

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Brazil: Will Brazil finally address the crimes of its past?**

On 28 April, the Brazilian Supreme Court will be ruling on interpretations of the 1979 Amnesty law, which have protected state officials accused of torture, killings and rape during the military regime.

It is extraordinary that in the twenty-first century, doubts persist around the acceptability of these crimes. International law and the Brazilian constitution are crystal clear on this issue. Systematic or widespread acts of torture, enforced disappearances, extra-judicial executions and rape are crimes against humanity, and as such they cannot be subject to amnesties or statutes of limitations.

It is hoped that the Brazilian Supreme Court recognises that to investigate and try those responsible for these crimes is essential to ensure justice, truth and reparations for the victims and their families, while bringing Brazil into line with a raft of international treaties to which it is a party.

The move would also send a clear signal that the widespread culture of impunity for grave violations that persists to this day is no longer acceptable in a modern, forward-looking state like Brazil.

After decades of silence, this judgement, along with other government proposals aimed at addressing the crimes of the past, gives hope that justice, truth and reparations will finally be attained.

Attempts to block this process, especially by some in the military, threaten not only the rule of law in Brazil, but the very idea of human rights. Even the newly launched third national human rights plan has been jeopardised by vehement attacks against proposals to address crimes of the past.

As a country that is endeavouring to build a strong reputation on the world stage as a progressive, prosperous nation, the provision of fundamental human rights can no longer be questioned. It now falls to the Brazilian Supreme Court to reinforce the centrality and importance of human rights in Brazilian legislation. Only then will all Brazilians be able to live without fear of their own government justifying the use of violence against them.

#### **Background**

Between 1964 and 1985 Brazil was ruled by a military government. During this period, civil and political rights were curtailed, and thousands were imprisoned, tortured and disappeared.

In 1979 the military government issued an Amnesty law, exonerating all 'political crimes and those connected to political crimes', expressly excluding those who were accused of terrorism, kidnapping, robbery and attacks against the person. However, judicial interpretations of the time understood that human rights violations committed by members of the regime were included under the amnesty as being connected to political acts.

Brazil has fallen behind countries such as Argentina, Chile and Peru in addressing the human rights violations of past regimes. While the country still debates issues surrounding the interpretation of the law, others have gone a long way to bring to justice those who oversaw the human rights violations of thousands under past governments.

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