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Barbosa de Souza et al. v. Brazil

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Barbosa de Souza et al. v. Brazil

Cover Page Footnote

Cristina Tenorio, Author; Callie Keller, Editor; Emily Bernstein and Davina Shoumer, Senior IACHR Editors; Sophia Suarez, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

Barbosa de Souza et al. v. Brazil

ABSTRACT¹

This case is about the murder of a young Black woman by a member of the legislature of the State of Paraíba, in Brazil. Investigation and prosecution of the murder were hindered by parliamentary immunity. Eventually, the Court found Brazil in violation of several articles of the American Convention and of the Convention of Convention of Belém do Pará.

I. FACTS

A. Chronology of Events

June 13, 1998: Ms. Márcia Barbosa de Souza, a Black twenty-year-old student, travels from Cajazeiras, Paraíba to João Pessoa, Paraíba in search of work.² She is the daughter of Mr. Severino Reinaldo de Souza and Mrs. Marineide Barbosa de Souza.³ Ms. Márcia Barbosa de Souza and her family have limited economic resources.⁴ In João Pessoa she stays at the Canta Maré guesthouse.⁵ During two prior visits to João Pessoa, Ms. Barbosa de Souza stayed with her friend who observed her contact Mr. Aécio Pereira de Lima, an elected state deputy (legislator) in Paraíba.⁶

¹ Cristina Tenorio, Author; Callie Keller, Editor; Emily Bernstein and Davina Shoumer, Senior IACHR Editors; Sophia Suarez, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

² *Barbosa de Souza et al. v. Brazil*, Report on Merits, Report No. 10/19, Inter-Am. Comm'n H.R., Case No. 12.263, ¶ 19, 21 (Feb. 12, 2019).; *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, Judgment, Inter-Am. Ct. HR. (ser. C) No. 435, ¶ 65 (Sept. 7, 2021).

³ *Barbosa de Souza et al. v. Brazil*, Admissibility Report, Report No. 38/07, Inter-Am. Comm'n H.R., Case No. 12.263, ¶ 14 (July 26, 2007).

⁴ *Barbosa de Souza et al. v. Brazil*, Report on Merits, Report No. 10/19, Inter-Am. Comm'n H.R., Case No. 12.263, ¶ 19 (Feb. 12, 2019).

⁵ *Id.* ¶ 21.

⁶ *Id.* ¶¶ 3, 21.

June 17, 1998: Ms. Barbosa de Souza receives a call from Mr. Pereira de Lima's cellphone at 6:48 p.m. and leaves the Canta Maré to meet him.⁷ At 9:11 p.m., there is a call from Mr. Pereira de Lima's cellphone at Motel Trevo to a residence in Cajazeiras, near Ms. Barbosa de Souza's family home.⁸ Ms. Barbosa de Souza and Mr. Pereira de Lima speak to several people during the call.⁹ Ms. Barbosa de Souza speaks with her mother, who recalls that she seemed happy, mentioning she got a job and now plans to stay in João Pessoa.¹⁰

June 18, 1998: In the morning, a passerby sees a vehicle belonging to Mr. Pereira de Lima stop near a vacant lot in João Pessoa and sees someone throwing something out of the vehicle.¹¹ The passerby approaches and finds a body later identified as Ms. Barbosa de Souza.¹² Ms. Barbosa de Souza had bruises on her nose, lips, and forehead as well as sand on her body.¹³

June 19, 1998: The police open investigation No. 18/98 into Ms. Barbosa de Souza's death.¹⁴ The investigation reveals that Ms. Barbosa de Souza died from asphyxiation by suffocation.¹⁵ It also determines that Ms. Barbosa de Souza suffered internal bleeding in her skull, abdomen, and neck.¹⁶ As a result, the investigation concludes that Ms. Barbosa was beaten and strangled before she was killed.¹⁷

July 21, 1998: The lead investigators report that all evidence suggests that Mr. Pereira de Lima was involved in Ms. Barbosa de Souza's death

⁷ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 21.

⁸ *Id.*

⁹ *Id.*

¹⁰ Barbosa de Souza et al. v. Brazil, Admissibility Report, ¶ 15; In contrast, the Centro por la Justicia y el Derecho Internacional ("CEJIL") reported that witnesses to the telephone calls say Ms. Barbosa de Souza sounded worried and distressed. This was reported to her family; however, they did not have the economic means to check on her. CEJIL also reported that Mr. Pereira de Lima offered Ms. Barbosa de Souza the job. Centro por la Justicia y el Derecho Internacional, *Femicide of Márcia Barbosa de Souza will be judged in the Inter-American Court of Human Rights in February, 23 years after the facts*, CEJIL (Apr. 21, 2021), <https://cejil.org/en/press-releases/femicide-of-marcia-barbosa-de-souza-will-be-judged-in-the-inter-american-court-of-human-rights-in-february-23-years-after-the-facts/>.

¹¹ Barbosa de Souza et al. v. Brazil, Admissibility Report, ¶ 22.; Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 68.

¹² Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 22.

¹³ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 68.

¹⁴ *Id.* ¶ 70.

¹⁵ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 22.

¹⁶ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 68.

¹⁷ *Id.*

and that Mr. Douglas Domingos Pedrosa de Mendonça, Mr. André Glauco de Almeida Menezes, Ms. Luciana Barbosa de Sá and Ms. Maria Diva de Medeiros also participated.¹⁸ Although Mr. Pereira de Lima seems to be involved, the investigator struggles to interview him because he has parliamentary immunity.¹⁹ During investigation, the police ask witnesses about Ms. Barbosa de Souza's sexuality, Personality, and social life.²⁰ Police fail to interview key witnesses and acquire evidence.²¹

July 23, 1998: The Paraíba police forward the investigation files to the office of the Public Prosecutor which requests judicial permission to conduct additional investigation.²²

July 28, 1998: A judge authorizes the request for additional investigation and gives police twenty-days to complete their investigation.²³

August 24, 1998: Under Article 53 of Brazil's Constitution, as applied to State Deputies by Article 27, the Paraíba Legislative Assembly must first authorize interview requests and criminal actions against a member of a state legislative body.²⁴

August 27, 1998: The local police conclude the investigation.²⁵ The investigation indicates that Mr. Pereira de Lima committed the crimes of homicide and concealing a corpse.²⁶ Mr. Pedrosa de Mendonça, Ms. Diva de Medeiros, Ms. Barbosa de Sá, and Mr. Glauco de Almeida Menezes are also indicted for their participation in both crimes.²⁷ These suspects do not have parliamentary immunity, and the police separate the investigations of the four from Mr. Pereira de Lima.²⁸

September 10, 1998: Mr. Pereira de Lima's case is transferred to the

¹⁸ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 70.

¹⁹ *Id.*

²⁰ *Id.* ¶ 71.

²¹ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 23.

²² *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 72.

²³ *Id.*

²⁴ *Id.* ¶¶ 72, 3.

²⁵ *Barbosa de Souza et al. v. Brazil*, Admissibility Report, ¶ 2.

²⁶ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 22.

²⁷ *Id.*

²⁸ *Id.* ¶ 23.

office of the Attorney General.²⁹

September 24, 1998: The Attorney General's Office interviews Mr. Pereira de Lima.³⁰ He states that he only met Ms. Barbosa de Souza on June 17, 1998, when she asked for money and to use his cell phone.³¹

October 8, 1998: The Attorney General files criminal charges against Mr. Pereira de Lima with the Court of Criminal Justice.³²

October 14, 1998: The Judicial Coordination of the Court of Criminal Justice requests authorization from the President of the Legislative Assembly to take criminal action against Mr. Pereira de Lima.³³

December 14, 1998: The Prosecutor for the case against the other suspects requests that the police conduct additional unspecified tests, which the police failed to do upon the Prosecutor's previous request.³⁴

December 17, 1998: The Legislative Assembly's Resolution No. 614/98 denies the request to initiate criminal actions against Mr. Pereira de Lima.³⁵

March 31, 1999: The Judicial Coordination renews its request for criminal action against Mr. Pereira de Lima at the start of a fresh parliamentary period.³⁶

September 29, 1999: The Legislative Assembly again denies the request.³⁷

August 8, 2000: The Prosecutor requests a judicial order for police to conclude the investigation into the death of Ms. Barbosa de Souza and the other suspects' involvement.³⁸

²⁹ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 24.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* ¶ 75.

³³ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 25.

³⁴ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 83.

³⁵ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 25.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 84.

August 14, 2000: The judge accepts the Prosecutor's request.³⁹

December 26, 2000: The new police Commissioner requests an extension to complete the investigation and report for the case against the other suspects.⁴⁰

October 1998-December 2001: Multiple requests are made to the police for information regarding the investigation.⁴¹ Police Delegate Carlos da Silva Neto fails to reply to these requests.⁴²

March 2001: The Prosecutor requests that the police hand over investigation files for the case against the other suspects.⁴³

April 2, 2001: The Police Commissioner expresses that he had taken sufficient procedural steps and refuses to complete all the Prosecutor's requests regarding the investigation of the other suspects.⁴⁴

June-December 2001: The Prosecutor continues to request the above information for the case against the other suspects from the Commissioner and the Commissioner fails to provide it, which could result in criminal liability.⁴⁵

December 20, 2001: Constitutional Amendment No. 35/2001 passes and modifies Article 53 of the Constitution to allow independent criminal actions against a member of a legislative body without the Legislative Assembly's authorization.⁴⁶ However, the amendment still requires that, after the criminal process has begun, the legislative body of the defendant is notified of the case.⁴⁷ The legislative body may suspend criminal proceedings if there is a majority vote to do so.⁴⁸

³⁹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 84.

⁴⁰ *Id.*

⁴¹ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 23.

⁴² *Id.*

⁴³ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 85.

⁴⁴ *Id.*

⁴⁵ *Id.* ¶¶ 85-86.

⁴⁶ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 26.

⁴⁷ *Id.*

⁴⁸ *Id.*

April 12, 2002: The Judicial Coordination of the Court of Justice sends the case to the Presidency of the Court because of the newly passed amendment.⁴⁹

October 25, 2002: The magistrate of the Court of Justice orders Mr. Pereira de Lima to be notified and present his considerations but Mr. Pereira de Lima does not make a statement.⁵⁰

February 11, 2003: The Regional Electoral Court notifies the Court of Justice that Mr. Pereira de Lima no longer holds any legislative position.⁵¹

February 26, 2003: Criminal actions against Mr. Pereira de Lima are filed in the Jury Courts of the District of Court of João Pessoa, specifically in the Court of First Instance.⁵²

March 2003: The Public Prosecutor's Office recommends that the case against Mr. Pedrosa de Mendonça, Ms. Barbosa de Sá, Mr. Glauco de Almeida Menezes, and Ms. Diva de Medeiros is dismissed because of insufficient evidence.⁵³ The judge dismisses the case.⁵⁴

April 7, 2003: The criminal preliminary hearing occurs, and Mr. Pereira de Lima denies all charges against him.⁵⁵

April 7, 2003-July 27, 2005: There are five hearings where prosecution and defense witnesses testify.⁵⁶ During trial, Mr. Pereira de Lima requests that over 150 pages of newspaper articles alleging that Ms. Barbosa de Souza was a prostitute and overdosed or committed suicide are added to the case file.⁵⁷

July 27, 2005: Mr. Pereira de Lima is arraigned for the crimes against Ms. Barbosa de Souza.⁵⁸ The Court finds that there is sufficient

⁴⁹ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 26.

⁵⁰ *Id.* ¶ 27.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 87.

⁵⁴ *Id.*

⁵⁵ *Id.* ¶ 28.

⁵⁶ *Id.*

⁵⁷ *Id.* ¶ 71.

⁵⁸ *Id.* ¶ 78.

evidence to refer Mr. Pereira de Lima to a Jury Court.⁵⁹

August 3, 2005: The defense appeals.⁶⁰

November 1, 2005: The lower court affirms Mr. Pereira de Lima's arraignment.⁶¹

January 3, 2006: The Criminal Chamber of the Court also rejects the appeal.⁶²

February 15, 2006: The defense files a special appeal.⁶³

June 25, 2007: The Jury Court begins its first session in the case against Mr. Pereira de Lima.⁶⁴

September 26, 2007: The Jury Court sentences Mr. Pereira de Lima to sixteen years in prison for the crimes committed against Ms. Barbosa de Souza.⁶⁵

September 27, 2007: Mr. Pereira de Lima appeals this judgment.⁶⁶

February 12, 2008: Mr. Pereira de Lima dies from a heart attack at home while his case was on appeal and Ms. Barbosa de Souza's case is closed.⁶⁷ The Assembly President suspends the first legislative session, and several politicians attend the wake during a three-day official mourning period for Mr. Pereira de Lima.⁶⁸ Ms. Barbosa de Souza's family learn of Mr. Pereira de Lima's death.⁶⁹

⁵⁹ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 78.

⁶⁰ *Id.* ¶ 79.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.* The Commission states that the trial began on June 26, 2007. *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 29.

⁶⁵ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 30.

⁶⁶ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 79.

⁶⁷ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 30; Lilla Ferreria, *Aercio's Body is Veiled in the AL; Funeral will be Today at 10am*, CLICK PB

(Feb. 12, 2008), <https://www.clickpb.com.br/paraiba/corpo-de-aercio-e-velado-na-al-enterro-sera-hoje-as-10h-29339.html>.

⁶⁸ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 30

⁶⁹ *Id.* ¶ 4; *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 81.

B. Other Relevant Facts

Prior to Ms. Barbosa de Souza's death, an IACHR Report identified the Brazilian judicial system's ineffectiveness and discrimination against female victims of violence.⁷⁰ In 2001, the Commission published a Merits Report in the case of Ms. Maria da Penha Fernandes, another case of violence against a woman in Brazil.⁷¹ In this report, the Commission identified violence against women as a systemic issue in Brazil.⁷² In 2006, Brazil passed Law No. 11,340, or the Maria da Penha Law, to address issues of domestic and family violence against women.⁷³ In 2006 and 2010, the World Health Organization ranked Brazil seventh out of 84 countries for homicide of women.⁷⁴ Subsequently, in 2012, the United Nations Committee on the Elimination of Discrimination Against Women was still concerned about the violence against women in Brazil and that Brazil was not complying with the Maria da Penha Law.⁷⁵

In 2015, Brazil's Senate conducted a survey finding that: (1) 20% of Brazilian women reported they experienced either domestic or family violence; (2) women with lower education levels were more affected; (3) women first experience domestic violence when they are 20-29 years old; (4) that roughly 21% of women experiencing abuse did not seek social or legal help for various reasons; (5) about 73% of people who abused women were partners of the opposite sex living with them and were not related by blood; (6) 48% rated care from police for victims as excellent or good, 14% rated care as regular, and 38% rated care between bad or very bad.⁷⁶ Additionally in 2015, Brazil adopted femicide as another category of homicide.⁷⁷ That same year, the Latin American Faculty of Social Science found that Brazil was among the top five countries with gender-based murder rates.⁷⁸

Violent homicide rates of Brazilian women vary by race.⁷⁹ Black women are 66% more likely to be murdered as opposed to white women.⁸⁰ Between the years of 2003 and 2013, murder rates for white

⁷⁰ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 13.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* ¶ 14.

⁷⁴ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 51.

⁷⁵ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 15.

⁷⁶ *Id.*

⁷⁷ *Id.* ¶ 16.

⁷⁸ *Id.*

⁷⁹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 53.

⁸⁰ *Id.*

women decreased whereas murder rates for Black women increased by 54%.⁸¹ Research by Violence Monitor in the first six months of 2020 revealed that 75% of the women murdered in Brazil were Black.⁸²

II. PROCEDURAL HISTORY

A. Before the Commission

March 28, 2000: The Center for Justice and International Law (Centro por la Justicia y el Derecho Internacional; “CEJIL”), the National Human Rights Movement (Movimiento dos Direitos Humanos), Regional Nordeste and the Gabinete de Assessoria Jurídica às Organizações Populares (Office of Legal Advice to Popular Organizations; “GAJOP”) petition the Inter-American Commission of Human Rights on behalf of Ms. Barbosa de Souza and her family.⁸³

July 26, 2007: The Commission approves and adopts Admissibility Report No. 38/07.⁸⁴

February 12, 2019: The Commission issues Merit Report No. 10/19.⁸⁵ It determines the State has violated Articles 5(1) (Right to Physical, Mental, Moral Integrity), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 24 (Right to Equal Protection), and 25(1) (Right of Recourse Before a Competent Court) of the American Convention on Human Rights, in relation to Article 4 (Right To Life), and Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligations to Give Legal Effect to Rights) of the American Convention.⁸⁶ The Commission also finds the State violated Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Convention of Belém do Pará.⁸⁷ As a result, the Commission recommends that Brazil provide reparations to Ms. Barbosa de Souza’s family, investigate all possible perpetrators of the murder, investigate the reasons behind the delays and omissions in the investigation,

⁸¹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 53.

⁸² *Id.*

⁸³ *Id.* ¶ 2.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Barbosa de Souza et al. v. Brazil, Report on Merits, ¶ 75.

⁸⁷ *Id.*

regulate legislative immunity, and continue complying with the Maria da Penha's law.⁸⁸

April 11, 2019: The State is notified of the Merits Report.⁸⁹ The State submits a report expressing willingness to comply but provides no further information.⁹⁰ Additionally, the State does not seek an extension.⁹¹

B. Before the Court

July 11, 2019: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁹²

August 14, 2019: The parties are notified of the case's submission to the Court.⁹³

October 21, 2019: The representatives present their briefs, motions, and evidence to the Court.⁹⁴ They agree with the findings of the Commission and allege additional violations of Article 5 (Right to Humane Treatment), Articles 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the Convention in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention and of Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Convention of Belém do Pará, to Ms. Barbosa de Souza's mother, father, and sister.⁹⁵ Additionally, representatives of Ms. Barbosa de Souza's family request reparations and relief from the Victim's Legal Assistance Fund of the Inter-American Court.⁹⁶

February 17, 2020: The State replies, presenting three preliminary objections and opposing the representatives' additional violations and the reparations sought.⁹⁷

⁸⁸ Barbosa de Souza et al. v. Brazil, Report on Merits, "The Inter-American Commission on Human Rights Recommends to the State Brazilian" ¶¶ 1-4.

⁸⁹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 2.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.* ¶ 3.

⁹³ *Id.* ¶ 5.

⁹⁴ *Id.* ¶ 6.

⁹⁵ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 6.

⁹⁶ *Id.*

⁹⁷ *Id.* ¶ 7.

June 10-11, 2020: The representatives and Commission present observations on the State’s preliminary objections.⁹⁸

February 3-4, 2020: A public hearing takes place to hear final oral arguments, observations on preliminary objections, proposed merits, reparations and costs, and witness statements, including expert witnesses.⁹⁹ The Court receives six amici curiae briefs submitted by: (1) various Brazilian lawyers and investigators; (2) the International Law Clinic of the University of Curitiba; (3) the Human Rights and Environmental Law Clinic of the University of the State of Amazonas; (4) the International Human Rights Clinic of the Federal University of Rio de Janeiro; (5) the Human Rights Clinic of the Brazilian Institute for Teaching, Research, and Development; and (6) the Human Rights Clinic of the Federal University of Bahia.¹⁰⁰

March 5, 2021: The representatives, State, and Commission submit final written arguments and observations.¹⁰¹

March 24, 2021: The State and Commission submit comments on the representatives’ annexes.¹⁰² The Commission makes no further observations.¹⁰³

September 6-7, 2021: The Court deliberates the case.¹⁰⁴

1. Violations Alleged by Commission¹⁰⁵

Article 5(1) (Right to Physical, Mental, Moral Integrity)
 Article 8(1) (Right to a Hearing Within Reasonable Time by a
 Competent and Independent Tribunal)
 Article 24 (Right to Equal Protection)
 Article 25(1) (Right of Recourse Before a Competent Court)
all in relation to:
 Article 4 (Right to Life)
 Article 1(1) (Obligation of Non-Discrimination)

⁹⁸ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 8.

⁹⁹ *Id.* ¶ 9.

¹⁰⁰ *Id.* ¶ 10.

¹⁰¹ *Id.* ¶ 11.

¹⁰² *Id.* ¶ 12.

¹⁰³ *Id.*

¹⁰⁴ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 13.

¹⁰⁵ *Barbosa de Souza et al. v. Brazil*, Report on Merits, ¶ 75.

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

And Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Convention of Belém do Pará.

2. Violations Alleged by Representatives of the Victims¹⁰⁶

Same Violations Alleged by Commission, plus:

Article 5 (Right to Humane Treatment),

Articles 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection) of the American Convention,
all in relation to:

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

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

And Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Convention of Belém do Pará.

III. MERITS

A. *Composition of the Court*¹⁰⁷

Elizabeth Odio Benito, President

L. Patricio Pazmiño Freire, Vice-President

Humberto Antonio Sierra Porto, Judge

Eduardo Ferrer Mac-Gregor Poisot, Judge

Eugenio Raúl Zaffaroni, Judge

Ricardo C. Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

Romina I. Sijniensky, Deputy Secretary

¹⁰⁶ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 6. Beatriz Galli, Gisela de León, Thais Detoni and Viviana Kristicevic from CEJIL and Eliel David Alves da Silva and Rodrigo Deodato de Souza Silva from GAJOP serve as representatives for Ms. Barbosa de Souza's mother, father, and sister, respectively.

¹⁰⁷ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, n. *. Judge Eduardo Vio Grossi, by reason of force majeure, is unable to participate in the deliberation and signing of the Judgment.

B. Decision on the Merits

September 7, 2021: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.¹⁰⁸

The Court found unanimously:

To partially admit the State’s preliminary objection that the Court’s lacked temporal jurisdiction for the alleged human rights violations of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) that occurred or began before December 10, 1998¹⁰⁹ because:

On September 25, 1992, Brazil ratified the American Convention on Human Rights.¹¹⁰ Later, on November 27, 1995, Brazil ratified the Convention Belém de Pará.¹¹¹ Additionally, on December 10, 1998, Brazil recognized the Court’s jurisdiction with the condition that jurisdiction would be applied after the date of recognition.¹¹² However, the Court stated that it can evaluate and rule on alleged violations related to judicial proceedings which began after December 10, 1998, even if they occurred before the date of recognition.¹¹³

To reject the State’s preliminary objection that the representatives failed to exhaust domestic remedies¹¹⁴ because:

The representatives emphasized that the State made only one unrelated objection to the Commission days before the Admissibility Report was approved, and so the State waived this objection.¹¹⁵ The Court found that Brazil properly objected before the Admissibility report was adopted.¹¹⁶ An exception to the requirement that domestic remedies have been exhausted is that is that it is impossible to do so.¹¹⁷ At the time the petition was submitted to the Commission, the Legislative

¹⁰⁸ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 6.

¹⁰⁹ *Id.* ¶ 16.

¹¹⁰ *Id.* ¶ 19.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.* ¶¶ 19-22.

¹¹⁴ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 24.

¹¹⁵ *Id.* ¶ 25.

¹¹⁶ *Id.* ¶ 29.

¹¹⁷ *Id.* ¶ 30.

Assembly had denied the necessary authorization to initiate judicial proceeding, which made exhaustion of domestic remedies impossible.¹¹⁸ Later, representatives further elaborated that significant delays in the judicial proceedings had already occurred before the Admissibility Report's approval and relied on this as an alternative exception.¹¹⁹ Because there was a connection between the State's objection and alleged violations of the Convention, the Court dismissed this preliminary objection.¹²⁰

The Court found unanimously that Brazil had violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 24 (Right to Equal Protection), and 25 (Right of Recourse Before A Competent Court) in relation to Article 1(1) (Obligation of Non-Discrimination) and 2 (Obligations to Give Legal Effect to Rights) of the American Convention,¹²¹ and Article 7(b) (Duty to Prevent, Investigate, and Punish Violence) of Convention of Belém de Pará, to the detriment of Mr. Reinaldo de Souza and Mrs. Barbosa de Souza,¹²² because:

The Court held that the application of the Brazilian constitution's parliamentary immunity, the lack of due diligence in investigating the other suspects, the failure to investigate, prosecute, and punish within a reasonable time, and the gender discrimination in the criminal investigations violated Articles 8 (Right to a Fair Trial), 24 (Right to Equal Protection), and 25 (Right to Judicial Protections) of the Convention and Article 7(b) (Duty to Prevent, Punish, and Eradicate Violence Against Women) of Convention of Belém de Pará.¹²³

First, the Court noted that this case is the first time it had the chance to discuss parliamentary immunity, right to justice and obligation to investigate.¹²⁴ The Court stated that parliamentary immunity must ensure the legislative body's independence rather than shield the members from criminal liability and deny justice to victims.¹²⁵ Article 27 of Brazil's constitution shielded the parliamentary from

¹¹⁸ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 30.

¹¹⁹ *Id.* ¶¶ 25, 30.

¹²⁰ *Id.* ¶¶ 32, 34.

¹²¹ *Id.* "The Court Declares" ¶ 3.

¹²² *Id.*

¹²³ *Id.* ¶¶ 123, 133, 137, 150, 151.

¹²⁴ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 99.

¹²⁵ *Id.* ¶ 100.

*material immunity regarding their votes, opinions and ideas while serving in office and procedural immunity which could prevent whether criminal proceedings could be initiated or continued against the representative.*¹²⁶ *This case only analyzed the procedural immunity, the preventative arrest against a parliamentarian which conditions any further criminal actions on the consent of the parliamentarian chamber they belong to.*¹²⁷ *Here, the Court analyzed how the procedural immunity prevented criminal proceedings against Mr. Pereira de Lima.*¹²⁸ *The Court then acknowledged that many other countries, including other Latin American countries, have similar legislative immunity for government officers.*¹²⁹

*However, the Court specified that the application of legislative procedural immunity must depend on each case's circumstances so that the legislature balances protecting legislators' independence and others' right to access justice.*¹³⁰ *The Court explained this process is required by the purpose of this immunity.*¹³¹ *Under Article 8 (Right to a Fair Trial), legislative authorities must provide reasoning for decisions if it affects individual rights because there can be arbitrary denials of rights without this reasoning.*¹³² *Thus, the legislature must provide the reasoning behind applying immunity by voting on a written opinion or report.*¹³³ *The Court determined that the legislature must complete three things in order to apply procedural immunity: (1) have clear rules of an expeditious procedure to guarantee due process protections; (2) apply a test to balance concerns of procedural immunity's effects on the access to justice, and consequences of not prosecuting the accused crime; and (3) justify this decision in relation to the crime alleged against the legislator.*¹³⁴ *In addition, Brazil has a duty to regulate how parliamentary immunity is used to guarantee access to justice and to create domestic laws that reflect duties within the Convention's provisions.*¹³⁵

¹²⁶ *Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs,* ¶¶ 101-102.

¹²⁷ *Id.* ¶¶ 102-103.

¹²⁸ *Id.* ¶ 103.

¹²⁹ *Id.* ¶¶ 104, 106.

¹³⁰ *Id.* ¶ 107.

¹³¹ *Id.* ¶ 108.

¹³² *Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs,* ¶¶ 109-110.

¹³³ *Id.*

¹³⁴ *Id.* ¶ 111.

¹³⁵ *Id.* ¶ 114.

The Court agreed with experts that Brazil's constitution required legislative approval for investigating and charging their members which enabled arbitrary decisions into this approval.¹³⁶ When the Legislative Assembly rejected and denied authorization for law enforcement to take criminal actions against Mr. Pereira de Lima, it failed to provide any reasoning,¹³⁷ since it was not clearly required by the Legislative Assembly or under the Constitution.¹³⁸ The Court also concluded that the second authorization request failed to follow established procedures.¹³⁹ The procedure followed, particularly after the second request for criminal actions, should have been analyzed with the Convention in mind since it was a case of violence against women and was unrelated to Mr. Pieria de Lima's legislative duties.¹⁴⁰ At the time of the two rejections by the Legislative Assembly, Brazil's laws and constitution hindered Ms. Barbosa de Souza's and her family's access to justice under the Convention.¹⁴¹

Second, the Court analyzed the State's investigation into other suspects.¹⁴² Where there are indications that there has been violence due to gender discrimination, the failure to investigate this discrimination, and prosecute it could be additional gender discrimination and normalizes the continuation of gender discrimination in society.¹⁴³ The Court reiterated that due diligence throughout the investigation and prosecution can be satisfied if the State demonstrates it has made all possible efforts, in a reasonable time, to investigate with a gendered perspective, identify and punish the perpetrators regardless of their social status.¹⁴⁴ This obligation does not require that the State successfully identifies the perpetrators, but that the State has conducted a serious, effective and objective investigation.¹⁴⁵ Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention, and, as also the Convention of Belém de Pará, require that States diligently prevent, eradicate, and

¹³⁶ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶¶ 112-113.

¹³⁷ *Id.* ¶ 118.

¹³⁸ *Id.* ¶ 114.

¹³⁹ *Id.* ¶ 119.

¹⁴⁰ *Id.* ¶ 120.

¹⁴¹ *Id.* ¶¶ 121, 123.

¹⁴² Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 124.

¹⁴³ *Id.* ¶ 125.

¹⁴⁴ *Id.* ¶¶ 126-127.

¹⁴⁵ *Id.* ¶ 128.

*punish violence against women.*¹⁴⁶ *When there is violence against women, the State must investigate effectively to not only eradicate violence against women but to also provide victims security and confidence in the State.*¹⁴⁷ *Where there is evidence of sexual violence or other cruelty to the woman, or in the context of national or regional trends of violence against women, the State must investigate possible gender discrimination through a gendered perspective with trained officers.*¹⁴⁸ *Here, the Police Commissioner in charge of investigating the other suspects failed to comply with multiple investigative inquiries for several months, ultimately leading to the case's dismissal for insufficient evidence.*¹⁴⁹ *As such, the State did not satisfy its due diligence obligation and failed to competently investigate all suspects.*¹⁵⁰

*Third, victims and their next of kin have the right to access justice within a reasonable time in human rights violation cases.*¹⁵¹ *This right includes learning the truth of what occurred to their family member and for the investigation, prosecution, and punishment of the perpetrators of the crime.*¹⁵² *A delay in justice may in itself violate this right.*¹⁵³ *Here, the delay consists of an additional the five-year wait because the Legislative Assembly refused to authorize criminal actions against Mr. Pereira de Lima,¹⁵⁴ the lack of judiciary response,¹⁵⁵ and the ten years between the murder of Ms. Barbosa de Souza and a conviction.*¹⁵⁶

*Lastly, the Court highlighted that the legal principles of non-discrimination and equality before the law require that everyone is treated equally.*¹⁵⁷ *These principles are recognized as jus cogens by the international community and so states are obligated to prevent de jure and de facto discrimination.*¹⁵⁸ *Under Article 1(1) (Obligation of Non-Discrimination) of the Convention, states must also respect and protect everyone's rights protected by the Convention without*

¹⁴⁶ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs ¶ 129.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* ¶ 130.

¹⁴⁹ *Id.* ¶ 132.

¹⁵⁰ *Id.* ¶ 133.

¹⁵¹ *Id.* ¶ 134.

¹⁵² Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 134.

¹⁵³ *Id.*

¹⁵⁴ *Id.* ¶ 135.

¹⁵⁵ *Id.* ¶ 136.

¹⁵⁶ *Id.* ¶ 137.

¹⁵⁷ *Id.* ¶ 138.

¹⁵⁸ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 138.

*discrimination.*¹⁵⁹ *Although Articles 1(1) (Obligation of Non-Discrimination) and 24 (Right to Equal Protection) are similar, Article 24 requires states to apply all domestic laws equally and indiscriminately.*¹⁶⁰ *Additionally, this Article establishes an obligation for states to adopt measures to protect historically marginalized groups.*¹⁶¹ *The Convention on the Elimination of All Forms of Discrimination against Women recognizes that gender-based stereotypes within society and the judicial system affect women's human rights and access to justice.*¹⁶² *Similarly, the Belém do Pará Convention recognizes that this gender violence is because of historically unequal power dynamics.*¹⁶³ *Women have the right to be free of violence which includes being free from discrimination.*¹⁶⁴ *The Court has previously recognized that gender stereotypes include beliefs of women's characteristics, gender roles, attributes from socially pervasive and persistent stereotypes.*¹⁶⁵ *Gender stereotypes also affect individual State officials who revictimize victims during investigation or the preliminary complaint process where they may fail to recognize there was violence or judge the victim's and witnesses' credibility.*¹⁶⁶ *These gender stereotypes may lead police to not investigate if they blame the female victims based on perceptions that the victims are gang members, prostitutes, inconsequential, or sexually active.*¹⁶⁷

*The Court found that the State actors intended to devalue Ms. Barbosa de Souza's experience throughout the investigation and court hearings because both focused on her behavior, sexuality, and use of drugs and alcohol.*¹⁶⁸ *Gender stereotypes altered how the police investigated and also what evidence was presented at trial.*¹⁶⁹ *This was evident because each of the 12 trial witnesses were questioned about Ms. Barbosa de Souza's consumption of drugs and alcohol despite toxicology reports and an autopsy showing insignificant amounts of these substances present in her blood.*¹⁷⁰ *Here, Ms. Barbosa de Souza was also discriminated against through the media's use of gender-based*

¹⁵⁹ *Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs*, ¶ 139.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* ¶ 140.

¹⁶² *Id.* ¶ 141.

¹⁶³ *Id.* ¶ 142.

¹⁶⁴ *Id.*

¹⁶⁵ *Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs*, ¶ 143.

¹⁶⁶ *Id.* ¶ 144.

¹⁶⁷ *Id.* ¶ 145.

¹⁶⁸ *Id.* ¶¶ 146-147.

¹⁶⁹ *Id.* ¶ 146.

¹⁷⁰ *Id.* ¶ 147.

*stereotypes that questioned her personal and sexual life in contrast with Mr. Pereira de Lima, who the media portrayed as a family man.*¹⁷¹ *Gender stereotypes and discrimination throughout the investigation and criminal proceedings of Ms. Barbosa de Souza's case violated her family's right to justice and right to equality.*¹⁷²

Article 5(1) (Right to Physical, Mental, and Moral Integrity) in relation to Article 1(1) (Obligation of Non-Discrimination) of the American Convention, to the detriment of Mr. Reinaldo de Souza and Mrs. Barbosa de Souza,¹⁷³ because:

*The Court reiterated that victim's family members' right to psychological and moral integrity can be violated because of human rights violations perpetrated against their family member and the State's subsequent actions or lack thereof.*¹⁷⁴ *Here, throughout the ten years between Ms. Barbosa de Souza's death and Mr. Pereira's de Lima's sentence, subsequent appeal and death, Mr. Reinaldo de Souza became ill because of his alcohol dependence, ultimately leading to his death.*¹⁷⁵ *Mrs. Barbosa de Souza, also experienced health issues that led to depression, trouble sleeping, and high blood pressure.*¹⁷⁶ *Additionally, the gender-based discriminatory media coverage of Ms. Barbosa de Souza's death revictimized her family and caused additional distress.*¹⁷⁷ *The Legislative Assembly's tribute of Mr. Pereira de Lima after his death significantly affected Ms. Barbosa de Souza's family's psychological and moral health, and resulted in further suffering.*¹⁷⁸ *These actions violated the Barbosa de Souza family's rights under of the Convention.*¹⁷⁹

C. Dissenting and Concurring Opinions

[None]

¹⁷¹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 149.

¹⁷² *Id.* ¶ 150.

¹⁷³ *Id.* “The Court Declares” ¶ 4.

¹⁷⁴ *Id.* ¶ 155.

¹⁷⁵ *Id.* ¶ 159.

¹⁷⁶ *Id.* ¶¶ 156, 158.

¹⁷⁷ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 160.

¹⁷⁸ *Id.* ¶ 161.

¹⁷⁹ *Id.* ¶ 162.

IV. REPARATIONS

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

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

1. Publish the Judgment

The State must publish, within six months of the notice of judgment, the judgment's official summary in the Official Gazette, the Paraíba Legislative Assembly and Judiciary's website, and a national newspaper.¹⁸⁰ All publications must be in legible font.¹⁸¹ Additionally, the full judgment will be made available to read for a year on the homepage of the Paraíba state and federal government's websites.¹⁸²

2. Act of Acknowledgment

The State must acknowledge its international responsibility within one year.¹⁸³ The Court suggests that this acknowledgment be done at the Paraíba State Legislative Chambers if the victims agree.¹⁸⁴ The Acknowledgment must reference both the judgment and the human rights violations that the State committed.¹⁸⁵ At least one senior Ministry of Foreign Affairs member and one Paraíba State Legislative Assembly member must attend.¹⁸⁶ The State and Mrs. Barbosa de Souza shall collaborate on the location and date of the acknowledgement and whether the event will be publicized and open to the media.¹⁸⁷ If Mrs. Barbosa de Souza fails to notify the State of her decision within one month, the event will be private.¹⁸⁸

¹⁸⁰ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 176.

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.* ¶ 177.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 177.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.* ¶ 178.

3. Compensate Mrs. Barbosa de Souza for Physical, Psychological, and Psychiatric Medical Care

The Court determined Ms. Barbosa de Souza's parents were seriously harmed because of the crime committed against their daughter and the subsequent events.¹⁸⁹ The State must compensate Mrs. Barbosa de Souza for treatment as determined in the compensation section.¹⁹⁰

4. Data Gathering and Annual Reporting

The Court commends Brazil for the new laws it has adopted, like the Maria de Penha Law and Law 11.106/2005, to prevent violence and discrimination against women.¹⁹¹ However, data on violence against women in Brazil is still inaccurate and inconsistent at the time of the judgment partly because various state agencies and organizations do not share their data.¹⁹² The Court orders the State to design a new centralized federal agency and database within one year.¹⁹³ The database will record the victim's demographic information, location of occurrence, aggressor's profile, relationship between victim and aggressor, sufficient information about the act of violence or murder of women, and other relevant quantitative and qualitative data.¹⁹⁴ The database must also track prosecutions, indictments, convictions, and acquittals of those who perpetrated the violence.¹⁹⁵ The State must disseminate this information annually while protecting the victims' identities.¹⁹⁶

5. Law Enforcement Training and Education

The State must implement gender and race training, continued education, and a sensitization plan for Paraíba state police and others who investigate these crimes so they can identify gender-based violence, adequately investigate, and prosecute perpetrators.¹⁹⁷

¹⁸⁹ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 182.

¹⁹⁰ *Id.*

¹⁹¹ *Id.* ¶ 187.

¹⁹² *Id.* ¶ 190.

¹⁹³ *Id.* ¶ 193.

¹⁹⁴ *Id.*

¹⁹⁵ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 193.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* ¶ 196.

6. Day of Reflection and Raise Awareness

The Court also orders the Paraíba State Legislative Assembly to host a day of reflection in Ms. Barbosa de Souza's name to raise awareness on violence against women, femicide, and the application of parliamentary immunity while considering this judgment.¹⁹⁸

7. National Protocols for Femicide Investigations

The State must adopt and implement a National Protocol establishing clear and uniform procedures and criteria for investigating femicides.¹⁹⁹ The National Protocol should reflect the Latin American Model Protocol guidelines for gender-based deaths of women, and the Court's case law.²⁰⁰ The protocol will apply to justice administrative personnel who investigate and process violent female deaths.²⁰¹

8. Regulation of Parliamentary Immunity

Brazil passed a new parliamentary immunity law through the Constitutional Amendment 35 of 2001; the Court did not analyze this law in this case.²⁰² However, the State must continue to update new, or any subsequent, parliamentary immunity to comply with the Convention and this judgment.²⁰³ The Court will not monitor this duty.²⁰⁴

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

Pecuniary damages compensate for the loss or reduction in income and any additional expenses from the case.²⁰⁵ In combination with

¹⁹⁸ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 197.

¹⁹⁹ *Id.* ¶ 201.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.* ¶ 204.

²⁰³ *Id.*

²⁰⁴ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶¶ 204, 224.

²⁰⁵ *Id.* ¶ 210.

non-pecuniary damages, the Court awarded \$150,000 to Mrs. Barbosa de Souza and to Mr. Reinaldo de Souza to be divided between his heirs.²⁰⁶

2. Non-Pecuniary Damages

Non-pecuniary damages consider the suffering and affliction of the victims and their families, and any changes in living conditions from the victimization and is within the Court's discretion.²⁰⁷ Here, the Court noted that the victims did not request a certain amount of damages and awarded the lump sum addressed above.²⁰⁸ This amount considers the inability to reopen the investigation of the additional four suspects and Mrs. Barbosa de Souza's potential medical, psychiatric, psychological treatment.²⁰⁹

3. Costs and Expenses

The Court ordered the payment of \$20,000 to CEJIL and \$15,000 to GAJOP.²¹⁰ The Court also ordered the State to reimburse \$1,579.20 to the Victims' Legal Assistance Fund.²¹¹

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

\$ 189,579.20 USD

C. Deadlines

The State must publish the judgment's official summary within six months and the full judgement within one year of notice of the judgment in the previously mentioned publications and websites.²¹² The victims must tell the State whether they want the international acknowledgement presentation to be public or private within one month of the presentation and the acknowledgement must occur within one

²⁰⁶ *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 212.

²⁰⁷ *Id.* ¶ 211.

²⁰⁸ *Id.* ¶ 212.

²⁰⁹ *Id.* ¶ 210.

²¹⁰ *Id.* ¶ 218.

²¹¹ *Id.* ¶ 223.

²¹² *Barbosa de Souza et al. v. Brazil*, Preliminary Objections, Merits, Reparation and Costs, ¶ 176.

year.²¹³ The database must be created within one year and implemented within three years of notification of the judgment.²¹⁴ The State must also submit an annual report for three years after the database's implementation.²¹⁵ The training program for police and investigators must be created and implemented within two years.²¹⁶ The Court set a deadline for the National Protocol as within two years of notice of the judgment.²¹⁷ Additionally, Brazil must reimburse the Victims' Legal Assistance Fund within six months.²¹⁸ The payments for pecuniary, non-pecuniary, and cost and expenses shall be completed within one year of the State's judgment notification.²¹⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

March 21, 2023: The Court found that the State complied with the first reparation measure in which the State was required to (1) publish the judgment summary in the official Gazette, the websites of the Paraíba State Legislative Assembly and judiciary, and a nationally circulated newspaper, and (2) publish the full judgment on the Federal Government and Paraíba State website for one year.²²⁰ The Court will continue monitoring compliance of the remaining reparations and compensation payments.²²¹

²¹³ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 177.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.* ¶ 196.

²¹⁷ *Id.* ¶ 201.

²¹⁸ *Id.* ¶ 223.

²¹⁹ Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, ¶ 224.

²²⁰ Barbosa de Souza et al. v. Brazil, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That," ¶¶ 1-2 (Mar. 21, 2023).

²²¹ *Id.* "Resolves," ¶ 2.

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparation and Costs, Judgment, Inter-Am. Ct. HR. (ser. C) No. 435, (Sept. 7, 2021).

3. Provisional Measures

[None]

4. Compliance Monitoring

Barbosa de Souza et al. v. Brazil, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (Mar. 21, 2023).

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Barbosa de Souza et al. v. Brazil, Admissibility Report, Report No. 38/07, Inter-Am. Comm'n H.R., Case No. 12.263, (July 26, 2007).

3. Provisional Measures

[None]

4. Report on Merits

Barbosa de Souza et al. v. Brazil, Report on Merits, Report No. 10/19, Inter-Am. Comm'n H.R., Case No. 12.263, (Feb. 12, 2019).

5. Application to the Court

Barbosa de Souza et al. v. Brazil, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.263, (July 11, 2019).

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