

REPORT No. 129/10¹
PETITION 4327-02
DECISION TO ARCHIVE
BRAZIL
October 23, 2010

ALLEGED VICTIMS: Persons deprived of liberty in the Central Penitentiary of Paraná

PETITIONERS: Acácio Paranhos da Silva, Francisco Assis Maieski, Valdir Schmitz, Valdir Vagner Pacheco and Vilmar Soares da Silva

INITIATION OF PROCESSING: April 23, 2003

ALLEGED VIOLATIONS: Articles 5, 8, 9, 11, 12, 13, 14, 24 and 25 of the American Convention on Human Rights (the “American Convention”)

I. POSITIONS OF THE PARTIES

A. Position of the petitioners

1. On October 7, 2002, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition against the Federative Republic of Brazil (the “State” or “Brazil”), alleging overcrowding and inhuman conditions of detention supposedly affecting approximately 1,500 persons deprived of liberty (“the alleged victims”) in the Central Penitentiary of Paraná state (“PCE”).

2. With regard to the alleged overcrowding, the petitioners maintain that the aforementioned prison establishment holds approximately 1,500 persons deprived of liberty, but its maximum capacity is for 800 inmates.

3. Furthermore, the petitioners argue that the alleged victims live in deplorable conditions, lack physical activities, leisure and labor opportunities; that they suffer from deficient medical assistance and hygiene, solitary confinement, interference with correspondence; and that visitors are mistreated. Additionally, the petitioners refer generally to mistreatment and beatings of inmates by prison guards and military police. The petitioners also mention the occurrence of three riots, the first of which supposedly occurred on June 5, 2000. Finally, the petitioners point out that the legal aid offered by the State to inmates is inadequate.

4. The petitioners assert that they interposed, on behalf of the Association of Support to Inmates of PCE (*Associação de Apoio ao Encarcerado da PCE*), a writ of *habeas corpus* and a writ of *mandado de segurança* with regard to the denounced conditions of detention, but have no information as to the final result of such judicial remedies. Finally, they request that the Inter-American Commission conduct an on-site visit to the Central Penitentiary of Paraná.

B. Position of the State

5. The State of Brazil did not respond to the request for information made by the Inter-American Commission.

II. PROCEEDINGS BEFORE THE IACHR

¹ Commissioner Paulo Sérgio Pinheiro, a Brazilian national, did not take part in the consideration and adoption of this Report, in compliance with Article 17.2.a of the Inter-American Commission’s Rules of Procedure.

6. The Inter-American Commission received the petition on October 7, 2002. By communication of April 23, 2003, the IACHR notified the State of the petition, giving it two months to provide the information it deemed appropriate. Because the State did not respond, on January 14, 2009, the Inter-American Commission reiterated its previous request for information. On that same date, the IACHR also requested the petitioners to submit up-to-date information regarding the alleged facts, specifically on the admissibility requirements of the petition, within one month.

7. On August 28, 2009, since the period established had elapsed and the information had not been received, the IACHR advised the petitioners that it might order the record to be closed, in conformity with Article 48.1.b of the American Convention. To date, neither the petitioners nor the State have submitted more detailed and up-to-date information regarding the facts referred to in the petition.

III. GROUNDS FOR THE DECISION TO ARCHIVE

8. Articles 48.1.b of the American Convention and 42 of the Rules of Procedure of the IACHR establish that prior to determining admissibility the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist; and that if it considers that they do not, it shall order the case to be archived. In addition, Article 42.1.b of the Rules establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

9. More than seven years have elapsed since processing began on April 23, 2003, and the Commission still lacks the necessary elements for the adoption of a decision on the admissibility of this petition. Specifically, the IACHR does not have information about the exhaustion of domestic remedies and the other admissibility requirements.

10. As a result, the Commission hereby decides to archive the file of the present petition, pursuant to Article 48.1.b of the American Convention, as well as Article 42.1.b of the Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 23rd day of the month of October, 2010.
(Signed): Felipe González, President; Dinah Shelton, Second Vice-President; Luz Patricia Mejía Guerrero, María Silvia Guillén, and José de Jesús Orozco Henríquez, members of the Commission.