documents should not be bound, ring-bound or laminated. Do not send original documents** (see answer to question 13).

All documentation sent by mail should be sent to the following address:

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<sup>8</sup> Individual Petition and Case System Portal, available at: <https://www.oas.org/en/iachr/portal>. On the Portal's web page, you can find more details on how to register and send information/observations to the IACHR through the Portal, as well as how to consult the procedural status of your petition or case.

<sup>9</sup> Available at: <https://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>.

<sup>10</sup> This email is for technical inquiries only. Please refrain from forwarding information or requests related to your petition and its processing.

<sup>11</sup> None of the electronic devices received by the IACHR will be returned.

**Inter-American Commission on Human Rights  
1889 F Street, N.W.  
Washington, D.C., 20006  
United States of America**

**9. [In what format should I send the documentation?](#)**

To expedite the administrative process and facilitate the processing of your case, it is preferred that written submissions and/or annexes be sent in digital format through the IACHR Portal.<sup>12</sup> Alternatively, they may be sent by the means already referred to in question 8 (see above).

Documents sent in digital format must be in one of the following: .avi ; .bmp ; .doc ; .docx ; .eml ; .flv ; .gif ; .ht ; .jpeg ; .jpg ; .mov ; .mp3 ; .mp4 ; .pdf ; .png ; .ppt ; .pptx ; .rtf ; .txt ; .wav ; .wma ; .wmv ; .xls ; .xlsx. Other formats are not supported by our system.

**If you prefer to send Word documents (doc., docx), it is requested that the format of the document be in letter or *letter* size (8.5" x 11").**

If you encounter any problems when trying to submit additional information through the IACHR Portal, please proceed as indicated in the answer to question number 8 (see above).

**10. [How long does it take the Commission to transmit information from one party to the other?](#)**

Due to the large quantity of communications received daily by the IACHR, and the resulting workload of the digitization and administrative handling of large quantities of documents, it is not possible to determine the amount of time it will take the Executive Secretariat to send the information provided by the opposing party. For this reason, the IACHR requests the parties' understanding with respect to possible delays in sending communications and, consequently, asks that they avoid sending duplicate information and reiterations. All communications related to petitions and cases are processed and both parties will receive the corresponding response.

**11. [How can I follow up on my case?](#)**

The fastest way to follow up on your case is by logging into our Individual Petition System Portal, available at: <https://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>. To do so, you will need to create an account following the instructions in our User's Manual: Petitioners, available at: <https://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>. Through your account on the IACHR Portal, you will be able to check the status of your petition, case, and precautionary measure. You will also receive direct notifications from the IACHR informing you of any progress in your case.

If you are unable to access the IACHR Portal, you may send your inquiries through the means previously referred to in question 8 (see above). Remember that any other means outside the IACHR Portal does not generate automatic acknowledgement of receipt, so you will not receive an immediate response. Inquiries will be handled by the Customer Service Center in the order in which they are received and according to the response capacity available at the time. For more information about the Customer Service Section visit: <https://www.oas.org/en/iachr/default.asp>.

**12. [What information should I send to the IACHR during the merits stage?](#)**

At this stage, the Commission will analyze the facts and allegations of the parties, as well as the evidence presented that demonstrates the violation(s) of the human rights denounced. Therefore, this is the ideal procedural moment to present such arguments and evidence, if that has not been done previously.

The submission of additional observations on the merits is a regulatory requirement of this stage, established in Article 37 of the Rules of Procedure of the IACHR. Consequently, it is not possible to continue with the processing of the case at this stage without the express communication of the petitioning party. If the petitioner has no additional observations or wishes to ratify what was previously argued in its original petition and/or in the admissibility stage, it must expressly state so in writing.

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<sup>12</sup> Individual Petition and Case System Portal, available at: <https://www.oas.org/en/iachr/portal/>. On the Portal's webpage you can find more details on how to register and send information/observations to the IACHR through the Portal, as well as consult the procedural status of your petition or case.

**13. [Should I send original documents, certified copies or apostilled documents?](#)**

No. Under no circumstances should original documents be submitted, as the Commission does not return documents that have been submitted regarding a case or petition. Likewise, when sending copies of documents, it is not necessary that they are certified, apostilled, legalized, or legally authenticated; but it is very important that the documents are complete and legible.

**14. [How do I submit information if my case has a related request for precautionary measure?](#)**

Given that the processing of a case and a precautionary measure are independent of each other, information should also be submitted separately, using the links available to submit additional information within each case (petition/case and precautionary measure) through your IACHR Portal account.

If using any of the alternative methods of submitting additional information indicated in the answer to question 8 (see above), it is the responsibility of the petitioning party to specify whether the documentation provided is related to the case and/or precautionary measure, providing the case and/or precautionary measure number assigned to the respective case.

**15. [Who can send and receive information regarding my case?](#)**

Generally, only the parties to the proceedings may send and receive information regarding a case, i.e., the persons registered as petitioners or representatives and/or alleged victims (direct or their relatives) and the State concerned may send briefs and documents and/or receive information about their case.

However, in addition to the information provided by the parties to the proceedings, the Commission, when adopting its decision, may take into consideration both, publicly available information, and information received as *Amicus Curiae* (friend of the court or friend of the tribunal). The legal opinions expressed by a third party to the international dispute in its *Amicus Curiae* brief shall be transmitted to both parties for their information.

**16. [Can I designate a petitioner or substitute a registered petitioner?](#)**

Yes. Any designation, substitution, inclusion and/or withdrawal of a petitioner or representative must be reported to the IACHR in writing. Also, it is important to keep the contact information of the petitioner or representative up to date and, if applicable, to report any change of representation, given that, to safeguard the confidentiality of the information provided, the IACHR is prevented from sharing information on the status of cases with persons who are not accredited in our systems.

Remember that, at any time, the Commission may also request further information, evidence and documents from the parties to be able to decide on the matter and even request that they update their interest in continuing with the processing, therefore, it is important to keep their contact information updated. **Failure to respond to a request formulated by the Commission has consequences in the process** (see answers to questions 5, 21 and 22).

**17. [Do I have to travel to the IACHR headquarters to follow up on my case?](#)**

The Executive Secretariat of the IACHR does not recommend that the petitioning party or representative and/or the alleged victims commit financial resources to travel to Washington, DC. Since this is a mostly written proceeding, it is not considered necessary to come to the Commission's headquarters to follow up on their case. Since only formal matters are dealt with and no substantive claims are received during these meetings, any submission of documentation and inquiries on the status of the case can be made through the means mentioned in questions 8 and 11 (see above).

**18. [Should I hire a lawyer to follow up on my case, or pay a fee to the IACHR?](#)**

No. The Commission does not require the representation of an attorney in the presentation and processing of cases. In addition, the IACHR does not require the payment of duties, fees or other charges; **our services are free of charge.**

However, if at the time of entering the merits stage you do not have the representation of an attorney and do not have the resources to cover such expenses, it is suggested that you inform the Commission in writing. In these cases, the Executive Secretariat may offer important information regarding civil society organizations that will evaluate the possibility of providing free legal assistance. These organizations are not obliged to accept the cases, since it is an offer to consider a possible *pro bono*

collaboration, at no cost to the alleged victim. The information provided does not imply the endorsement or approval of these organizations and/or their attorneys on behalf of the IACHR.

#### 19. [What is the Free Legal Assistance Fund?](#)

The Legal Assistance Fund for Victims, regarding the Inter-American Commission on Human Rights, is a benefit that offers economic resources to the alleged victims or the petitioning party of a complaint filed before the IACHR to cover the relevant expenses for the processing of a case, such as: the collection and remission of evidentiary documents, as well as the expenses related to the appearance of the alleged victim, witnesses or experts to hearings before the Commission, among other necessary expenses.

To access the benefits of the Legal Assistance Fund for Victims, the case must be at the merits stage (see answer to question 1) and the petitioning party or representative and/or the alleged victims must demonstrate a lack of sufficient resources to cover all or part of these expenses.

For more information on the Legal Assistance Fund for Victims, please consult the following link: <https://www.oas.org/en/iachr/mandate/basics/fund.asp>.

#### 20. [Can I withdraw my case?](#)

Yes, you may withdraw your case at any time. The withdrawal of a case must be expressed in writing to the Commission. According to Article 41 of the Rules of Procedure of the IACHR, any withdrawal expressed by the petitioning party shall be analyzed by the Commission, which may decide whether to close (archive) the case, as provided in Article 42 of the same Rules of Procedure, or to continue processing the case in the interest of protecting a specific right. If the IACHR decides to archive the case, it shall be closed. **This decision is final**, except in the circumstances provided for in Article 42(3) of the aforementioned Rules of Procedure.

#### 21. [I received a letter regarding the possibility of archiving. What does it mean?](#)

When the Executive Secretariat detects inactivity of the petitioning party in the proceedings, the Commission may request that they inform whether the grounds for the petition filed still exist or whether it still has an interest in continuing with the processing of the petition. If a response is not received within the time frame established in the notification, the Commission may archive (close) the case in accordance with Article 42 of its Rules of Procedure. In view of the foregoing, it is important that the petitioning party or representative keep its contact information updated.

Likewise, in the merits stage, if the petitioning party or representative does not submit additional observations, ratify what was previously argued, or expressly indicate that it has no additional observations within the regulatory period, the Commission shall warn of the possibility of adopting a decision to archive (close) the case. If no response is received within the time period established in the notification, counted from the date of its transmission, the Commission may archive the file due to the lack of necessary information required to reach a decision on the case, despite the efforts made to obtain it, or because it considers the lack of response to the request made by the IACHR as a substantial indication of lack of interest in the processing of the case, in accordance with Article 42(1) paragraphs a) and b) of its Rules of Procedure. The decision to archive (close) the case is final, except in the circumstances provided for in Article 42(3) of the aforementioned Rules of Procedure.

#### 22. [When does the merits stage end?](#)

The merits stage ends when the IACHR, after deliberating and voting on the merits of the case, adopts a report establishing that:

- There was no violation by the State in a given case and, therefore, the matter is closed. If it is declared that there was no responsibility, the case is closed. **This decision is not subject to appeal and ends the process**, or;
- If there was a violation of one or more of the rights and freedoms enshrined in the international treaties of the Inter-American Human Rights System, over which the Commission has jurisdiction, in which it makes recommendations to the responsible State.

The merits stage may also be concluded when the parties are notified of the decision adopted by the IACHR to archive (close) the case, in accordance with Article 42 of its Rules of Procedure. This decision is final, except in the circumstances provided for in Article 42(3) of the Rules of Procedure (see answer to question 21).

**23. What happens if the Commission decides that the State is internationally responsible for human rights violations?**

If the international responsibility of the State is established, the Commission shall issue a report on the merits in which it shall state the facts and its conclusions, in addition to making the recommendations to the State that it deems pertinent.

The Commission shall notify the parties of the report on the merits and shall set a time limit for the State to report on the measures taken to comply with the recommendations. The State shall not be entitled to publish the report until the Commission adopts a decision on the matter.

If the case was filed against a State party to the American Convention on Human Rights that, in turn, accepted the contentious jurisdiction of the Inter-American Court of Human Rights (IA Court HR),<sup>13</sup> the IACHR shall request the petitioning party or representative, the victim and her next of kin, within a period of one month, their position and grounds for submitting the case to the Court, in addition to their claims for reparations and costs, as provided for in Article 44(3) of the IACHR Rules of Procedure.

**24. What happens once the report on the merits has been issued, and will the IACHR continue to follow up on compliance with the recommendations made?**

The Commission always follows up on its recommendations. The mechanisms it uses are different depending on the ratification status of the American Convention on Human Rights by the State concerned and whether it has accepted the jurisdiction of the Inter-American Court of Human Rights (IA Court HR).

If it has not ratified the ACHR or accepted the jurisdiction of the IA Court HR, the IACHR requests information from the parties on compliance with its recommendations. Based on this, the Commission will decide when to make its report and recommendations public. The IACHR will inform both parties and the OAS Member States on the status of compliance with the recommendations in the individual cases.

On the other hand, in cases filed against a State party to the American Convention that has accepted the contentious jurisdiction of the Inter-American Court, the IACHR will submit the case to the Court should it deem necessary, considering the arguments of the petitioning party or representative, victim and her next of kin. It will not be until the case is submitted to the jurisdiction of the Court that the Commission will make public the report approved in accordance with Article 50 of the American Convention, with the respective transmittal note. The IA Court HR will lead the proceedings until the adoption of a judgment, which will be final and unappealable.

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<sup>13</sup> The Inter-American Court of Human Rights, headquartered in San José, Costa Rica, 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 its Rules of Procedure and Statute.