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Brazil: Long-standing military crimes challenged by historic prosecution

The decision to charge a retired colonel for five enforced disappearances committed under Brazil's military dictatorship is the first serious challenge to decades of impunity, said Amnesty International.

The Federal Prosecutor's Office announced on 13 March, that charges of kidnapping would be filed against retired Colonel Sebastião Curió Rodrigues de Moura for the disappearance of five guerrilla members in the state of Pará in 1974.

Prosecutors stated the kidnappings took place during Operation Marajoara headed by Curió. During this operation the military allegedly kidnapped, assaulted and executed left-wing guerrillas – in clear violation of human rights law.

This is the first criminal case brought against an army member for human rights violations committed during Brazil's military government between 1964 and 1985 - more than 475 people are believed to have disappeared and thousands were tortured during that period.

“The decision by Brazil's prosecutors to file criminal charges against Colonel Curio sends a clear signal that those suspected of committing crimes against humanity can no longer enjoy impunity for their actions,” said Atila Roque, Director at Amnesty International in Brazil.

“Along with the proposed creation of a truth commission, by the federal government, the announcement of these charges stands as an opportunity for the Brazilian judicial system to bring Brazil in line with those countries in the region which have begun to address the horrific violations of the past.”

For more than thirty years human rights violators have enjoyed impunity for crimes committed before 1979 when Brazil's Amnesty Law was passed. However, prosecutors have argued that because in this case the victims' bodies have never been found, the crime of kidnapping has stretches beyond 1979. The Amnesty Law does not therefore afford the perpetrators protection.

On 18 November 2011, President Dilma Rousseff signed into law a proposal that creates a Truth Commission to investigate hundreds of reports of torture and disappearances committed during Brazil's military dictatorship.

“Brazil must address the crimes of the past and ensure justice for the victims of this dark period in the country's history,” said Atila Roque.

Background Information

Only recently, in April 2010 Brazil's Supreme Court upheld the use of the Amnesty Law for the grave violations committed during the military regime. A few months later, in November 2010 the Inter American Court of Human Rights found that the Amnesty Law was not compatible with the American

Convention, that it lacked legal effect, and that it should not continue as an obstacle for the investigation, prosecution and punishment of those responsible of human rights violations.