

Quilombola Communities of Alcântara v. Brazil

ABSTRACT¹

This case is about the rights of the Afro-descendant Quilombola communities located in North-East Brazil, who were displaced when Brazil built the “Alcântara Launch Center.” Eventually, Brazil admitted partial responsibility, and an unusually split Court found the State in violation of several articles of the American Convention, including Article 26.

I. FACTS

A. Chronology of Events

1970s: The Brazilian government (“the State”) includes space exploration in its plans for economic development. To that end, it creates the Brazilian Commission of Space Activities (“COBAE”).² COBAE decides to build a launch center (the “Alcântara Launch Center” or “CLA”) in Alcântara, a municipality in the northeastern state of Maranhão.³

Located within Brazil's designated Legal Amazon area, Alcântara is home to an interdependent network of 152 Quilombola communities.⁴ The communities claim approximately 85,537 hectares as their territory.⁵ The communities rely on a system of mutual aid and

¹ Isabella Felicitas Bowers, Author; Kamila Knaudt, Senior IACHR Editors; David Randall, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

² Quilombola Communities of Alcântara v. Brazil, Report on Merits, Report No. 189/20, Inter-Am. Comm’n H.R., Case No. 12.569, ¶¶ 37-38, (June 14, 2020); Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 548, ¶ 78 (Nov. 21, 2024).

³ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 38; Quilombola Communities of Alcântara v. Brazil, Petition to the Court, Inter-Am. Comm’n H.R., Case No. 12.569, ¶ 2 (Jan. 5, 2022).

⁴ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶¶ 30-31.

⁵ *Id.* ¶¶ 31-36.

shared resources, including land. The communities close to the ocean primarily fish, and those farther from the ocean concentrate on agriculture.⁶ Religious rituals and yearly festivities ensure social cohesion.⁷

1980s: Field experts from the Ministry of Reform and Agricultural Development ("MIRAD") meet with Brazilian Air Force representatives to discuss the presence of Quilombola communities in the area of the proposed launch center.⁸

September 12, 1980: The government of Maranhão expropriates 52,000 hectares in Alcântara, home to thirty-two Quilombola communities, for public use.⁹

1982: The State undertakes a socioeconomic and cultural study of the Quilombola communities in preparation for their resettlement to government-designated zones called "*agrovilas*."¹⁰

March 1, 1983: The Federal government creates the Alcântara Launch Center (CLA).¹¹

June 1983: Representatives of the Quilombola communities ("Representatives") situated within the "Area 1" region of the expropriated land, while expressing their disagreement with the resettlement,¹² make several requests: adequate land for farming; keep villagers connected by familial and friendship ties together; access to the beach to fish and to pastures for raising livestock; definitive title to the land; suitable health, transportation, leisure, and education infrastructure; and the freedom to practice their religious and cultural beliefs.¹³ State government officials find the demands reasonable.¹⁴

⁶ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 74-76.

⁷ *Id.* ¶ 77.

⁸ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 40.

⁹ *Id.* ¶ 41.

¹⁰ *Id.* ¶ 42.

¹¹ *Id.* ¶ 43.

¹² *Id.* ¶ 45.

¹³ *Id.*

¹⁴ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 45.

1985: MIRAD releases a technical report advising the State not to transfer the Quilombola communities to agrovilas because they are not suitable for cultivation, and resettlement would disrupt the communities' balanced ecosystem of trade.¹⁵

April 18, 1986: The Government issues a decree ordering the resettlement in four phases.¹⁶

August 23, 1986 – 2001: The Government proceeds with Phases 1 and 2 of the Resettlement. The Brazilian Air Force transfers 312 families to seven agrovilas located far from suitable fishing locations.¹⁷ Moreover, the Government fails to distribute the lots in a manner that is sensitive to the cultural practices and hierarchies of each Quilombola community.¹⁸ None of the communities or families receive title to the resettled land.¹⁹ Some families seek legal remedies, but they are unsuccessful.²⁰

The communities' social fabric quickly unravels. The location, poor soil, and size of the resettled land cannot support the communities' subsistence or cultural traditions.²¹ Besides, the government restricts access to the communities' cemeteries located in CLA-controlled territory.²² Left without recourse, many community members leave the agrovilas.²³ During space launch activities, the CLA prohibits several Quilombola communities from fishing but does not compensate them..²⁴

2000 – 2019: The State enters into agreements with various countries allowing them to collaborate on the Brazilian space program in Alcântara.²⁵ This includes the formation of Alcântara Cyclone Space ("ACS"), a joint venture between Brazil and Ukraine, regulating the use of the Cyclone-4 launch vehicle.²⁶

¹⁵ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 48.

¹⁶ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 83.

¹⁷ *Id.* ¶ 84.

¹⁸ *Id.* ¶ 85.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* ¶ 86.

²² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 86.

²³ *Id.* ¶ 87.

²⁴ *Id.* ¶ 89.

²⁵ *Id.* ¶¶ 90-92, 95.

²⁶ *Id.* ¶ 91.

August 15, 2003: The Federal Public Prosecutor's Office seeks a court order requiring the State to halt relocation efforts and deliver title of the relevant land to the Quilombola communities.²⁷

September 27, 2006: The Fifth Federal Court orders the National Institute of Colonization and Agrarian Reform ("INCRA") to finish the titling process within 180 days.²⁸

May 9, 2008: The Ministry of Science and Technology asks the Federal Chamber of Conciliation and Arbitration ("CCAF") to establish a conciliation procedure for resolving the dispute between various State bodies regarding the Quilombola communities.²⁹

November 4, 2008: The State publishes the Technical Report on the Identification and Delimitation of Territory ("RTID"), which recognizes 78,105 hectares of land to be titled to the Quilombola communities. However, CLA-occupied land is excluded.³⁰

November 5, 2008: A federal court orders that the government restrict development of the Cyclone IV Project to designated CLA land as described in the RTID.³¹

2010: The Aeronautical Command of the Ministry of Defense performs studies for spacecraft launches, with the goal of leaving the Quilombola communities on the lands they traditionally occupy.³² However, the Aeronautical Command later decides that resettlement is the best choice.³³

January 4, 2013: The Director of the CCAF requests that the conciliation procedure initiated in 2008 be closed.³⁴

²⁷ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 112.

²⁸ *Id.*

²⁹ *Id.* ¶ 100.

³⁰ *Id.* ¶ 99.

³¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 113 n.133. 001; Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 91-93.

³² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 94.

³³ *Id.*

³⁴ *Id.* ¶ 100.

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March 11, 2014: The Fifth Federal Court notes that the pending demarcation of the lands in question could materially affect the titling case.³⁵ Accordingly, the court orders the State to submit information on the conciliation process within thirty days.³⁶

August 15, 2017: The court denies the State's request for more time in the 2003 public civil action but does not issue a judgment.³⁷

May 10, 2018: The Civil House of the Presidency ("Civil House") decides to award the Quilombola communities title to 83.81% of the land designated by the RTID and reserves the remaining land for the Brazilian space program.³⁸

September 6, 2018: The Public Defender's Office of the Union informs the Civil House of the need for a prior consultation with the Quilombola communities affected by a proposed CLA expansion plan.³⁹

April 4, 2019: Two unions (Rural Workers of Alcântara and Women Workers in Family Agriculture in Alcântara) submit a complaint to the International Labor Organization concerning violations of the communities' right to informed consultation and consent.⁴⁰

September 30, 2019: The Federal Public Prosecutor's Office demands that the State consult with the Quilombola communities directly affected by an agreement allowing U.S. participation in the space program at Alcântara.⁴¹

March 26, 2020: The Institutional Security Office of the Presidency issues Resolution No. 11 disclosing the Brazilian Space Program's plans to build new access corridors to the CLA within Quilombola territories.⁴²

³⁵ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 112.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* ¶ 101.

³⁹ *Id.* ¶ 102.

⁴⁰ *Id.* ¶ 110.

⁴¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 95-96.

⁴² Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 125.

April 17, 2020: A class action challenges Resolution No. 11 and requests that its effects be suspended.⁴³

May 12, 2020: The Eighth Federal Court of the state of Maranhão considers the 2020 class action partially admissible and orders resettlement suspended until the State concludes the community consultation process.⁴⁴

January 2021: The State awards the title to individual properties to several agrovila residents.⁴⁵

September 19, 2024: The State recognizes that the 78,105 hectares indicated by the RTID rightfully belong to the Quilombola communities.⁴⁶ State authorities and the Representatives sign a conciliation agreement. According to the agreement (1) the State promises to award the Quilombola communities title to 78,105 hectares of land; and (2) the Quilombola communities acknowledge and accept the CLA's presence without further question.⁴⁷

B. Other Relevant Facts

1964 – 1985: An authoritarian dictatorship governs Brazil, seeking to modernize the country by spurring development in the Amazon region.⁴⁸

The Quilombos are a major part of Alcântara's cultural identity, at one point occupying as much as 73.7% of the municipality's territory.⁴⁹ The State defines Quilombos as Afro-descendant communities originally made up of ex-slaves or free people.⁵⁰ Their descendants, now classified as a tribal people, preserved their unique

⁴³ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 118.

⁴⁴ *Id.*

⁴⁵ *Id.* ¶ 106.

⁴⁶ *Id.* ¶¶ 108.

⁴⁷ *Id.* ¶¶ 98, 109.

⁴⁸ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 37.

⁴⁹ *Id.* ¶ 30; Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 73.

⁵⁰ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 66.

way of life since the 19th century.⁵¹ Accordingly, as entities of significant cultural and historical interest, Quilombola communities retain the Constitutional right to possess their ancestral lands.⁵² Notwithstanding this right, however, Quilombola communities across the country face considerable barriers when seeking rightful title to land.⁵³

A 2016 United Nations report cites structural racism as a major cause of unreasonable State delays that could unnecessarily prolong the process of obtaining title by hundreds of years.⁵⁴

II. PROCEDURAL HISTORY

A. *Before the Commission*

August 17, 2001: The Centre for Global Justice, Maranhão Human Rights Society, Maranhão Afro-Brazilian Cultural Center, Association of Rural Afro-Brazilian Quilombo Communities of Maranhão, Maranhão State Federation of Farm Workers, Global Exchange, and representatives of the Samucangaua, Irizal, Ladeira, Só Assim, Santa Maria, Canelatiua, Itapera, and Mamuninha Communities of Alcântara file a petition with the Inter-American Commission on Human Rights.⁵⁵ The petition alleges that government action resulting in the expropriation of the communities' ancestral lands constitutes a violation of the communities' right to property.⁵⁶

October 21, 2006: The Commission finds the petition admissible.⁵⁷

June 14, 2020: The Commission approves the Report on Merits.⁵⁸ It asserts that the State violated Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), 13 (Freedom of Thought and Expression), 16 (Freedom of Association), 17 (Rights of the Family), 21 (Right to

⁵¹ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 30. 005; Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 67.

⁵² Communities of Alcântara v. Brazil, Admissibility Report, Report No. 83/06, Inter-Am. Comm'n H.R., Case No. 12.569, ¶ 14 (Oct. 21, 2006).

⁵³ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 70.

⁵⁴ *Id.* ¶ 72.

⁵⁵ Communities of Alcântara v. Brazil, Admissibility Report, ¶ 1.

⁵⁶ *Id.*

⁵⁷ *Id.* ¶ 3.

⁵⁸ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 2.

Property), 23 (Right to Participate in Government), 24 (Right to Equal Protection), 25 (Right to Judicial Protection), and 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) in connection with Article 1(1) of the American Convention.⁵⁹

The Commission recommends that the State (1) take all the necessary steps to delimit, demarcate, and grant complete titling of the Quilombola communities' ancestral land as soon as possible while ensuring the communities' access to their rights to live according to their traditions; (2) take all the necessary steps to ensure that those communities living on alternative lands enjoy the right to live according to their traditions, including expanding the designated land and lifting any restrictions pertaining to subsistence activities; (3) examine the possibility of returning lands to the communities within the framework of free, prior, and informed consultation; (4) create a community fund detailing how the communities will have access to their rights to food, housing, water, and a healthy environment; (5) make restitution to the communities by fulfilling all obligations, paying monetary damages, and providing guarantees of non-repetition; (6) ensure that no activities affecting the Quilombola communities take place without the communities' consultation and prior consent; (7) resolve the communities' pending judicial or administrative appeals; and (8) set legislative or administrative procedures so as to guarantee non-repetition of the acts at issue by introducing (i) mechanisms to protect indigenous and Afro-descendant communities' right to their ancestral lands; (ii) mechanisms to enforce tribal and indigenous communities' right to prior, free, and informed consent; (iii) mechanisms requiring independent studies on the possible environmental and social impacts of investment projects; and (iv) appropriate remedies in the face of complaints by indigenous and Afro-descendant communities concerning the reclamation of their territory.⁶⁰

B. Before the Court

January 5, 2022: The Commission submits the case to the Court after the State fails to adopt its recommendations.⁶¹

⁵⁹ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 300.

⁶⁰ *Id.* "Recommends," ¶¶ 1-8.

⁶¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 3.

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September 12, 2022: The State raises five preliminary objections.⁶²

April 26-27, 2023: The State admits partial liability.⁶³

May 8, 2023 – May 26, 2023: The Court receives six *amicus curiae* briefs from (1) the Inter-American Clinic of Human Rights of the Inter-American Center of Human Rights at the Universidad Federal de Río de Janeiro, (2) the Law School Clinic of Human Rights and Environmental Law of the Universidade do Estado do Amazonas, (3) the Program for Extension of Access to the Inter-American System of Human Rights at the Universidade Federal de Pernambuco ("UFPE"), researchers of the UFPE Postgraduate Program of Law, researchers of the Postgraduate Program of Borders and Human Rights at the Universidade Federal da Grande Dourados, researchers of the Postgraduate Program of Social Sciences at the Universidade Federal do Maranhão, researchers from the Extension Program Rights in Movement at the Universidade de Pernambuco, and researchers from the New Social Cartography Network, (4) the Human Rights Clinic and Historical and Latin American Constitutionalism Group at the Instituto Brasileiro de Ensino, Desenvolvimento e Pesquisa and the Ivo Fonseca Center of Quilombola Documentation, (5) the Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas, and (6) EarthRights International.⁶⁴

September 20, 2024: The State submits the conciliation agreement concluded by government officials and the Representatives.⁶⁵

1. Violations Alleged by Commission⁶⁶

Article 5 (Right to Humane Treatment),
Article 8 (Right to a Fair Trial)
Article 13 (Freedom of Thought and Expression)
Article 16 (Freedom of Association)
Article 17 (Rights of the Family)
Article 21 (Right to Property)

⁶² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 7.

⁶³ *Id.* ¶ 9.

⁶⁴ *Id.* ¶ 11.

⁶⁵ *Id.* ¶ 14.

⁶⁶ Quilombola Communities of Alcântara v. Brazil, Report on Merits, ¶ 300.

Article 23 (Right to Participate in Government)

Article 24 (Right to Equal Protection)

Article 25 (Right to Judicial Protection)

Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) and

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victim⁶⁷

Article 8 (Right to a Fair Trial)

Article 16 (Freedom of Association)

Article 17 (Rights of the Family)

Article 21 (Right to Property)

Article 22 (Freedom of Movement and Residence)

Article 25 (Right to Judicial Protection)

Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights)

(of the American Convention.

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

III. MERITS

A. *Composition of the Court*⁶⁸

Nancy Hernández López, President

Humberto Antonio Sierra Porto, Judge

Eduardo Ferrer Mac-Gregor Poisot, Judge

Ricardo C. Pérez Manrique, Judge

⁶⁷ *Communities of Alcântara v. Brazil*, Admissibility Report, ¶ 1. The Centre for Global Justice, the Maranhão Human Rights Society, the Maranhão Afro-Brazilian Cultural Center, the Association of Rural Afro-Brazilian Quilombo Communities of Maranhão, the Maranhão State Federation of Farm Workers, and Global Exchange served as Representatives of the Quilombola communities of Alcântara. The Quilombola communities of Samucangua, Iririzal, Ladeira, Só Assim, Santa Maria, Canelatiua, Itapera, and Mamuninha represented themselves.

⁶⁸ *Quilombola Communities of Alcântara v. Brazil*, Preliminary Objections, Merits, Reparations and Costs. Judge Rodrigo Mudrovitsch, a Brazilian national, did not participate in the processing, deliberation, or judgment in the case in accordance with Articles 19.1 and 19.2 of the Court's Rules of Procedure.

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Verónica Gómez, Judge
Patricia Pérez Goldberg, Judge

Pablo Saavedra Alessandri, Secretary
Gabriela Pacheco Arias, Deputy Secretary

B. *Decision on the Merits*

November 21, 2024: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.⁶⁹

The Court found unanimously:

To accept the State's partial acknowledgement of State responsibility,⁷⁰ because:

The State made several positive contributions, including initiating negotiations with the Representatives, leading to the conciliation agreement.⁷¹ Further, the State acknowledged delays in titling Quilombola territory and its failure to provide adequate judicial remedies.⁷² Therefore, the Court indicated it would declare the State's violations of Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) without additional analysis.⁷³ Although the Court recognized the positive legal ramifications of the State's partial acknowledgment of responsibility, it also acknowledged that disputes regarding certain violations and modes of reparations remained and had to be analyzed.⁷⁴

The Court found by four votes to two:

To grant in part Brazil's preliminary objection regarding *ratione temporis*,⁷⁵ because:

⁶⁹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs at 1.

⁷⁰ *Id.* ¶¶ 29-38.

⁷¹ *Id.* ¶¶ 34, 36.

⁷² *Id.* ¶ 29.

⁷³ *Id.* ¶ 37.

⁷⁴ *Id.* ¶¶ 37-38.

⁷⁵ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 47-51.

*The Court clarified that while it was true that the installation and resettlement themselves began before the State accepted the Court's jurisdiction, the Court has jurisdiction over subsequent events.⁷⁶ Accordingly, the Court partially accepted the State's preliminary objection regarding *ratione temporis*.⁷⁷*

The Court found by four votes to two:

To deny Brazil's preliminary objection regarding *ratione materiae*,⁷⁸ because:

First, the State asserted that the Court had no jurisdiction to rule over the alleged violations associated with the rights to water, food, adequate housing, a healthy environment, and participation in cultural life because they are not included in the Convention.⁷⁹ However, the Court held that Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) gives rise to obligations in these areas.⁸⁰

Second, the State argued that the right to prior and informed consultation was absent from the Convention and contended that the Court had no jurisdiction to rule on violations relating to the International Labor Organization.⁸¹ The Court rejected this claim, maintaining that the right to prior and informed consultation is included under Article 13 (Freedom of Thought and Expression), Articles 21 (Right to Property), and 23 (Right to Participate in Government) of the Convention.⁸²

Next, the State asserted that the Court lacked jurisdiction to rule over the right to education, arguing that the right was not included in the American Convention.⁸³ The Court clarified that it would be examining the violation under Article 13 (Right to Education) of the San Salvador Protocol.⁸⁴

⁷⁶ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 44, 47-48.

⁷⁷ *Id.* ¶ 51.

⁷⁸ *Id.* ¶¶ 52-55.

⁷⁹ *Id.* ¶ 52.

⁸⁰ *Id.* ¶ 55.

⁸¹ *Id.* ¶ 52.

⁸² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 55.

⁸³ *Id.* ¶ 52.

⁸⁴ *Id.* ¶ 55.

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*Therefore, the Court dismissed the State's objection regarding rationae materiae.*⁸⁵

The Court dismissed:

*The State's preliminary objection regarding the inadmissibility of the case due to the Commission's publication of the Report on Merits after referring the case to the Court.*⁸⁶ *The Court reasoned that the publication of the Report on Merits complied with the requirement in Article 61(2) of the Convention that certain procedures be exhausted before the Court is able to hear a case because it was completed after the confidentiality period implied in Articles 50 and 51.*⁸⁷

The Court assumed withdrawn:

*The State's preliminary objection for failure to exhaust domestic remedies, as the State acknowledged international responsibility for its failures to provide effective remedies to the victims.*⁸⁸

The Court addressed as a preliminary consideration and dismissed:

*The State's preliminary objection regarding the victims' allegedly inadequate representation.*⁸⁹ *The State argued that it knew of several unrepresented Quilombola leaders and associations; however, the Court pointed out that it failed to name them.*⁹⁰ *The Court also noted the communities' protocol recognizing the four institutions at issue as their Representatives.*⁹¹ *Thus, the Court held that the victims were adequately represented.*⁹²

The Court found with three votes for, three votes partially against, and the President as tiebreaker, that Brazil had violated:

⁸⁵ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 55.

⁸⁶ *Id.* ¶ 40.

⁸⁷ *Id.*

⁸⁸ *Id.* ¶ 41.

⁸⁹ *Id.* ¶ 42.

⁹⁰ *Id.* ¶¶ 59-60.

⁹¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 60.

⁹² *Id.*

Article 21 (Right to Property) and Article 22 (Freedom of Movement and Residence) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of the Quilombola communities of Alcântara,⁹³ because:

*The State failed to timely title the victims' territory, granted individual titles instead of acknowledging the victims' collective property traditions, and restricted the victims' land use and movement during CLA launch windows.*⁹⁴

*The State did not complete the titling process despite ample studies and demands by State actors.*⁹⁵ *Seeing as Brazil is party to both the American Convention and the Indigenous and Tribal Peoples Convention, Brazil must recognize the property rights of indigenous peoples and guarantee title to traditional territories.*⁹⁶ *However, the Court noted that abstract recognitions of indigenous territory make little difference if there is no corresponding action to officially mark and title the territory.*⁹⁷ *Without an official title to the land, the communities may experience a perpetual state of uncertainty, ultimately interfering with their use and enjoyment.*⁹⁸

*Here, instead of proceeding with the titling process, the State designated approximately sixty-six percent of the Quilombola territory in Alcântara an "area of public utility," leading to the uprooting of thirty-one communities.*⁹⁹ *During this time, the State neglected to provide adequate pathways for the victims to challenge the declarations of public utility and seek compensation.*¹⁰⁰ *The Court acknowledged the State had made some progress towards completing the titling process by signing the conciliatory agreement, but had not yet complied with the agreement's terms.*¹⁰¹

Additionally, the State undermined the legal security of the Quilombola communities as collectives by awarding 129 individual

⁹³ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 166, 197.

⁹⁴ *Id.* ¶ 166.

⁹⁵ *Id.* ¶¶ 152, 156.

⁹⁶ *Id.* ¶ 157.

⁹⁷ *Id.* ¶ 144.

⁹⁸ *Id.* ¶ 146.

⁹⁹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 150, 152-154.

¹⁰⁰ *Id.* ¶ 154.

¹⁰¹ *Id.* ¶¶ 155-156.

titles instead of granting collective titles.¹⁰² Under both the American Convention and Brazilian law, the State is obligated to recognize the collective community as the holder of territorial rights when the community practices collective ownership.¹⁰³ The Court admitted that while these notions often do not conform to the classical conception of property, it is the State's responsibility to adapt its policies.¹⁰⁴ Here, the absence of such coordination resulted in the fragmentation and breakdown of community traditions.¹⁰⁵

The State also improperly restricted the communities' use of land due to CLA activities.¹⁰⁶ The Court held that indigenous people have the right to live freely in their designated lands, as encapsulated in Article 21 (Right to Property) of the Convention.¹⁰⁷ Thus, the State must carefully guard indigenous communities' abilities to use their lands for their physical and cultural needs.¹⁰⁸ Here, the State frequently imposed rocket launch windows in which the State restricted the communities' access to crops, rivers, and coastal sea areas for fishing, interfering with the communities' subsistence.¹⁰⁹ Furthermore, the State turned several of the communities' cemeteries into storage areas for waste or made them restricted areas; as a result, community members are unable to visit their loved ones.¹¹⁰

Therefore, the Court determined that the State violated Articles 21 (Right to Property) and 22 (Freedom of Movement and Residence).¹¹¹

The Court found with four votes for and two votes partially against, that Brazil had violated:

Article 13 (Freedom of Thought and Expression), Article 23 (Right to Participate in Government), and Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights), in relation to Article 21 (Right to Property) and Article 1(1) (Obligation of

¹⁰² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 158.

¹⁰³ *Id.* ¶ 160.

¹⁰⁴ *Id.* ¶ 147.

¹⁰⁵ *Id.* ¶ 159.

¹⁰⁶ *Id.* ¶¶ 161-165.

¹⁰⁷ *Id.* ¶¶ 141-142.

¹⁰⁸ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 142.

¹⁰⁹ *Id.* ¶¶ 162, 164.

¹¹⁰ *Id.* ¶¶ 162-163.

¹¹¹ *Id.* "Declares" ¶ 4.

Non-Discrimination) of the Convention, to the detriment of the Quilombola communities of Alcântara,¹¹² because:

The State failed to provide prior, free, and informed consultation to the victims regarding State agreements and actions affecting their rights.¹¹³ The right to consultation derives from Articles 23 (Right to Participate in Government), 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights), and 13 (Freedom of Thought and Expression), and is associated with the right to participate in decisions affecting one's rights, the right to participate in cultural life, and the right of access to information.¹¹⁴ Wherever a State plans to take action that could affect the territory or rights of a tribal people, it must involve the tribal people as early as possible.¹¹⁵ Consultations may take place through the communities' representative institutions and must be a good-faith, genuine dialogue, employing accessible language and transparent practices.¹¹⁶ Moreover, it is the State's duty, not the indigenous peoples', to carry out the consultation and ensure that it is effective.¹¹⁷ Here, the State signed agreements that could significantly impact the communities' well-being due to the increased traffic, pressure on natural resources, environmental impacts, or longer and more frequent launch windows.¹¹⁸ Yet, the State failed engage in the required consultation.¹¹⁹ Therefore, the Court determined that the State violated Articles 13 (Freedom of Thought and Expression), 23 (Right to Participate in Government), and 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights).¹²⁰

The Court found with six votes for and five votes partially against, that Brazil had violated:

Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 7 (Right to Personal Liberty), Article 8 (Right to a Fair Trial), Article 11 (Right to Privacy), Article 24 (Right to Equal

¹¹² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 167-187, 197.

¹¹³ *Id.* ¶ 186.

¹¹⁴ *Id.* ¶¶ 172-173, 175.

¹¹⁵ *Id.* ¶ 171.

¹¹⁶ *Id.* ¶¶ 169-171, 176.

¹¹⁷ *Id.* ¶ 177.

¹¹⁸ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 179-181.

¹¹⁹ *Id.* ¶ 186.

¹²⁰ *Id.* "Declares" ¶ 5.

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Protection), Article 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation of Non-Discrimination) and Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) of the Convention, to the detriment of the Quilombola communities of Alcântara,¹²¹ because:

The State failed to guarantee and protect the victims' right to a life plan.¹²² The right to a life plan or collective life project is associated with the rights to a dignified life and self-determination, as outlined by various Articles of the Convention.¹²³ In other words, the right to a life plan involves a person's right to freely develop his or her personality.¹²⁴ Here, State action and inaction harmed the victims' life plan.¹²⁵ The State militarized the communities' daily life, resulting in subsequent feelings of dehumanization and isolation.¹²⁶ For instance, the State required permits for fishing and hunting, restricted access to community cemeteries, and generally imposed a constant authoritarian presence in community members' lives.¹²⁷ Restrictions on building new housing also forced many young community members to leave the agrovilas.¹²⁸ Moreover, the lack of judicial recourse available engendered feelings of uncertainty, humiliation, and powerlessness, infringing upon the communities' right to moral integrity.¹²⁹ Therefore, the Court determined that the State violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 11 (Right to Privacy), 24 (Right to Equal Protection), and 25 (Right to Judicial Protection).¹³⁰

The Court found with four votes for and two votes partially against, that Brazil had violated:

Article 17 (Rights of the Family) and Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights), in

¹²¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 188-197.

¹²² *Id.* ¶¶ 194-195.

¹²³ *Id.* ¶¶ 194, 197.

¹²⁴ *Id.* ¶ 194.

¹²⁵ *Id.* ¶ 195.

¹²⁶ *Id.* ¶ 189.

¹²⁷ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 191-193.

¹²⁸ *Id.* ¶ 190.

¹²⁹ *Id.* ¶¶ 195-196.

¹³⁰ *Id.* "Declares" ¶ 6.

relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, and in relation to Article 13 (Right to Education) of the San Salvador Protocol, to the detriment of the Quilombola communities of Alcântara,¹³¹ because:

*The State failed to guarantee the victims' rights to adequate food, adequate housing, participation in cultural life, education, and family protection as outlined in Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) of the Convention.*¹³²

*The State neglected to protect the victims' right to adequate food.*¹³³ *The OAS Charter and San Salvador Protocol call for Member States to expend their best efforts towards making adequate nutrition available to each person.*¹³⁴ *States must ensure that individuals have physical and economic access at all times to adequate food, that the food is acceptable to the given culture, and that the individuals are free to feed themselves either through direct use of natural resources and land or other adequate means.*¹³⁵ *Here, the State-sponsored resettlement of the Quilombola communities severely eroded the communities' capacity to obtain adequate food.*¹³⁶ *The resettlement forced the communities to either accept the inferior land given to them or travel great distances to find appropriate fishing locations guarded by the State.*¹³⁷

*Along with the resettlement, the State aggravated the situation by installing machinery in key areas required for cultivation, imposing launch windows that restricted access to farming areas, encouraging the transit of cars and individuals resulting in damaged crops, and destroying roads which had previously shortened the distance between the victims' homes and food sites.*¹³⁸ *The Court found the inability to find adequate food affected the communities' psychosocial and economic well-being.*¹³⁹ *For example, the communities faced disputes over food; food scarcity; lower quality food; the inability to transmit cultural practices like fishing to children; and fewer community*

¹³¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 206-285.

¹³² *Id.* ¶¶ 210, 284-285.

¹³³ *Id.* ¶ 260.

¹³⁴ *Id.* ¶ 213.

¹³⁵ *Id.* ¶¶ 213-217.

¹³⁶ *Id.* ¶¶ 246-248.

¹³⁷ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 248, 254-256.

¹³⁸ *Id.* ¶¶ 253-254, 258-259.

¹³⁹ *Id.* ¶¶ 249-251, 256-257.

celebrations.¹⁴⁰ Increased pressure on available land also took a toll on communities, introducing pests, diseases, and infertile land.¹⁴¹

The State violated the communities' right to adequate housing by providing poor quality housing at the resettlement locations and preventing new construction and modification of existing houses.¹⁴² Article 34 of the OAS Charter holds that Member States should devote the utmost attention and effort to ensuring that the population has access to adequate housing.¹⁴³ Therefore, the State is obligated to respect the right to housing under Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) of the Convention.¹⁴⁴ The term "adequate housing" refers not only to physical sources of shelter, but also the ability to secure a dignified, peaceful living situation.¹⁴⁵ To evaluate whether this has been accomplished, the Court must examine the legal security of tenure, availability of services and infrastructure, affordability of expenses, habitability of the dwellings, location insofar as it allows access to social services and employment options, and cultural appropriateness.¹⁴⁶ The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement provides further guidance regarding the element of legally secure tenure.¹⁴⁷ The Principles clarify that, in addition to meeting the elements for adequacy, the resettlement area must be better than or equal to the area the resettled are displaced from.¹⁴⁸

Where individuals and communities are not afforded alternative housing, they must be compensated fairly.¹⁴⁹ The State must also ensure that evictees have (1) secure access to food, safe drinking water, and sanitation; (2) basic shelter; (3) appropriate clothing; (4) essential medical services; (5) employment opportunities; (6) animal feed and access to common property resources previously relied upon; and (7) education for children.¹⁵⁰

¹⁴⁰ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 249-251, 256-257, 261-262, 264.

¹⁴¹ *Id.* ¶¶ 252, 263.

¹⁴² *Id.* ¶ 265.

¹⁴³ *Id.* ¶ 219.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.* ¶ 220.

¹⁴⁶ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 220.

¹⁴⁷ *Id.* ¶ 221.

¹⁴⁸ *Id.* ¶ 223.

¹⁴⁹ *Id.* ¶ 224.

¹⁵⁰ *Id.*

Here, the State provided the victims with houses severely lacking in infrastructure.¹⁵¹ Residents complained of rotting wood, leaking roofs, external bathrooms lacking sewage networks, and the absence of an electrical framework.¹⁵² Despite these challenges, community members were neither able to build new houses nor obtain title to the land.¹⁵³ Furthermore, the Court noted that the violation of the right to adequate housing is closely tied to the right to family protection.¹⁵⁴

Under Article 17 (Rights of the Family) of the Convention, the State is obligated to promote and strengthen the family unit by protecting individuals from unlawful interference with their family.¹⁵⁵ The most severe interference by the State is one that causes the separation or fragmentation of the family, especially where children are involved.¹⁵⁶ The Court stressed that family should be attributed special significance in the context of indigenous tribes, as family life in such settings often comprises not only one's immediate family, but multiple familial generations, and possibly the community as a whole.¹⁵⁷ Here, the State ignored these considerations by prohibiting the resettled communities from building additional houses to accommodate new families.¹⁵⁸ As a result, certain younger community members separated from their families to seek out available space in other villages.¹⁵⁹ This uprooting wrought a transgenerational trauma that interfered with the communities' family life.¹⁶⁰

The Court also found the State violated the communities' right to participate in their culture through various actions and omissions.¹⁶¹ The right to participate in culture is highlighted in various frameworks of international law, including Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) of the Convention, Article 14.1 of the San Salvador Protocol, Articles 30, 45(f), 47, and 48 of the OAS Charter, and the Indigenous and Tribal Peoples

¹⁵¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 266.

¹⁵² *Id.*

¹⁵³ *Id.* ¶ 267.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* ¶ 239

¹⁵⁶ *Id.*

¹⁵⁷ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 240.

¹⁵⁸ *Id.* ¶¶ 267-268.

¹⁵⁹ *Id.* ¶ 268.

¹⁶⁰ *Id.* ¶¶ 268-269.

¹⁶¹ *Id.* ¶ 273.

*Convention.*¹⁶² *Indigenous peoples' subsistence-related activities, along with their relationship with the land, form an integral part of the maintenance of their culture.*¹⁶³ *The State is responsible for the efficient promotion of an environment in which everyone is free to practice their cultural traditions and beliefs without barriers.*¹⁶⁴ *Here, the Court focused on State violations resulting in the communities' inability to access adequate food and their cemeteries; their inability to conduct religious festivals; their loss of cultural practices, like hunting and basket-making; and community members' migration to the state capital.*¹⁶⁵ *Because of the State's inability to guarantee access to adequate housing and food, the Quilombola communities suffered harm to their ability to practice and preserve their cultural traditions.*¹⁶⁶

*The State violated the communities' right to education by failing to (1) provide access to schools and (2) respect cultural traditions and knowledge.*¹⁶⁷ *Access to education is key for indigenous peoples to be able to overcome a history riddled with discrimination.*¹⁶⁸ *Moreover, education must meet the elements of availability, accessibility, acceptability, and adaptability to the needs of the learners.*¹⁶⁹ *Here, the communities lacked school buildings, teachers, or the means to travel to other villages' schools.*¹⁷⁰

*Therefore, the Court determined that the State violated Article 17 (Rights of the Family) and Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights).*¹⁷¹

The Court found with four votes for and two votes partially against, that Brazil had violated:

Article 24 (Right to Judicial Protection) and Article 1(1) (Obligation of Non-Discrimination), in relation to Article 17 (Rights of the Family), Article 21 (Right to Property), and Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) of the

¹⁶² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 225-227.

¹⁶³ *Id.* ¶¶ 227, 229-230.

¹⁶⁴ *Id.* ¶¶ 232-233.

¹⁶⁵ *Id.* ¶¶ 270-280.

¹⁶⁶ *Id.* ¶ 280.

¹⁶⁷ *Id.* ¶ 283.

¹⁶⁸ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 238.

¹⁶⁹ *Id.* ¶ 237.

¹⁷⁰ *Id.* ¶¶ 281-283.

¹⁷¹ *Id.* "Declares" ¶ 7.

Convention, and in relation to Article 13 (Right to Education) of the San Salvador Protocol, to the detriment of the Quilombola communities of Alcântara,¹⁷² because:

The State did not act adequately to reverse the structural discrimination faced by the Quilombola communities, which resulted in their inability to freely enjoy numerous essential rights.¹⁷³ The Court held that, in addition to abstaining from discrimination, the State must positively address discriminatory practices undertaken by other actors within its societies.¹⁷⁴ In addition, the State must afford vulnerable groups, including Quilombos, special protection.¹⁷⁵ As Afro-descendant communities with a historical legacy marked by slavery and economic inequality, the Quilombola communities of Alcântara are particularly vulnerable to human rights violations.¹⁷⁶ By acting without consulting the communities in matters that affected their wellbeing, failing to title their ancestral territory, and restricting access to other areas within the lands the communities historically relied on, the Court found the State actively participated in centuries-old structural discrimination.¹⁷⁷

Furthermore, the socioeconomic development the State promised the Quilombola communities never took place during the three decades the CLA has operated, further confirming the discriminatory nature of State practices.¹⁷⁸ Accordingly, the Court found the State liable for discrimination for failing to protect the victims' rights concerning the titling of their land, the protection of their families, access to adequate housing, education, and cultural participation.¹⁷⁹ Therefore, the Court determined that the State violated Articles 24 (Right to Judicial Protection) and 1(1) (Obligation of Non-Discrimination).¹⁸⁰

The Court found unanimously that the State violated:

¹⁷² Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 289-302.

¹⁷³ *Id.* ¶ 302.

¹⁷⁴ *Id.* ¶ 291.

¹⁷⁵ *Id.* ¶¶ 292-295.

¹⁷⁶ *Id.* ¶¶ 294-295, 297-298, 300.

¹⁷⁷ *Id.* ¶¶ 298-299.

¹⁷⁸ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 301.

¹⁷⁹ *Id.* ¶ 300.

¹⁸⁰ *Id.* "Declares" ¶ 8.

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of the Quilombola communities of Alcântara,¹⁸¹ because:

The State publicly recognized its responsibility for violations relating to the titling of the communities' land, including the delay in the titling process and corresponding lack of effective domestic judicial remedies.¹⁸² The State admission of excessive delays also implied a violation of the right to a fair trial under Article 8(1).¹⁸³ Therefore, the Court determined that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection).¹⁸⁴

C. Dissenting and Concurring Opinions

1. Partial Dissenting Opinion of the Judges Humberto Antonio Sierra Porto and Patricia Pérez Goldberg

In a separate opinion, Judges Humberto Antonio Sierra Porto and Patricia Pérez Goldberg dissented in four parts.¹⁸⁵ First, the Judges contended that the majority failed to distinguish between events occurring before and after the State accepted the Court's jurisdiction.¹⁸⁶ Second, they felt the majority, regarding the duty to advance prior consultation, failed to clarify which situations require merely consultation and which require the communities' consent.¹⁸⁷ Third, they maintained that various violations of the communities' economic, social and cultural rights related to community property, and thus should have been addressed through Article 21 of the Convention instead of Article 26; and further, that the majority should have addressed the State's

¹⁸¹ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 29-38.

¹⁸² *Id.* ¶¶ 29, 37.

¹⁸³ *Id.* ¶ 31.

¹⁸⁴ *Id.* "Declares" ¶ 9.

¹⁸⁵ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Partially Dissenting Opinion of Judge Humberto Antonio Sierra Porto and Judge Patricia Pérez Goldberg, Inter-Am. Ct. H.R. (Ser. C) No. 548 (Nov. 21, 2024).

¹⁸⁶ *Id.* ¶¶ 5-6.

¹⁸⁷ *Id.* ¶¶ 7-10.

alleged discrimination through Article 24 instead of Article 1(1).¹⁸⁸ Finally, they objected to the majority's seeming recognition of an autonomous right to a "life plan."¹⁸⁹

2. Partial Dissenting Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot and Judge Ricardo Perez Manrique

In a separate opinion, Judges Eduardo Ferrer Mac-Gregor Poisot and Ricardo Perez Manrique dissented from the majority's failure to hold Brazil liable for the continuing effects of the victims' displacement, given that the victims' state of instability continues into the present.¹⁹⁰ Furthermore, the Judges argued that instead of declaring the infringement of multiple rights, which, together, would successfully constitute the violation of the right to a life plan, the Court should have allowed for the violation of the autonomous right to a life plan within the context of structural discrimination.¹⁹¹

3. Partial Dissenting Opinion of Judge Verónica Gómez

In a separate dissenting opinion, Judge Verónica Gómez agreed with Judges Mac-Gregor Poisot and Perez Manrique that Brazil was responsible for the continuous effects of the victims' displacement and for failing to guarantee the rights that would have allowed for the development of the victims' life project within the context of structural discrimination.¹⁹²

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

¹⁸⁸ *Quilombola Communities of Alcântara v. Brazil*, Partially Dissenting Opinion of Judge Humberto Antonio Sierra Porto and Judge Patricia Pérez Goldberg ¶¶ 11-19.

¹⁸⁹ *Id.* ¶¶ 20-21.

¹⁹⁰ *Communities of Alcântara v. Brazil*, Preliminary Objections, Merits, Reparations and Costs, Partially Dissenting Opinion of Judge Eduardo Ferrer Mac-Gregor and Judge Ricardo C. Perez Manrique, Inter-Am. Ct. H.R. (Ser. C) No. 548, ¶¶ 3-14.

¹⁹¹ *Id.* ¶¶ 15-73.

¹⁹² *Id.* ¶¶ 1-18.

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1. Judgment as a Form of Reparation

The Court notes that the Judgment itself is a form of reparation.¹⁹³

2. Title, Demarcate, and Delimit Community Lands

The Court ordered the State to grant the victims collective title to lands totaling 78,105 hectares within three years and according to the following guidelines: the title must (1) grant land ownership in the name of the Quilombola communities and not individuals; (2) guarantee the communities' permanent use and enjoyment without interference; and (3) accommodate the collective nature of the communities.¹⁹⁴

3. Permanent Dialogue

The Court ordered permanent round table discussions to take place by mutual agreement regarding (1) measures ensuring that the communities are able to continue practicing their traditions; (2) culturally appropriate measures to compensate the communities for losses suffered due to restrictions under CLA launch windows; (3) measures to minimize the negative environmental impact of CLA activities on natural resources that the communities use; (4) mechanisms to address potential conflicts between the communities and CLA; (5) rules ensuring the communities' customs are respected and mechanisms to prevent third parties from affecting the territory; and (6) periodic monitoring and evaluation of the impacts of CLA activities, with the participation and support of the communities and the Federal Public Prosecutor's Office.¹⁹⁵ The Court ordered the State to report on its compliance within six months of notification of the Judgment, and to submit annual compliance reports.¹⁹⁶

4. Conduct Prior Consultation

The Court ordered the State to conduct accessible and good-faith consultation with the communities' representative institutions before and

¹⁹³ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, "Declares" ¶ 10.

¹⁹⁴ *Id.* ¶¶ 314, 317.

¹⁹⁵ *Id.* ¶ 319.

¹⁹⁶ *Id.* ¶ 321.

during any agreements that could impact the communities' territory.¹⁹⁷

5. Publish the Judgment

The Court ordered the State, within six months of notification of the judgment, to (1) publish the Court's official summary of the Judgment in the Official Gazette of the Union and in the Official Gazette of the State of Maranhão; and (2) publish the entire Judgment and leave it available for one year on the websites for the Presidency of the Republic, the Government of the State of Maranhão, the Ministry of Human Rights and Citizenship, the Attorney General's Office of the Union, and the INCRA.¹⁹⁸ The State is to inform the Court upon each publication.¹⁹⁹ Additionally, The Court ordered the State to publish the case outcome once, and a one-minute informational video five times, on various official government social media accounts.²⁰⁰ The publications should indicate the State's international responsibility and include a link to the Judgment.²⁰¹

6. Publicly Recognize International Responsibility

The Court ordered the State to hold and broadcast on national television a public ceremony in Alcântara to recognize international responsibility.²⁰² The ceremony must take place in the presence of the victims, if they desire, and within one year of the Judgment.²⁰³

A. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded USD \$4,000,000 for both material damages, such as the harm the communities suffered due to the lack of titling of their

¹⁹⁷ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 322.

¹⁹⁸ *Id.* ¶ 327.

¹⁹⁹ *Id.*

²⁰⁰ *Id.* ¶¶ 327-328.

²⁰¹ *Id.* ¶ 328.

²⁰² *Id.* ¶¶ 329-330.

²⁰³ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶ 330.

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land, and immaterial damages, such as the anguish and harm to cultural traditions the communities suffered due to their resettlement.²⁰⁴

2. Non-Pecuniary Damages

Non-pecuniary damages were combined with pecuniary damages.²⁰⁵ The Court did not explain why it issued a single amount covering both types of damages.²⁰⁶

3. Costs and Expenses

The Court ordered the State to pay USD \$40,000 divided equally between MABE, Global Justice, the Maranhese Society of Human Rights, and the Federation of Rural Farmers and Family Farmers of the State of Maranhão.²⁰⁷

4. Total Compensation (including Costs and Expenses ordered):

USD \$4,040,000

B. Deadlines

The Court ordered the State to pay the victims' designated association or entity in three annual installments, with the first installment to be paid within one year of the Judgment.²⁰⁸ For costs and expenses, the State must pay the relevant entities directly within one year of the Judgment.²⁰⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

²⁰⁴ Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 338-342.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.* ¶ 347.

²⁰⁸ *Id.* ¶¶ 342-343.

²⁰⁹ *Id.* ¶ 348

[None]

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections, Merits, Reparations and Costs & Separate Opinions

Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 548 (Nov. 21, 2024).

Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Partial Dissenting Opinion of Judges Humberto Antonio Sierra Porto and Patricia Pérez Goldberg, Inter-Am. Ct. H.R. (Ser. C) No. 548 (Nov. 21, 2024).

Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Partial Dissenting Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot and Judge Ricardo C. Perez Manrique, Inter-Am. Ct. H.R. (Ser. C) No. 548 (Nov. 21, 2024).

Quilombola Communities of Alcântara v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Partial Dissenting Opinion of Judge Verónica Gómez, Inter-Am. Ct. H.R. (Ser. C) No. 548 (Nov. 21, 2024).

2. Provisional Measures

[None]

3. Compliance Monitoring

[None]

4. Review and Interpretation of Judgment

[None]

A. *Inter-American Commission*

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1. Petition to the Commission

[None]

2. Report on Admissibility

Communities of Alcântara v. Brazil, Admissibility Report, Report No. 83/06, Inter-Am. Comm'n H.R., Case No. 12.569 (Oct. 21, 2006).

3. Provisional Measures

[None]

4. Report on Merits

Quilombola Communities of Alcântara v. Brazil, Report on Merits, Report No. 189/20, Inter-Am. Comm'n H.R., Case No. 12.569 (June 14, 2020).

5. Application to the Court

Quilombola Communities of Alcântara v. Brazil, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.569 (Jan. 5, 2022).

VIII. BIBLIOGRAPHY

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