

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF AUGUST 21, 2013¹**

**PROVISIONAL MEASURES REGARDING
THE FEDERAL 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, in which, among others, the Court required the Federal Republic of Brazil (hereinafter "the State" or "Brazil") to immediately adopt the measures necessary to effectively protect the life and personal integrity of the children and adolescents deprived of liberty in the *Socio-Educational Internment Facility* (hereinafter "the Facility" or the "UNIS"), as well as any other person in that establishment.
2. The briefs of December 20, 2012, March 18, and July 10, 2013, wherein the State provided reports on the compliance of these provisional measures.
3. The briefs of March 19, May 21, and August 13, 2013, wherein the representatives of the beneficiaries (hereinafter "the representatives") forwarded their observations to the State's reports.
4. The briefs of April 8 and July 5, 2013, wherein the Inter-American Commission of Human Rights (hereinafter, also, "the Inter-American Commission" or "the Commission") forwarded their observations to the State's reports and the observations of the representatives.

CONSIDERING THAT:

1. In light of the State's reports, and observations of the representatives of the Inter-American Commission, and in order to consider the State's request to lift the provisional measures and to fully evaluate the effectiveness of the provisional measures, the Court requires the State to submit complete and detailed information on the evolution of the measures taken as a whole and their impact in regard to the eradication of the risk of the beneficiaries as of the adoption of measures in February 2011 until the present, as well as the permanent measures implemented to ensure the protection of the beneficiaries in said Socio-educational Internment Facility. Moreover, the Inter-American Commission and the representatives may submit the observations and information it considers relevant for this purpose.

¹ Judge Roberto F. Caldas, of Brazilian nationality, did not participate in the hearing and 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.

2. Meanwhile, the Court considers it necessary to maintain the provisional measures, so the State must continue to make the necessary arrangements in order for the provisional measures in this case to be planned and implemented with the participation of the representatives of the beneficiaries. The Court notes that it is essential to ensure that the representatives have access to the facility and the collaboration 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 THAT:

1. The State continue adopting the measures in an immediate manner to eradicate the risk and protect the life and personal, mental, and moral integrity of the children and adolescents deprived of liberty in the *Socio-educational Internment Facility*, as well as any other person therein. Specifically, the Court recalls that the State must guarantee that the disciplinary regimen be framed within the international norms on the matter. The present provisional measures will be in force until March 31, 2014.

2. The State carry out the relevant steps in order for the measures of protection to the life and the personal integrity, including medical and mental care of the interns, be planned and implemented with the participation of the representatives of the beneficiaries and that they be informed on the progress of its implementation.

3. The State present complete and detailed information on the actions taken as a whole to carry out the ordered provisional measures regarding the risk to the beneficiaries, the measures of a permanent nature to guarantee the protection of the beneficiaries of said Facility, pursuant to Considering clause 1 of this Order, by no later than October 21, 2013.

4. The representatives of the beneficiaries file their observations to the State's report within the period of four weeks, as of notice of the State's report. Moreover, the Inter-American Commission must file its observations to the above mentioned State's report and the representatives' brief within the period of two weeks, as of receipt of the brief of the representatives.

5. The Secretariat provide legal notice of this Order to the Federal Republic of Brazil, to the representatives of the beneficiaries of these measures and the Inter-American Commission on Human Rights.

Diego García-Sayán
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Eduardo Vio Grossi

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary