

**Order of the  
Inter-American Court of Human Rights  
of November 25, 2008**

**Provisional Measures  
With regard to Brazil**

**Matter of Children Deprived of Liberty  
in the "Complexo do Tatuapé" of FEBEM**

**HAVING SEEN:**

1. The Order of the President of the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal") of November 17, 2005, and the Orders issued by the Court on November 30, 2005, on July 4, 2006 and on July 3, 2007. In the latter, the Tribunal decided:

1. To reiterate to the State that it must immediately adopt and maintain the necessary measures to protect the life and personal integrity of all the children and adolescents residing in the Tatuapé Complex of the CASA Foundation, as well as that of all the persons within it. To this end, it shall continue to adopt the necessary measures to prevent outbursts of violence, as well as to guarantee the security of the inmates and maintain order and discipline in the above mentioned complex.

2. To reiterate to the State that it should maintain the necessary measures to prevent the young inmates from being submitted to cruel, inhuman or degrading treatment, including prolonged confinement and physical mistreatment.

3. To reiterate to the State that, without prejudice to the measures ordered in the preceding operative paragraphs that must be implemented immediately, it must maintain and adopt those necessary to: (a) substantially reduce the overcrowding in the Tatuapé Complex; (b) confiscate the weapons in the possession of the young people; (c) separate the inmates in keeping with the relevant international standards and taking into account the best interests of the child, and (d) provide the necessary medical care to the detained children in order to guarantee their right to personal integrity. In this regard, the State must periodically inspect the detention conditions and the physical and emotional conditions of the detained children, with the participation of the representatives of the beneficiaries of the [...] provisional measures.

4. To reiterate to the State that it [was to] take all the necessary steps to ensure that the measures of protection are planned and implemented with the participation of the representatives of the beneficiaries of the measures and that, in general, it keep [...] them informed of progress in their implementation.

5. To reiterate to the State that it should facilitate the entry of the representatives of the beneficiaries of the measures to the units of the Tatuapé Complex, as well as communications between the latter and the young inmates, which should be conducted in the most confidential manner possible, in order to avoid intimidating the adolescents during the interviews.

6. To reiterate to the State that it [was to] forward to the Court an updated list of all the youths who reside in the Tatuapé Complex.

7. To declare that, in [...] this provisional measures proceedings, it will not consider the effectiveness of the investigations into the facts that gave rise to the measures, nor the alleged negligence of the State in these investigations, because this corresponds to the examination of the merits of the case, which will be dealt with at the appropriate stage in the processing of case 12,328, currently under consideration by the Inter-American Commission on Human Rights.

[...]

2. The reports numbers ten to twelve and their annexes, forwarded from August 8, 2007 and January 22, 2008, whereby the Federative Republic of Brazil (hereinafter "the State" or "Brazil") reported on the action taken with regard to the provisional measures ordered by the Court on this matter.

3. The briefs filed by the representatives of the beneficiaries of the provisional measures (hereinafter "the representatives") from September 7, 2007 to March 6, 2008, whereby they submitted their comments on the ninth to twelfth reports filed by the State. Furthermore, the representatives filed a brief on May 30, 2008, whereby they informed the Court about the reasons preventing them from drawing up a report on the conditions in which the beneficiaries of the provisional measures were.

4. The briefs filed by the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") between October 24, 2007, and April 4, 2008, whereby it forwarded its comments on the reports by the State numbers nine to twelfth on implementation of the provisional measures ordered by the Court, as well as the comments filed by the representatives.

5. The Order by the President of the Tribunal adopted on June 10, 2008, in consultation with the other judges of the Court, whereby she decided to convene the parties to a public hearing to be held on August 13, 2008, in the city of Montevideo, Oriental Republic of the Uruguay, during the XXXV Special Session of the Court, "so that the Tribunal [could] hear their argument on the provisional measures ordered in the instant matter."

6. The Order by the Inter-American Court of August 8, 2008, whereby it decided to commission Judges Diego García-Sayán, Acting President, Sergio García-Ramírez, Manuel E. Ventura-Robles, Leonardo A. Franco, Margarete May Macaulay and Rhadys Abreu-Blondet to hold the public hearing on the instant matter (*supra* Having Seen Clause 5). As per the *Considering* Clause 3 of such Order, "the Judges of the Inter-American Court who sit for the instant [matter] will continue processing it until it be disposed of, regardless of whether they took part in the public hearing."

7. The public hearing on the instant provisional measures, held on August 13, 2008<sup>1</sup>; oral argument by the parties at the above mentioned hearing; and the

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<sup>1</sup> The following were present at this hearing: (a) for the Inter-American Commission: Juan Pablo Albán-Alencastro and Lilly Ching-Soto; b) for the representatives of the beneficiaries: Viviana Krsticevic, Beatriz Affonso, Helena de Souza Rocha, Gorete Marques de Jesus, Tiane Gaspar Temoteo, Adriane Loche and Heloisa Machado; and c) for the State of Brazil: Paulo Vannuchi, Marcia Ustra, Cristina Timponi Cambiaghi, Bartira Meira Ramos Nagado, Ana Lucy Gentil Cabral Peterson, Nathanael de Souza e Silva, Berenice Maria Giannella, Marcos Fábio de Oliveira Nusdeo, and Antonio Ferreira Pinto.

thirteenth report by the State and the brief by the representatives of the beneficiaries – the latter along with its annexes – filed before the Tribunal in the course thereof.

8. The brief of September 5, 2008, whereby the representatives made their comments on the thirteenth report by the State regarding the instant measures.

9. The two briefs by the State of September 18, 2008 and its annexes, whereby the State filed: a) the original text of its thirteenth report and its annexes, receipt whereof was pending; and b) the additional information on compliance with the provisional measures as per the request by the Acting President of the Tribunal in the course of the public hearing held on August 13, 2008 in the instant matter (*supra* Having Seen 7).

10. The brief of October 17, 2008, filed after a time extension was granted by the President of the Tribunal, whereby the representatives submitted their comments on the additional information brief filed by the State regarding compliance with the instant measures (*supra* Having Seen Clause 9).

11. The brief of November 24, 2008, filed after a time extension up to November 1, 2008 was granted by the President of the Court, whereby the Inter-American Commission submitted its comments on the thirteenth report and on the additional information brief filed by the State, and on the comments by the representatives, regarding compliance with the provisional measures (*supra* Having Seen Clause 7 to 10).

#### **CONSIDERING:**

1. That Brazil has been a State Party to the American Convention on Human Rights (hereinafter, the "American Convention" or "the Convention") since September 25, 1992, and that, under Article 62 thereof, it accepted the binding jurisdiction of the Court on December 10, 1998.

2. That Article 63(2) of the American Convention provides that "[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons," the Court may act, in a case not yet submitted to it, at the request of the Commission, in order to adopt such provisional measures as it deems pertinent.

3. That, on such matter, Article 25(2) of the Rules of Procedure of the Court provides as follows:

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

2. In a case not yet submitted to the Court, it may act at the request of the Commission.

[...]

4. That as regards its competent jurisdiction, when provisional measures are the matter, it befalls the Court to consider only those arguments directly and strictly related to the extreme gravity and urgency, and the need to avoid irreparable damage to persons. Thus, to the effect of deciding whether to maintain the provisional measures in force, the Tribunal must establish if the situation of extreme gravity and urgency having determined the adoption thereof still persists, or if equally serious and urgent fresh circumstances warrant they be maintained. Any other matter can only be brought forward for consideration by the Court in the course of the pertaining contentious cases<sup>2</sup>.

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5. That in its Order of November 17, 2005, the President of the Tribunal deemed that "from the background information submitted by the Commission on this [matter] it appear[ed] *prima facie* that [...] a situation of extreme gravity and urgency prevail[ed] at the Tatuapé Complex, in such manner as to put the life and personal integrity of the children and adolescents deprived of their liberty at such center in serious risk and [rendered them] vulnerable<sup>3</sup>, for which reason it decided to urgently protect their life and their personal integrity. Given the persistence of the situation described, the Court, by means of its Orders of November 30, 2005, July 4, 2006 and July 3, 2007 reiterated to the State the order to adopt protection measures in favor of the beneficiaries (*supra* Having Seen Clause Number One).

6. That the events having taken place since the Order was issued by the President of the Court in the instant matter, on November 17, 2005, warrant considering the current situation of the beneficiaries and adopting the instant Order.

7. That regarding the measures adopted to protect the life and integrity of the beneficiaries, the State indicated that it had deployed its best efforts to comply with the measures ordered by the Court and that, among other action, it had promoted psycho-social, medical and pedagogical care of the adolescents; it had created communication channels with society for them in order to guarantee its participation in the enforcement of socio-educational commitment measures for the adolescents; it had established new teaching proposals contributing to reduce the time for which they

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<sup>2</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order by the Inter-American Court of Human Rights of August 29, 1998, Considering Clause 6; *Matter of the Urso Branco Prison*. Provisional Measures regarding Brazil. Order by the Inter-American Court of Human Rights of May 2, 2008, Considering Clause Number Five; and *Matter of Capital El Rodeo I & El Rodeo II Judicial Confinement Center*. Provisional Measures regarding Venezuela. Order by the Inter-American Court of Human Rights of February 08, 2008, Considering Clause 10.

<sup>3</sup> Cf. *Matter of Children Deprived of Liberty in the "Complexo do Tatuapé" of FEBEM* Provisional Measures regarding Brazil. Order by the President of the Inter-American Court of Human Rights of November 17, 2005, Considering Clause 9.

are committed and, on October 10, 2007, it had complied with its undertaking to decommission the *Complexo do Tatuapé* by transferring the last inmates to better units, closer to the residence of their parents or of those adults responsible for them. In its last report, the State pointed out that as of August 29, 2008, of the original 1,803 beneficiaries, 102 remained deprived of their liberty in the *Fundação CASA*, committed to the following confinement units: *Casa Sorocaba, Internato Franco da Rocha, Tapajós, Casa Cereja, IPIR, Internato Encosta Norte, Internato Vila Conceição, Itaquera, Juquiá, Rio Sena, Rio Paraná, Rio Tocantins, Cedro, Jatobá, Nogueira, Vila Leopoldina, Adoniran Barbosa, Nova Life, Paulista, Casa Mogi Mirim II, Internato Jequitibá, Ribeiro Preto, Araçá, Rio Dourado, Três Rios* and *Itaquá*. According to the State, said units afford adequate living conditions, having the necessary infrastructure and skilled staff. Likewise, the State provided the Tribunal with an individual report, drawn up by professionals in the psychosocial, teaching, health and security areas, on the treatment received by each of the 102 beneficiaries in the course of its complying with the socio-educational measures. The State also filed data on the capacity of each confinement unit and the number of adolescents currently in each of them, showing that there was no overpopulation in the units concerned. Finally, it requested the instant provisional measures to be lifted, inasmuch as the situation of extreme gravity and urgency which gave rise to the adoption thereof no longer persists.

8. That, likewise, the State informed that during the past three years it invested more than seventy million dollars in building 36 new confinement units, with a capacity to receive a total 2.208 inmates, thus preventing any Foundation unit in the State of São Paulo from being overcrowded. It also underscored that the criminal recidivism index of the adolescents having been submitted to socio-educational measures in the Foundation, which stood at 29% in 2006, has been reduced and currently stands at 17% of the young inmates. Likewise, the number rebellions in the *Fundação CASA* units, which peaked at 80 incidents in 2003, went down to five rebellions in 2007 and to only two in 2008. In any case, the State alleged that any act of violence happening at the *Fundação CASA* is investigated forthwith by its disciplinary and administrative body and that the staff members who are being prosecuted are suspended in their duties and do not get to work directly with the inmates until the investigation proceedings end. Concerning access by civil society organizations to the *Fundação CASA* units, it asserted that on December 1, 2007, when the new Regulations became effective in the Foundation, administrative decision No. 90/2005 was set aside, thus allowing the representatives and other civil society organizations full and unrestricted access to all confinement units.

9. That regarding the latest events that would have taken place in other *Fundação CASA* units, mentioned by the representatives in the public hearing (*supra* Having Seen Clause Number Seven), the State informed that: a) the violence outburst that took place in the *Complexo Franco da Rocha* on July 13, 2008 consisted in a conflict between staff and inmates, which resulted in not only the adolescents, but also some employees of the institution sustaining physical injuries. Likewise, concerning the adolescent W.M.R., found lifeless in unit 21 of the *Complexo Franco da Rocha* in February 2008, the State informed that the inmate was not a beneficiary of the provisional measures and that his death resulted from attacks by other inmates; b) the beneficiary R.R.S.B., who demised while confined in the *Pirituba* unit, had psychiatric problems; that the police conducted an enquiry into this death and all

leads to believe that the young person would have committed suicide, and c) regarding the confinement units where, according to the representatives, recent violence occurrences would have taken place, "none of such units [...] holds beneficiaries [of the instant measures]."

10. That the representatives stated, among other things, that two weeks before it was closed down, they visited the *Complexo do Tatuapé* and verified situations in which the human rights of the adolescents were being violated. Likewise, they pointed out that the beneficiaries have been transferred to other Foundation confinement units, the salient features of which, in general, are overpopulation, inadequate living and health conditions, the practice of torture and mistreatment perpetrated by staff members against inmates, and their protracted isolation as a form of disciplinary punishment. The representatives also pointed out that the State appealed the decision by the *Tribunal de Justiça do Estado de São Paulo* (São Paulo Court of Justice) issued on May 5, 2008, whereby it ordered administrative decision No. 90/2005, which prevented the representatives and other civil society organizations from entering confinement units, to be set aside. They furthermore stated that the same staff members who had been accused of practicing acts of violence against the beneficiaries were also transferred to other Foundation units, and continue working and living with the adolescents. In the view of the representatives, the violations to which the adolescents were subjected have not ceased. Along such lines, they gave an account of acts of violence that would have occurred in Foundation units where no beneficiaries of the instant measures are committed and regarding the units wherein beneficiaries are confined, they stated that:

- a) beneficiary R.R.S.B. was found lifeless in the *Internato Pirituba* on May 20, 2008, apparently after committing suicide. Regarding which, the representatives underscored that the Foundation authorities knew, mainly from communications from the inmate's mother, that the latter had psychiatric problems, a history of emotional instability and had tried to commit suicide before. In spite of which the beneficiary did not receive from the State such care as his health condition required;
- b) in June, 2008, the Brazilian press reported that, after a rebellion, seven adolescents escaped from the *Encosta Norte* unit. As a result of such rebellion, an adolescent and three staff members were wounded;
- c) Between September 11 and October 16, 2008, the representatives visited eight CASA Foundation units,<sup>4</sup> and in some of them they heard, among other situations, about outbursts of aggression perpetrated by staff members, about

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<sup>4</sup> The units visited were the following: Bela Vista, Abaeté and Adoniran Barbosa, of the Vila Maria Complex; Tapajós (UI-29), Internato Franco da Rocha and Unit 21, of the Franco da Rocha Complex; the Vila Leopoldina unit and the Três Rios de Iaras unit. Furthermore, the representatives visited the *Núcleo de Atención Integral al Adolescente (NAISA)* (Full Adolescent Care Core), responsible for affording medical care to the confined adolescents, part of the *Complexo de Vila Maria*. In the course of the visits effected, the representatives verified the presence of beneficiaries confined in the Adoniran Barbosa, Tapajós, Internato Franco da Rocha, Vila Leopoldina and Três Rios units.

difficulties regarding family visits, about bad living conditions, about inmate health problems and about medical care shortcomings.

In broad terms, the representatives requested the Court to consider maintaining the instant measures for two reasons, that is, "consider[ing] those units where there be beneficiaries transferred from the [*Complexo do Tatuapé*] and additionally [assessing] whether in such places there be circumstances or events generating [...] an imminent risk situation for the life, for the physical integrity [and] for the rights of the child of such adolescents." Likewise, they stressed that the State only filed the list of the units where the beneficiaries were in its brief of September 18, 2008, for which reason the representatives did not have enough time to visit the units located in the interior of the State of São Paulo. As a result, they requested the Tribunal "to maintain the provisional measures so as to allow monitoring and assessing of [all] the units [where the beneficiaries are] to continue [and that the] real situation of the beneficiaries be known by their representatives, [...] by the Inter-American Commission [and by the] Court."

11. That the Commission stated that despite the progress achieved in the care system for adolescents at odds with the law, compliance with the provisional measures cannot be concluded from the mere decommissioning of the *Complexo do Tatuapé* and the transfer of the inmates. The State must effectively guarantee the children and adolescents their life and personal integrity, as well as appropriate detention conditions. The Commission expressed its concern about the current situation of the beneficiaries and about the fresh incidents of violence, overcrowding, protracted isolation and other facts disseminated by the Brazilian press that would have taken place in the *Fundação CASA*. It alleged to have learned about reports of physical mistreatment and sexual abuse by staff members against adolescents confined at the institution, although no specific information about who the victims would be or about the time when the events would have taken place. In its November 24, 2008 brief, the Commission stated it noted the information given by the State and the concerns put forth by the representatives, and that it considered "it is for the Tribunal to assess the pertinence of keeping the provisional measures in force."

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12. That the State has, regarding all persons under its jurisdiction, the general obligations to respect and guarantee the full enjoyment and exercise of their rights, to be enforced not only as relating to the power of the State, but also concerning the action by third individual parties. Special duties derive from these general obligations which are ascertainable on the basis of the particular protection needs of the subjects of the rights, whether on account of their personal situation — in the instant matter that of being children and adolescents — or of the specific circumstances in which they may be found<sup>5</sup>, as is the case of being detained. The Court has pointed out the special

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<sup>5</sup> *Case of the Pueblo Bello Massacre v. Colombia. Merits, Reparations and Costs.* Judgment by the

position as a guarantor the State must take up concerning detained persons, stemming from the particular bond of subjection between the inmate and the State. In such situation the general duty of the State to respect and guarantee rights acquires a particular tinge whereby "in order to protect and ensure the[ir] right to life and to humane treatment," the State is obliged to provide inmates with "[...] the minimum conditions befitting their dignity, for as long as they are interned in detention facilities"<sup>6</sup>. The Tribunal has also stated that "when the State is dealing with children deprived of their liberty [...] it must be all the more diligent and responsible in its role as guarantor and must take special measures based on the principle of the best interests of the child<sup>7</sup>."

13. That the Court cannot, when requested provisional measures, consider argument on the merits of the matter it is processing, nor allegations not strictly bearing on the extreme gravity and urgency, and the need to avoid irreparable damage to persons. Any other matter can only be brought forward for consideration by the Court in the course of the pertaining contentious cases<sup>8</sup>.

14. That this Tribunal observes that improvement and correction of the situation prevailing in all the units making up the *Fundação CASA* is a process which will require for the State to take short, medium and long term action in order to address the structural problems affecting all the children and adolescents on whom socio-educational measures are enforced there. The duty to take such action derives from the general obligations it has to respect and guarantee rights, which it undertook by ratifying the American Convention. Whether the action taken meets the protection standards set by the Inter-American system is something that must be assessed in due course, that is to say when examining the merits of case 12,328, currently under consideration by the Inter-American Commission on Human Rights.

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Inter-American Court of Human Rights of January 31, 2006. Series C No. 140, para. 111; *Matter of Urso Branco Prison*, *supra* note 2, Considering Clause 19; *Case of Albán Cornejo et al.* Judgment by the Inter-American Court of Human Rights of the Merits, Reparations and Costs of November 22, 2007. Series C No. 171, para. 120.

<sup>6</sup> Cf. *Case of the "Juvenile Reeducation Institute" v. Paraguay. Preliminary Objections, Merits, Reparations and Costs.* Judgment by the Inter-American Court of Human Rights of September 2, 2004. Series C No. 112, para. 159; *Matter of Urso Branco Prison*, *supra* note 2, Considering Clause 19; and *Matter of Capital El Rodeo I & El Rodeo II Judicial Confinement Center*, *supra* note 2, Considering Clause 11.

<sup>7</sup> Cf. *Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala. Merits. Judgment of November 19, 1999.* Series C. No. 63, para. 63, para. 146 and 191; *Case of the Gómez Paquiyauri Brothers v. Perú.* Merits, Reparations and Costs. Judgment of July 8, 2004. Series C No. 110, para. 124, 163-164; *Case of the "Juvenile Reeducation Institute"*, *supra* note 6, para. 160.

<sup>8</sup> Cf. *Matter of James et al.*, *supra* note 2, Considering Clause 6; *Matter of Capital El Rodeo I & El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela.* Order by the Inter-American Court of Human Rights of February 08, 2008, Considering Clause 10; and *Case of the "Globovisión" Television Broadcasting Company.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of November 21, 2007, Considering Clause 14.

15. That the instant provisional measures were adopted considering the particular situation of extreme gravity and urgency reported regarding one of the *Fundação CASA* units, the *Complexo do Tatuapé*.

16. That the provisional measures have an exceptional nature and are therefore ordered having regard to the needs for protection and, once ordered, they must be maintained in force for as long as the Court considers that the basic requirements of the situation of extreme gravity and urgency, and the need to avoid irreparable damage to the rights of the persons protected by said measures, still exist<sup>9</sup>.

17. That since the Order by the President was issued in this matter on November 17, 2005, remarkable progress has ensued in complying with the provisional measures. Along such lines, the State continued decommissioning the *Complexo do Tatuapé* gradually, transferring the beneficiaries to other Foundation units – which, according to the records in the case file would not be overpopulated –, taking into account in doing so, among other standards, the closeness of the new confinement center to the residence of the parents of the beneficiaries or of those responsible for them.

18. That once the transfer process of all of the beneficiaries to other centers was completed, the *Complexo do Tatuapé* was completely closed down and, on October 16, 2007, the State proceeded to destroy the facility.

19. That, on the other hand, the State has complied with its duty to report periodically to the Tribunal on the steps it has taken to implement the instant measures; that it has filed the listing of the beneficiaries that were still deprived of their liberty and an individual report on their health and other conditions, drawn up by professionals in the psycho-social, teaching, health and security areas, and the list of the centers to which the beneficiaries had been transferred (*supra* Considering Clause 7).

20. That, finally, the Court observes that the State adopted various measures, among others, the building of new confinement units de following a new structural pattern and teaching system for the *Fundação CASA*, in which it would have invested during the last three years more than seventy million dollars; the setting aside of administrative decision No. 90/2005; institutional changes leading to a reduction in the number of rebellions in the Foundation units and in the criminal recidivism index of the adolescents after they comply with the socio-educational measures.

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<sup>9</sup> Cf. *Case of the Constitutional Court*. Provisional Measures regarding Peru. Order of the Inter-American Court of Human Rights of March 14, 2001, Considering Clause 3; *Matter of Carlos Nieto-Palma et al.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 05, 2008, Considering Clause 16; and *Case of the "Massacre of Mapiripán"*, Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of May 3, 2008, Considering Clause 7.

21. That the Court values the effort deployed by the State and considers that the facts which gave rise to the adoption of the instant measures in favor of certain persons who were then deprived of their liberty in the *Complexo do Tatuapé* no longer subsist. Such conclusion has not been hampered by the elements brought to these provisional measures proceedings, regarding those beneficiaries who were transferred to, and still are in, certain *Fundação CASA* units.

22. That the Court values the work done by the civil society organizations that have provided information and comments during the effective period of the instant provisional measures and underscores how important it is that the State continue to guarantee the representatives of such organizations access to the detention centers.

**NOW, THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

exercising the authority conferred upon it by Articles 63(2) of the American Convention of Human Rights, Article 25(2) of the Statute of the Court and Articles 4, 14(1), 25(7) and 29(2) of the Rules of Procedure of the Court,

**DECIDES,**

1. To rescind the provisional measures ordered by the Inter-American Court of Human Rights in its Orders of November 30, 2005, July 4, 2006 and July 3, 2007, regarding the children and adolescents deprived of their liberty in the *Complexo do Tatuapé* of the *Fundação CASA*.

2. Require the Secretariat of the Court to serve the instant Order upon the State of Brazil, upon the Inter-American Commission on Human Rights and upon the representatives of the beneficiaries.

3. To close the file of the instant matter.

Done in Spanish, Portuguese and English, the Spanish version being authentic, at San José, Costa Rica, on November 25, 2008.

Cecilia Medina Quiroga  
President

Diego García-Sayán

Sergio García Ramírez

Manuel Ventura Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri  
Secretary

So ordered,

Pablo Saavedra Alessandri  
Secretary

Cecilia Medina Quiroga  
President