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**RESOLUTION 1/16**  
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**  
**October 18, 2016**

*Whereas* there is an urgent need to adopt measures that make it possible to reduce procedural backlog in the petition and case system, and in the framework of implementation of other measures to that same end;

*Bearing in mind* the terms of Article 36(3) of the Rules of Procedure, which stipulate that:

In exceptional circumstances, and after having requested information from the parties in accordance with the provisions of Article 30 of these Rules of Procedure, the Commission may open a case but defer its treatment of admissibility until the debate and decision on the merits. The decision shall be adopted by a reasoned resolution of the Commission, which will include an analysis of those exceptional circumstances. The exceptional circumstances that the Commission shall take into account will include the following:

- a. when the consideration of the applicability of a possible exception to the requirement of exhaustion of domestic remedies would be inextricably tied to the merits of the matter;
- b. in cases of seriousness and urgency, or when the Commission considers that the life or personal integrity of a person may be in imminent danger; or
- c. when the passage of time may prevent the useful effect of the decision by the Commission;

*And considering* the Commission's practices in this regard;

The Inter-American Commission on Human Rights hereby resolves to implement Article 36(3) of its Rules of Procedure in the exceptional scenarios listed below and, as a result, defer "treatment of admissibility until the debate and decision on the merits:"

- Petitions that have pending before the Commission for an extensive period, understanding that these petitions are the ones received until 2006 and in which the period established in Article 30.3 of the Rules of Procedure has expired.
- Petitions for which no response has been forthcoming from the State in question during the admissibility phase.<sup>1</sup>

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<sup>1</sup> Before invoking this scenario, the Commission shall verify that it has sent a follow-up request for information to the State in question, and if it has not, it shall do so. The Commission shall conduct period reviews—at least once a year and subject to available resources—to determine which matters are consistent with this scenario.

- Petitions in which the State concerned indicates that it has no objection to admissibility.
- Petitions associated with an existing precautionary measure.
- Petitions having to do with use of the death penalty.
- Petitions that, by their very nature, lend themselves to summary decisions based on the application of precedent of the Inter-American Commission and/or Court in identical cases.

The scenarios established in this Resolution are consistent with the elements stipulated — including but not limited to — in paragraphs (a), (b), and (c) of Article 36(3) of the Rules of Procedure. These scenarios are underpinned by the need to implement decisive measures to reduce procedural backlog, thus ensuring that the passage of time does not prevent the useful effect of the decisions of the Commission. Scenarios four and five are based on the need to act with more agility in cases of seriousness or urgency, as stipulated under Article 36(3)(b) of the Rules of Procedure.

In accordance with the principles of due process that govern the case system, the terms of this Resolution shall be applied bearing in mind that it is essential that both petitioners and States have equal opportunity to participate and furnish information during the process, as well as to ensure full access to the information contained in case files. The scenarios spelled out above operate independently in the sense that verification of one of them shall be sufficient to proceed as indicated in this Resolution.

The Inter-American Commission instructs the Executive Secretariat to take the measures necessary to implement this decision. To that end, the Executive Secretariat shall proceed to inform the parties about implementation of Article 36(3) of its Rules of Procedure in cases of petitions that conform to the scenarios referred to in this Resolution and shall ask petitioners to submit their additional observations on the merits within the compulsory four-month deadline. Once these observations have been received, they will be forwarded to the State in question, which will in turn be asked to furnish any additional observations about the merits of the case within the same four-month deadline.