

MEMORANDUM
FIRST ANNIVERSARY OF BRAZIL'S NATIONAL HUMAN RIGHTS PROGRAM

The second national conference on human rights comes at a time when Brazilian public interest in human rights is high. The beatings and shootings by military police in Diadema, São Paulo -- caught on film and broadcast nationwide in March -- focused public awareness on the day-to-day violations committed by the security forces throughout Brazil and on the climate of impunity in which human rights violations are able to flourish. This, the first anniversary of the launch of the *Programa Nacional de Direitos Humanos* (National Human Rights Program), is an important opportunity to evaluate the progress made in implementing the Program and to further public debate on the promotion of respect for human rights within Brazil.

Amnesty International welcomes a series of government initiatives in response to the Program, in particular, the passing of law 9.455/97, on 7 April 1997, defining torture as a serious crime, and the creation of the *Secretaria Nacional dos Direitos Humanos* (National Human Rights Secretariat). The organization also notes a series of positive initiatives at state and municipal level, including the creation of human rights councils and commissions within the legislatures, and in the areas of police monitoring and co-operation with NGOs on the establishment of witness protection programs.

On 13 May 1996, Amnesty International outlined a series of concerns in relation to the Program (*Amnesty International Memorandum of Preliminary Comments on Brazil's National Action Plan for Human Rights* April 1996 AMR Index 19/14/96). The organization takes this opportunity to reiterate those concerns which have not yet been fully addressed:

- The Program still lacks clear targets and timetables for action. The complexity of implementing the Program at federal, state and municipal level with the full participation of all levels of government, NGOs and civil society, requires a timetable to be drawn up, objectives established, and responsibility for the achievement of each objective allocated.
- At the same time as welcoming the creation of the National Human Rights Secretariat, Amnesty International urges the Brazilian government to ensure that the Secretariat has sufficient resources and the institutional mandate to be effective in monitoring the implementation of the Program.
- Amnesty International calls for all human rights violations to be promptly, thoroughly and impartially investigated by a force other than that directly implicated. Investigation procedures for lethal shootings, torture and ill-treatment by agents of the state should be reviewed and reformed as a matter of urgency. Furthermore, it is essential to guarantee the independence of forensic services.

- Although jurisdiction for prosecuting intentional homicide by on-duty military policemen has been transferred to civilian courts, a wide range of human rights violations practised by these police continue to fall under military jurisdiction. Human rights violations committed by military police should not only be investigated independently, but also prosecuted in civilian courts.
- While acknowledging the positive progress made in setting up witness protection programs in a number of states, Amnesty International re-emphasizes the need for a witness protection program at federal level. Last year, federal legislation to set up a national witness protection program was withdrawn by the Executive. Amnesty International urges the federal government to re-examine this issue which is fundamental in combatting impunity.
- Amnesty International has long recommended that federal authorities adopt mechanisms for investigating and prosecuting human rights violations where these have patently not been undertaken in a prompt and impartial manner by the state authorities. While noting the proposed constitutional amendment 368/96 which provides mechanisms for federal courts to prosecute human rights violations, Amnesty International urges that provision for the federal investigation of human rights violations also be given full consideration.

13 May 1997