

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

23 May 2011

Index: AMR 19/007/2011

Brazil: Extradition of an alleged perpetrator of crimes against humanity reaffirms importance of international justice

The decision of Brazil's Supreme Court, on 19 May 2011, to extradite an alleged perpetrator of crimes against humanity sends a clear signal that past crimes must be investigated and tried, and that impunity is unacceptable.

A majority of judges ruled in favor of the extradition of former Argentine Major Norberto Raul Tozzo to Argentina under charges of kidnapping.

His extradition had been requested by the Argentinean authorities for the execution and enforced disappearance of 22 prisoners in the Chaco Province in 1976, but enforced disappearance is not a crime under Brazilian law. Strikingly, the Supreme Court decided that the charges of killings were subject to statute of limitations, thus not granting the request under that accusation. The extradition will be carried out on President Dilma Rousseff's ratification of the Court's decision, which should take place shortly.

As the Court decided two years ago in the case of Uruguayan Colonel Manuel Cordero, the granting of an extradition request for human rights violations demonstrates that international cooperation and judicial assistance works, and sends a clear message that no country should be a safe haven for criminals.

The extradition order exposes the hypocrisy at the heart of Brazil's refusal to deal with its own past crimes. It still remains for Brazil to investigate and prosecute hundreds of cases of crimes against humanity committed under its own military regime.

The Brazilian authorities must abolish the 1979 Amnesty Law, in keeping with the recent ruling by the Inter American Court of Human Rights in the Gomes Lund case.

Amnesty International reminds all states of their obligation to grant the extraditions of persons allegedly responsible for crimes under international law, except in cases where extradition could place the suspect at risk of the death penalty or torture in the petitioning state. In these cases, every state must refuse such extradition requests, submitting the case to its national courts for investigation.

Background Information

The "Plan Condor" was the coordination between the military governments of the Southern Cone – Argentina, Bolivia, Brazil, Chile, Uruguay and Paraguay – to eliminate their "opponents" during the 1970s and 1980s. This plan was carried out through the extrajudicial execution, torture and forced disappearance of thousands of people, among other serious human rights violations.

The vast majority of the perpetrators of these crimes have still not been identified or stood trial. In many cases, they continue to enjoy the benefits granted by amnesty laws or other similar measures. In general neither the surviving victims nor their relatives have been granted their right to know the truth of the events and to obtain the appropriate reparations.