

# IACtHR: COMPOSITION & ELECTION PROCESS

## COMPOSITION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

The Inter-American Court of Human Rights ([IACtHR](#)) is the judicial organ of the Inter-American human rights system. The Inter-American Court has its seat in San Jose, Costa Rica and is an autonomous body of the Organization of American States ([OAS](#)). The Court has contentious and advisory jurisdiction. Its contentious jurisdiction is limited to cases brought against OAS Member States that have specifically accepted the Court's contentious jurisdiction in accordance with Article 62 of the American Convention on Human Rights, and those cases must first be processed by the Inter-American Commission on Human Rights. The Court's Rules of Procedure, the American Convention, and Statute of the IACtHR govern its operations and processes, including the formation and composition of the body.

### *Judges*

The IACtHR is composed of **seven judges**, who are elected in their personal capacity and do not represent any OAS Member State. Judges are elected to **six-year terms**, which may be renewed once. Article 52 of the American Convention and Article 4 of the IACtHR Statute instruct that the judges must each be a national of a different Member State. According to articles 16 and 17 of the IACtHR Statute, the judges (except for the President of the Court, who serves on a permanent basis) serve on a part-time basis and receive emoluments "set in accordance with the obligations and incompatibilities."

#### Sources of Law

- American Convention on Human Rights ([text](#))
- Statute of the IACtHR ([text](#))
- Rules of Procedure of the IACtHR ([text](#))

Article 52 of the American Convention requires that judges elected to the Court are "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." Further, Article 71 of the American Convention and Article 18 of the Statute of the IACtHR state that judges may not engage in other work that is incompatible with a judge's function as an independent and impartial IACtHR member or incompatible with the "dignity and prestige" of the office. In the event of an incompatibility, or an act of negligence or omission, the remaining IACtHR judges may request that the OAS General Assembly (the judges' disciplinary authority) consider the issue. The OAS General Assembly may issue sanctions against IACtHR judges by a vote of at least two-thirds of the States parties to the American Convention.

### *Ad Hoc Judges*

#### Source of Law

**Article 20** of the IACtHR  
Rules of Procedure on  
***ad hoc* judges**

In inter-State cases, States parties to a case before the Court may appoint an individual of their choosing to serve as an ad hoc judge for that specific case. States parties that wish to appoint an ad hoc judge must do so within 30 days of the written request from the President of the Court. States waive their right to appoint an ad hoc judge if they fail to notify the Court within the 30-day limit. When two or more States have a common interest in the case, they may jointly appoint an *ad hoc* judge. If States don't agree on one candidate, the Court's President will choose a joint *ad hoc* judge from the candidates nominated. Pursuant to Article 55 of the American Convention and Article 10 of the IACtHR Statute, ad hoc judges must meet the same requirements as the judges serving on the IACtHR.

### Current Composition\*

	<p><a href="#">Ricardo Pérez Manrique</a>, Uruguay (2019 – 2024)</p>		<p><a href="#">Eduardo Vio Grossi</a>, Chile (2016 – 2021)* *serving second term</p>
	<p><a href="#">Humberto Antonio Sierra Porto</a>, Colombia (2019 – 2024)* *serving second term</p>		<p><a href="#">Eugenio Raúl Zaffaroni</a>, Argentina (2016 – 2021)</p>
	<p><a href="#">Patricio Pazmiño Freire</a>, Vice President, Ecuador (2016 -2021)</p>		<p><a href="#">Eduardo Ferrer Mac-Gregor Poisot</a>, Mexico (2019 -2024)* *serving second term</p>
	<p><a href="#">Elizabeth Odio Benito</a>, President, Costa Rica (2016 – 2021)</p>		

#### *IACtHR Presidency & Vice-Presidency*

##### Source of Law

Articles 12 and 13 of the Statute of the IACtHR on the Presidency and Precedence

The judges elect a President and a Vice President to form the IACtHR Presidency. The President and Vice each serve a **two-year term**, which may be renewed once. The judges present vote in secret, and the candidate who receives four or more votes is elected as President or Vice President. If none of the candidates receive four or more votes, a second round of voting will take place between the judges that received the most votes. If there is a tie, the judge with precedence—as established in Article 13 of the IACtHR Statute—will be elected. Their terms begin on January 1 of the relevant calendar year, following the Court’s last regular period of sessions when the election took place. A permanent commission, composed of the Presidency, the Vice-Presidency, and any other judges that the Presidency deems appropriate, assists the Presidency in the exercise of its duties. In urgent matters, the Presidency may appoint other commissioners even if the Court is not in session, in accordance with Article 6 of the IACtHR Rules of Procedure.

\* Last updated April 2020.

## ELECTION OF JUDGES

### *Election Process*

The election process for the IACtHR judges is established by the American Convention, the Statute of the IACtHR, and the Rules of Procedure of the IACtHR. The process begins six months prior to when a term is scheduled to end and there are anticipated vacancies on the IACtHR's seven-member body.

The OAS General Assembly elects judges from a list of nominees that have been proposed by States parties to the American Convention, as described in Article 53 of the American Convention. The government of each State party may propose up to three candidates. Nominees may be from the proposing government's State or any other OAS Member State; however, if a government chooses to nominate three individuals, at least one of those individuals must be from a different Member State from the proposing State.

### *Timing*

According to Article 8 of the Statute of the IACtHR, the OAS Secretary General makes a written request to each State party to the Convention at least six months prior to when a term is scheduled to end, asking States parties to submit their list of candidates for nominations within 90 days of the request. The OAS Secretary General then prepares a list of the candidates nominated by States parties and sends the list to States parties at least 30 days in advance of the next General Assembly session in which elections will be held. If an outgoing judge will not complete the term period due to "death, permanent disability, resignation or dismissal," elections to fill the vacancy will be held during the next session of the OAS General Assembly following the vacancy; however, if a vacancy occurs within six months of the end date of the term, an election will not be held and an interim judge will be appointed to maintain quorum during that time.

During the OAS General Assembly, States parties' representatives vote on candidates through the use of a secret ballot. Pursuant to Article 9 of the IACtHR Statute, the candidates who obtain the most votes and absolute majority of votes will be elected. If necessary, several rounds of voting may be completed, and the candidates with the fewest number of votes will be eliminated in each round.

Candidates' six-year terms begin on January 1 of the year following their election and ends on December 31 of the year when the term is set to expire. However, if cases that a judge began to hear are still pending, the judge will not be replaced by a newly elected judge for purposes of those cases, in accordance with Article 54 of the American Convention. A judge elected to replace a judge whose term did not expire will only complete that term.



Note: This process repeats when terms are approaching their end date, four years after election.

### *The IACtHR Secretariat*

The Inter-American Court also includes a Secretariat, which is led by a Secretary of the Court and a Deputy Secretary, and consists of professional and administrative staff members who help the judges carry out their work. The Court elects a Secretary for a **five-year term**, which may be renewed once, through the use of a secret ballot. The vote must take place when a quorum is present (five judges) and requires at least four votes for the Secretary's appointment. The Court may remove the Secretary at any time, following the same voting process as for appointment. The Secretary proposes the Deputy Secretary. The staff of the IACtHR Secretariat is appointed by the OAS Secretary General, in consultation with the Court's Secretary.

#### Source of Law

**Article 59** of the American Convention, **Article 14** of the Statute, and **articles 7 to 10** of the Rules of Procedure

### ROLE OF CIVIL SOCIETY

The process of selecting candidates for nomination and possible election determines the future composition of the Court. Civil society involvement is essential in ensuring that nominations for judges are thoughtfully selected and meet the requirements set forth in the relevant rules.

Civil society may find information on nominated candidates up for election in advance of the session when elections will take place. The OAS General Assembly publishes information about the candidates, including their names and Curriculum Vitae, on its "Preparatory Committee" webpage.