

BRAZIL

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: FEBRUARY 11, 1950

RATIFIED AMERICAN CONVENTION: JULY 9, 1992

Interpretative declaration made at time of adhesion and recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

Interpretative declaration made at the time of adhesion

The Government of Brazil understands that Articles 43 and 48, (D) do not include the automatic right of on site visits and inspections by the Inter-American Commission of Human Rights, which will depend on the express consent of the State.

Recognition of competence

The Government of the Federative Republic of Brazil declares its recognition as binding, for an indefinite period of time, *ipso jure*, of the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the American Convention on Human Rights, according to Article 62 of that Convention, on the condition of reciprocity, and for matters arising after the time of this declaration.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): SEPTEMBER 25, 1992

ACCEPTED JURISDICTION OF IACHR (ART. 62): DECEMBER 10, 1998

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Ximenes Lopes v. Brazil

On October 1, 1999, Mr. Damião Ximenes Lopes, a person with a mental illness, was hospitalized as part of a psychiatric treatment in Casa de Reposo Guararapes, a private psychiatric clinic that operated in the public health system of Brazil. After three days of hospitalization, Mr. Ximenes Lopes died in Casa de Reposo Guararapes. Mr. Ximenes Lopes was exposed to inhuman and degrading hospital conditions and his personal integrity was attacked while being held under psychiatric treatment. The Court found the State had violated the American Convention on Human Rights for the treatment of Mr. Ximenes Lopes and for the lack of investigation and respect for the right to a fair trial, which perpetuated the impunity of this case.

Key Words: *Indigenous Peoples' Rights; Criminal Justice; Economic, Social, and Cultural Rights
Crimes Against Humanity; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of July 4, 2006. Series C No. 149

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 2, 2008
- 2) Order of the Inter-American Court of Human Rights of September 21, 2009
- 3) Order of the Inter-American Court of Human Rights of May 17, 2010

II) Case of Nogueira de Carvalho et al. v. Brazil

Gilson Nogueira de Carvalho was a lawyer and human rights defender who spent most of his professional career working to denounce crimes committed by the "golden boys," a Brazilian death squad composed of civilian police and other State officials. After his murder on October 20, 1996, the State failed to undertake an effective investigation into his death and failed to punish the responsible parties. The Commission presented the case to the Inter-American Court in 2005, alleging violations that occurred after December 10, 1998, the date that the State recognized the Court's jurisdiction. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Human Rights Activists; Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections and Merits

Judgment of November 28, 2006. Series C No. 161

Monitoring Compliance with Judgment

[None]

III) Case of Escher et al. v. Brazil

Between April and June 1999, the Military Police of the state of Paraná carried out unlawful telephone interception and monitoring of telephone lines. The conversations of Arlei José Escher, Dalton Luciano de Vargas, Delfino José Becker, Pedro Alves Cabral, Celso Aghinoni, and Eduardo Aghinoni, members of the Cooperativa Agrícola de Conciliação Avante Ltda. and Associação Comunitária de Trabalhadores Rurais, were later disseminated to local and national newspapers. Accordingly, the Court found that the State violated the American Convention on Human Rights.

Key Words: *Association (Freedom of); Judicial Protection (Right to); Privacy; Access to Legal Procedures*

Preliminary Objections, Merits, Reparations and Costs

Judgment of July 6, 2009. Series C No. 200

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 17, 2010
- 2) Order of the Inter-American Court of Human Rights of June 19, 2012

IV) Case of Garibaldi v. Brazil

On November 27, 1998, Sétimo Garibaldi was murdered during a state-run operation to evict families of landless workers. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Terrorism; Extrajudicial Killing; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections, Merits, Reparations and Costs

Judgment of September 23, 2009. Series C No. 203

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 22, 2011
- 2) Order of the Inter-American Court of Human Rights of February 20, 2012

V) Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil

Between 1972 and 1975, seventy members of the Communist Party of Brazil and peasants of that region were arbitrarily detained, tortured, and forcefully disappeared in the context of the military dictatorship in Brazil. The State failed to carry out a criminal investigation and its legislative and administrative measures unduly restricted the next of kin's right to access of information. The Court emphasized the right to truth inherent in Article 13 of the American Convention on Human Rights, particularly when it deals with gross human rights violations such as those of forced disappearances and extrajudicial execution. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Abduction; Civil and Political Rights; Forced Disappearances; Independence of Judiciary; Freedom of Expression; Movement and Residence; Political Organizations; Freedom of Information; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Amnesty, Pardon, and Commutation of Sentence (Right to Seek)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 24, 2010. Series C No. 219

Monitoring Compliance with Judgment

1) Order of the Inter-American Court of Human Rights of October 17, 2014

B) Provisional Measures (Art 63.2)

- 1) Matter of Urso Branco Prison regarding Brazil [June 18, 2002]
- 2) Matter of Urso Branco Prison regarding Brazil [August 29, 2002]
- 3) Matter of Urso Branco Prison regarding Brazil [April 22, 2004] (Available only in Spanish)
- 4) Matter of Urso Branco Prison regarding Brazil [July 7, 2004]
- 5) Matter of Urso Branco Prison regarding Brazil [September 21, 2005] (Available only in Spanish)
- 6) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [November 17, 2005] (Available only in Spanish)
- 7) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [November 30, 2005] (Available only in Spanish)
- 8) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [July 4, 2006]
- 9) Matter of the Persons Imprisoned in the “Dr. Sebastião Martins Silveira” Penitentiary in Araraquara, São Paulo regarding Brazil [July 28, 2006] (Available only in Spanish)
- 10) Matter of the Persons Imprisoned in the “Dr. Sebastião Martins Silveira” Penitentiary in Araraquara, São Paulo regarding Brazil [September 30, 2006]
- 11) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [July 3, 2007]
- 12) Matter of Urso Branco Prison regarding Brazil [May 2, 2008]
- 13) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [June 10, 2008] (Available only in Spanish)
- 14) Matter of the Persons Imprisoned in the “Dr. Sebastião Martins Silveira” Penitentiary in Araraquara, São Paulo regarding Brazil [June 10, 2008] (Available only in Spanish)
- 15) Matter of Children and Teenagers Deprived of Liberty in the “Complexo do Tatuapé” of FEBEM regarding Brazil [November 25, 2008]
- 16) Matter of the Persons Imprisoned in the “Dr. Sebastião Martins Silveira” Penitentiary in Araraquara, São Paulo regarding Brazil [November 25, 2008]
- 17) Matter of Gomes Lund et al. (“Guerrilla do Araguaia”) regarding Brazil [July 15, 2009]
- 18) Matter of Urso Branco Prison regarding Brazil [August 17, 2009] (Available only in Spanish)
- 19) Matter of Urso Branco Prison regarding Brazil [November 25, 2009]
- 20) Matter of the Socio-Educational Internment Unit regarding Brazil [February 25, 2011]
- 21) Matter of the Socio-Educational Internment Unit regarding Brazil [July 26, 2011]
- 22) Matter of Urso Branco Prison regarding Brazil [July 26, 2011]

- 23) Matter of Urso Branco Prison regarding Brazil [August 25, 2011]
- 24) Matter of the Socio-Educational Internment Unit regarding Brazil [September 1, 2011]
- 25) Matter of the Socio-Educational Internment Unit regarding Brazil [April 26, 2012]
- 26) Matter of the Socio-Educational Internment Unit regarding Brazil [November 20, 2012] (Available only in Spanish)
- 27) Matter of the Socio-Educational Internment Unit regarding Brazil [August 21, 2013]
- 28) Matter of the Socio-Educational Internment Unit regarding Brazil [January 29, 2014]
- 29) Matter of the Penitentiary Complex of Curado regarding Brazil [May 22, 2014] (Available only in Spanish)
- 30) Matter of the Socio-Educational Internment Unit regarding Brazil [September 26, 2014] (Available only in Spanish)
- 31) Matter of the Penitentiary Complex of Pedrinhas regarding Brazil [November 14, 2014] (Available only in Spanish)
- 32) Matter of the Socio-Educational Internment Facility regarding Brazil [June 23, 2015] (Available only in Spanish)
- 33) Matter of the Penitentiary Complex of Curado regarding Brazil [October 7, 2015] (Available only in Spanish)
- 34) Matter of the Penitentiary Complex of Curado regarding Brazil [November 18, 2015] (Available only in Spanish)
- 35) Matter of the Penitentiary Complex of Curado regarding Brazil [November 23, 2016] (Available only in Spanish)
- 36) Matter of the Criminal Institute of Plácido de Sá Carvalho regarding Brazil [February 23, 2016] (Available only in Spanish)
- 37) Matters of the Socio-Educational Internment Facility, of the Penitentiary Complex of Curado, of the Penitentiary Complex of Pedrinhas and the Criminal Institute of Plácido de Sá Carvalho regarding Brazil [February 13, 2017] (Available only in Spanish)
- 38) Matter of the Criminal Institute of Plácido de Sá Carvalho regarding Brazil [August 31, 2017] (Available only in Spanish)
- 39) Matter of the Penitentiary Complex of Curado regarding Brazil [November 15, 2017] (Available only in Spanish)
- 40) Matter of the Socio-Educational Internment Facility regarding Brazil [November 15, 2017] (Available only in Spanish)