



*Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva*

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch) and, with reference to the allegation letter AL BRA 05/2019, received on 28 March 2019, has the honor to transmit the observations of the Brazilian government in response to the concerns presented by the relevant Special Procedure mandate holder in the abovementioned communication.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 3 abril 2019.

To the Office of the High Commissioner for Human Rights (Special Procedures Branch)

In reference to communication AL BRA 5/2019, dated 28 March, the Brazilian Government would like to make the following clarifications.

The Brazilian Government reaffirms its commitment to democracy, the rule of law and the protection of human rights and fundamental freedoms. The Government defends the right of freedom of expression and freedom of thought and welcomes public debate on the events that took place in the 1964-1985 period in Brazil.

In this context, President Bolsonaro is convinced of the importance of putting into perspective the date of 31 March 1964. The President has reaffirmed on a number of occasions that there was not a coup d'état, but a legitimate political movement that counted with the support of the Congress and the Judiciary, as well as the majority of the population. The major national news outlets at the time called for a military intervention to address the rising threat from communist agitation in the country.

President Bolsonaro has reiterated his understanding that the 1964 movement was necessary to stave off the growing threat of a communist takeover of Brazil and to ensure the preservation of national institutions, in the context of the Cold War. It should be recalled that the 1960-70's were a period of intense mobilization from left-wing terrorist organizations in Brazil and across Latin America.

The decision to instruct the Brazilian armed forces to call to mind the date of 31 March 1964 was taken in full respect to national law, including the Federal Constitution. It was confirmed by the Judiciary on 30 March, when the Regional Federal Court stated that the decision by the President is consistent with the prerogatives of his high office, respects national law and does not violate human rights obligations, under international law. It should also be highlighted that similar acts were undertaken by military units in previous years, without any deleterious effect to the Brazilian body politic.

The Brazilian Government repudiates the baseless allegations by the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabián Salvioli. The remembrance of 31 March by the armed forces does not aim to justify, let alone condone human rights violations. Rather, it calls to order and thereby opens for public debate of an important historical date in Brazilian history.

The Brazilian Government considers that the Special Rapporteur should respect national processes and domestic procedures in his deliberations. The questions raised by Mr. Salvioli were duly addressed by the Amnesty Law, adopted in 1979, whereby all those involved in political crimes or related acts in 1961-1979 were given full amnesty. The amnesty commission remains active to this day, under the purview of the Ministry of Women, Family and Human Rights.