

RULES FOR THE
OPERATION OF THE VICTIMS' LEGAL
ASSISTANCE FUND OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS

CONSIDERING THAT:

- 1) The General Assembly of the Organization of American States (OAS), by way of Resolution AG/RES. 2426 of June 3, 2008, provided for the "Establishment of the Legal Assistance Fund of the Inter-American Human Rights System"; and
- 2) Resolution CP/RES. 963 of November 11, 2009, of the Permanent Council of the OAS, approved the "Rules of Procedure for the Operation of the Legal Assistance Fund of the Inter-American Human Rights System."

RESOLVES to adopt the following Rules:

Article 1. Purpose

These Rules regulate the operation of, and access to, the Victims' Legal Assistance Fund of the Inter-American Court of Human Rights for the litigation of cases before it.

Article 2. Requests for Access to the Victims' Legal Assistance Fund

Alleged victims who wish to access the Victims' Legal Assistance Fund shall so inform the Court in the brief containing pleadings, motions, and evidence. These alleged victims must indicate, by means of a sworn affidavit and other probative evidence that will satisfy the Tribunal, that they lack the economic resources necessary to cover the cost of litigation before the Inter-American Court, and state precisely the aspects of their participation in proceedings that require use of the resources of the Victims' Legal Assistance Fund.

Article 3. Determination of the Merits of the Request

The Secretariat of the Court shall conduct a preliminary review of the request for assistance and shall require the requesting party to present the background information necessary so that the request may be submitted to the consideration of the Presidency.

The Presidency of the Court shall evaluate each request submitted, determine whether it shall be granted, and indicate the aspects of the litigation that may be funded through the Victims' Legal Assistance Fund. The Presidency's decision shall be

made within three months as of the date that the background information required is received.

The Secretariat of the Court shall serve notice of the Presidency's decision on the alleged victim or his or her representative, the respondent State, and the Inter-American Commission on Human Rights.

Article 4. Administration and Assignment of Resources

The Secretariat of the Court shall administer the Victims' Legal Assistance Fund.

Once the Presidency has determined the merits of the request and that decision has been served, the Secretariat of the Court shall open a file on the costs of that particular case, which shall contain records of all expenditures made in accordance with the parameters authorized by the Presidency.

Article 5. Reimbursement of Costs to the Victims' Legal Assistance Fund

The Secretariat of the Court shall inform the respondent State of the expenditures made from the Victims' Legal Assistance Fund so that the State may submit observations thereto by the established deadline.

The Tribunal shall evaluate in its judgment whether to order the respondent State to reimburse expenditures made from the Inter-American Court of Human Rights's Legal Assistance Fund.

Article 6. Interpretation

The Court shall decide matters not governed by these Rules and questions regarding their interpretation.

Article 7. Amendments to the Rules

These Rules may be amended by decision of an absolute majority of the judges of the Court.

Article 8. Entering into Force

These Rules shall enter into force on June 1, 2010.

Done at the seat of the Inter-American Court of Human Rights in San José, Costa Rica, on February 4, 2010.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Registrar

So Ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Registrar