

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-81/2023 English

Should you have any trouble viewing this message, please click [HERE](#)



**I/A Court H.R.**  
Protecting Rights



Norwegian Embassy



## **INTER-AMERICAN COURT'S VISIT TO BRAZIL: ON SITE VISIT TO YANOMAMI INDIGENOUS TERRITORY AND HEARINGS ON MONITORING COMPLIANCE WITH JUDGMENT IN BRASILIA**

*San José, Costa Rica, November 6, 2023.-* From October 23 to 27, 2023, a delegation of the I/A Court H.R. and the Registrar's Office visited Brazil. The visit to Yanomami territory took place from October 23 to 25, 2023, and sought to perform an on site monitoring of the implementation of the provisional measures set forth in the Order of July 1, 2022. In addition, on October 26 and 27, a delegation of the I/A Court H.R. visited Brasilia to hold three hearings on Monitoring Compliance with Judgment and several meetings with Brazilian authorities.

The Inter-American Court values Brazil's willingness to collaborate to hold these monitoring procedures in its territory. Specifically, it recognizes the assistance of the Ministry of Foreign Affairs in organizing the aspects necessary to perform the procedures and the support of the Ministry of Justice of Brazil with the logistics required to travel to Yanomami Indigenous Territory.

The Court has highlighted the importance of States allowing this type of procedure in their territory, since this modality of hearings and monitoring activities allow for a rapprochement of the international Court with the victims and their representatives, the authorities and public officials. In addition, these activities enable greater participation by the beneficiaries of the provisional measures, the victims and the various State officials and authorities directly in charge of implementing and executing the various reparations ordered in the Judgments, and they create an opportunity to establish direct dialogue between the parties and more willingness to assume commitments aimed at a prompt compliance with Provisional Measures and reparations.

### **1. On site visit to Yanomami Indigenous Territory to monitor the implementation of Provisional Measures**

In order to supervise the implementation of the Provisional Measures in the *Matter of Members of the Yanomami, Ye'Kwana and Munduruku Indigenous Peoples regarding Brazil*, the delegation of the I/A Court H.R. carried out an *on site* visit and a hearing in the Awaris region, on Yanomami indigenous territory, meetings with associations and attorneys of the Yanomami and Ye'Kwana indigenous peoples, as well as visits to indigenous health centers.

The delegation was composed of the Vice President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, and Judge Nancy Hernández López. The Court's Registrar, Pablo Saavedra Alessandri and Rita Lamy Freund, attorney of the Registrar's Office, were also part of the delegation.

Representatives of the State of Brazil, representatives of the beneficiary Indigenous Peoples and the Inter-American Commission on Human Rights also participated in the *on site* visit.

The goal of the visit was to monitor the implementation of the Provisional Measures adopted by the Court in the Order of July 1, 2022, which required Brazil to immediately adopt the measures necessary to protect the rights to life, personal integrity, health, access to food and drinking water of the Yanomami, Ye'Kwana and Mundurucu Indigenous Peoples. It also ordered the State to adopt the measures necessary to prevent the exploitation of and sexual violence against women and children of the beneficiary Indigenous Peoples; adopt culturally appropriate measures to prevent the spread and mitigate the contagion of illnesses and provide adequate medical attention to the beneficiaries; and adopt the measures necessary to protect the life and personal integrity of the male and female leaders being threatened.

During the *on site* visit, which took place on October 24, 2023, a hearing was held in Awaris community, Yanomami Indigenous Territory, in which declarations and reports were heard from the various leaders of the Yanomami and Ye'Kwana communities that live on different parts of the indigenous territory. Moreover, the State had the opportunity to submit a summary of the provisional measures that it has been adopting since the beginning of the year. Lastly, the Vice President and the Judge of the Court who participated in the procedure were able to ask questions and request additional information from the members of the indigenous peoples present and the State representatives.



The members of the Yanomami and Ye'Kwana communities expressed themselves in their own language, which was interpreted into Portuguese and Spanish. The interventions by the Vice President and the Judge were translated into Portuguese and into the languages of the communities.







On October 23 and 25, 2023, the delegation of the I/A Court H.R. met with Mr. Davi Kopenawa and other members of the Hutukara Yanomami Association; it also met with the attorneys of the Yanomami and Ye'Kwana Indigenous Communities, and visited the Casa de Saúde Indígena (CASAI) indigenous health center and Boa Vista Children's Hospital, which has a unit dedicated to indigenous peoples.



The Vice-President of the Court thanked the Yanomami and Ye'Kwana Indigenous Peoples for being open to receiving the delegation of the I/A Court H.R. in their territory and allowing the hearing to be held, and for all steps and efforts made to transport the leaders of the different communities to Awaris. Moreover, the Vice President thanked the State of Brazil for all of the logistics support, organization and coordination efforts that made this possible.

The Court would like to thank the support and financing of the Spanish Agency for International Cooperation (AECID).

## **2. Hearings on Monitoring Compliance with Judgment in Brasilia**

On October 26 and 27, 2023, a delegation from the I/A Court H.R. held in the city of Brasilia, Brazil, private hearings on Monitoring Compliance with Judgment.

The delegation of the Court was composed of the President of the Court, Judge Ricardo C. Pérez Manrique, the Vice President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot and Judge Nancy Hernández López. They were accompanied by the Court's Registrar, Pablo Saavedra Alessandri, as well as the Director of the Unit of Monitoring Compliance with Judgment, Gabriela Pacheco Arias, and an attorney from that Unit, Agostina Cichero.

The Court thanks the financial cooperation of the Kingdom of Norway to perform these Procedures in Brazil and its support of the work of Monitoring Compliance with Judgments.

### **A. Hearings on Monitoring Compliance with Judgment**

The delegation of the Court held three private hearings on Monitoring Compliance with Judgment, during which it had simultaneous interpreting of Portuguese and Spanish. The hearings took place in the San Tiago Dantas Room of Itamaraty palace, seat of the Ministry of Foreign Affairs.



### **1. Hearing in the Case of Favela Nova Brasilia**

In the Judgment issued in 2017, the State was declared internationally responsible for several human rights violations related to deficiencies in the investigation of the death of 26 persons as a consequence of two raids by the Civil Police in Favela Nova Brasilia, in the city of Rio de Janeiro, in 1994 and 1995, and the lack of investigation of the sexual violence against three women that occurred during those raids.

In the hearing, held on October 26, 2023, eight of the reparations ordered in the Judgment were monitored, namely to:

1. continue the investigation of the facts related to the deaths that occurred in the 1994 raid, in order to identify, prosecute and punish, as appropriate, those responsible; and opening or reopening an effective investigation into the deaths that occurred in the 1995 raid;
2. investigate the acts of sexual violence;
3. provide psychological and psychiatric treatment to the victims;
4. publish annually an official report on the deaths occurred during police operations in all of the country's states;
5. establish the necessary legal mechanisms so that, in situations of presumed deaths, torture or sexual violence resulting from police intervention in which *prima facie*

it appears possible that police agents could be involved, immediately following the *notitia criminis* the investigation is entrusted to an independent body, separate from the police force involved in the incident, such as a judicial authority or the Public Prosecutor's Office, assisted by police, criminalistics and administrative personnel unrelated to the law enforcement agency to which the possible perpetrator or perpetrators belong;

6. adopt the measures necessary for the State of Rio de Janeiro to establish goals and policies to reduce the police lethality and violence;

7. adopt legislative or other measures to allow the victims of offenses and their next of kin to formally and effectively participate in the investigation of crimes committed by the police or the Public Prosecutor's Office, and

8. adopt the measures necessary to standardize the expression "bodily injury or homicide as a result of a police intervention" in the reports and investigations of the police or the Public Prosecutor's Office in cases of death or injuries caused by the actions of the police.



The participants of the hearing in this case were: three victims and one next of kin, who expressed their requests regarding the implementation of the reparation measures ordered in the Judgment; the Center for Justice and International Law (CEJIL) and the Institute of Religious Studies (ISER), legal representatives of the victims in the international proceedings; as well as an Advisor to the Executive Secretary of the Inter-American Commission.





The delegation from the State included authorities and officials from the following institutions: Ministry of Foreign Affairs; Ministry of Human Rights and Citizenship; Attorney General's Office (Advocacia-Geral da União); Ministry of Justice and Public Security; Ministry of Racial Equality; Federal Police; Attorney General's Office of the State of Rio de Janeiro, and the Rio de Janeiro State Secretary of Social Development and Human Rights.



In addition, in application of Article 69.2 of the Rules of Procedure of the Court, which allows it to require relevant data from "other sources of information" apart from the parties, the National Council of Justice of Brazil gave an oral report, based on its expertise, regarding compliance with the referred reparation measures.



## ***2. Hearing in the Case of Workers of the Fireworks Factory of Santo Antonio de Jesús and their next of kin***

In the Judgment issued in 2020, the State was found internationally responsible for the violation of various human rights to the detriment of 60 persons killed and six wounded in an explosion at a fireworks factory in the municipality of Santo Antônio de Jesus, State of Bahia, as well as 100 next of kin of the victims and survivors of the explosion, due to the lack of supervision by the State.

In the hearing held on October 27, 2023, seven of the reparations ordered to the State in the Judgment were monitored, namely to:

1. continue the criminal proceedings that are underway to prosecute and punish, as appropriate, those responsible for the explosion at the fireworks factory;
2. continue the civil cases for compensation of pecuniary and non-pecuniary damages and the labor proceedings underway, to conclude them and facilitate the full execution of the judgments;
3. provide medical, psychological and psychiatric treatment to the victims;
4. systematically and periodically inspect the sites where fireworks are manufactured;
5. provide a progress report on the legislative processing of Brazilian Federal Senate Bill PLS 7433/2017;
6. design and execute a socio-economic development program, in consultation with the victims and their next of kin, in order to facilitate the insertion of those working in the manufacturing of fireworks into other labor markets and to enable the creation of other economic alternatives;
7. provide a report on the application of the National Guidelines on Business and Human Rights.



The participants of the hearing in this case were: the victims and next of kin of the victims of the explosion, and members of the “Movimento 11 de Dezembro” (December 11 Movement), who were heard directly regarding the implementation of the reparation measures ordered in the judgment; the victims’ representatives: the organization Justiça Global (Global Justice), an employee of December 11 Movement and an attorney from Defensoria Pública da União (Brazilian Ombudsman’s Office); as well as an Advisor to the Executive Secretary of the Inter-American Commission.



The delegation from the State included authorities and officials from the following institutions: Ministry of Foreign Affairs; Ministry of Human Rights and Citizenship; Ministry of Racial Equality and the Attorney General's Office.



### **3. *Hearing in the Case of Herzog et al.***

In the Judgment issued in 2018, the State was declared internationally responsible for the violation of several human rights regarding the lack of investigation, prosecution and punishment of those responsible for the detention, torture and murder of journalist Vladimir Herzog, which took place on October 25, 1975.

In the hearing held on October 27, 2023, the five reparations ordered in the judgment that are pending compliance by the State were monitored, namely to:

1. reopen the criminal investigation and proceedings in relation to the events of October 25, 1975, to identify, prosecute and punish, as appropriate, those responsible for the torture and death of Vladimir Herzog, based on the nature of these events as a crime against humanity and their corresponding legal consequences under international law;
2. adopt the most appropriate measures, in accordance with its institutions, to ensure, without exception, the imprescriptibility of incipient actions for crimes against humanity and international crimes, in accordance with this Judgment and the relevant international standards;
3. hold a public act to acknowledge international responsibility for the facts of this case to honor the memory of Vladimir Herzog;
4. publish the Judgment in full in the Official Gazette; the official summary of the Judgment in a national newspaper with widespread circulation, and the Judgment in full and its summary on the official website of the Brazilian Army; and
5. pay the amounts determined for pecuniary and non-pecuniary damages.





The participants of the hearing in this case were: the victim Ivo Herzog, who expressed his requests regarding the implementation of the reparation measures ordered in the judgment; the Center for Justice and International Law (CEJIL), as legal representatives of the victims in the international proceedings; as well as an Advisor to the Executive Secretary of the Inter-American Commission.



The delegation from the State included authorities and officials from the following institutions: Ministry of Foreign Affairs, Ministry of Human Rights and Citizenship and the Attorney General's Office.



In addition, in application of Article 69.2 of the Rules of Procedure of the Court, which allows it to require relevant data from "other sources of information" apart from the parties, the National Council of Justice of Brazil gave an oral report, based on its expertise, on compliance with the guarantee of non-repetition regarding the recognition of imprescriptibility of incipient actions for crimes against humanity and international crimes.



***B. Activity organized by the State regarding the archiving of the Case of Ximenes Lopes v. Brazil***



Moreover, during its visit the delegation of the I/A Court H.R. attended the activity jointly organized by the Ministry of Human Rights and Citizenship and the Ministry of Foreign Affairs regarding the recent closing and archiving of the *Case of Ximenes Lopes v. Brazil*, which took place on October 26 in the Brasilia Room of the Ministry of Foreign Affairs.

In the Order of Monitoring Compliance with Judgment issued on September 25, 2023, the Court concluded the *Case of Ximenes Lopes*, given that Brazil complied with the four reparation measures ordered in the Judgment of July 4, 2006, and the Court declared the conclusion of the monitoring of compliance with the obligation to investigate, prosecute and, if applicable, punish those responsible for the facts of this case. For more information, the Order of September 25, 2023, which declares the archiving of the case can be accessed [here](#).



### **3. Meetings of the Inter-American Court with the authorities of the State of Brazil**

In Brasilia, on October 26 and 27, the delegation of the Inter-American Court held protocol meetings with authorities from the State of Brazil, in which the President of the Court, Judge Ricardo C. Pérez Manrique, the Vice-President Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Nancy Hernández López and Judge Rodrigo Mudrovitsch, as well as Registrar Pablo Saavedra Alessandri participated.

#### **a. Meeting with the President of the Federal Supreme Court of Brazil**



The President of the Federal Supreme Court, Minister Luís Roberto Barroso, received the delegation of the Inter-American Court.

#### **b. Meeting with the President of the Superior Court of Justice of Brazil**





The President of the Superior Court of Justice of Brazil, Minister Maria Thereza received the delegation of the Inter-American Court.

**c. Meeting with the Minister of Justice of Brazil**



The delegation of the I/A Court H.R. met with the Minister of Justice of Brazil, Flávio Dino de Castro e Costa.

**d. Meeting with the Attorney General's Office**



The delegation of the I/A Court H.R. was received by the Attorney General's Office. An agreement was signed by the institutions to promote training and dissemination of the Court's jurisprudence in Brazil.

#### e. Meeting with the Ministry of Foreign Affairs of Brazil

The delegation of the I/A Court H.R. was received by the General Secretary of the Ministry of Foreign Affairs of Brazil, Ambassador Maria Laura de Rocha, acting interim Minister of Foreign Affairs.



\*\*\*

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which is the only responsible for its content.

For the latest information please visit the website of the Inter-American Court, <https://www.corteidh.or.cr/index.cfm?lang=en>, or send an email to Pablo Saavedra Alessandri, Secretary, at [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr). For press inquiries please contact Gabriela Sancho at [prensa@corteidh.or.cr](mailto:prensa@corteidh.or.cr).

You can subscribe to the information services of the Court [here](#). You can sign up for updates from the Court here or unsubscribe sending an email to [comunicaciones@corteidh.or.cr](mailto:comunicaciones@corteidh.or.cr). You can also follow the activities of the Court on [Facebook](#), [Twitter](#) (@CorteIDH for the Spanish account and @IACourtHR for the English account), [Instagram](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

Inter-American Court of Human Rights. 2023. 

Esta obra está bajo una [Licencia Creative Commons Atribución-NoComercial-SinDerivadas 3.0 Unported](#)

Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



[www.corteidh.or.cr](http://www.corteidh.or.cr)  
[corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)



(506) 2527-1600



10th Av, between street 45  
and street 47, Los Yoses, San  
Pedro, San Jose, Costa Rica.

Follow us:

