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Brazil urged to scrap Amnesty Law that protects rights abusers

Amnesty International today urged the Brazilian authorities to revoke a law that prevents the investigation and prosecution of those responsible for hundreds of cases of human rights violations.

The 1979 Amnesty Law, which came into effect on 28 August that year, prevents those responsible for the widespread practice of torture, extra-legal executions, enforced disappearances and rape committed during the 1964-1985 military government from being tried for those crimes.

“This law is a scandal and doing nothing but preventing justice,” said Susan Lee, Americas Director at Amnesty International. “By upholding a law that allows crimes such as torture and murder to go unpunished, Brazil is falling behind other countries in the region that have made serious efforts to deal with these issues .”

“The fact that crimes including torture, extrajudicial executions, enforced disappearances and rape committed in the past were allowed to go unpunished has denied victims and their families the right to truth, justice and reparation.”

Since the return to democracy, successive administrations have supported the law, although more recently it has been challenged judicially. In April 2010, a Brazilian Bar Association challenge to the current interpretation of the law was rejected by the Supreme Federal Court. President Dilma Rousseff and Minister of Defence, Celso Amorim, have publicly reassured the military saying the law was “untouchable”.

A proposal for the creation of a Truth Commission that would investigate crimes committed during Brazil’s military regime has still to be put before Congress, though initial discussions have stressed that the Commission will not have the power to lead prosecutions.

Countries including Argentina and Peru have made efforts to investigate and prosecute some of those responsible for similar crimes committed during past periods of military rule, including by declaring their own Amnesty Laws void.

A number of international human rights bodies including the Inter American Court of Human Rights; European Court of Human Rights and the UN Human Rights Committee ruled that amnesties for torture, extra-judicial executions and enforced disappearances are incompatible with human rights obligations.

The Inter American Court of Human Rights found last year, in the case of *Gomes Lund v. Brazil* , that the 1979 Amnesty Law was not in compliance with the obligations of Brazil under international law and ruled that Brazil must “adopt all the measures to revoke” that Law.

“Brazil’s Amnesty Law is against all national and international commitments the government has taken to uphold human rights. It must be declared void and those responsible for human rights abuses brought to justice without delay,” said Susan Lee.