

REPORT No. 34/12
PETITION 12.227
DECISION TO ARCHIVE
BRAZIL
March 20, 2012

ALLEGED VICTIMS: Maria Madalena Goulart Soares *et al.*

PETITIONER: São Paulo State Council for the Defense of Human Rights

ALLEGED VIOLATIONS: Articles 5 and 44-51 of the American Convention on Human Rights ("American Convention")

INITIATION OF PROCESSING: November 4, 1999

I. POSITION OF THE PARTIES

A. Position of the petitioner

1. On November 4, 1999, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition alleging the responsibility of the Federative Republic of Brazil (the "State" or "Brazil") for torture and ill-treatment supposedly affecting approximately 80 women deprived of liberty during a protest on January 12, 1997, at the provisional detention center of Santa Rosa de Viterbo, in Altinópolis, São Paulo state.

2. According to the petitioner, the alleged victims were beaten by male civil and military police inside the detention center during a pacific protest, after one inmate was refused permission to attend her grandson's funeral. Also, the petitioner claims that police and prisons guards tortured the alleged leaders of the protest, as well as other detainees who were not involved, with nightsticks, iron bars and strong water jets.

3. The petitioner contends that although the State acknowledges these facts and punished some of its agents through administrative penalties, all of the aggressors were acquitted by a judicial decision.

B. Position of the State

4. The State of Brazil did not respond to any of the requests for information made by the Inter-American Commission.

II. PROCEEDINGS BEFORE THE IACHR

5. The Inter-American Commission received the petition on November 4, 1999. On the same date, the IACHR transmitted the pertinent portions of the petition to the Brazilian State. In the absence of a reply from the State, on May 1st, 2000 the Commission reiterated its request for information.

6. By virtue of the lack of response from Brazil, on December 18, 2002, the IACHR notified both parties that it had decided to defer its treatment of admissibility until the debate and decision on the merits, in conformity with Article 37.3 of its Rules of Procedure.¹ On that same date, the Inter-American Commission requested that the petitioner submit additional observations on the merits.

¹ Article 37.3 of the IACHR's Rules of Procedure then into force was equivalent to Article 36.3 of the IACHR's Rules of Procedure currently into force.

7. Because the petitioner did not respond, on April 23, 2007, the IACHR repeated the request for information. After that, on June 4, 2007, the Commission asked both parties to submit updated information regarding the presumed facts referred to in the petition.

8. Since the period established had elapsed and no information had been received, on April 25 and July 28, 2011, the Inter-American Commission asked the petitioner for information and additionally inquired whether the grounds for the petition still existed or subsisted. In both occasions, the IACHR advised the petitioner about the possibility of ordering the record closed if it did not receive the requested information, in conformity with Article 48.1.b of the American Convention. To date, no response has been received from the petitioner.

III. GROUNDS FOR THE DECISION TO ARCHIVE

9. Articles 48.1.b of the American Convention and 42 of the Rules of Procedure of the IACHR establish that at any time during the processing, 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 its Rules of Procedure establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

10. More than twelve years have elapsed since processing began on November 4, 1999, and the Inter-American Commission still lacks the necessary elements for the adoption of a decision on this petition. Specifically, the IACHR does not have information about the exhaustion of domestic remedies and the other admissibility requirements; nor does it have sufficient information on the grounds for the petition. As a result, the Inter-American 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 its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 20th day of the month of March 2012.
(Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Felipe González, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz, and Rose-Marie Antoine, Commissioners.