

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF JANUARY 29, 2014¹**

PROVISIONAL MEASURES REGARDING THE REPUBLIC OF BRAZIL

MATTER OF THE SOCIO-EDUCATIONAL INTERNMENT FACILITY

HAVING SEEN:

1. The Orders rendered by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court," "the Court" or "the Tribunal") on February 25 and September 1, 2011, April 26 and November 20, 2012, and August 21, 2013, in which, among other things, it required the Federative Republic of Brazil (hereinafter "the State" or "Brazil") to immediately adopt the necessary measures to effectively protect the life and personal integrity of all children and adolescents deprived of liberty in the *Socio-Educational Internment Facility* [Unidade de Internação Socioeducativa] (hereinafter "the Facility" or "the UNIS"), as well as any person in said establishment.
2. The brief of October 22, 2013 and its annexes, wherein the State provided the compliance report in regard to these provisional measures requested in the Order of August 31, 2013 (*supra* Having Seen clause 1).
3. The brief of December 6, 2013 and its annexes, wherein the representatives of the beneficiaries (hereinafter "the representatives") provided their observations to the State's reports.
4. The Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") did not provided observations to the State's report or the observations made by the representatives.

CONSIDERING THAT:

1. In light of the State's report, the observations of the representatives and the Inter-American Commission, and in order to consider the State's request that the provisional measures be lifted and to fully assess the effectiveness of the provisional measures, the

¹ The Judge Roberto F. Caldas, of Brazilian nationality, did not participate in the deliberation of this Order, pursuant to that provided in Articles 19(2) of the Statute and 19(1) of the Rules of Procedure of the Court.

Court ordered the State to provide complete and thorough information on the evolution of the adopted measures as a whole and its impact on the eradication of risk to the beneficiaries as of the adoption of the measures in February 2011 to the present, as well as the permanent measures implemented to ensure the protection of the beneficiaries in the Socio-educational Internment Facility. Moreover, the representatives provided their observations and information they deemed relevant to this purpose.

2. In this regard, from the information submitted by the State and the representatives, the eradication of the risk to the beneficiaries of the provisional measures is not evident given the continuing reports regarding aggression among inmates, among officials against inmates, and of the "abusive" use of handcuffs as punishment for the inmates, among others. Also, the report submitted by the State, once compared with the information provided by the representatives, was not sufficiently convincing in showing that the measures taken thus far have taken on a permanent nature and that they have succeeded in eliminating the risk against the inmates.

3. Given the foregoing, the Court considers it necessary to maintain the provisional measures, to which the State must continue to make the necessary arrangements so that these be planned and implemented with the participation of representatives of the beneficiaries. The Court notes that it is essential to ensure that the representatives have access to the UNIS and that collaboration exist between the State and those in the implementation of the provisional measures.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

Pursuant to the powers granted in Articles 63(2) of the American Convention, and 27 and 31 of the Rules of Procedure,

DECIDES TO:

1. Require the State to continue to immediately adopt all necessary measures to eliminate the risk and protect the life and physical, mental and moral integrity of the children and adolescents deprived of liberty in the Socio-Educational Internment Facility, and any person in that establishment. In particular, the Court reiterates that the State must ensure that the disciplinary regimen fall within the framework of international standards on the matter. These provisional measures shall remain in force until September 30, 2014.

2. Require the State to make the necessary arrangements so that the measures of protection regarding life and humane treatment, including medical and psychological care for the inmates be planned and implemented with the participation of the representatives of the beneficiaries and that they be kept informed regarding the progress in its implementation.

3. Require the State to provide complete and thorough information on the actions taken as a whole to comply with the provisional measures that were ordered in regard to the risk of the beneficiaries, and the permanent measures to ensure the protection of beneficiaries in this Facility, every three months as of the notification of this Order.

4. Request the representatives of the beneficiaries to provide their observations to the State's reports within four weeks as of the date of notification of the State's reports.

Furthermore, the Commission must submit its observations to the aforementioned briefs of the State and the representatives within two weeks as of the date of receipt of the written observations of the representatives.

5. Inform the State, the representatives, and the Commission that the Court plans to carry out a public hearing on this matter during the course of 2014. The summons to said hearing will be provided to the parties in a timely manner.

6. Provide that the Secretary provide legal notice of this Order to the Federal Republic of Brazil, the representatives of the beneficiaries of these measures and of the Inter-American Commission on Human Rights.

Humberto Antonio Sierra Porto
President

Manuel E. Ventura Robles

Diego García-Sayán

Alberto Pérez Pérez

Eduardo Vio Grossi

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri
Secretary

So ordered,

Humberto Antonio Sierra Porto
President

Pablo Saavedra Alessandri
Secretary