

**Order of the  
Inter-American Court of Human Rights  
of July 3, 2007  
Provisional Measures regarding Brazil  
Matter of Children Deprived of Liberty in the  
“Complexo do Tatuapé” of FEBEM**

**HAVING SEEN:**

1. The Order of the Inter-American Court of Human Rights (hereinafter, “the Inter-American Court” or “the Court”) of November 17, 2005, in which the State of the Federative Republic of Brazil (hereinafter “the State” or “Brazil”) was requested to adopt forthwith the necessary measures to protect the life and personal integrity of the children and adolescents resident in the Tatuapé Complex of the *Fundação Centro de Atendimento Sócio-Educativo ao Adolescente* (hereinafter “the Tatuapé Complex” or “the Complex,” and the “CASA Foundation”), as well as that of all those within this Complex.

2. The Order of the Court of November 30, 2005, in which it decided to request the State: to adopt immediately the necessary measures to protect the life and personal integrity of all the children and adolescents residing in the Tatuapé Complex, as well as that of all the persons within it; to maintain the necessary measures to prevent the young inmates from being subjected to cruel, inhuman or degrading treatment; to maintain and adopt the necessary measures to reduce substantially the overcrowding in the Tatuapé Complex; to confiscate the weapons in the possession of the young people, and to separate the interns in keeping with the corresponding international standards and taking into account the best interests of the child and to provide the necessary medical care to the children interned, in order to ensure their right to personal integrity; to take steps to ensure the participation of the representatives of the beneficiaries of the measures (hereinafter “the representatives”) in their planning and implementation; to facilitate the entry of the representatives into the units of the Tatuapé Complex; to forward to the Court an updated list of all the young people who reside in the Tatuapé Complex; and to investigate both the facts that gave rise to the adoption of the provisional measures and the violent events that have occurred subsequently.

3. The Order of the Court of July 4, 2006, in which it decided:

1. To reiterate to the State that it should immediately maintain and adopt the necessary measures to protect the life and personal integrity of all the children and adolescents institutionalized at the FEBEM Tatuapé Complex, as well as that of all the persons within it. To this end, it shall adopt the necessary measures to prevent outbursts of violence, as well as to guarantee the security of the inmates and maintain order and discipline in the above mentioned complex.

2. To reiterate to the State that it should maintain the necessary measures to prevent the inmates from being submitted to cruel, inhuman or degrading treatment, including prolonged confinement and physical mistreatment.

3. To reiterate to the State that, without prejudice to the measures to be implemented immediately and that were ordered in the preceding operative paragraphs, it should maintain and adopt those necessary to: (a) substantially reduce the overcrowding in the Tatuapé Complex; (b) confiscate the weapons in the possession of the young people; (c) separate the inmates in keeping with the relevant international standards and taking into account the best interests of the child, and (d) provide the necessary medical care to the detained children in order to guarantee their right to personal integrity. In this regard, the State shall carry out a periodic review of the detention conditions and the physical and emotional conditions of the detained children, with the participation of the representatives of the beneficiaries of these provisional measures.

4. To reiterate to the State that it should take all pertinent measures so that the protection measures are planned and implemented with the participation of the representatives of the beneficiaries of the said measures and that, in general, they are informed regarding progress in their implementation.

5. To reiterate to the State that it should facilitate the entry of the representatives of the beneficiaries of the measures to the units of the Tatuapé Complex, and also communication between them and the young inmates.

6. To reiterate to the State that it should forward the Court an updated list of all the young inmates of the Tatuapé Complex and to provide: (a) precise information on the identity of the minor; (b) the date and time of entry, possible transfer and release, and (c) whether the adolescents who are being prosecuted and those whose legal situation has already been decided by the Judiciary are physically located in different sections within the complex.

7. To reiterate to the State that it should investigate the facts that gave rise to the adoption of provisional measures and the violent events that took place subsequently, in order to identify those responsible and impose the corresponding sanctions, including administrative and disciplinary sanctions.

8. To reiterate to the State that it should keep informing the Inter-American Court of Human Rights, every two months, on the provisional measures adopted, forward and, in its next report, to forward information on the death of young Ricardo Pereira Cunha, the steps taken to investigate the facts, and the measures taken to prevent such incidents recurring.

[...]

4. The fourth, fifth, sixth, seventh, eighth and ninth reports of the State of July 27, September 29, and December 8, 2006, February 8, April 3, and May 21, 2007, respectively as well as their appendixes, in which it advised, *inter alia*, that:

(a) Two uprisings, two disturbances, five attempted escapes, one death, and the escape of 30 adolescents had been reported. Despite the decrease in the number of events, the CASA Foundation was continuing to conduct numerous inspections in the units. Several pedagogical, cultural, religious and sports activities had been organized. Despite these measures, the adolescent, Ricardo Pereira Cunha, had been attacked by fellow inmates and had died on May 28, 2006. The agents of the CASA Foundation's support groups had received appropriate training for security activities from the "*Escola de Formação e Capacitação Profissional da CASA Foundation.*"

(b) The mistreatment has decreased. Also each report is duly examined and investigated, and those allegedly responsible are separated from their functions and, following the due disciplinary procedure, are sanctioned, if applicable. From 2003 to February 2007, as a result of the proceedings before the "*Corregedoria Permanente*" (standing magistrate's court) concerning the Tatuapé Complex, there have been 12 justified dismissals, 24 suspensions, and two warnings; of these four dismissals and 18 suspensions had been applied to officials who absented themselves from work excessively and without justification. In addition, the

sanctions imposed on the adolescents are applied in keeping with the Internal Regulations of the CASA Foundation and are of a pedagogical nature. Articles for personal hygiene, clothes, towels and bedclothes, as well as products to clean the units have been supplied normally;

(c) Regarding the specific obligations concerning the security of the Complex,

i. On April 30, 2007, the detention units, with a capacity for 410 youths had a population of 320 inmates. Since 2006, 14 detention units have been decommissioned, and there are now only four units functioning in the Complex.

ii. CASA Foundation officials carry out periodic inspections in order to confiscate weapons and other prohibited items, which may be in the possession of the adolescents. The Rapid Intervention Group (GIR) is activated only in serious situations. The Military Police "Shock Troops" are summoned to intervene only when the measures taken by the CASA Foundation's GIR support group are unable to control the adolescents.

iii. The interns are duly separated by age, number of repeated offenses, offense committed, and gravity of the act. To ensure the personal integrity of the inmates, detention unit 05 is reserved for the internment of young people of different ages, who are unable to reside in other units owing to problems with the other inmates, and

iv. The young inmates receive in the detention center specialized attention from psychologists and social workers, as well as health care 24 hours a day. In April 2007, the team of professionals who provided services in the Complex was composed of three doctors in general medicine, a male nurse, 14 nursing assistants, four dentists, four psychiatrists, 25 psychologists, 21 social workers and two forensic psychiatrists. The proportion between the number of professionals and of interns is in keeping with national legislation;

(d) Regarding the participation of the representatives in the process of planning and implementing the measures, during the period from May 2006 to April 2007, the representatives visited the Tataupé Complex several times, including on September 20, 2006, on the occasion of the official mission of the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights;

(e) Regarding facilitating the entry of the representatives into the units of the Complex, the representatives make visits periodically and there is no obstacle to their access;

(f) Regarding the updated list of inmates, the State has presented lists of the adolescents interned in the Complex; the latest of these is updated to April 30, 2007; and

(g) Regarding the investigation into the facts, administrative proceedings have been initiated to verify possible functional flaws in relation to the death of Ricardo Pereira Cunha. The competent police authority was informed of his death so that the corresponding investigative procedures could be conducted. In addition, incidents reports were prepared in relation to the two uprisings that took place during the period covered by the reports presented.

5. The briefs with the observations of the representatives dated July 14, September 8 and November 7, 2006, and January 22, March 22 and May 29, 2007, and the appendixes, in which the representatives described the information obtained during 14 visits to the Complex between May 2006 and May 2007. In these briefs, the representatives presented their observations on the third, fourth, fifth, sixth, seventh and eighth reports of the State, indicating, *inter alia*, that:

(a) Regarding the obligation of protection, the mistreatment of the adolescents persists, because, during the visits, many inmates were found to have injuries. Many of the young people had skin diseases and other ailments, and had not yet received proper medical care. Some of the inmates reported the use of psychiatric medicines, questioning the need for them and the effects. The absence or insufficient number of pedagogical and sports activities, and professional training courses was verified. The adolescent, Ricardo Pereira Cunha was found dead, with signs of having been beaten with a sharp instrument. Four inmates confessed to having committed this act. Furthermore, attacks on forty, twenty-one, twelve, two, eight and two other adolescents, respectively, were reported in the six briefs with observations submitted by the representatives. Some young people have been taken to units that are not covered by the provisional measures, where they suffered physical punishments and were subsequently returned to the Tatuapé Complex. The decommissioned detention units have been used to punish the adolescents and to place them in isolation.

(b) Regarding the obligation to provide humane treatment:

- i. (Torture, lockdown ("*tranca*"), and uprisings): from May 2006 to April 2007, the practice of torture and prolonged imprisonment was applied extensively in the Complex. An increase in the verbal threats against the inmates was verified. The uprisings triggered within the Complex reveal the limited control exercised by the State in the administration of the CASA Foundation. As a result, security agents have intervened with violence in the institution and the so-called "collective lockdown" has been. This has been applied to the adolescents for much longer periods than permitted by the Internal Regulations of the CASA Foundation; at times complete isolation has lasted a total of 31 days. There are no pedagogical activities during the lockdown period. Since the representatives are always accompanied by CASA Foundation officials during their visits, the inmates are afraid to report what has happened in the institution;
- ii. (Restrictions to family visits): the time allowed for family visits has been reduced as a means of punishing the adolescents. The adolescents still complain about how CASA Foundation officials treat their families. Moreover, the resources to finance the expenses of visits, granted by the government of the state of São Paulo to families who live within this state, are insufficient. Telephone communication is also being obstructed, and
- iii. (Habitability conditions): the State has been unable to improve the appalling safety and hygiene conditions of the units. There is a very limited supply of articles of clothing and hygiene. The food provided is of an extremely poor quality and frequently insufficient;

(c) Regarding the specific obligations relating to the security of the establishment:

- i. During the visits made in May and June 2006, detention units 01 and 05 were overcrowded, with an average of twice as many adolescents as their permitted capacity. The decommissioning of some units has resulted in the transfer of youths, without respecting the legal criteria for separation, to other units in the Complex or to other detention centers, to which the representatives do not have access;
- ii. The searches conducted to confiscate weapons in the possession of the youths have often been accompanied by the CASA Foundation Support Group, known as "*Choquinho*," or by the Military Police "Shock Troops," and by the Rapid Intervention Group, which is trained to intervene in extremely serious situations. Consequently, the compatibility between the training received by these security agents and their direct interaction with adolescents in compliance with socio-educational measures is unclear;
- iii. The inadequate separation of the young inmates of the Complex continues, and the situation has worsened with the decommissioning of some detention units, and
- iv. The inmates confirmed the care provided by nurses and nursing assistants described by the State. Nevertheless, some adolescents complain about the lack of information on their health after they are attended by the nursing staff for the first time, of the long waits for attention, and the lack of medicines. The number of health care professionals is insufficient to attend the whole Complex. Medical attention is not available 24 hours a day for the inmates of the units in the Complex, nor is specialized treatment. In emergencies, attention for adolescents is hindered by the absence of the police escort required to transfer those who are ill. The programs relating to the health of the inmates, described by the State in its seventh report, consist merely in planned actions;

(d) Regarding the participation of the representatives in the process of planning and implementing the measures, the State has confined itself to allowing them access to the Complex, without inviting them to take part in this process;

(e) Regarding facilitating the entry of the representatives into the units of the Complex, each time the representatives make a visit, they are obliged to wait approximately one hour in the reception area of the Complex before entering the units. On numerous occasions, they have been intimidated or observe acts of intimidation against the young people by CASA Foundation officials. The representatives say they encounter obstacles to having a private conversation with the inmates, owing to the presence of the officials; and

(f) Regarding investigations into acts that have occurred: investigations into the deaths of some adolescents within the Complex were closed, without those responsible being identified; in others, there has been no significant progress. A similar situation exists with regard to the civil actions filed by the next of kin of the beneficiaries in order to obtain compensation and with actions filed by some of the representatives of the beneficiaries to obtain the reform and/or the interdiction of the units of the CASA Foundation. The proceedings before the magistrate's court

(*Juízo Corregedor*) concerning complaints of violations to the physical integrity of the adolescents by officials are ineffective. Of the 192 disciplinary actions filed since 2003, only two resulted in the sanction of the officials found responsible, and 148 were closed, despite various complaints and the existence of evidence of violations that had occurred in the Tataupé Complex, and totally contrary to the laws of Brazil.

6. The briefs with the observations of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of August 10 and October 6, 2006, and February 9, April 12 and June 8, 2007, on the third, fourth, sixth, seventh and eighth reports of the State. In their brief of October 6, 2006, the Inter-American Commission presented a summary of the visit made to the CASA Foundation Tataupé Complex on September 20, 2006, during the official mission of the Rapporteur on the Rights of Persons Deprived of Liberty. These briefs state, *inter alia*, that:

(a) Regarding the protection obligation: the unresolved incidents and the violent acts that resulted in injuries to numerous adolescents and officials, and in the death of Ricardo Pereira Cunha; the permanent lack of security and control; the violent treatment meted out to the inmates by security personnel; the notorious disproportion between the number of children and adolescents detained and the guards, which has meant that police personnel take part in tasks related to the security of the Complex; and the absence of information on how the officials are trained and prepared to attend to and deal with adolescents in conflict with the law. The foregoing reveals that the State has not complied satisfactorily with the obligation to prevent the attacks on the life and personal integrity of the inmates of the Complex;

(b) Regarding the obligation provide humane treatment to the young detainees: the State has failed to make any mention of possible investigations or sanctions for the acts of violence perpetrated by the personnel of the establishment against the children and adolescents deprived of liberty. Nor has it adopted any specific measure to prevent the children and adolescents detained in the Tatuapé Complex from being subjected to cruel, inhuman or degrading treatment, including prolonged confinement and physical abuse; in addition, there are the restrictions to family visits and precarious hygiene and physical detention conditions;

(c) Regarding the specific obligations imposed by the Court in relation to the security of the establishment:

i. (Reduction of overcrowding): during the visit made by the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on September 20, 2006, the administration of the CASA Foundation advised that 667 young people were interned in the Complex. With the exception of detention unit 04, all the units housed fewer adolescents than their capacity. However, the Commission was informed that two or more inmates had to share one mattress or a single bed, owing to the scarcity of these items;

ii. (Confiscation of weapons): the Inter-American Commission considered that the State should exclude the Military Police from taking part in the searches, because this security corps is not appropriately trained to deal with child and adolescent detainees. However, it noted with concern that the CASA Foundation support group and the Rapid Intervention Group participated in the searches,

since their members have not received appropriate training. The effectiveness of these searches is questionable, since, during the uprisings of June 17, July 13 and August 20, 2006, it was again verified that the inmates have access to weapons

iii. (Separation of the inmates): the criteria for the separation of the young people by age or nature of offense committed are not respected; and

iv. (Medical care): the youths do not receive the appropriate medical, dental and psychological care. Given the ailments from which several inmates reportedly suffer, which can be attributed to a lack of hygiene and of satisfactory detention conditions, the State has not guaranteed an adequate level of health in the Complex;

(d) Regarding the participation of the representatives in the process of planning and implementing the measures: the information received from representatives and the State suggests the inexistence of participation as decided by the Inter-American Court;

(e) Regarding facilitating the access of the representatives to the units of the Complex: the information provided by the State suggests that the representatives have sporadic access to the CASA Foundation. There is no information on the measures adopted by the State to make these visits viable;

(f) Regarding the forwarding of an updated list of the inmates: the State has complied with the Court's requirement, and

(g) Regarding the investigation into the facts: it expressed its concern about the absence of information on the actual status of the criminal investigations into the violent incidents that motivated the adoption of provisional measures. Regarding the administrative investigations referred to by the State: most of them do not correspond to the incidents that took place in the Complex. In addition, the administrative investigations initiated to inquire into the mistreatment of the inmates, including the deaths of Jonathan Vieira, Ronnie Mustafá and Cristiano da Silva, were closed owing to insufficient evidence or, despite the time that has elapsed, in some cases they have still not gone beyond the preliminary investigation stage.

**CONSIDERING:**

1. That Brazil has been a State Party to the American Convention since September 25, 1992, and, pursuant to Article 62 of the Convention accepted the compulsory jurisdiction of the Court on December 10, 1998.

2. That Article 63(2) of the American Convention establishes: "[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 regard to a case not yet submitted to the Court, it may act at the request of the Commission."

3. That, in the terms of Article 25 of the Rules of Procedure of the Court:

[...]

2. With regard to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

6. The beneficiaries of urgent measures or provisional measures ordered by the President may address their comments on the report made by the State directly to the Court. The Inter-American Commission of Human Rights shall present observations to the State's report and to the observations of the beneficiaries or their representatives.

[...]

4. That, in the Order of July 4, 2006, the Inter-American Court reiterated to the State that it should immediately adopt "the necessary measures to protect the life and personal integrity of all the children and adolescents institutionalized at the FEBEM Tatuapé Complex [of the CASA Foundation], as well as that of all the persons within it."

5. That, from the information provided by the State, the representatives, and the Commission (*supra* Having seen paragraphs 3, 4 and 5), it is clear that, although the State has adopted certain measures to improve the detention conditions, and although the violent incidents have decreased, there is still a situation of extreme gravity and urgency, which could result in irreparable damage to the rights to life and personal integrity of the beneficiaries of these measures. In particular, acts of violence among the inmates has been verified, such as the death of the youth, Ricardo Pereira Cunha, which occurred on May 28, 2006, as well as possible acts of aggression perpetrated by the security agents and new uprisings, which have resulted in injuries to several inmates.

6. That, based on the responsibility of the States to adopt safety measures to protect all persons subject to their jurisdiction, the Court finds that this obligation is particularly evident in the case of individuals confined in a detention center, in which case the State is the guarantor of the rights of those who are in its custody.<sup>1</sup>

7. That the obligation of the States to protect all persons subject to their jurisdiction includes the obligation to control the actions of private third parties; an obligation *erga omnes*.<sup>2</sup>

8. That the protection of the life of the child "requires the State to pay special attention to the conditions of a child's life while it is deprived of liberty, because this right has not extinguished or been restricted owing to detention or imprisonment."<sup>3</sup>

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<sup>1</sup> Cf. *Matter of the Urso Branco Prison. Provisional measures*. Order of the Inter-American Court of Human Rights of June 18, 2002, ninth considering paragraph; *Matter of Yare I and Yare II Capital Region Penitentiary Center. Provisional measures*. Order of the Inter-American Court of Human Rights of March 30, 2006, ninth considering paragraph; and *the matter of the Monagas Judicial Detention Center ("La Pica"). Provisional measures*. Order of the Inter-American Court of Human Rights of February 9, 2006, ninth considering paragraph.

<sup>2</sup> Cf. *Matter of Yare I and Yare II Capital Region Penitentiary Center. Provisional measures*, *supra* note 5, fourteenth considering paragraph; *Matter of the Monagas Judicial Confinement Center ("La Pica"). Provisional measures*, *supra* note 1, sixteenth considering paragraph; *Matter of the Children Deprived of liberty in the "Complexo do Tataupé" of FEBEM. Provisional measures*. Order of the Inter-American Court of Human Rights of July 4, 2006, ninth considering paragraph.

<sup>3</sup> Cf. *Case of Bulacio*. Judgment of September 18, 2003. Series C No. 100, para. 126; *Matter of the Children Deprived of liberty in the "Complexo do Tataupé" of FEBEM. Provisional measures*. *supra* note 2,



9. That, even though the Court appreciates the actions adopted by the State to comply with the provisional measures ordered in this case, the acts of violence that have occurred while these measures have been in force reveal the need to continue adopting immediately effective measures of protection; hence, the Court deems it appropriate to maintain the provisional measures in favor of these persons.

10. That problems relating to detention centers require medium and long-term actions to adapt their conditions to the corresponding international standards. However, the States have the obligation to deploy immediate actions that guarantee the physical, mental and moral integrity of the inmates, as well as their right to life and their right to enjoy the minimum conditions for a decent life, especially in the case of children, who require special attention from the State.<sup>4</sup>

11. That the Court considers it necessary that the State implement and adopt, immediately and effectively, all necessary measures to ensure the full exercise of the rights to life and personal integrity of the adolescents interned in the Tatuapé Complex. To ensure that facts such as those described are not repeated, it is not enough for the State to adopt certain measures of protection; these measures must be effective and be implemented effectively.

12. That the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission verified personally the deficient conditions of hygiene and health, and also the overcrowding in the Tatuapé Complex, and received the testimony of several young inmates about the acts of violence that have occurred there (*supra* Having seen paragraph 6).

13. That the representatives have advised that they continue to encounter difficulties to enter the detention units of the Tatuapé Complex of the CASA Foundation, and also that the State has not invited them to take part in the process of planning and implementing these provisional measures.

14. That the State must take all pertinent measures to ensure that the measures of protection are planned and implemented, when applicable, with the participation of the representatives and, in general, must keep them informed about progress in their implementation.

15. That the representatives reiterated that the State must investigate the deaths and complaints of torture and mistreatment promptly and effectively, ordering the dismissal of all the officials involved and administrative and criminal sanctions.

16. That the Commission indicated that the State has failed to make any mention of possible investigations or sanctions for the reported acts of violence that were perpetrated by the CASA Foundation agents against the children and adolescents deprived of liberty.

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tenth considering paragraph, and of July 4, 2006, tenth considering paragraph; *Case of the "Juvenile Reeducation Institute"*. Judgment of September 2, 2004. Series C No. 112, para. 160.

<sup>4</sup> Cf. *Matter of Yare I and Yare II Capital Region Penitentiary Center. Provisional measures, supra* note 1, seventeenth considering paragraph; *the matter of the Monagas Judicial Detention Center ("La Pica")*. *Provisional measures, supra* note 1, nineteenth considering paragraph; *Matter of the Children Deprived of liberty in the "Complexo do Tatuapé" of FEBEM. Provisional measures, supra* note 2, twelfth considering paragraph.

17. That the analysis of the effectiveness of the investigations and proceedings relating to the facts that gave rise to these provisional measures corresponds to the examination of the merits of the case, which is under consideration by the Inter-American Commission.

**THEREFORE:**

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

in exercise of its authority under Article 63(2) of the American Convention on Human Rights and Articles 25 and 29 of its Rules of Procedure,

**DECIDES**

1. To reiterate to the State that it must immediately adopt and maintain the necessary measures to protect the life and personal integrity of all the children and adolescents residing in the FEBEM Tatuapé Complex of the CASA Foundation, as well as that of all the persons within it. To this end, it shall continue to adopt all necessary measures to prevent outbursts of violence, as well as to guarantee the security of the inmates and maintain order and discipline in the said center.

2. To reiterate to the State that it must maintain the necessary measures to prevent the inmates from being subjected to cruel, inhuman or degrading treatment, including prolonged confinement and physical abuse.

3. To reiterate to the State that, without prejudice to the measures ordered in the preceding operative paragraphs that must be implemented immediately, it must maintain and adopt those necessary to: (a) substantially reduce overcrowding in the Tatuapé Complex; (b) confiscate the weapons in the possession of the young people; (c) separate the inmates, according to the corresponding international standards and taking into account the best interests of the child, and (d) provide the necessary medical care to the detained children in order to guarantee their right to personal integrity. In this regard, the State must periodically inspect the detention conditions and the physical and emotional conditions of the detained children, with the participation of the representatives of the beneficiaries of these provisional measures.

4. To reiterate to the State that it should take the necessary steps to ensure that the measures of protection are planned and implemented with the participation of the representatives of the beneficiaries of the measures and that, in general, it keeps them informed of progress in their implementation.

5. To reiterate to the State that it should facilitate the entry of the representatives of the beneficiaries of the measures to the units of the Tatuapé Complex, as well as communications between the latter and the young inmates, which should be conducted in the most confidential manner possible, in order to avoid intimidating the adolescents during the interviews.

6. To reiterate to the State that it should forward to the Court an updated list of all the youths who reside in the Tatuapé Complex.

7. To declare that, in the context of this procedure on provisional measures, it will not consider the effectiveness of the investigations into the facts that gave rise to the measures, nor the alleged negligence of the State in these investigations, because this corresponds to the examination of the merits of the case, which will be dealt with at the appropriate stage in the processing of case 12,328, currently under consideration by the Inter-American Commission on Human Rights.

8. To reiterate to the State that it should continue informing the Inter-American Court of Human Rights every two months on the provisional measures adopted.

9. To reiterate to the representatives of the beneficiaries of these measures and to the Inter-American Commission on Human Rights that they should submit their comments on the State's report within four and six weeks, respectively, of receiving it.

10. To require the Secretariat of the Court to notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the beneficiaries.

Sergio García Ramírez  
President

Cecilia Medina Quiroga

Manuel E. Ventura Robles

Diego García-Sayán

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri  
Secretary

So ordered,

Sergio García Ramírez  
President

Pablo Saavedra Alessandri  
Secretary