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Human rights in Brazil

It isn't even past

Better late than never, Brazil is re-examining the legacy of dictatorship

Nov 19th 2011 | SÃO PAULO | [From the print edition](#) DILMA ROUSSEFF was tortured; Luiz Inácio Lula da Silva was jailed; Fernando Henrique Cardoso was forced into exile. Brazil's president and her two most recent predecessors all suffered under the country's 1964-85 military regime. Yet only now is the country planning a closer look at the crimes committed in those years. By November 23rd Ms Rousseff is expected to sign a law setting up a truth commission, passed by Congress in late October. Its seven members will have two years to examine murder, torture and "disappearances" perpetrated by both the government and the resistance between 1946 and 1988.

A law on freedom of information will strengthen this shift towards openness. First proposed in 2003, it was given a shove in September, when Ms Rousseff agreed to lead an international "open government initiative" with Barack Obama. Brazil's constitution is strong on the right to information. But it had no legislation to flesh out the details, making winking out facts a matter of persistence and luck. Documents can remain secret indefinitely.

In October Congress passed laws to make the constitution's promise a reality. Soon the secrecy of sensitive documents will be limited to 25 years, renewable once. Those to do with human-rights abuses will have to be released immediately, and most material will have to be handed over within 30 days of a request, barring a valid reason for continued secrecy.

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Compared with its neighbours, Brazil has been slow to revisit its dictatorship's crimes. Argentina started prosecuting soldiers for their misdeeds shortly after the regime collapsed in 1983; Alfredo Astiz, sentenced to life on October 26th for torture and murders, is only the most recent culprit. (It has not reopened cases of left-wing guerrilla terrorism, however.) Chile's supreme court decided in 2004 that "disappearances" were ineligible for amnesty. On October 27th the Uruguayan parliament overturned an amnesty law, despite two referendums in favour of keeping it.

Brazil, by contrast, has kept an amnesty law passed in 1979. It was intended to allow exiled dissidents to return without fear of prosecution, but later deemed to protect criminals within the regime too. The Supreme Court upheld that interpretation earlier this year, even though the Inter-American Court on Human Rights has found it violates Brazil's treaty obligations. The truth commission's work will therefore not lead to prosecutions. "There can be no justice when no one is held responsible," says Pedro Taques, a senator. But others want to hear the truth even if nobody is punished. Those who tortured and murdered will "still die in bed, but this way, at least they'll be known for who they are," says Matias Spektor of the Fundação Getulio Vargas (FGV), a research institute.

One reason Brazil is doing things differently, says Eduardo González of the International Centre for Transitional Justice, a lobby in New York, is that its transition to democracy was slow and controlled. The regime did not collapse after a disastrous war as Argentina's did, or face threats of prosecution abroad like Chile's Augusto Pinochet. It is remembered for overseeing economic growth. And although Brazil's generals killed an estimated 400 people, that compares with 2,000-3,000 in Chile and 13,000-30,000 in Argentina.

Glenda Mezarobba of the University of Campinas attributes Brazil's refusal to revisit its amnesty to the law's roots: it was first passed to protect those who fought the regime, not the generals themselves. Others diagnose a Brazilian tendency to collective amnesia. Mauricio Santoro, also of the FGV, contrasts Brazil, once famously called "the country of the future", with backward-looking Argentina, "obsessed with the golden era a hundred years ago."

One consequence of leaving Brazil's history unexamined is that repression continues today, though violence is now the business of the police rather than the army. "It's not by chance that the police replicate a pattern of human-rights violations like that in a military dictatorship," says Atila Roque, Amnesty International's Brazil director. Brazil's security apparatus was built by the generals and has barely been reformed. Each year Rio de Janeiro state police alone kill around 1,000 civilians, most of them poor and black. They are often accused of resisting police action—even those who are shot in the back of the head or show signs of beatings. Many police officers take part in protection rackets and kill those who get in their way. Patricia Acioli, a judge who had sentenced around 60 officers belonging to death squads and militia groups, was herself shot dead on August 11th. A senior police officer has been arrested on suspicion of ordering the attack.

Torture by the police is rarely punished and often applauded as the only alternative to anarchy. On November 12th Brazilians cheered as security forces moved into Rocinha, a Rio de Janeiro slum previously run by gangs. Some audiences stand and clap when the special-forces policeman and torturer in the popular "Elite Force" films gets to work on his victims. Human-rights activists hope the truth commission will change such views. "Some things happen if and when a society is ready," says Mr Roque. "I think we are ready."

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