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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

REFERENCE: JOL G/SO 214 (53-24)
BRA 5/2012

16 May 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence pursuant to Human Rights Council resolutions 16/23 and 18/7 respectively.

We welcome the announcement on 11 May 2012 that the National Truth Commission will be formally constituted when the members of the Commission are expected to take office on 16 May. Since the signing into law by President Rousseff in November 2011, this is the next critical step towards the establishment of the National Truth Commission responsible for investigating human rights violations, including killings, torture and forced disappearances committed under military rule between 1964 and 1985.

We would like to take this opportunity to refer to the Special Rapporteur on torture's recent report to the Human Rights Council (A/ARC/19/61) which outlines how commissions of inquiry can be an effective tool in uncovering and bringing an end to patterns of violations of violence and ill-treatment; taking the first steps towards justice; addressing the victims' right to know the truth; and ensuring accountability of State institutions and compliance with international human rights law. The report includes best practices and standards on key elements of a commission such as resources; mandate, powers and attributions; methodology; evaluation of evidence; relationship with prosecutions; and publication of the report – which is a key outcome of an inquiry.

Commissions of inquiry play a complementary role vis-à-vis other investigative mechanisms by providing unique opportunities for a deeper understanding of the underlying context in which violations were committed, a review of governmental policies, practices and institutional shortcomings, and truth-telling. They also provide an opportunity for rendering independent expert recommendations on reparation and

guarantees of non-repetition. Commissions of inquiry also play an integral role in providing impetus and eventually facilitating the formal investigation of legacies of killings, torture and other forms of ill-treatment, and pave the way to effective and fair prosecutions.

We offer our support and cooperation on issues within the terms of our respective mandates and draw your Excellency's Government's attention, in particular, to para. 1 (a) of Resolution 18/27 of the Special Rapporteur on the promotion of truth who is able to contribute, upon request, to the provision of technical assistance or advisory services on issues pertaining to his mandate.

Please accept, Excellency, the assurances of our highest consideration.

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment
or punishment

Pablo de Greiff
Special Rapporteur on the promotion of truth, justice, reparation and
guarantees of non-recurrence