

EXTERNAL (for general distribution)

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Further information on UA 95/91 (AMR 19/09/91, 12 March 1991) - Death Penalty

**BRAZIL: Possible reintroduction of the Death Penalty**

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A proposal for a constitutional reform to allow Brazilians to vote in a plebiscite to reinstate the death penalty for kidnappings, burglaries and rapes resulting in the victim's death has been presented by Congressman Amaral Netto.

On 12 December 1990, a Congressional Commission from the House of Deputies (Comissão Especial da Câmara dos Deputados) approved the proposal which is to be debated and voted on in Congress in the 1991 Parliamentary sessions which started on 15 March. The proposal needs to be voted on twice in each house in Congress and to gain a majority of three-fifths of votes. Once the constitutional amendment is passed by parliament, public opinion will be polled within 18 months.

**Since the issue of UA 19/09/91 of 12 March 1991, increasing publicity has been given by the Brazilian media to the death penalty issue. As press coverage is gathering momentum the adoption of the death penalty seems to be portrayed as a solution to violent crimes.**

Brazilian human rights groups fear that the rising level of crime throughout the country, coupled with the kidnappings of business people in recent years, will be used as effective arguments to replace existing legislation with the death penalty. Were the proposal to be passed by parliament, a majority of voters might approve the reintroduction of the death penalty as an appropriate means to fight violent crimes.

**An opinion poll published at the end of April indicated that 60% of the Brazilian population were in favour of the reintroduction of the death penalty and 84% were in favour of a plebiscite on the issue. The date for the parliamentary debate on the death penalty proposal has been set for mid-June 1991. Amnesty International is therefore requesting further appeals be sent regarding our concern over the reintroduction of the death penalty.**

Amnesty International opposes in all cases the imposition and infliction of the death penalty, on the grounds that it violates the right to life and that it is the ultimate cruel, inhuman and degrading form of punishment. The organization believes that it is a punishment which violates fundamental human rights, which may discriminate against the under privileged and disadvantages sectors of society, and which serves no useful penal purpose which would not equally be served by lesser penalties

#### **BACKGROUND INFORMATION**

The last judicial execution in Brazil was carried out in 1855 on a man convicted of murder, later discovered to have been innocent of the crime. After this case, death sentences were systematically commuted to life imprisonment. In 1890 the death penalty was excluded from the Penal Code. In the first republican Constitution of 1891 the death penalty was abolished for common crimes but retained under military legislation for application in wartime.

Since the abolition of the death penalty for common crimes was enshrined in the 1988 Constitution, there has been one attempt to reintroduce it and a proposal to hold a plebiscite on the issue. Both motions were defeated by the Constituent Assembly in 1988.

**FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:**

**Please write courteously worded appeals, in Portuguese IF FLUENT, otherwise in English, French or Spanish:**

- expressing concern at the proposal to reintroduce the death penalty, which Amnesty International believes is the ultimate cruel, inhuman and degrading punishment, and which brutalizes all those involved in the process of applying it;

- recognizing Brazil's opposition to the death penalty in the past and their vote at the UN General Assembly in December 1989 in favour of adoption of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the first international treaty aimed at the abolition of the death penalty;
- urging the Brazilian Parliament to maintain Brazil's principled opposition to the death penalty and to oppose firmly its reintroduction;
- stressing that reintroducing the death penalty would be contrary to both world and regional trends towards the abolition of the death penalty, both in practice and in law.

**APPEALS TO:**PRESIDENT OF THE SENATE:

Presidente do Senado  
 Exmo. Sr. Senador Mauro Benevides  
 Praça dos Tres Poderes  
 70.160 Brasilia, DF Brazil

**Telegrams: Presidente Senado,  
 Brasilia, Brazil**

**Telexes: 611357/611146**

**Faxes: +55 61 321-7333**

PARTY LEADERS OF THE SENATE:

Líder do Partido do Movimento Democrático Brasileiro  
 (PMDB) (Party of the Brazilian Democratic Movement)

Exmo. Sr. Humberto Lucena  
 Praça dos Tres Poderes  
 70.160 Brasilia, DF Brazil

**Telexes: 611357/611146**

**Faxes: +55 61 321-7333**

Líder do Partido Frente Liberal (PFL)

Exmo. Sr. Marco Maciel  
 Praça dos Tres Poderes  
 70.160 Brasilia, DF Brazil

**Telexes: 611357/611146**

**Faxes: +55 61 321-7333**

PARTY LEADERS OF THE HOUSE OF DEPUTIES:

Líder do Partido do Movimento Democrático Brasileiro  
 (PMDB)

Exmo Sr. Genebaldo Correia  
 Praça Tres Poderes  
 70.064 Brasilia, DF Brazil

**Telexes: 612082 CDEPA BR**

Líder do Partido Frente Liberal (PFL)

Exmo. Sr. Ricardo Fiuza  
 Praça Tres Poderes  
 70.064 Brasilia, DF Brazil

**Telexes: 612082 CDEPA BR**

**COPIES TO:**

- Instituto de Estudos Socio Economicos (INESC), SCS Qd.08 Bl.B-50 Salas 435/7/9/441 Supercenter Venancio 2.000, 70333 Brasilia DF, Brazil **(FAX +55 61 226 8042)**
- Conferencia Nacional dos Bispos do Brasil (CNBB), Caixa Postal 132067 70000 Brasilia DF, Brazil
- Jornal do Brasil, Avenida Brasil 500, 20940 Rio de Janeiro RJ, Brazil

- Folha de São Paulo, Al. Barão de Limeira, 425, 01202 São Paulo, SP, Brazil

and to diplomatic representatives of Brazil in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 24 June 1991.