

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF APRIL 26, 2012**

**PROVISIONAL MEASURES REGARDING BRAZIL**

**MATTER OF THE SOCIO-EDUCATIONAL INTERNMENT FACILITY**

**HAVING SEEN:**

1. The Order of the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) of February 25, 2011, in which it required the Republic of Brazil (hereinafter “the State” or “Brazil”) to adopt, immediately, all the necessary measures to effectively protect the life and personal integrity of the children and adolescents interned at the Socio-Educational Internment Facility (hereinafter “the Facility” or “UNIS”), as well as all other persons in the establishment.
2. The Order of the Court of September 1, 2011, in which it required the State, *inter alia*, to continue adopting, immediately, the protection measures previously established (*supra* Having Seen 1). In particular, the State was required to ensure that the disciplinary system is implemented in accordance with applicable international standards. In this Order, the Court ruled that the provisional measures would remain in effect until April 30, 2012 (*Operative paragraph one*).
3. The briefs of November 22, 2011, January 30 and 31, February 27 and March 29, 2012, and their attachments, in which the State submitted three reports regarding compliance with the instant provisional measures and several documents.
4. The briefs of January 4, March 27 and April 19, 24 and 25, 2012, and their attachments, in which the representatives of the beneficiaries (hereinafter “the representatives”) submitted their observations on the aforementioned State reports, together with additional information concerning incidents that had occurred at the Facility.
5. The briefs of February 1 and April 18, 2012, in which the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the Commission”) submitted its observations on the State reports and on the observations of the representatives.

## CONSIDERING THAT:

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 thereof, accepted the compulsory jurisdiction of the Court on December 10, 1998.
2. Article 63.2 of the American Convention establishes that, “[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.” This matter, in turn, is regulated under Article 27 of the Rules of Procedure of the Court.<sup>1</sup>
3. The provisions of Article 63.2 of the Convention confer an obligatory character on any provisional measures ordered by this Court, since a basic principle of international law, supported by international jurisprudence, indicates that States must comply with their treaty-based obligations in good faith (*pacta sunt servanda*).<sup>2</sup>
4. In International Human Rights Law, provisional measures not only have a precautionary character, 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 persons are met. Thus, provisional measures are transformed into a true jurisdictional guarantee of a preventive nature.<sup>3</sup>
5. In this regard, Article 63.2 of the Convention requires the concurrence of three conditions in order for the Court to be able to order provisional measures: i) “extreme gravity”; ii) “urgency”, and iii) the need to “avoid irreparable harm to persons.” These three conditions coexist and must be present in all instances in which the Court’s intervention is sought. Likewise, the three conditions described must persist for the Court to maintain the protection measures ordered. If one of these conditions is no longer in effect, then the Court must consider the need to continue with the protection ordered.<sup>4</sup>
6. By virtue of its jurisdiction, in order to decide whether to maintain in effect

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<sup>1</sup> Rules of Procedure approved by the Inter-American Court in its Eighty-fifth Ordinary Period of Sessions, held from November 16 to 28, 2009.

<sup>2</sup> 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 paragraph 6, and *Matter of the Haitians and Dominicans of Haitian origin in the Dominican Republic*. Provisional measures regarding the Dominican Republic. Order of the Inter-American Court of Human Rights of February 29, 2012, Considering paragraph 3.

<sup>3</sup> Cf. *Case of the Newspaper “La Nación”*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering paragraph 4, and *Matter of Martínez Martínez et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of March 1, 2012, Considering paragraph 4.

<sup>4</sup> Cf. *Case of Carpio Nicolle*. Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering paragraph 14, and *Matter of the Haitians and Dominicans of Haitian origin in the Dominican Republic*, *supra* note 2, Considering paragraph 6.

the provisional measures, the Court must determine whether or not the situation of extreme gravity and urgency that led to their adoption persists, or if there are new circumstances, equally grave and urgent, which merit their maintenance. Any other issue may only be brought before the Court through the corresponding contentious cases.<sup>5</sup>

**a) Implementation of the provisional measures**

7. Regarding implementation of the provisional measures, the State reported on the actions agreed through the "Agreement for the Improvement of Socio-Educational Assistance in the State of Espírito Santo and Compliance with the Provisional Measures,"<sup>6</sup> among other aspects:

- a) the inmates are accompanied and assessed by the technical team of the Units and the authorities of the justice system, who safeguard the maintenance and progress of the socio-educational measure applied, so that each inmate receives a comprehensive diagnosis and an individual care plan;
- b) when inmates enter the socio-educational system, and when necessary, they are provided with legal assistance, information concerning the reason for their detention and concerning the legal proceedings against them;
- c) implementation began of the Inter-Institutional Procedures of the Socio-Educational System, which helps the institutions that comprise this system to perform the daily tasks of providing assistance to the adolescents;
- d) the Inter-Institutional Commission of the Espírito Santo Socio-Educational System, which monitors the Agreement for the Improvement of Socio-Educational Assistance, was established permanently;
- e) the Institute of Socio-Educational Assistance of Espírito Santo (hereinafter "IASSES") began to install a video and monitoring center at the institute's central office in order to improve control over the operation of the Units, in which have video cameras and constant monitoring;
- f) the juvenile courts were decentralized to other regions of the State of Espírito Santo in order to process adolescent offenders in the region in which they are detained;
- g) between August and November 2011, 419 employees of IASSES received training on topics such as ethics, violence and assistance for adolescents, among others. In addition, several training courses and seminars were held for the professional qualification of the employees;
- h) on January 23, 2012, representatives of the Judicial Branch, the Public Prosecutor's Office, the Ombudsman's Office and the Secretariat of Public

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<sup>5</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, Considering paragraph 6, and *Matter of Martínez Martínez et al.*, *supra* note 3, Considering paragraph 7.

<sup>6</sup> Cf. *Matter of the Socio-Educational Internment Facility.* Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of September 1, 2011, Considering paragraph 7.

Security and Social Defense, along with IASES, formed a work group to devise strategies for the implementation of integrated procedures for providing initial assistance to juvenile offenders;

- i) in January and February 2012 IASES “hired 42 new employees;”
- j) on September 15, 2011 the demolition of the old units of UNIS was completed. The Facility now has capacity for 60 youths aged 12 to 16 years, from the metropolitan region of the city of Vitória, capital of the state of Espírito Santo;
- k) as of March 29, 2012 the population interned at UNIS totaled 53 inmates. Furthermore, of the 139 inmates held at the unit at the time when the provisional measures were adopted in February 2011, 105 were released and 34 remain in state custody at different internment facilities.

8. With regard to the implementation of the measures reported by the State, the representatives indicated, *inter alia*, that the Inter-Institutional Procedures were not working properly, given that in November 2011 they confirmed that about 26 youths already convicted had been waiting to be transferred for over 20 days, when the institutional procedures indicate that this transfer should occur within 72 hours. In addition, they pointed out that the quality and amount of the food given to the inmates continued to elicit complaints and was sometimes the cause of disturbances at the Unit. Regarding schooling and educational activities, the representatives reported that the officers often delay taking the inmates to those activities, or do not take them at all. Furthermore, educational workshops are not organized every day, but on average only twice a week. Finally, some adolescents reported that they had not attended any extracurricular courses or workshops for several months.

9. Likewise, the representatives reported that the new officers hired by IASES had been involved in several violent incidents against the adolescents, “including threats, claiming that because they were hired through a competitive examination ‘nothing would happen to them.’” Furthermore, during a meeting held on December 16, 2011 the UNIS Coordinator had informed the representatives about the shortage of officers at UNIS, explaining that they were being sent to other facilities with greater priority. The representatives also reported that, during the months of January and February 2012, the working conditions at the Units were inadequate, with a high turnover of staff and frequent transfers of officers from one unit to another, according to the emergencies that arose. In their brief of April 19, 2012, the representatives reiterated the information regarding the lack of sufficient officers at the UNIS.

10. As regards the legal assistance offered to the inmates, the representatives emphasized that this continued to be the responsibility of a single public defender. They reiterated that the adolescents were often represented by IASES attorneys since the public defense counsel was not available. In addition, the Disciplinary Evaluation Commissions have not been fully implemented in the socio-educational units, and each one operates in a different way. Furthermore, the State has not provided detailed information regarding the functioning of these evaluation commissions.

11. For its part, the Inter-American Commission noted that the State had adopted several measures to try to address the risk situation facing the beneficiaries. It also took cognizance of the State's willingness to move forward in the implementation of the provisional measures, but considered that, bearing in mind the seriousness of the facts, it is important that the State provide detailed information on the specific incidents referred to by the representatives.

12. The Inter-American Court appreciates the different initiatives undertaken by the State in order to implement the provisional measures in a timely manner and to improve the situation at the Socio-Educational Internment Facility (UNIS) and at other internment facilities. In particular, this Court takes cognizance of the timely implementation of the measures set forth in the inter-institutional agreement previously reported to the Court, and of attempts to coordinate the different organs of the justice system and those that provide assistance to juvenile offenders. Furthermore, the Court highlights the training actions undertaken to strengthen the personnel of the IASES, with the aim of improving the care provided to inmates and preventing risk situations.

#### **b) *Situation of Risk at the Socio-educational Internment Unit***

13. The State reported that between July and December 2011 there were ten incidents of an "extraordinary" or "exceptional" nature, which were duly communicated to the authorities of the justice system. Similarly, during the period from July 2011 to February 2012, there were no recorded incidents of extreme gravity and urgency that could cause irreparable harm to the employees or inmates or affect the order and proper functioning of the IASES units. The State also reported that, regarding the incidents described in the representatives' previous briefs, the State had already taken steps to properly address each situation reported and had duly arranged for a forensic medical examination of each inmate involved in the different incidents. Furthermore, the recorded incidents were duly dealt with in the context of the Disciplinary Evaluation Commissions and were submitted for investigation by the Comptrollership (*Corregedoria*) of IASES.

14. In this regard, the representatives stated that at UNIS, and also at most other facilities, disciplinary control continues to be applied using cruel means or in an illegal, arbitrary and improvised manner, without observance of any regulations. They expressed particular concern over the transfer of some beneficiaries of the instant provisional measures to other Units, since this measure continues to be ineffective for protecting their life and personal integrity given that the same types of violent incidents occur at the units to which they were transferred. Regarding the acts of violence that occurred at UNIS subsequent to the Order of September 1, 2011, the representatives mentioned the following:

- a) several inmates complained that the Unit's current security coordinator "collectively threatens to lock them up [...] and with the action of the intervention [team]."
- b) on August 30, 2011 a youth was assaulted by two officers, who almost broke his arm. On September 14 an inmate reported that he was handcuffed in the "Christ position" for four hours and another youth denounced that he was placed face down on the ground and dragged, and that he was subsequently assaulted by officers and suffered injuries to his

arm and fist. That same day another inmate denounced that he was hit with the shield of a security guard;

- c) on September 27, 2011 a riot occurred in the education area after an inmate was assaulted by an officer, and the school area was destroyed. Subsequently, some inmates were assaulted by agents of the Justice Secretariat of the State of Espírito Santo. One of these youths was choked by an agent and fainted three times;
- d) during visits made in December 2011 and March 2012, the inmates denounced that they are locked up as punishment, supposedly to "reflect," for periods ranging from days to entire weeks. In addition, on March 16, 2012 one youth complained to the public defender that he was locked up for 22 hours and spent a lot of time without sun and without classes. On this point, the representatives indicated that the information recorded in the Unit's incident book contains evidence that the practice of using punishment cells continues at UNIS, specifically cell 2 of the Despertar Module 3 and cell 7 of the Despertar Module 2;
- e) as a result of this situation, several inmates have attempted suicide or self-mutilation:
  - i. on November 14, 2011 the adolescent "C.S.", from the Despertar Module 3, placed a bed sheet around his neck and threatened to kill himself;
  - ii. according to a report received by the representatives in December 2011, the youth "E.D.", held in Module 2, was locked up for four days, and in an attempt to force the guards to let him out of his cell he tried to hang himself with a sheet, started a fire in the cell and cut his arm;
  - iii. on December 9, 2011 the adolescent "R.", held in Despertar Module 2, cut his arms in order to leave the cell after 11 days of confinement. These incidents were not investigated;
  - iv. two adolescents held in the Despertar Module 1, "J.C." and "J.C." tried to commit suicide during the first half of December 2011. These attempts were not investigated either;
  - v. on March 6, 2012 the youth "M.S." of Despertar Module 3 injured himself after "being put into punishment." This same inmate reported to the representatives on March 14 that he was locked up for five days as punishment, and that his case was not submitted to the Disciplinary Evaluation Commission. He also reported that after the punishment he was transferred to Block C and then to Despertar Module 3 again. In this area other inmates broke the lock to his cell and tried to kill him, but officers came to his aid and he was transferred to Despertar Module 2;
  - vi. on March 9, 2012 the adolescent "F.F.", of Despertar Module 3, broke the light bulb in his cell and cut himself. The same inmate tried to kill himself by placing a sheet around his neck on March 13, 2012, but the officers came to his aid;
  - vii. on March 14, 2012 the representatives found two inmates, "L.S." and "A.M.", of Module C and Despertar 1, who had

bandages on their arms due to self-mutilation attempts. One of them justified the act by saying that he spent too much time locked up and did not participate in educational activities.

- f) on March 9, 2012 the inmates of Despertar Module 3 set fire to the multi-purpose area in protest at not being taken to the training and education activities, according to the established schedule;
- g) on March 13, 2012 the Unit's incident book recorded that an inmate had attacked an officer. The representatives interviewed the inmate in question, who said that he had been assaulted by the officer who punched him in the pit of the stomach, and that he had then responded to the attack. Subsequently, the inmate was immobilized and choked "by the intervention team;"
- h) during their visit of March 14, 2012, the representatives observed that several adolescents seemed to be under the effect of controlled medications, extremely listless. These inmates reported that they had requested medication because they were unable to sleep, as they were afraid of being assaulted or due to the number of mosquitoes at UNIS;
- i) on March 16, 2012, several inmates broke the locks in their cells because they were not taken to their recreational activities. As a result, they were beaten by the intervention team and hit on the head;
- j) on March 22, 2012, in Despertar Module 1, an inmate tried to kill another inmate. This event led to a larger conflict within the block, and several inmates were injured by guards. This incident was corroborated in a report by the Office of the Public Defender, of April 12, 2012.
- k) On March 29, 2012, the inmate "J.A." informed the Office of the Public Defender that three weeks earlier, when he was detained at the UNIMETRO Unit, he "was handcuffed, had his arms twisted and was hung upside down by two officers. Subsequently [the officers] pushed him into a corridor and an officer knelt on his back. [Also] he was hit in the face. He was then taken to an isolation cell where he tried to kill himself, tying a sheet to the window. He was helped by [officers and then] was transferred to the UNIS":
- l) although the State has reported that UNIS is intended for inmates aged 12 to 16 years, on March 23, 2012 there were 14 adolescents over 16 years of age at that facility. This situation continued during the visit of the representatives to UNIS on April 11, 2012.
- m) On April 19, 2012, eight inmates were beaten inside the Facility after refusing to return to their cells one hour before the scheduled end of an educational activity. According to statements made by the inmates before a public defender, they were punched and beaten with shields and brooms by security guards. The youths were also handcuffed, placed against a wall and then beaten. In addition, the security coordinator threatened to transfer them to other units if they reported the matter.

15. The representatives also presented information concerning threats and acts of violence committed by officers against the adolescents, as well as rebellions and arbitrary use of disciplinary sanctions in other units of the IASES, specifically at the UNIMETRO, UNIP, Xuri and Linhares units.

16. Furthermore, the representatives asserted that the State has not complied with the terms of the Court Order of September 1, 2011, and expressed concern over the “absolute lack of compliance” with the ruling of the Court requiring the State to ensure that the disciplinary system is consistent with applicable international standards. In this regard, the representatives also pointed out that, in its report of April 12, 2012, the Office of the Public Defender stated that “there are signs of torture within this Unit, since the practices are similar to those defined in Law No. 9.455 [Law on Torture].” The situation of extreme gravity, urgency and the need to prevent irreparable harm to persons persists, and therefore they requested that the provisional measures remain in force so that the State adopts more effective measures to achieve compliance.

17. The representatives also pointed out that the inmates refrain from denouncing cases of abuse and violence by officers for fear of reprisals or the loss of benefits, such as access to television, or punishment in isolation cells. Furthermore, as a general rule, the incidents denounced by the representatives are not rigorously investigated. In many inquiries to which the representatives had access, “the socio-educational and security officers were [not] questioned after episodes of violence, which makes it difficult and even impossible to investigate the legality of their actions.” In some cases, the adolescents are not summoned to give evidence in the proceedings, and in other cases in which several inmates are involved, only some of them undergo the legal medical examination.

18. The Commission expressed its concern over the information presented by the representatives and regarding the acts of violence on the part of the state agents. It noted that even though the State had reported on the structural measures taken, it had not provided detailed information about the situation of the beneficiaries of the measures who had been transferred to other centers or the acts of violence that occurred in other units. Furthermore, it noted with concern the continued use of punishment cells, employed at the officers’ discretion, where inmates would be left to “reflect” for several days. In addition, it indicated that there is information regarding collective punishments applied to the inmates, as well as at least two suicide attempts at the Socio-Educational Internment Unit. Although the State had taken some measures to try to remedy the risk situation facing the beneficiaries, “it still does not have control over UNIS” and the situation of extreme gravity and urgency continues, representing a situation of imminent risk to the life and personal integrity of the beneficiaries. Taking into account the gravity of the facts, the Commission considered that “it is not appropriate to lift the present provisional measures, but rather to extend them.”

19. The Court notes that the State adopted measures aimed at improving security and reducing violence at the UNIS, including the decentralization of socio-educational care, the continuous training of officers and conducting inquiries on the incidents denounced and taking certain measures to implement the Agreement for the Improvement of Socio-Educational Attention (*Supra* Considering paragraph 7). However, the Court takes cognizance of the concern expressed by the representatives in relation to the efficacy of some of the measures adopted by the



State, and specifically regarding the operation, regularity and effectiveness of the Disciplinary Evaluation Commissions.

20. On the other hand, the Court notes that since the Order of September 1, 2011 was issued, there have been persistent reports of acts of violence at UNIS. In particular, there were reports of threats and assaults by officers against inmates, riots and fires, the use of prolonged confinement as a form of punishment and self-mutilation and suicide attempts by inmates locked up for long periods of time.

21. Although the State is currently implementing several measures to overcome the situation of risk to the beneficiaries, recent events at UNIS, allegedly attributed to state agents or to other inmates at the center, as well as serious cases of self-mutilation and suicide attempts, continue to represent a situation of extreme gravity, urgency and imminent risk, which could directly affect the life and personal integrity of the beneficiaries of the provisional measures. In light of the circumstances of the present matter, which involves children and adolescents deprived of their liberty, the Court believes that the State should eradicate the risks of attempts against the life and personal integrity of the inmates, both in their relations with each other as well as on the part of the state agents,<sup>7</sup> and guarantee that the disciplinary regime respects their human rights.

22. In this regard, the Court has indicated that in cases of imprisoned children and adolescents, the State “on the one hand, should assume its special role as guarantor with greater care and responsibility, and should take special measures that focus on the principle of the best interest of children and adolescents. The protection of the lives of children and adolescents requires the State to be particularly concerned with the circumstances of the life they lead while they are detained.”<sup>8</sup> On the other hand, the Court has comprehensively discussed the obligations of States to provide protection against the mistreatment of detained persons.<sup>9</sup> Specifically, the Court has referred to the prohibition of using mistreatment as a means to impose discipline on detained minors.<sup>10</sup> Nevertheless, the Court notes that although the United Nations Committee on the Rights of the Child does not reject the positive concept of discipline,<sup>11</sup> in exceptional circumstances the use of force for protective purposes should be governed by the principle of the minimum

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<sup>7</sup> Cf. *Matters of certain penitentiary centers in Venezuela*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of July 6, 2011, Considering paragraph 14.

<sup>8</sup> Cf. *Matter of the Socio-Educational Internment Unit. Provisional Measures regarding Brazil*. Order of the Inter-American Court of Human Rights of February 25, 2011, Considering paragraph 15. See also *Juridical Condition and Human Rights of the Child*, Advisory Opinion OC-16/99 of October 1, 1999. Series A No. 16, paras. 50 and 60

<sup>9</sup> Cf. *Case of Caesar v. Trinidad and Tobago*. Merits, Reparations and Costs. Judgment of March 11, 2005. Series C No. 123. paras. 58 and 70.

<sup>10</sup> Cf. *Case Institute for the Re-education of Minors v. Paraguay*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 2, 2004. Series C No. 112, para.167. See also, Advisory Opinion submitted by the Inter-American Commission of Human Rights: Corporal Punishment of Children and Adolescents. Order of the Inter-American Court of Human Rights of January 27, 2009, Considering paragraph 14.

<sup>11</sup> Cf. UN Committee on the Rights of the Child. General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment. 42<sup>nd</sup> Period of Sessions (2006). Geneva, May 15 to June 2, 2006. U.N. Doc. CRC/C/GC/8 (2006), para.13.

necessary use of force for the shortest possible period of time<sup>12</sup> and with due care in order to prevent unnecessary acts of force.<sup>13</sup> Therefore, the elimination of violent and humiliating punishments for children is an immediate and unconditional obligation of the States Parties.<sup>14</sup> Accordingly, all disciplinary measures that constitute cruel, inhumane or degrading treatment, including physical punishment, isolation, as well as any other punishment that would jeopardize the physical or mental health of the minors, are strictly prohibited.<sup>15</sup>

23. In addition, the Court reiterates that Article 1.1 of the Convention establishes the general obligations of States Parties to respect the rights and freedoms recognized therein and to guarantee their free and full enjoyment for any person subject to its jurisdiction, which are imposed not only in relation to the State's power but also in relation to the actions of third parties. The Court has pointed out that regardless of the existence of specific provisional measures, the State is especially obligated to guarantee the rights of persons deprived of their liberty.<sup>16</sup>

24. For all the aforementioned reasons, the Court deems it necessary to maintain the provisional measures in order to protect the mental and physical integrity of the children and adolescents detained at the Socio-Educational Internment Facility and that of the other persons in that establishment. Therefore, the State must continue to take the steps necessary to ensure that the provisional measures in the instant matter are planned and implemented with the participation of the representatives of the beneficiaries, so that these measures are provided in a diligent and effective manner. The Court emphasizes that it is essential to guarantee access by the representatives to UNIS and to ensure their active participation, and that of the State, in the implementation of the instant provisional measures.

25. In view of the foregoing, in its next report the State shall submit to the Court detailed information on: a) the progress made and measures taken for the implementation of the Agreement for the Improvement of Socio-Educational Assistance, in particular, on the disciplinary evaluation commissions and the distribution of employees working at UNIS, and b) the measures adopted to prevent

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<sup>12</sup> Cf. General Comment No. 8, *supra* note 11, para.15, and Order of the Inter-American Court regarding the Request for an Advisory Opinion submitted by the Inter-American Commission, *supra* note 10, Considering paragraph 6.

<sup>13</sup> Cf. *Matter of Children Deprived of Liberty in the "Complexo do Tatuapé" of FEBEM*. Provisional Measures regarding Brazil. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of November 30, 2005, Considering paragraph 14, and *Matter of the Socio-Educational Internment Facility*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of September 1, 2011, Considering paragraph 6.

<sup>14</sup> Cf. General Comment No. 8, *supra* note 11, para.22, and Order of the Inter-American Court regarding the Request for an Advisory Opinion submitted by the Inter-American Commission, *supra* note 10, Considering paragraph 6.

<sup>15</sup> Cf. *Case of the Children and Adolescents Detained at the "Complexo do Tatuapé" of FEBEM*, *supra* note 13, Considering paragraph 13, and *Matter of the Socio-Educational Internment Facility*, *supra* note 6, Considering paragraph 21. See also, UN Rules for the Protection of Juveniles Deprived of their Liberty adopted by the General Assembly in Resolution 45/113, of December 14, 1990, rule 67.

<sup>16</sup> 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 paragraph 16, and *Matter of the Socio-Educational Internment Facility*, *supra* note 6, Considering paragraph 23.

threats and other violent acts that place at risk the life and integrity of the beneficiaries of the measures.

**THEREFORE:**

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

In the exercise of the powers conferred by Article 63.2 of the American Convention and Articles 27 of the Court's Rules of Procedure,

**DECIDES TO:**

1. Reiterate to the State the need to continue adopting immediately all measures necessary to protect and eradicate the situation of risk regarding attempts against the life and personal integrity of all children and adolescents deprived of liberty at *Unidade de Internação Socioeducativa*, as well as any other person at that facility. Specifically, the Court reiterates that the State must guarantee that the disciplinary system is implemented in accordance with applicable international standards. The present provisional measures shall remain in effect until December 31, 2012.
2. Reiterate to the State the need to take the necessary steps to ensure that the measures for the protection of life and personal integrity are planned and implemented with the participation of the representatives of the beneficiaries and to keep them informed on the progress of their implementation.
3. Reiterate to the State the need to continue reporting to the Inter-American Court of Human Rights every three months, as of the date that this Order is served, on the provisional measures adopted in conformity with this decision. In particular, the State shall refer to the information requested by the Court in Considering paragraph 25 of this Order.
4. Request that the representatives of the beneficiaries submit their observations on the State's reports mentioned in the previous operative paragraph within four weeks of their notification. Similarly, the Inter-American Commission on Human Rights shall submit its observations on the State's and the representatives' briefs within two weeks from the date of receipt of the brief containing the representatives' observations.
5. Request that the Secretariat of the Court notify the Republic of Brazil, the representatives of the beneficiaries of the instant measures, and the Inter-American Commission on Human Rights of this Order.

Diego García-Sayán  
President

Manuel E. Ventura Robles

Leonardo A. Franco

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