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Institution:	Inter-American Commission on Human Rights
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Session:	Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause:	Armando Lerco and Alain Rouland v. Brazil
Doc. Type:	Decision
Decided by:	President: Luz Patricia Mejia Guerrero; First Vice President: Victor Abramovich; Second Vice President: Felipe Gonzalez; Commissioners: Sir Clare K. Roberts, Florentin Melendez, Paolo Carozza. Commissioner Paulo Sergio Pinheiro, a Brazilian national, did not did not take part in the consideration and adoption of this Report, in compliance with Article 17.2.a of the Commission’s Rules of Procedure.
Dated:	19 March 2009
Citation:	Lerco v. Brazil, Petition 4643-02, Inter-Am. C.H.R., Report No. 12/09, OEA/Ser.L/V/II., doc. 51, corr. 1 (2009)
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## I. SUMMARY

1. On December 18, 2002, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the IACHR”) received a complaint lodged by Armando Lerco and Alain Rouland (“the petitioners”) against the Federative Republic of Brazil (“the State” or “Brazil”), claiming alleged violations of the human rights of those persons (“the alleged victims”). The alleged violations consist of a series of invasions of, attacks on, damage to, and attempts to expropriate the estate belonging to the alleged victims; threats and acts of harassment made against Armando Lerco; and the State’s lack of diligence in preventing those incidents, responding to them, investigating them, and punishing the persons responsible.

2. Although the petitioners referred to no specific provisions, the Inter-American Commission believes the alleged acts committed against the two alleged victims could constitute violations of the rights enshrined in Articles 5 (humane treatment), 8 (fair trial), 21 (right to property), and 25 (judicial protection) of the American Convention on Human Rights (“the American Convention”), in conjunction with the general obligation of respecting and ensuring those rights set forth in Article 1.1 thereof.

3. The State did not respond to the complaint, in spite of being duly notified in accordance with the provisions of the Convention and the Commission’s Rules of Procedure.

4. After examining the positions of the parties, the IACHR concludes that it is competent to examine the petition and that it is admissible under Articles 46 and 47 of the American

Convention. Consequently, the Inter-American Commission decides to notify the parties of its decision, to make this report on admissibility public, and to include it in its Annual Report to the General Assembly of the OAS.

## II. PROCESSING BY THE IACHR

5. On December 18, 2002, the Inter-American Commission received a complaint lodged by Armando Lerco and Alain Rouland regarding alleged violations of their human rights. The IACHR forwarded the relevant parts of the complaint to the State on May 20, 2003, and asked it to present its comments within a period of two months. On April 21, 2004 the Inter-American Commission received additional information from the petitioners, and that communication was forwarded to the State.

6. From May 20, 2003, up to the date of this report's adoption, the State has submitted no reply to the petition. On July 30, 2008, the State asked the IACHR for a 30-day extension of the deadline for submitting its reply to the petition because "there had been problems in processing the documents related to the incidents described in the petition, which made it impossible for the Government's reply to be completed within the period of time originally granted."

7. By means of a communication of August 11, 2008, the IACHR informed the State that the requested extension could not be granted, under the provisions of Article 30.3 of the IACHR's Rules of Procedure.

## III. POSITIONS OF THE PARTIES

### A. Petitioners

8. The petitioners claim that in May 1992, the alleged victims – Armando Lerco, a Franco-Brazilian, and Alain Rouland, a Frenchman – jointly acquired a rural property called Fazenda Nazaré in the municipality of São José dos Quatro Marcos, state of Mato Grosso. They report that the property, covering 1,224.65 hectares, was received by them in an unimproved condition, and that between 1992 and 2000 they invested some US\$500,000 (five hundred thousand U.S. dollars) to establish and maintain agricultural and cattle-raising activities. A number of years after its purchase by the alleged victims, the press described Fazenda Nazaré as a "model estate" in the western region of the state of Mato Grosso. According to the petitioners, the estate employed between 20 and 30 rural workers.

9. In 1996, Armando Lerco relocated to Mato Grosso, while Alain Rouland continued to live in France.

10. The petitioners claim that on and after May 9, 1996, Fazenda Nazaré was subjected to more than ten attacks or invasions by an armed group of grileiros,[FN2] allegedly led by local state authorities, such as the mayor of the city of Jauru, public officials of the Mato Grosso Research, Assistance, and Rural Extension Company (Empresa Matogrossense de Pesquisa, Assistência e Extensão Rural, hereinafter "EMPAER")[FN3] and the National Institute for Settlement and Agrarian Reform (Instituto Nacional de Colonização e Reforma Agrária,

“INCRA”),[FN4] as well as others. The petitioners state that the attacks and invasions were duly reported to the police and other high-ranking competent authorities, but steps to prevent further attacks were not taken, nor were the allegations of potentially criminal acts investigated.

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[FN2] The petitioners define grileiros as individuals who take possession of other people’s land by means of false property deeds. This practice is known as grilagem.

[FN3] According to the petitioners, EMPAER is the body responsible for rural technical assistance in the state of Mato Grosso, based in the city of Jauru.

[FN4] According to Article 1 of Decree 5735 of 1996, “The National Institute for Settlement and Agrarian Reform (INCRA) is an autonomous federal agency, linked to the Ministry of Agrarian Development, created by Decree Law No. 1110 of July 9, 1970, enjoying its own legal identity in public law, with administrative and financial autonomy, with its headquarters in Brasília, Federal District, and jurisdiction across the entire nation.” INCRA’s mission is to implement agrarian reform policy and to carry out national agrarian demarcation, thereby contributing to sustainable rural development. See, in this regard: <http://www.incra.gov.br/>.

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11. The first invasion reportedly took place on May 9, 1996, when a group of thirty armed and hooded men opened fire on the workers’ homes and then took six of them hostage. The assailants allegedly said that they had brought ropes to “hang the Frenchman [Armando Lerco] and get rid of him.”[FN5] They also allegedly threatened the workers’ lives, took equipment belonging to the estate, and destroyed it. Following this invasion, the criminals illegally occupied the petitioners’ property for about one month.

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[FN5] Original communication from the petitioners, received on December 18, 2002, p. 7.  
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12. The petitioners claim the incidents were immediately reported to the INCRA, and that on May 14, 1996, a complaint was also lodged with the Civil Police of the municipality of São José dos Quatro Marcos for the violent invasion of the estate, the mistreatment of the workers, and the theft and destruction of estate property. A police investigation was therefore opened (Inquérito Policial No. 522/96). In addition, the petitioners, as the owners of Fazenda Nazaré, filed a lawsuit for the restitution of possession (Ação de Reintegração de Posse) with the Court of São José dos Quatro Marcos.

13. In addition, the petitioners claim to have requested intervention by the Civil Police several times, on May 27 and May 30, 1996, to leave record of the invasion of their property (esbulho possessório),[FN6] for the individuals who had invaded their property to be arrested and removed from it, and for an expert examination of the damage suffered by their property to be performed. They also asked the Chief of Police to implement protective measures to address the situation of violence and insecurity. The police did not take those steps, allegedly because of a “shortage of human and material resources.”[FN7] Consequently, the petitioners also sought the involvement of the Military Police from the neighboring city of Mirassol D’Oeste, but they were unsuccessful.

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[FN6] The petitioners explain that esbulho possessório is the loss of all rights over a piece of property, which as a result is left entirely unavailable to the owner. In this regard, see: Civil Code of Brazil, Article 1210. Furthermore, Article 161, section II, of the Brazilian Criminal Code criminalizes the “inva[sion], with violence against a person or serious threats, or through the collusion of two or more persons, of land or a building belonging to another, with the purpose of esbulho possessório.”

[FN7] Original communication from the petitioners, supra note 2, p. 8.  
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14. On May 30, 1996, the Judge of São José dos Quatro Marcos ruled that the possession restitution action they had brought had been canceled based on the alleged legal impossibility of the applicants’ request. The petitioners filed an appeal against that decision.

15. According to the petitioners, following that time Armando Lerco began to receive threats over the telephone, advising him not to be stubborn and to leave the country, and that otherwise he would be killed. The petitioners report that over the ensuing years, the alleged victim received more than fifty telephone calls threatening him and his son, who was two years of age at the time.

16. On June 13, 1996, the police finally turned up at Fazenda Nazaré and, on that occasion, arrested seven of the invaders, all of whom were armed. According to the petitioners, among the persons taken into custody were EMPAER Director Aldo Pérez and Carlos Domingos da Costa. Other participants in the crime succeeded in escaping. In one of the estate houses, a bag was found with identification documents belonging to José Maria Gomes (aka Massa Bruta). That same day, Aldo Pérez gave a statement to the Civil Police, confessing that he had organized the invasion of the estate and was negotiating with INCRA for its expropriation. In turn, Carlos Domingos da Costa said that the revolver he was carrying when arrested at Fazenda Nazaré belonged to a soldier by the name of Dias, who was a member of the Military Police.

17. The petitioners report that on July 3, 1996, a new lawsuit for the restitution of possession of the estate was filed with the Judge of São José dos Quatro Marcos (No. 1398/96). The judge granted a request for a precautionary measure (liminar) for restitution of possession, which was enforced by the police on July 11, 1996. The petitioners claim that when they returned to the estate in July, they saw that the grileiros had destroyed buildings and stolen farm equipment, in addition to damaging, stealing, and neglecting the crops.

18. According to the petitioners’ narrative, a second invasion of the estate took place on July 13, 1996, following which it was occupied by the invaders for more than two months, in spite of the pending lawsuit and the complaints they lodged with the police regarding the facts.

19. The alleged victims report that on September 16, 1996, they recovered possession of Fazenda Nazaré. On that occasion, the Military Police arrested three invaders in flagrante delicto, including Massa Bruta. The petitioners indicate that subsequently, military police officers

remained on the estate for a period of 12 days, in exchange for a daily payment made by Armando Lerco.

20. The petitioners report that in the early morning hours of October 26, 1996, a group of 11 armed men carried out the third invasion of the estate. They claim that the invaders took two workers hostage, seized property they found, and expelled the people who lived on the estate after ordering them to tell Armando Lerco that they were going to kill him. The petitioners' narrative states that on October 29, 1996, they reported the attack to the police; the police intervened on October 31, 1996, and arrested three of the invaders in flagrante delicto, among who was Massa Bruta. According to the allegations, the three men who were taken into custody said they had returned to the estate at the instigation of the Rural Workers' Union of Jauru.

21. According to the information, a new attack on the estate took place on November 8, 1996. The petitioners say that, following that incident there were no further invasions or occupations by the grileiros criminal gang, only attacks on their property intended to cause material damages and terrorize the workers.

22. The petitioners claim that these new violent attacks on their property occurred on the following dates: November 18, 1996; December 1, 1996; December 26, 1996; January 4, 1997; January 27, 1998; and September 12, 1998. Those attacks were carried out with violence, with guns being fired at the estate workers. In particular, they describe the attempted homicide of the families of Gerson G. de Matos and Romildo de Moraes, two of the estate's workers; acts of physical violence against several rural workers from Fazenda Nazaré; and theft of property. The petitioners state they reported those attacks to the police in São José dos Quatro Marcos, to the Secretary of Public Security of the state of Mato Grosso, and to the Brazilian Institute for the Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, "IBAMA") for the environmental damage caused by the attacks, but their complaints yielded no results. They report that on January 18, 1997, a meeting was held with the Consul General of France in Brazil, the Governor of Mato Grosso, and the Secretary of Public Security, to deal with the insecurity surrounding the alleged victims and their property. According to the petitioners' claims, at that meeting the Secretary of Public Security said he could not provide the alleged victims with protection and suggested that Armando Lerco hire the services of a private security company.

23. The petitioners also claim that on several occasions they requested that various invaders who had been identified by rural workers be placed in preventive custody, but the judicial system declined to grant their requests.

24. On November 28, 1998, according to the petitioners' allegations, thirty armed and hooded men again attacked and occupied Fazenda Nazaré. During that attack, the invaders allegedly set fire to five of the eight estate houses.

25. According to the petitioners, on that date Armando Lerco was in Cuiabá, the capital of Mato Grosso, requesting the Secretariat of Public Security to take the appropriate steps. They assert that the attack was also formally reported to the police in São José dos Quatro Marcos on December 7, 1998, and again on December 15, 1998, but the State's authorities took no action.

The petitioners report that a police investigation (Inquérito Policial No. 033/99) into the incident was opened.

26. Subsequently, Armando Lerco's lawyer asked the Court of São José dos Quatro Marcos to request the intervention of the Federal Police, since the state police forces (both civilian and military) showed no interest in resolving the alleged victims' problem. According to their narrative, that request was granted by the competent judge, in a decision that acknowledged and denounced the failings of the Military Police of the state of Mato Grosso, ordered possession of the property to be restored, and instructed the Federal Police to enforce that order.

27. On February 12, 1999, according to the petitioners, the restitution order was enforced, with the exclusive participation of the Federal Police. The invaders had supposedly abandoned the estate before the federal police officers arrived.

28. The petitioners report that on March 18, 1999, armed men again attacked the estate, threatening the workers and stealing cattle. In connection with this, allegedly the fourteenth incident, Armando Lerco filed a complaint with the Chief of Police of São José dos Quatro Marcos on March 22, 1999.[FN8]

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[FN8] The following day, say the petitioners, a report on the Fazenda Nazaré situation was also sent to the Minister of Foreign Affairs of Brazil, in accordance with the request the minister had made at a working meeting held in Brasilia.  
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29. The narrative indicates that the estate was again attacked on March 30, 1999. Eight armed and hooded men reportedly ordered the workers to remove all the livestock from the estate within a period of five days and that if they did not, they would be killed. Consequently, the employees gathered together the remaining animals and removed them from the estate on April 5, 1999.

30. The petitioners report that on August 4, 1999, Mr. Bangoura Mohamed, an employee of Fazenda Nazaré, gave a statement to the Public Prosecution Service in Araputanga. In that statement he claimed that on and after June 16, 1999, several attempts were made to steal 50 heads of cattle, and that he had reported the situation to all the police agencies, both civil and military, but was unsuccessful in getting them to take any action.

31. The petitioners conclude by stating that following those attempted thefts, the attacks ceased. They note, however, that in the invasions of November 28, 1998, and early 1999, Fazenda Nazaré was completely destroyed. All the buildings were razed; the farm equipment was destroyed or stolen; the crops were stolen or neglected; the trees were uprooted and sold illegally; and 250 heads of cattle were stolen or killed. In early 2000, therefore, the estate was leased out for an insignificant rent and Armando Lerco and his family relocated to Curitiba, in the state of Paraná.

32. Finally, the petitioners report that on November 28, 2003, the alleged victims sued the state of Mato Grosso before the Public Treasury Court[FN9] in Cuiabá, seeking compensation for the material and nonmaterial damages suffered. To date, no final ruling has been handed down in those proceedings.

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[FN9] “Fazenda Pública”: the public treasury or exchequer, comprising all the public and private property of the federation, states, and municipalities, and of their collection, oversight, administrative, and distribution agencies. Thus, lawsuits taken against a federal state, such as Mato Grosso, that could have consequences for its property, are heard and resolved by a specialized Public Treasury Court, an agency of the state judiciary.  
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B. State

33. The State did not reply to the complaint, even though it was duly notified on May 20, 2003, by means of a communication that set a deadline of two months for the State to submit its comments on the petition.

IV. ANALYSIS OF ADMISSIBILITY

A. Competence of the Inter-American Commission

34. With regard to the provisions of Article 44 of the American Convention, the IACHR finds that the petition identifies Armando Lerco and Alain Rouland as the victims, two individuals with respect to whom the Brazilian State had undertaken to respect and ensure the rights enshrined in that treaty. In addition, Brazil has been a state party to the American Convention since September 25, 1992, when it deposited its corresponding instrument of ratification. The Commission therefore has competence *ratione personae* to examine the complaint.

35. The Commission has also competence *ratione loci* to deal with the petition since it alleges violations of rights protected by the American Convention occurring within the territory of Brazil, which is a State party to that treaty. The Commission has competence *ratione temporis* since the obligation of respecting and ensuring the rights protected by the American Convention was already in force for the State on the date on which the incidents described in the petition allegedly occurred. Finally, the Commission has competence *ratione materiae* since the petition describes possible violations of human rights that are protected by the American Convention.

B. Other Requirements for Admissibility

1. Exhaustion of Domestic Remedies

36. Article 46.1 of the American Convention rules that for a petition to be admissible, the remedies available under the State’s domestic jurisdiction must first have been exhausted.

37. Paragraph 2 of that article provides that the requirement of exhausting the domestic remedies shall not apply when:

- (a) the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;
- (b) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or,
- (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

38. According to the original communication from the petitioners, received on December 18, 2002, in spite of the alleged victims' constant efforts to secure justice, the authorities of the State allegedly conducted no serious and diligent investigation of the matter, and consequently did not punish those responsible. According to the narrative, the incidents covered by this petition were reported to the police and to the administrative and judicial authorities, but apparently the steps necessary to resolve the situation were not pursued.

39. The State, in turn, submitted no response to the petition, in spite of having been duly notified, and so made no claim regarding any failure to exhaust domestic remedies.

40. In that regard, the Inter-American Court of Human Rights ("the Inter-American Court" or "the Court") has held that "the respondent State may expressly or tacitly waive the right to invoke" the nonexhaustion of domestic remedies.[FN10] The IACHR reiterates that the prior exhaustion of domestic remedies requirement was established to guarantee the State the possibility of settling disputes under its own legal framework. The requirement nevertheless assumes that the domestic venues offer due legal process for investigating such violations and that those investigations are effective; otherwise, the Inter-American Commission, under Article 46.2.a of the American Convention, may hear a case before the domestic remedies have been exhausted.[FN11]

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[FN10] I/A Court H.R., In the Matter of Viviana Gallardo et al., Series A No. G 101/81, paragraph 26; Case of Nogueira de Carvalho et al., Judgment of November 28, 2006, Series C No. 161, paragraph 51; Case of Chaparro Álvarez and Lapo Íñiguez, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 21, 2007, Series C No. 170, paragraph 17.

[FN11] IACHR, Report No. 34/00, Case 11.291, Carandirú, Brazil, April 13, 2000, paragraph 47; Report No. 81/06, Petition 394/02, Persons Deprived of Freedom at Urso Branco Prison, Brazil, October 21, 2006, paragraph 41.

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41. The exemptions provided in Article 46.2 of the Convention seek to ensure that international action will be taken when the remedies under domestic jurisdiction and the judicial system itself are not effective in guaranteeing respect for the victims' human rights. Hence, the formal requirement regarding the nonexistence of domestic remedies that safeguard the principle



of due process (Article 46.2.a of the Convention) refers not only to the absence of formal remedies under domestic jurisdiction but also to cases in which they prove ineffective.[FN12]

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[FN12] Report No. 34/00, Case 11.291, Carandirú, Brazil, April 13, 2000, paragraph 47.

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42. The IACHR notes that the incidents described in the petition were addressed by three kinds of domestic legal remedies. First of all, the owner Armando Lerco reported the violence of the attacks, the damage to the property, the stolen goods, and the threats made against the rural workers and himself to the police authorities on several occasions between 1996 (Inquérito Policial 522/96, supra paragraph 12) and 1999 (IPL 033/99, supra paragraph 25). The case file before the IACHR does not indicate that those procedures either concluded or yielded any results such as, for example, the filing of criminal charges in connection with actions that could constitute criminal offenses.

43. Second, the occupation of Fazenda Nazaré by the grileiros allegedly led to the filing of at least two lawsuits for the restitution of possession: one following the first occupation in May 1996 (supra paragraph 12), which was canceled before a decision on the merits could be given (supra paragraph 14), and another in July 1996 (suit 1398/96, supra paragraph 17). Regardless of those filings by the alleged victims, more than ten attacks and/or invasions of the estate were allegedly carried out, which leads the Inter-American Commission to conclude – for the purposes of the claim’s admissibility – that those legal remedies were not useful in resolving the situation described.

44. Finally, on November 28, 2003, the alleged victims filed a civil lawsuit against the state of Mato Grosso seeking compensation for the material and nonmaterial damages caused during the attacks and invasions they had reported between 1996 and 2000 (supra paragraph 32). The information available in the case file before the IACHR does not indicate that this suit has either concluded or has yielded any results.

45. In light of the characteristics of this case, the IACHR decides to apply the exception provided by Article 46.2.a of the American Convention on account of the ineffectiveness of all the domestic remedies pursued by the alleged victims. Those remedies sought to address different kinds of incidents, such as criminal offenses (through police investigations), the protection of their property (through suits for the restitution of possession), and compensation for the harm suffered (through the compensation action).

46. The Inter-American Commission also notes that the invocation of exceptions to the prior exhaustion rule under Article 46.2 bears an intimate relation with the possible violation of certain rights protected by the American Convention, such as the guarantee of access to justice. However, by its very nature and purpose, Article 46.2 is a provision with autonomous content vis-à-vis the Convention’s substantive precepts. Consequently, whether or not the Convention’s exceptions to the rule requiring the prior exhaustion of domestic remedies are applicable in the case at hand must be decided prior to and in isolation from the analysis of the merits of the case, since it depends on a standard of appreciation that is different from the one used to determine

whether or not Articles 8 and 25 of the American Convention have been violated. It should be noted that the causes and effects that have prevented the exhaustion of domestic remedies in the case at hand will be analyzed, as relevant, in the IACHR's report on the merits of the controversy, in determining whether or not the American Convention was in fact violated.[FN13]

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[FN13] IACHR, Report No. 19/07, Petition 170-02, Admissibility, Ariomar Oliveira Rocha, Ademir Federicci, and Natur de Assis Filho, Brazil, March 3, 2007, paragraph 27; Report No. 23/07, Petition 435-2006, Admissibility, Eduardo José Landaeta Mejía et al., Venezuela, March 9, 2007, paragraph 47; Report No. 40/07, Petition 665-05, Admissibility, Alan Felipe da Silva, Leonardo Santos da Silva, Rodrigo da Guia Martins Figueiro Tavares, et al., Brazil, July 23, 2007, paragraph 55.

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2. Deadline for lodging a petition

47. Article 32.2 of the IACHR's Rules of Procedure states:

In cases in which the exceptions to the prior exhaustion requirement are applicable, the petition must be presented within what the Commission deems to be a reasonable period of time. For this purpose, the Commission shall consider the date on which the alleged violation of rights occurred and the circumstances of each case.

48. The Inter-American Commission has already ruled (*supra* paragraph 46) that an exception to the rule requiring the prior exhaustion of domestic remedies is applicable in this case. Consequently, the IACHR must determine whether or not the petition was lodged within a reasonable time, as required by Article 32.2 of its Rules of Procedure. Thus, the Inter-American Commission notes that the alleged incidents, essentially the attacks on and/or invasions of Fazenda Nazaré, took place between 1996 and 2000, and that the petition was lodged with the IACHR on December 18, 2002. On that date, the petitioners claim that police investigations were still pending – for example, Inquérito Policial 033/99 (*supra* paragraph 43) – and the petitioners had not yet taken their case to the civil courts, which they did with the compensation suit filed on November 28, 2003. Consequently, in consideration of the foregoing, the IACHR concludes that the petition was lodged within a reasonable time.

3. Duplication of Proceedings and Res Judicata

49. Nothing in the case file indicates that the petition lodged with the IACHR is currently pending in another international settlement proceeding, nor that it is substantially the same as any previous petition or communication already studied by the Inter-American Commission or other international organization, as required by Articles 46.1.c and 47.d, respectively.

4. Characterization of the Alleged Facts

50. Article 47.b of the American Convention states that the IACHR shall declare inadmissible any petition or communication that “does not state facts that tend to establish a

violation of the rights guaranteed by this Convention.” The level of conviction regarding those standards is different from that required in deciding on the merits of a complaint. Thus, the Inter-American Commission’s assessment is intended to determine, *prima facie*, whether the petition establishes the grounds for the possible or potential violation of a right protected by the American Convention, but not to establish the actual existence of a rights violation. In other words, that determination is a preliminary analysis that does not represent a prejudgment on the merits of the matter.

51. The IACHR believes that the petitioners’ allegations dealing with the threats to the personal integrity of the alleged victim Armando Lerco, the attacks on the two alleged victims’ estate and the damage caused to it, as well as the alleged direct participation and complicity of States agents in the facts and the alleged negligence of the competent authorities that rendered the remedies they pursued ineffective could tend to establish violations of the right to humane treatment, to judicial protection, to a fair trial, and to private property as recognized in the American Convention (in Articles 5, 8, 25, and 21, respectively), in conjunction with the general obligation imposed by Article 1.1 thereof.

52. In addition, the petitioners’ narrative indicates that threats were also made against Armando Lerco’s son (*supra* paragraph 15), and that during the numerous invasions of Fazenda Nazaré and the attacks on it, the estate’s rural workers allegedly had their physical integrity harmed (*supra* paragraphs 11, 20, 21, 22, and 24). In spite of that, the IACHR notes that the petitioners identify, as the sole alleged victims, Messrs. Armando Lerco and Alain Rouland. Moreover, they have not presented sufficient concrete information regarding the incidents wherein the other persons were affected. Consequently, the analysis of the merits of the matter will deal exclusively with the alleged violation of the articles of the American Convention referred to above (*supra* paragraph 51) with respect to those two persons.

53. Based on the foregoing, the IACHR concludes that the petition is admissible in accordance with the terms of Article 47.b of the American Convention.

## V. CONCLUSIONS

54. The Inter-American Commission concludes that it is competent to examine the petition and that it meets the admissibility requirements set by Articles 46 and 47 of the American Convention.

55. Based on the foregoing arguments of fact and law, and without prejudging the merits of the case,

## THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

### DECIDES:

1. To rule this petition admissible as regards the alleged violations of Articles 5.1, 8.1, 21, and 25 of the American Convention, in conjunction with Article 1.1 thereof.
2. To notify the State and the petitioners of this decision.

3. To begin the processing of the merits of the case.
4. To publish this decision and to include it in its Annual Report, to be presented to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on March 19, 2009. (Signed): Luz Patricia Mejía Guerrero, President; Víctor E. Abramovich, First Vice-president; Felipe González, Second Vice-president; Sir Clare K. Roberts, Florentín Meléndez, and Paolo Carozza, members of the Commission.