

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Special Rapporteur in the field of cultural rights and the Working Group on Enforced or Involuntary Disappearances

Ref.: AL BRA 7/2025
(Please use this reference in your reply)

22 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Special Rapporteur in the field of cultural rights and Working Group on Enforced or Involuntary Disappearances, pursuant to Human Rights Council resolutions 54/8, 55/5 and 54/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged lack of implementation of the Minas Gerais State Law No. 13.448 creating the Minas Gerais Human Rights Memorial at the site of the Department of Political and Social Order (DOPS) in Belo Horizonte, and the alleged attempts by the State of Minas Gerais to suppress and censor the activities carried out by civil society organizations at the site of the Minas Gerais Human Rights Memorial project aimed at preserving the site and promoting human rights, education, and historical memory.**

We would like to recall AL BRA 8/2021 concerning the alleged inaction of the government of the state of Sao Paulo to comply with the 2014 decision of the Council for the Defence of the Historical, Archaeological, Artistic and Tourist Heritage of the state of Sao Paulo (Condephaat) requesting the preservation of the former facilities of the Department of Information Operations - Centre of Internal Defence Operations system (DOI-CODI) and the establishment therein of a place of memory of the serious human rights violations committed there during Brazil's dictatorship. We thank you for your Excellency's Government reply to this communication of 11 November 2021. However, we note with concern the new information received regarding the alleged lack of compliance of another state's Government with decisions regarding the preservation of sites where serious human rights violations took place during the dictatorship.

According to the information received:

During the last dictatorship in Brazil (1964-1985), the Department of Political and Social Order (DOPS) in Belo Horizonte served as one of the primary repression and torture centres under the national military regime. It was a site for the detention, interrogation, torture, and disappearance of political opponents during the so-called "years of lead."

From 1970, the building also housed the Operations Section of the DOI-CODI (Destacamento de Operações de Informações – Centro de Operações de Defesa Interna), a unit of the Brazilian Army that occupied the second and third floors.

Until the end of the dictatorship, the DOPS and DOI-CODI operated jointly to detain, abduct, forcibly disappear, and interrogate political prisoners, committing systematic human rights violations at the site.

In 2000, the Minas Gerais State Law No. 13.448 was enacted, creating the Minas Gerais Human Rights Memorial, dedicated to preserving and exhibiting materials associated with the defence and protection of human rights. However, the law was not effectively implemented.

In June 2013, the Regional Prosecutor's Office for Citizens' Rights (PRDC), an organ of the Federal Public Prosecutor's Office (MPF), alongside parliamentarians and representatives of civil society, sent an official letter to the State Secretariat of Culture and the Deliberative Council of Cultural Heritage of the Municipality of Belo Horizonte requesting that the site of the former DOPS headquarters in Belo Horizonte be listed as a protected historical landmark and transformed into a public memorial dedicated to victims of dictatorship-era repression.

In 2016, the Instituto do Patrimônio Histórico e Artístico de Minas Gerais designated the former DOPS building as a protected heritage site (CONEP resolution 03/2016). In 2017, the State Truth Commission of Minas Gerais recommended establishing the Human Minas Gerais Rights Memorial on this site, in compliance with the recommendations of the National Truth Commission.

On 9 April 2018, the Government of the State of Minas Gerais announced its decision to transform the former DOPS building into the Human Rights Memorial, complying with State Law No. 13,448/2000.

In 2021 and 2022, the Minas Gerais State Council for the Defence of Human Rights and the National Council for Human Rights urged the State to inaugurate the Memorial at the site.

Despite statements from SEDESE, the state agency responsible for the building, indicating that implementation efforts were ongoing, 25 years after the approval of law No. 13.448, the former DOPS building has not been officially converted into a museum or memorial.

On 1 April 2025, social movements and civil society organizations occupied the site of the Minas Gerais Human Rights Memorial project. The occupation aimed at advocating for the implementation of the Minas Gerais State Law No. 13.448.

Following the occupation, the Independent Commission on the Occupied Human Rights Memorial was established by these organizations. The Commission assumed responsibility for preserving the building and organizing regular activities, including exhibitions, cultural presentations, debates, and free guided visits for the community. These initiatives were designed to promote human rights, education, and historical memory.

Over the following eight months, more than 20,000 individuals visited the Memorial. Approximately 7,000 of these visitors were former political prisoners and their families, researchers, professors, students, and workers participating in guided tours.

On 4 April 2025, the State Council for the Defence of Human Rights of Minas Gerais presented a note in support of the aforementioned occupation and the demands of civil society. On 7 May 2025, the Human Rights Commission of the Legislative Assembly of Minas Gerais approved a request to the State Secretariat for Social Development (SEDESE) and the Ministry of Human Rights and Citizenship to take the necessary steps to establish the Human Rights Memorial at the site.

In June 2025, a negotiation table was established by the Court of Justice of Minas Gerais. The conflict between the State of Minas Gerais and the independent commission was brought before the Minas Gerais State Court, at first and second instance. A judicial decision was issued granting habeas corpus to remove the police presence from the entrance of the former DOPs site.

In November 2025, the government of the State of Minas Gerais withdrew from negotiations and formally requested that the Court orders the closure of the building, remove the Independent Commission participants, and authorize the use of force. This action reportedly sought to exclude civil society from the process. Previous attempts by the state Government to suppress and censor the activities of civil society were reported.

On 27 November 2025, the Federal Public Prosecutor's Office filed a Public Civil Action for the protection of the Memorial and its participants, and for the permanent establishment of the Minas Gerais Human Rights Memorial in the building of the former DOPS.

We express serious concern at the lack of implementation of the Minas Gerais State Law No. 13.448 creating the Minas Gerais Human Rights Memorial at the site of the former DOPS in Belo Horizonte, dedicated to the preservation and exhibition of materials related to the defense and preservation of human rights. We would like to recall that States where serious human rights violations took place have a duty to preserve and transmit to current and future generations the memory of those violations, including the actions and responsibilities that led to them and the harm suffered by victims, in order to guard them from extinction and contribute to the prevention of their recurrence.

In addition, we express concern at the alleged attempts by the State of Minas Gerais to suppress and censor the activities carried out by civil society organizations at the site of the Minas Gerais Human Rights Memorial project aimed at preserving the site and promoting human rights, education, and historical memory. We are further concerned at the alleged request of the state Government that the relevant Court orders the closure of the building, the removal of the civil society actors peacefully carrying out the memorialization and human rights work envisaged in State Law No. 13.448 in the absence of state compliance, and the authorization of use of force in this context. We recall that international standards establish the duty of States to respect, protect, and

create an enabling environment for individuals and groups to peacefully promote and defend human rights, ensuring they are free from censorship, harassment and arbitrary restrictions. Similarly, these standards prohibit the use of force to suppress peaceful human rights activities. Moreover, international standards stipulate that civil society must play a meaningful role in the design and implementation of transitional justice processes. In this connection, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence urged States to prevent any persecution, attacks, threats, intimidation and harassment of civil society representatives involved in transitional justice processes. We would like to emphasize that an adversarial relation with human rights defenders and victim groups can jeopardize any domestic initiatives for reconciliation and deprive it of any credibility.

We wish to recall that in his report on the recent country visit to Brazil, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted with concern that some states and municipalities fail to preserve and memorialize sites where serious human rights violations were committed, and called on the relevant authorities at the federal, state and municipal levels to place them under civil jurisdiction, preserve them and convert them into memory sites (A/HRC/60/32/Add.1, para. 54 and 85.f).

In view of Brazil's federative structure, we respectfully request your Excellency's Government to transmit this communication to the relevant state authorities so that they may take into account the international standards detailed herein and respond to the questions posed that fall within their competence. In this regard, we wish to recall that international human rights law establishes the obligation of the Brazilian State, at all its spheres and levels, to respect the obligations contained therein, and that failure to comply with these obligations by the relevant state powers, entities, and authorities at any level - national, regional or local - may entail the responsibility of the Brazilian State as a whole.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the reasons for the lack of implementation of the Minas Gerais State Law No. 13.448 creating the Minas Gerais Human Rights Memorial at the site of the former DOPS in Belo Horizonte.
3. Please provide information on the measures taken by the relevant authorities to ensure that the human rights violations committed during the Brazilian dictatorship, including in the state of Minas Gerais and in the site of the former DOPS in Belo Horizonte, are adequately

memorialized to ensure the preservation of the collective memory of those violations, the acknowledgment of the harm suffered by victims, and the prevention of the recurrence of past violence.

4. Please provide information about the alleged attempts by the State of Minas Gerais to suppress and censor the activities carried out by civil society organizations at the site of the Minas Gerais Human Rights Memorial project aimed at preserving the site and promoting human rights, education, and historical memory. Please explain how this action complies with international human rights standards.
5. Please provide information about the alleged request to Court made by the Government of the state demanding the closure of the site of the Minas Gerais Human Rights Memorial project, the removal of the civil society organizations carrying out memorialization and human rights work therein, and authorization of the use of force in that context. Please explain how this action complies with international human rights standards.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to ensure that the rights of victims of serious human rights violations and the pursuit of truth, justice, reparation, memory and guarantees of non-recurrence in connection to those violations are not jeopardized and can be effectively implemented in the immediate future.

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

Bernard Duhaime

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

Alexandra Xanthaki

Special Rapporteur in the field of cultural rights

Gabriella Citroni

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to recall article 2 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Brazil in 1992, according to which states must ensure that any person whose rights were violated has an effective remedy, and that the competent authorities enforce such remedies when granted. As established by the Human Rights Committee in its general comment 31 (par. 4), the obligations contained in the ICCPR are binding on every State as a whole and all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party.

We wish to recall that victims of serious human rights violations and their relatives have the inalienable right to know the truth about past events concerning the commission of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the commission of these crimes. The right to truth about gross violations of human rights and serious violations of international humanitarian law is an inalienable right linked to States' duty to protect human rights, to conduct effective investigations, and to guarantee effective remedies and reparation, as established in the ICCPR. The right to truth has been enshrined in numerous international instruments including the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (Updated Set of Principles) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles and Guidelines). Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.

In addition, we would like to recall that the Updated Set of Principles establish the duty of States to preserve memory about those violations and their responsibility in the transmission of such history. It underscores that "people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights [...] and to facilitate knowledge of those violations". Such measures shall aim at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments. Interpretation of past events that have the effect of denying or misrepresenting violations are incompatible with the aforementioned obligations of the States.

Furthermore, we would like to refer to Human Rights Council resolution 33/19 on human rights and transitional justice that recognizes that justice processes, memorialization processes, and the preservation of archives and other reliable evidence concerning gross violations of human rights and serious violations of international

humanitarian law [...] ensure that such crimes are never forgotten and contribute to the prevention of their recurrence. It further notes with concern that attempts to deny or to justify gross violations of human rights and serious violations of international humanitarian law may risk undermining the fight against impunity, reconciliation and efforts to prevent such crimes, (pp. 12).

In addition, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by General Assembly resolution 60/147 recalled that memorialization processes are also part of the right to reparation. Principle 22 specifies that satisfaction should include, *inter alia*: verification of the facts and full and public disclosure of the truth; an official statement or a judicial decision restoring the dignity, reputation and rights of the victim and of persons closely connected with the victim; a public apology, including acknowledgement of the facts and acceptance of responsibility; commemorations and tributes to the victims; and the inclusion in training and educational material of accurate information on the violations that occurred.

As noted in report A/HRC/45/45 of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, memory processes cut across all aspects of full reparation, especially the dimensions of satisfaction and guarantees of non-recurrence, as a new obligation arising from the violations committed. Memorialization must be aimed at preserving, and transmitting to present and future generations, accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation and preventing the recurrence of violations. The Special Rapporteur also stressed that a good use of memory aims to create the conditions for a debate to develop in society on the causes, direct and indirect responsibilities and consequences of past crimes and violence. He further noted that memory is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace and to help change toxic cultures of political violence. He warned that memory processes cannot, under any circumstances, deny or attempt to diminish the importance of the violations and crimes committed that were established by truth commissions and/or judicial proceedings (paragraphs 107-108).

Furthermore, in his report A/HRC/54/24, the Special Rapporteur recalled that the establishment and maintenance of memorial sites is the responsibility of the State. States should establish by law appropriate resources to ensure that the sites are erected, well maintained, protected from vandalization and decay, and accessible to the public. He further recalled the duty of States to adopt measures to protect the archives of State agencies and civil society organizations related to human rights violations (paragraphs 65, 66).

With regards to the role of civil society actors in the promotion of human rights and memory about the serious human rights violations committed at the site of the former DOPS in Belo Horizonte, we would like to recall that the Updated Set of Principles emphasize the meaningful role of victims and other sectors of civil society in the design and implementation of transitional justice processes in the fields of truth-seeking, reparation and guarantees of non-recurrence (principles 32 and 35). In

addition, Human Rights Council resolution 42/17 recognizes the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity from being committed, or in addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence (preamble).

The former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted the contribution of civil society organizations to transitional processes and called upon States to prevent any persecution, attacks, threats, intimidation and harassment of civil society representatives. States should ensure protection mechanisms for civil society at risk, including early warning systems, physical protection measures, as well as accountability and prompt and impartial investigations in cases of violations. This requires clear and decisive messages from the highest authorities on zero-tolerance policy for such attacks and intimidation against civil society actors and on public recognition of their essential role in building just, inclusive and tolerant democracies. States should also support legal empowerment programmes, ensuring their broad participation among a sufficiently large section of the population and their long-term impact, in order to have a transformative effect on attitudes and behaviors, to prevent the recurrence of past violations. (A/HRC 30/42, paragraphs 79, 112, 115).

Considering that Brazil is a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance, which it acceded to on 29 November 2010, we would also like to refer to its articles 1, 12, and 24. These establish that no one shall be subjected to enforced disappearance; that each State Party shall ensure that any person alleging that someone has been subjected to enforced disappearance has the right to report the facts to the competent authorities; and that the term “victim” shall be understood to mean both the disappeared person and any individual who has suffered direct harm as a consequence of an enforced disappearance, respectively. Paragraphs 2, 4, 5, and 7 of Article 24 of the Convention establish that every victim has the right to know the truth regarding the circumstances of the enforced disappearance; that States Parties shall ensure that their legal system guarantees victims of enforced disappearance the right to reparation and to prompt, fair, and adequate compensation; and that the rights to reparation include, among others, restitution and guarantees of non-repetition.

The United Nations Declaration on the Protection of All Persons from Enforced Disappearances,¹ establishes that no State shall practice, permit or tolerate enforced disappearances (article 2), that States shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority (article 13), and that the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

¹ [Declaration on the Protection of all Persons from Enforced Disappearance | OHCHR](#)

We wish to recall that the Guiding Principles for the Search for Disappeared Persons of the United Nations Committee on Enforced Disappearances establish that the search for disappeared persons must be conducted without delay (principle 2); must respect the right of the family of the disappeared person to participate (principle 5); must be considered a permanent obligation (principle 7); and must be interconnected with the criminal investigation (principle 13).

Similarly, we draw the attention of Your Excellency's Government to the General Comment of the Working Group on Enforced or Involuntary Disappearances on "the right to truth in relation to enforced disappearances", which states that the right to truth also ensures that the State has an obligation to provide protection and assistance to victims, witnesses, and other interested parties. The pursuit of truth often leads perpetrators and others to attempt to prevent its disclosure through threats and even attacks against those involved in the investigation. Therefore, the State has an obligation to ensure effective protection for those affected.

Furthermore, the Working Group considers that the establishment of memorial sites and monuments contributes to the collective social recognition of violations that have occurred, as well as to the rejection and repudiation of these violations which could also serve as a preventive measure. and emphasizes that States should adopt a comprehensive legal framework for reparation programmes, including the issue of memorials, with a view to avoiding re-victimization and further violations of the right to dignity. Legislation should set out the criteria and the process for the establishment of such memorials, taking into account the potential controversies that may arise out of conflicting memories from different groups in society. Establishment and maintenance of memorial sites is a responsibility of the State, with the close participation of the relatives of the disappeared and other parties concerned. Individual and collective reparations may be granted concurrently and they do not exclude each other, given that both their essence and purpose are different. Collective reparations respond to collective harm or harm to society as a whole. Public apology or acceptance of responsibility as well as the construction of monuments or memorials for victims of enforced disappearances are possible forms of collective reparation (A/HRC/22/45, paras 64 and 66).

We would like to refer to your Excellency's Government article 15 paragraph 1(a) of International Covenant on Economic, Social and Cultural Rights (ICESCR), recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity.

We would like to recall that, according to general comment No. 21 (E/C.12/GC/21) of the Committee on Economic, Social and Cultural Rights, the obligations of States to respect the right to participate in cultural life include the adoption of concrete measures to ensure respect for the right of every person, individually or in association with others, or within a community or group, to participate freely, actively, and in an informed manner, without discrimination, in important decision-making processes that may affect their way of life and the rights recognized in paragraph 1(a) of article 15 (para. 49.e). The Committee stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods

and services. It further recalled the right of everyone to seek, receive and impart information and ideas of all kinds and forms including art forms; to enjoy the freedom to create, individually, in association with others, or within a community or group, which implies that States parties must abolish censorship of cultural activities in the arts and other forms of expression (para. 49.c). It also recalled the right of everyone to access to their own cultural and linguistic heritage and that of others (paragraph 44, 48, 49). The Committee on Economic, Social and Cultural Rights also stressed the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights (para. 15.c).

We also draw the attention of your Excellency's Government to the reports of the Special Rapporteur in the field of cultural rights on the issue of historical and memorial narratives in divided societies, relating to a) history textbooks (A/68/296) and b) memorials and museums (A/HRC/25/49). In both reports, the Special Rapporteur stressed the importance of setting out the conditions to ensure a multi-perspective approach in history teaching and memorialization processes. History teaching and memorial practices should foster critical thought, analytic learning and open spaces for debate. In ensuring that sufficient space is available for various narratives and perspectives to be expressed, she recommended that States and other stakeholders should neither engage in nor support policies of denial that prevent the construction of memorials or memorialization processes; nor should they build, support or finance works that may incite violence (A/HRC/25/49, para. 105.). An essential element for successful memorialization is collaboration between the authorities, citizens and civil society, especially representatives of those directly affected by past events. Authorities have a key role to play: they have the responsibility of managing the public space and the capacity to maintain monuments and museums and develop national strategies across a territory and over the long term, taking into consideration a wide array of narratives. Civil society has the capacity to mobilize groups of population, grant popular legitimacy, organize events and generate public debates. (A/HRC/25/49, para. 100)

Memorialization as a contribution to guarantees of non-recurrence demands that the past inform the present and facilitate the understanding of contemporary issues relating to democracy, human rights and equality. (Para. 101) The Special Rapporteur recommends that States and other stakeholders support victims and families of victims of mass or grave human rights violations, or traumatic events, seeking to commemorate the past. Memorialization should be understood as processes that provide the necessary space for those affected to articulate their diverse narratives in culturally meaningful ways. Such processes encompass a variety of engagements which do not necessarily become concretized through the erection of physical monuments, but can also take the form of numerous activities and cultural expressions. (Para. 103)