

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF SEPTEMBER 1, 2011**

**PROVISIONAL MEASURES REGARDING
THE FEDERATIVE REPUBLIC OF BRAZIL**

MATTER OF THE SOCIO-EDUCATIONAL INPATIENT UNIT

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter “the Inter-American Court,” “the Court,” or “the Tribunal”) of February 25, 2011 in which it required that the Federative Republic of Brazil (hereinafter “the State” or “Brazil”) immediately adopt such measures as were necessary to effectively protect the lives and right to humane treatment of all the children and adolescents serving a commitment in the *Unidade de Internação Socioeducativa*, as well as all others who may be present therein. In that Order, the Tribunal mandated that the State submit periodic reports on the implementation of provisional measures, and ordered that these measures remain in effect until September 30, 2011.
2. The briefs of July 14 & 19, 2011, and attachments, whereby the State submitted its second brief on compliance with the present provisional measures along with other documents.
3. The brief of August 5, 2011 and its attachment, whereby the representatives of the beneficiaries (hereinafter “the representatives”) submitted their observations on the State’s aforementioned brief.
4. The brief of August 19, 2011, whereby the Inter-American Commission on Human Rights submitted its comments on the State’s and the representatives’ briefs.
5. The Order of the President of the Tribunal (hereinafter “the President”) of July 26, 2011, whereby the President decided to convene the parties to a public hearing on August 25, 2011 with the aim of “assessing the need to maintain the [provisional measures] in force.”
6. The public hearing on provisional measures held on August 25, 2011 during the 92nd Regular Session of the Inter-American Court in Bogota, Colombia¹; the oral

* Judge Leonardo A. Franco reported to the Court that, due to unforeseen circumstances, he could not be present during the deliberations or endorsement of this Order.

arguments presented by the parties; as well as the briefs submitted by the State and the representatives on that occasion.

CONSIDERING:

1. 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 in accordance with Article 62 of the Convention, it recognized the contentious jurisdiction of the Court on December 10, 1998.
2. Article 63(2) of the American Convention provides that “in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons,” the Court may, in matters not yet submitted before it, adopt such provisional measures as it deems pertinent upon the request of the Commission. This provision is itself governed by Article 27 of the Rules of Procedure of the Court.²
3. Pursuant to Article 63(2) of the Convention, the obligation to comply with the rulings of the Court corresponds to a basic principle of law on the international responsibility of States, supported by international jurisprudence, according to which the States must comply with their international treaty obligations in good faith (*pacta sunt servanda*).³
4. In International Human Rights Law, provisional measures not only have a precautionary nature, in the sense that they preserve a legally cognizable situation, but also a fundamentally protective one as they seek to safeguard human rights and avoid irreparable damage to persons. The measures are applied as long as the basic requirements of extreme gravity, urgency, and the need to prevent irreparable harm to

¹ Present at this hearing were: a) for the Inter-American Commission: Karla Quintana Osuna and Silvia Serrano, Legal Advisers; b) for the representatives: Fernando Delgado, Sandra Carvalho, Deborah Popowski, Fr. Saverio Paolillo, Marta Falqueto, Clara Long, David Attanasio, and Frances Dales; and c) for the State: Hildebrando Tadeu Nascimento Valadares, Camila Serrano Giunchetti, Guilherme Fitzgibbon Alves Pereira, Fabio Balestro Floriano, Ronaldo Gonçalves de Souza, Angelo Roncalli de Ramos Barros, Patrícia Calmon Rangel, Silvana Gallina, and Andrés Luiz da Silva Lima.

² Rules of Procedure approved by the Court during its LXXXV Regular Session, held from November 16-28, 2009.

³ Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, Considering clause six; *Matter of Alvarado Reyes*. Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of May 15, 2011, Considering clause four; and *Matter of Various Venezuelan Prisons*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of July 6, 2011, Considering clause three.

persons are met. Thus, provisional measures are transformed in a true jurisdictional guarantee of a preventive nature.⁴

5. Article 63(2) of the Convention requires that three conditions be present in order for the Court to grant provisional measures: i) “extreme gravity”; ii) “urgency”; and, iii) “that they be necessary to avoid irreparable damage to persons.” These three conditions coexist and must be present in all situations where the Tribunal’s intervention is requested. Likewise, these three conditions must persist in order for the Court to maintain provisional measures in place. If one such condition ceases to remain in effect, it falls to the Court to assess the pertinence of continuing with the protection ordered.⁵

6. When presented with a Request for Provisional Measures, the Court may not consider the merits of any argument not strictly related to the elements of extreme gravity, urgency, and the need to avoid irreparable harm to persons. Any other matter may only be submitted for the Court’s consideration by way of contentious case proceedings. Thus, in order to decide whether to maintain provisional measures in place, the Tribunal must analyze the persistence of the situation of extreme gravity and urgency which gave rise to their adoption, or whether new circumstances equally serious and urgent merit their continuance. Any other matter may only be submitted for the Court’s consideration by way of contentious case proceedings.⁶

a) Implementation of provisional measures

7. Regarding the implementation of provisional measures, the State reported that:

- a) Together with various federal and Espírito Santo state institutions, it formalized the “Pact for the Improvement of Socio-Educational Assistance in the State of Espírito Santo and Compliance with the Provisional Measures Issued by the Inter-

⁴ Cf. *Case of “La Nación” Newspaper*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering clause four; *Matter of Pueblo Indígena Kankuamo*. Order of the Inter-American Court of Human Rights of June 7, 2011, Considering clause five; and *Case of Rosendo Cantú et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of July 1, 2011, Considering clause four.

⁵ Cf. *Case of Carpio Nicolle*. Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering clause fourteen; *Matter of the Forensic Anthropological Foundation of Guatemala*. Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of February 22, 2011, Considering clause two; and *Matter of Various Venezuelan Prisons*, *supra* note 3, Considering clause four.

⁶ Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, Considering clause six; *Matter of the Indigenous Community of Kankuamo*, *supra* note 4, Considering clause five; and *Case of Rosendo Cantú et al.*, *supra* note 4, Considering clause four.

American Court until September 30, 2011,⁷ which is being monitored and executed by the Inter-Institutional Commission on the Espírito Santo Socio-Educational System (hereinafter “the Inter-Institutional Commission”). The representatives have been invited to participate in the regular meetings of the aforementioned Commission in order “to follow compliance with the promised actions”;

- b) the “Inter-Institutional Procedures for Apprehending and Routing Juveniles in Conflict with the Law to Socio-Educational Assistance,” which will guide the work processes of all institutions involved in socio-educational assistance in the state of Espírito Santo;
- c) the Institute of Socio-Educational Assistance for the state of Espírito Santo (hereinafter “the Institute” or “UNIS”) continued the process of regionalizing its offices as well as its juvenile commitment centers;
- d) between May and June of 2011, 372 professionals from the Institute received training on, among other topics, the role of the educator, the Children’s Code, public policies, ethics, human rights, citizenship, security procedures, crisis management, and citizen security;
- e) the Attorney General audited the transfer of juveniles from UNIS to other facilities and began the “MP Day at the UNIS” project, whereby the prosecutor responsible for the execution of commitment measures spends one day a month in that institution assisting juveniles. The first day of this project was on May 11, 2011, and complaints “of rights violations [...] were sent [...] to UNIS”;
- f) the Office of the Public Defender (hereinafter also “the Public Ombudsman”) visited UNIS on March 28, 2011 and reported, among other things, that “the [custody] conditions are within the recommended parameters.” Also, during the UNIS visit from March 29-31, 2011, “the inmates declared with near unanimity that they maintain good relations with the socio-educational agents [and] none of the juveniles complained as to the agents’ conduct, on the contrary, they praised the work carried out by them.” On the other hand, regarding inadequate treatment, “the inmates unanimously complained of the excesses of socio-educational agents allegedly committed during restraint procedures. The majority of inmates spoke of the existence of torture, but when they were asked if they had been victims of the practice, they responded in the negative. The accusations of torture invariably affected other inmates who have already been released.” On July 5, 2011, the Public Ombudsman conducted another visit to UNIS, ratified its

⁷ The Pact’s signatory entities are: the Human Rights Secretariat of the President of the Republic; the Ministry of Foreign Affairs; the Institute of Socio-Educational Assistance for the State of Espírito Santo; the State Secretariat of Justice; the State Secretariat of Welfare and Human Rights; the Espírito Santo State Judiciary; the Espírito Santo State Attorney General; and the Espírito Santo Public Ombudsman.

previous conclusions, and indicated new improvements in the quality of assistance offered to juveniles since its previous visit;

- g) in relation to the UNIS infrastructure, past accommodations were dismantled and replaced with the modules “Awaken” I, II, and III, which will be readapted so that the total capacity is reduced to 60 inmates;
- h) the hourly total for schooling increased from two to three and a half hours per day, and the educational program was modified with the inclusion of civic activities and technical courses;
- i) the inmates are juveniles of 12-16 years of age who come from the metropolitan region of the capital, Vitória, and are categorized by physical build. As of August 25, 2011, the census was 34 juveniles;
- j) the old UNIS Crisis Committee is now called “Collegiate Management Commission” (hereinafter “the Collegiate Commission”). This change resulted in new procedures and practices within the Unit, such as the implementation of the Disciplinary Assessment Commission, a Disciplinary Code of Procedures, and the structuring of security protocols;
- k) on August 16, 2011, the State proposed the regulation of visits from civil society organizations to the Inpatient Units;
- l) in 2011, the Office of Internal Affairs of the Socio-Educational Assistance Unit ordered the withdrawal of 15 officials and the dismissal of 16 other officials “allegedly involved in degrading practices”; 14 other officials also received a warning; and 20 internal investigations were opened, conducted and directed by the Attorney General and the Judicial Police; and
- m) finally, Brazil invited “the President of the Tribunal and another Judge designated by him” to visit the Socio-Educational Inpatient Unit in order to meet with the inmates of that establishment, representatives from civil society, and authorities responsible for the execution of the Pact for the Improvement of Socio-Educational Assistance in the state of Espírito Santo.

8. In relation to the implementation of the measures reported by the State, the representatives of the beneficiaries observed, among other matters, that there is a “great difficulty in accessing information on violations [that occurred in the UNIS]. The Office of Internal Affairs, the Attorney General, and the Public Ombudsman [could] not provide consistent information on various complaints presented by the [representatives]. They could not even manage to have access to reports of forensic examinations [...] in relation to the cases investigated by the Office of Internal Affairs of the UNIS.” Also, the announced procedures for the representatives’ visits to the UNIS would represent a form of restricting access to the same and reducing transparency because it would limit access to UNIS to only two civil society organizations, thereby representing a step backward.

9. The Commission, among other considerations, positively assessed the efforts undertaken by the State and the improvements in detention conditions in comparison with the situation in 2009.

10. The Inter-American Court assessed the various initiatives put forth by the State with the aim of implementing the timely-ordered provisional measures and improving the situation in the Socio-Educational Inpatient Unit. In particular, this Tribunal notes the adoption of the inter-institutional agreement which establishes actions aimed at developing responsible institutions - which are ongoing - as well as the creation of a procedural protocol for the socio-educational assistance of juveniles. Additionally, the Tribunal highlights the implementation of training activities aimed at various officials, the substantial diminution of the UNIS population, and the improvement of its physical installations. Finally, the Court takes note of Brazil's invitation (*supra* Considering clause 7(m)) for a visit to this inpatient center.

b) *Situation of Risk in the Socio-Educational Inpatient Unit*

11. The State affirmed that between April 25 and April 26, 2011 there were no reports of incidents "that subverted the order inside the UNIS," with the exception of an event which occurred on June 6, 2011 consisting in an aborted attempt to riot in the Awaken III module. The riot attempt ended without injuries and the Collegiate Commission followed procedures, including the conduct of a forensic examination. The State also submitted information on various efforts engaged to reduce the risk of violence within the UNIS, comparing the present situation with that of 2009 when the Inter-American Commission adopted precautionary measures in this matter. The State further affirmed that there still "exist some deficiencies [in relation] to the full enjoyment of human rights, [but] the local authorities were capable of preventing and responding to the rights violations." Furthermore, the State indicated that UNIS "is under the control of the State" and requested the rescission of provisional measures because the circumstances of "gravity and urgency that led to the need for the intervention of the Inter-American Court" no longer persist.

12. The State also reported that the Public Ombudsman creates monthly reports on the situation in the UNIS. In its last report, the Ombudsman stressed that there had been complaints of poor treatment, but when compared to previous reports, progress was evident. The Attorney General also generated reports of its own. In those created during the month of May, June, and July 2011, a survey of UNIS inmates indicated that 83% of the juveniles agreed that their behavior had improved since they entered the UNIS, while 17% responded in the negative. When they were asked if "they suffered violations of their rights, such as tortures or poor treatment on the part of officials," 61% said "no" and 39% responded "yes." When they were asked if "they suffered violence in the UNIS on the part of other inmates," 73% of the juveniles surveyed said "no" while 27% responded in the affirmative.

13. Regarding the acts of violence occurring in the UNIS subsequent to the adoption of provisional measures, the representatives reported the following, among other matters:

- a) During the last six months, 84 cases of abuse were reported involving juveniles committed to the UNIS, including “premeditated tortures in which [officials] shackled the juveniles in painful positions as an illegal and summary form of disciplinary sanction, numerous cases of [...] beatings of the juveniles at the hands of agents, violence among the juveniles, and injuries to them during uprisings.” Among those complained of, 50 referred to abuses committed by state confinement agents, also known as the “men in black.” The origin of the majority of the complaints is found in reports from public entities such as the Public Ombudsman of Espírito Santo state;
- b) the Espírito Santo State Ombudsman’s report regarding its UNIS visit on July 5, 2011 reported that 13 inmates “confirmed [that they] have suffered some type of beating [and] only one of them reported to have been the victim of [the conduct of the other] socio-educational patients”;
- c) the disciplinary measures “continue to be implemented in an arbitrary manner through the use of illegal sanctions; also, there are complaints [...] of the excessive use of detention in isolation and excessive [periods of] confinement.” They affirmed that “the violence between inmates also shows the lack of control on the part of the State,” as some inmates were wounded in riots occurring between the months of April and June 2011;
- d) the inmates are not separated according to their physical build or the seriousness of the crimes committed, “which places the humane treatment of the weakest and most passive inmates at risk”;
- e) distinct from the State’s report, the inmates reported that during the riot which occurred on June 6, 2011, the penitentiary agents from the Espírito Santo state Department of Justice “[had] entered into the Unit armed and ascertained that [the inmates] had gone to the end of the patio [under threats].” Also, two juveniles were subjected to the “necktie” (hanging) practice on the part of the agents, which caused them to lose consciousness. Furthermore, they indicated that the forensic examination was undertaken 16 days after the alleged beatings, which “prevent[ed] any conclusions on the part of the expert”;
- f) the inmate J.S., of 13 years of age, alleged to have suffered “very serious abuses [and] tortures” during the period in which he was committed to the UNIS, resulting “in [an] undeniable state of mental illness.” In that regard, J.S. was committed in January 2011 and was transferred to the ward on four occasions owing to the beatings and sexual violence visited upon him by other inmates and guards, including his having been shackled in the “the ‘Jesus Christ’ position when he was in [...] Ward C of the UNIS.” The psychological report issued on April 1, 2011 reported that “the symptoms that J.S. exhibits in this period are

- indications of the violence endured by this adolescent during his commitment.” Presently, J.S. is committed in the UNIS. An identical situation occurred with another juvenile, J., who was “hanged in his cell almost until the point of losing consciousness”;
- g) the State has not managed to control the entrance of weapons into the UNIS. Iron bars are regularly found in the juveniles’ possession;
 - h) the State has not been able to bring criminal charges against the officials accused of beating or torturing the inmates. There have been no “convictions of any State agents for poor treatments in the UNIS”; and
 - i) the representatives identified 27 beneficiaries of provisional measures from February 25, 2011 who were transferred to new inpatient facilities and who “suffered abuses in their new places of custody.” In that regard, they affirmed that the transfers represent one of the principal means adopted by the State in response to the Tribunal’s Order. As those young victims of abuse continue in a situation of extreme gravity and urgency, they requested that the Court assess the situation of these beneficiaries transferred to other inpatient centers who have suffered threats or acts of violence.

14. Moreover, the representatives declared that the State has not complied with the terms of the Tribunal’s Order of February 25, 2011 and that its actions have not been “sufficient, effective, or adequately implemented to protect the life and humane treatment of the juveniles committed in the UNIS.” They argue that the conditions of extreme gravity, urgency, and the need to avoid irreparable harm persist, and thus requested the continuation of provisional measures. Furthermore, “a reasonable period of time has not passed without threats to the beneficiaries’ lives or humane treatment that would justify the rescission of provisional measures.”

15. The Commission stressed the seriousness of the representatives’ complaints regarding violence against inmates, which “include the practice of torture.” It also declared that riots are ongoing despite a reduction in the population. The State “has not proven that [...] it has control over the Unit” and “its own Public Ombudsman has documented acts of torture and cruel, inhumane, and degrading treatment [on] at least two occasions in March and July [2011].” The Commission considered it “particularly serious that there is no separation of the juveniles by [physical] build, [nor by the] gravity of the crimes they’ve committed.” It expressed its concern regarding the “men in black” within the Unit. In relation to the movement of the inmates to other units, the Commission stated it “did not [have] adequate information to [...] take a position [on] whether provisional measures follow the beneficiaries [in this case].” Nonetheless, in the event the beneficiaries’ information is confirmed, it would be particularly serious given that these are alleged acts of torture and threats thereof on the part of State agents, against whom the juveniles would not be protected outside the UNIS. The Commission moreover remarked that the burden of proof regarding the movement of inmates falls to the State, and that the State must present accurate information as to which inmates were

moved, to which Unit, and their current situation. The Commission also expressed its concern regarding the State's alleged position that "once a juvenile steps out of the UNIS, upon his being moved, [then] the State has no duty to inform [the Tribunal]."

16. Finally, the Commission noted the difference between the State's and the representatives' versions of the inmates' situation. It then requested that provisional measures be kept in place by virtue of the conflicting information submitted by the parties. It also found that there is sufficient information regarding "alleged torture [and] very serious acts against the juveniles' right to humane treatment."

17. The Court notes that the State adopted measures aimed at improving security and diminishing violence within the UNIS, among which it noted the installation of security equipment in the facility's common areas, training restraint agents, and the regular presence within the UNIS of representatives from the Attorney General's Office and the Office of the Public Ombudsman to verify the status of the inmates' human rights and, where appropriate, conduct the necessary investigations.

18. The Tribunal furthermore notes that since the issuance of this Court's Order of February 25, 2011, complaints of violent acts inside the UNIS have continued; in particular, an attempted riot, threats, and cruel treatments were reported in the months of April, May, June, July, and August 2011, all of which serve to undermine the right to humane treatment inhering in the beneficiaries of provisional measures. In that regard, the Court notes that the State's institutions, such as the Public Ombudsman and the Attorney General, have submitted detailed information about acts of violence committed both by State agents as well as inmates. This Court also notes that during the public hearing the State presented information on a monthly survey conducted by the Attorney General which showed that 43% of the inmates believed a "war" existed among groups within the UNIS, and that 39% of inmates confirmed that they had been victims of "violations of their rights, torture, or cruel treatments on the part of the officials." 27% of them admitted they had suffered "violence on the part of other inmates."

19. In the opinion of this Court, the alleged acts of violence evince the persistence of a situation of extreme gravity and urgency, and despite improvements in the status quo at the UNIS and Brazil's efforts to implement various measures to overcome the present risk to the beneficiaries, the recent complaints of torture and other harms attributed to State agents or other inmates represent a condition of imminent risk to the lives and humane treatment of the juvenile inmates and other beneficiaries in the Socio-Educational Inpatient Unit. The Court thus stresses that the State must provide the beneficiaries with the protection owed so as to safeguard their right to humane treatment, pursuant to the provisions of the present provisional measures, and taking into account the special treatment afforded them as children.

20. The Court recalls that the actions of State security agents, especially those who are tasked with disciplinary matters and inmates transfers, must always be carried out with the utmost respect for the inmates' human rights and with due care in avoiding

unnecessary acts of force.⁸ In particular, this Court notes that the children beneficiaries of these provisional measures are presently deprived of their liberty, and these measures were adopted based on specific reports of the conditions in the Socio-Educational Inpatient Unit, notwithstanding whether some of those beneficiaries have since moved to another unit. Regarding those transferred inmates, the State is held to its general obligations set forth in Article 1(1) of the American Convention to respect and guarantee their rights to life and humane treatment⁹ (*infra* Considering clause 23).

21. The Tribunal also declares that all disciplinary measures constituting a cruel, inhuman, or degrading treatment, including corporal punishment, solitary confinement, or any other punishment capable of adversely affecting the juvenile's physical or mental health, are strictly prohibited.¹⁰

22. The Inter-American Court finds a continuing need to protect the beneficiaries of the present provisional measures, in light of the provisions of the American Convention, in order to avoid acts of violence in the Socio-Educational Inpatient Unit, as well as preventing harm to the physical, mental, or moral integrity of the juvenile inmates and all other persons found therein.

23. Additionally, the Tribunal reiterates that Article 1(1) of the Convention provides the general obligations of States Parties to respect the rights and liberties enshrined therein and to guarantee their free and full exercise to all persons subject to their jurisdiction. These rights govern not only in relation to State power but also in regards to the acts of third parties. This Court has found that the State occupies a special position as guarantor regarding the rights of its inmates by virtue of the penitentiary authorities' total control over them. The Court has also indicated that, independent of the existence of specific provisional measures, the State is especially obligated to guarantee the rights of persons deprived of their liberty.¹¹ This obligation presents special terms in the case of

⁸ Cf. *Case of the Children Deprived of Liberty in the "Complexo do Tatuapé" of FEBEM*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of November 30, 2005, Considering clause fourteen; *Matter of the Persons Imprisoned in the "Dr. Sebastião Martins Silveira" Penitentiary in Araraquara, São Paulo*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of September 30, 2006, Considering clause sixteen; and *Matter of Various Venezuelan Prisons*, *supra* note 3, Considering clause fifteen.

⁹ *Matter of Various Venezuelan Prisons*, *supra* note 3, Considering clause twelve.

¹⁰ Cf. United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Adopted by General Assembly Resolution 45/113 of 14 December 1990, Rule 67; *Case of the Children Deprived of their Liberty in the "Complexo do Tatuapé" of FEBEM*, *supra* note 8, Considering clause thirteen.

¹¹ Cf. *Matter of the Mendoza Prisons*. Provisional Measures regarding Argentina. Order of the President of the Inter-American Court of Human Rights of August 22, 2007, Considering clause sixteen; *Matter of the Mendoza Prisons*. Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 26, 2010, Considering clause fifty-two; and *Matter of the Socio-Educational Inpatient Unit*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 25, 2011, Considering clause fourteen.

children, where the State's role as guarantor of these rights obligates it to prevent situations that could lead, by act or omission, to their violation.¹²

24. The State must continue taking the pertinent steps so that provisional measures in this matter may be planned and implemented with the participation of the representatives of the beneficiaries in such a way as to administer these measures in a diligent and effective manner. The Court notes that it is absolutely vital to guarantee the representatives access to the UNIS as well as to reach meaningful participation between the State and the beneficiaries in the implementation of the present measures.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

By virtue of the authority conferred upon it by Articles 63(2) of the American Convention on Human Rights, Articles 24(1) and 25(2) of the Statute of the Court, and Articles 4, 27, and 31(2) of the Rules of Procedure of the Tribunal,

DECIDES:

1. To call upon the State to continue to immediately adopt all measures necessary to effectively protect the lives and right to humane treatment of all the children and adolescents committed in the *Unidade de Internação Socioeducativa*, as well as those of all others who may find themselves in said facility. In particular, the State must guarantee that the disciplinary system proceeds according to applicable international standards. The present provisional measures will remain in effect until April 30, 2012.

2. To call upon the State to undertake the relevant procedures so that these measures aimed at protecting life and the right to humane treatment are planned and implemented together with the participation of the representatives of the beneficiaries and that the representatives be kept informed as to advances made in compliance with the same.

3. To call upon the State to continue submitting reports on the provisional measures adopted in accordance with this decision to the Inter-American Court of Human Rights every two months from the date of service of notice of the present Order.

¹² *Matter of the Socio-Educational Inpatient Unit*, *supra* note 11, Considering clause fourteen.

4. To request that the representatives of the beneficiaries and the Inter-American Commission on Human Rights present their comments on the State's brief within two and four weeks, respectively, from the date of notice indicated in the previous operative paragraph.

5. To order the Secretariat to serve notice of the present Order on the Federative Republic of Brazil, the Inter-American Commission on Human Rights, and the representatives of the beneficiaries of the present measures.

Diego García-Sayán
President

Manuel Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary