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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Brazil

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Bernard Duhaime*

Summary

From 30 March to 7 April 2025, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence conducted an official visit to Brazil to examine the measures taken by the authorities to address the serious human rights violations committed under the military dictatorship from 1964 to 1985.

In the report, the Special Rapporteur notes the positive initiatives taken in the fields of truth-seeking, reparation and memorialization, but warns about shortcomings regarding criminal prosecutions, security sector reform and education and calls for decisive action to address the harm experienced by marginalized groups.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his visit to Brazil

I. Introduction

1. From 30 March to 7 April 2025, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence conducted an official visit to Brazil to assess measures taken in the fields of truth, justice, reparation, memorialization and guarantees of non-recurrence by the competent authorities to address the serious human rights violations committed during the military dictatorship. The Special Rapporteur thanks the Government of Brazil for its openness and cooperation, and the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights for its support.

2. The Special Rapporteur travelled to Brasília, São Paulo and Rio de Janeiro, where he met with State officials, civil society, victims, United Nations agencies and the diplomatic community. He visited the Memorial of Resistance, the Vala de Perus at the Dom Bosco Cemetery (São Paulo) and the former headquarters of the Department of Information Operations — Centre for Internal Defence Operations (Departamento de Operações de Informações – Centro de Operações de Defesa Interna: DOI-CODI) in São Paulo and Rio de Janeiro. He regrets not having been permitted to visit the headquarters of the Department of Political and Social Order (Departamento de Ordem Política e Social: DOPS) in Rio de Janeiro, in contravention of the terms of reference of country visits.¹

3. The Special Rapporteur met with representatives of the Ministry of Foreign Affairs, the Ministry of Human Rights and Citizenship, the Amnesty Commission, the Special Commission on Political Deaths and Disappearances, several ministries, the Supreme Federal Tribunal, the Federal Public Prosecutor's Office, the working group on transitional justice with the Labour Public Prosecutor, the Office of the Attorney General of the Republic, the Federal Public Defender's Office, the Chamber of Deputies, the Institute of Legal Medicine in Brasília, the Forensic DNA Research Institute of the Federal District Civil Police, the University Hospital of Brasília, the University of Brasília, the National Archives, the Forensic Archaeology and Anthropology Laboratory at the Federal University of São Paulo, the National Human Rights Council and the Forum on Memory, Truth, Integral Reparation, Non-Repetition and Justice for Indigenous Peoples. He regrets that he was unable to meet with high-ranking representatives of the armed forces and the Ministry of Defence.

II. Background

4. Brazil is a federative presidential republic, comprising a federal district and 26 states, each with an autonomous government and constitution, and jurisdiction over public affairs relevant to the transitional justice process.

5. The country was ruled by a military dictatorship between 1964 and 1985. During that period, political opposition was suppressed, as were fundamental rights and freedoms. The regime committed serious human rights violations, such as extrajudicial killings, torture, enforced disappearances, sexual violence against and arbitrary detention of political opponents, journalists, workers, students, peasants, members of Indigenous communities, people of African descent and LGBTIQI+ persons, among others. Violations of economic, social and cultural rights, including obstruction of access to land and natural resources, were committed by State actors, in many instances fuelled by the political and material support and/or complicity of economic actors.

¹ See <https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/ToRs2016.pdf>.

6. The end of the dictatorship in 1985 and the adoption of the constitutional reform in 1988 initiated a period of transition to democracy and the gradual adoption of an incipient transitional justice agenda.

7. On 28 August 1979, under pressure from civil society, the military regime adopted Law No. 6.683 (known as the Amnesty Law), granting pardon to individuals convicted of committing political or related crimes. While the adoption of the law pointed to the beginning of a process of transition away from military rule, its subsequent interpretation by domestic courts as granting amnesty not only to victims of the regime but also to perpetrators of gross human rights violations undermined accountability and conditioned the country's transitional justice agenda for years to come.

8. Faced with this substantial shortcoming, Brazil made significant progress in other areas of transitional justice, with the adoption of three mechanisms: the Special Commission on Political Deaths and Disappearances, established in 1995 to identify and locate victims killed or disappeared for their political activities between 1961 and 1979 (later extended to 1988), and to compensate their relatives; the Amnesty Commission, created in 2002 to recognize and provide reparation to victims between 1946 and 1988; and the National Truth Commission, established in 2011 to uncover the truth about the gross human rights violations committed between 1946 and 1988.

9. In the sections below, the Special Rapporteur examines the full spectrum of transitional justice measures adopted since the end of the dictatorship, and related events. A month before his visit, 34 civil and military figures, including former high-ranking officials, were indicted for ostensibly attempting a coup d'état in January 2023. The case, which is currently before the Supreme Federal Tribunal, has a strong connection to the present examination and was raised by multiple interlocutors during the visit.

III. Truth

A. Truth-seeking initiatives

10. The National Truth Commission was established by Law No. 12,528 of 2011, 26 years after the end of the dictatorship. It was set up for two years (2012 to 2014) with a mandate to identify human rights violations committed between 1946 and 1988, particularly during the military dictatorship; to establish historical facts; and to name perpetrators. The Commission held public hearings across Brazil, carried out on-site inspections in civil and military facilities, and consulted archives. Despite the Commission's power to request documentation, it was not granted access to records from the military forces, which claimed that the records had been destroyed.

11. In 2014, the Commission published its final report, in which it identified 434 cases of death and enforced disappearance during the military regime (191 deaths, 210 disappearances, and 33 disappearances where the bodies were subsequently located) and confirmed the systematic use of torture and arbitrary detention by security and armed forces. The Commission estimated the number of victims to be far greater than the number given. In its report, the Commission identified 377 State agents as holding individual responsibility for gross human rights violations.² The Commission characterized the violations committed by State agents as generalized, systematic and constituting crimes against humanity not subject to statutory limitations or amnesty.³

12. In volume II of its report, the Commission recognized that an estimated 8,350 members of Indigenous Peoples were killed during the dictatorship.⁴ It also recorded the persecution and abuse endured by peasants, students, workers, members of Christian churches, persons in the military field and LGBTQI+ persons. It acknowledged the ongoing

² https://www.gov.br/memoriasreveladas/pt-br/assuntos/comissoes-da-verdade/volume_1_digital.pdf (in Portuguese), p.962–964.

³ Ibid., pp. 963–965.

⁴ See <https://cnv.memoriasreveladas.gov.br/images/pdf/relatorio/Volume%202%20-%20Texto%205.pdf> (in Portuguese), p. 205.

legacy of violence in Brazil, noting that practices such as arbitrary detention, torture, execution and enforced disappearance persisted, albeit no longer in a context of political repression.⁵

13. The Commission made a total of 49 recommendations to prevent the recurrence of violations and strengthen democracy, including the prosecution of human rights perpetrators, the revision of the Amnesty Law, the recognition of responsibility of the armed forces, the prohibition of official celebrations of the 1964 coup d'état, security sector reforms and the marking of sites where serious human rights violations had been committed. It also recommended tackling violations suffered by Indigenous Peoples and LGBTQI+ persons, and the establishment of a mechanism to continue and follow up on the work of the Commission, and a truth commission for Indigenous Peoples.⁶ While the latter proposal was discussed, it has not yet been created. Most remaining recommendations have not been implemented.

14. The undertakings of the National Truth Commission were replicated by similar subnational commissions established at the state and municipal levels, and within universities, trade unions, professional associations and non-governmental organizations. Approximately 100 entities have undertaken such a process countrywide. They have operated independently of the National Truth Commission, though some have coordinated their efforts with it to avoid duplication. This has enlarged the pool of available examinations and recommendations to be considered for policymaking in the country and contributed to a broader yet localized process of historical clarification and recognition of victims.

15. The Special Rapporteur welcomes the work of the National Truth Commission and similar targeted initiatives. Its invaluable work recognizing the harm suffered by victims and elucidating the circumstances and responsibilities surrounding those violations has provided a solid platform on which to advance measures for reparation, reconciliation and non-recurrence, which require immediate attention.

B. Search for and identification of disappeared persons

16. The fate of many persons forcibly disappeared during the dictatorship remains unknown. Of the 243 cases of enforced disappearances individually registered by the National Truth Commission, 210 are still missing. This number does not include cases that were not individually recorded by the Commission but are thought to have taken place during the dictatorial regime countrywide.⁷

17. Largely owing to its federal structure, Brazil does not have an overarching forensic institution in charge of searching for, exhuming and identifying victims, nor a policy framing such processes. Different entities established by law or ascribed to the police or universities at the federal, state or local levels undertake forensic work on specific victims or cases that require attention; however, there is no umbrella search plan for all cases involving enforced disappearances from the period considered. These entities have differing degrees of autonomy from State authorities and varying availability of technical, human and financial resources. Cooperation among these entities is undertaken on a case-by-case basis. Some entities have established their own protocols and processes mirroring recognized international practices and standards in the field.

18. As established by Law No. 9.140 of 1995, the Special Commission on Political Deaths and Disappearances has the responsibility of locating persons subjected to enforced disappearance because of their political activities, and has therefore played a significant role in efforts to investigate cases. In 2006, the Commission began to collect blood samples from relatives of more than 100 listed victims under its purview to compile a database of genetic profiles for the identification of skeletal remains.

19. Other entities involved in the search for victims of the regime are the Centre of Anthropology and Forensic Archaeology and the Perus Working Group. Following the

⁵ Ibid., p. 964.

⁶ Ibid., pp. 964–975.

⁷ Ibid., pp. 963.

discovery in 1990 of a dictatorship-era clandestine mass grave containing 1,049 sets of bones at the Dom Bosco Cemetery in Perus, the exhumed remains were stored sequentially in the State University of Campinas, the Federal University of Minas Gerais and the Legal Medical Institute of the State of São Paulo. Demands from families of victims and a public civic action filed by the Federal Public Prosecutor's Office in 2009 in response to reports about poor storage conditions and delays in the identification work led to the transfer of responsibilities to the newly created Perus Working Group and the Centre of Anthropology and Forensic Archaeology of the Federal University of São Paulo in 2014. The forensic work is carried out by the Centre and led by the Working Group, with the support of the Special Commission on Political Deaths and Disappearances. The Working Group developed protocols and methodologies that combine DNA tests, biological anthropology and archaeology to identify remains. Since 2017, the International Commission on Missing Persons has assisted the Working Group with the identification process. Three victims of the regime were identified in 1991, 1992 and 2005, and two more in 2018.⁸ One week after the end of the country visit, the Perus Working Group confirmed the identification of two more victims.⁹

20. The Special Rapporteur was impressed by the competence and commitment of the multidisciplinary expert team during his visit to the Centre of Anthropology and Forensic Archaeology, noting, however, that the scarce availability of financial resources, infrastructure, specialized equipment and blood samples from relatives of victims (owing to insufficient collection campaigns) affected its daily work, and therefore requires urgent government support. The Special Rapporteur was informed that the Perus Working Group was dissolved in 2019, but subsequently reestablished under the current administration, and that the Centre suffered setbacks during the same period.

21. Following early searches led by families of victims and national and regional judicial decisions,¹⁰ in 2011 the Government established the Araguaia Working Group to search and identify missing members of the Araguaia Guerrilla. The work led to the recovery of 29 sets of remains, which were sent for analysis to the National Institute of Criminology of the Federal Police and the Forensic Medical Institute of the Federal District. They are currently stored at the University of Brasília pending identification.

22. Forensic investigations relating to missing persons from past and present cases are also undertaken by police forensic institutions and legal medicine institutes at the federal and state levels, alongside other forensic investigations. The Special Rapporteur visited the premises of the Forensic DNA Research Institute of the Federal District Civil Police and the Institute of Legal Medicine headquartered in Brasília, where he observed highly developed technical capabilities and resources, and was informed about the development of sophisticated protocols and procedures.

23. There are several credible concerns to the effect that the lack of autonomy of forensic entities ascribed to the police can and has led to conflicts of interest when dealing with abuses by state agents. The Special Rapporteur fully agrees with the National Truth Commission, which emphasized the need to disassociate forensic medical institutes from public security and civil police departments and to ensure their functional and administrative autonomy.

24. Cooperation with the International Commission on Missing Persons led to the establishment of a framework for the delivery of forensic anthropological training and DNA profiling of human remains and reference samples from families of missing persons.¹¹

25. The Special Rapporteur observed that the coexistence of a multiplicity of initiatives in charge of the search for and identification of victims of enforced disappearances, rather than a centralized independent endeavour, coupled with the lack of an overarching guiding policy has hindered progress in this field. He agrees with the Inter-American Commission on

⁸ See <https://agenciagov.ebc.com.br/noticias/202503/governo-federal-formaliza-pedido-de-desculpas-a-vitimas-da-ditadura-militar-em-solenidade-no-cemiterio-de-perus-em-sao-paulo> (in Portuguese)

⁹ See <https://portal.unifesp.br/destaques/unifesp-anuncia-identificacoes-de-desaparecidos-politicos?highlight=WyJkZXNhcGFyZWNPZG9zIl0=> (in Portuguese).

¹⁰ See https://www.corteidh.or.cr/docs/casos/articulos/seriec_219_ing.pdf.

¹¹ See <https://icmp.int/what-we-do/geographic-programs/brazil/>.

Human Rights, which has called for the establishment of an independent mechanism and an integrated public policy on the matter.¹²

IV. Justice

26. The Constitution of Brazil grants infra-constitutional status above ordinary legislation to ratified international human rights treaties and recognizes the obligations arising from them. It also recognizes the jurisdiction of the International Criminal Court.¹³ In 2008, the Supreme Federal Tribunal acknowledged that international human rights treaties had supra-legality and should serve as a parameter of constitutional interpretation. However, national courts, including the Tribunal itself, have failed to apply international standards and jurisprudence to the serious human rights violations committed during the dictatorship, as described below.

27. Article 1, paragraph 1 of the Amnesty Law established that pardon would be granted to “all persons who [...] have committed political crimes or crimes related thereto” between 1961 and 1979. The law was initially seen as a positive step towards democratization, allowing for the release of political prisoners, the return of exiled persons and the reinstatement of civil and military officials opposed to the regime. However, the loose wording of this provision was soon interpreted as also applying to serious human rights violations committed by State agents, understanding that they were “crimes related to” political crimes. This interpretation resulted in impunity for State agents who had perpetrated gross human rights violations, including torture, enforced disappearances and extrajudicial executions, in contravention of fundamental principles of international human rights and criminal law.

28. In 2008, the Brazilian Order of Attorneys filed a petition, known as the *Arguição de Descumprimento de Preceito Fundamental 153* (ADPF 153), challenging the applicability of the Amnesty Law to crimes committed by public agents during the dictatorship. In 2010, the Supreme Federal Tribunal ruled that the law complied with the Constitution, and accepted the interpretation of the former as encompassing amnesty for crimes committed by those agents. The Tribunal further ruled that the statutory limitations for those crimes had expired, disregarding their nature as crimes against humanity or serious human rights violations, for which prescription is not permissible. The ruling was severely criticized both nationally and internationally for its incompatibility with international standards and the findings of the National Truth Commission,¹⁴ and has become one of the most significant obstacles to transitional justice in Brazil. The plaintiff filed a clarification appeal shortly after the decision. Another claim against ADPF 153 was filed by a political party in 2014. Both proceedings were unified in a single action known as ADPF No. 320.

29. ADPR No. 320 argues that, in its decision on ADPF 153, the Court failed to consider two key issues: the prohibition of amnesty for crimes against humanity under international law, and the continuing nature of the crime of enforced disappearance, which precludes the application of statutes of limitations. The Federal Public Prosecutor’s Office presented an extensive opinion in favour of the action calling for the Amnesty Law to be revised. A decision by the Superior Federal Tribunal on this case has been pending for more than a decade.

30. In 2015, the Federal Public Prosecutor’s Office also filed a petition to re-examine the applicability of the Amnesty Law to the crimes committed by the dictatorship. Extraordinary appeal with general repercussion ARE 1501674 (*Araguaia Guerrilla*) examines the impossibility of granting amnesty for the crime of enforced disappearance (“concealment of corpse” under the national law) considering its continuing nature and the temporal scope of the Amnesty Law. Similarly, extraordinary appeals ARE 1316562, RE 881748 and ARE

¹² See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/004.asp.

¹³ Article 5, para. 3 and article 110.

¹⁴ See A/HRC/54/24, paras. 20, 40-41; and https://www.gov.br/memoriasreveladas/pt-br/assuntos/comissoes-da-verdade/volume_1_digital.pdf (in Portuguese), p.965.

1058822 examine the application of the Amnesty Law to this crime. The Superior Federal Tribunal has yet to rule on these cases.

31. In addition, since the 2010s, the Federal Public Prosecutor's Office has adopted a coordinated prosecutorial strategy for dictatorship-era cases and issued reports concerning the application of international and regional standards and jurisprudence to domestic judicial jurisdiction. As a result, federal prosecutors have brought charges against former agents of the dictatorship in more than 50 cases since 2012. However, the courts have consistently dismissed these cases, citing the applicability of the Amnesty Law and statutory limitations, in accordance with the ruling of the Superior Federal Tribunal. This judicial posture has perpetuated the absence of criminal accountability and limited victims' access to effective remedies, in contravention of international standards.

32. Faced with impunity at the national level, victims turned to the inter-American human rights system, which resulted in judicial decisions condemning the State of Brazil. In *Gomes Lund et al. v. Brazil* (2010), concerning the Araguaia Guerrilla, and in *Herzog et al. v. Brazil* (2018), the Inter-American Court of Human Rights found that the application by Brazil of the Amnesty Law to shield perpetrators violated its international obligations to investigate and punish serious human rights violations and to guarantee the right of victims to the truth. The Court reaffirmed that torture, enforced disappearance and other serious human rights violations constituted crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population, and therefore could not be subject to statutes of limitation or amnesty. It also recalled that enforced disappearance was a continuing crime until the fate or whereabouts of the victim were established. Both decisions have not been fully implemented. The Federal Public Prosecutor's Office has repeatedly acknowledged the enforceability of the decisions of the Inter-American Court.

33. In addition, the National Truth Commission and numerous other national and international actors have repeatedly demanded the repeal of the Amnesty Law and accountability for the crimes committed by the military regime.

34. In February 2025, the Superior Federal Tribunal decided to reopen the cases pending against agents of the dictatorship and to settle the thesis of general repercussion that would apply to them, namely whether the Amnesty Law was applicable to permanent crimes and to serious human rights violations, considering the ruling on ADPF 153.

35. The current conjuncture offers a critical opportunity to the Supreme Federal Tribunal to align its jurisprudence with international standards and obligations. The Special Rapporteur recalls that those standards establish the non-applicability of amnesty and statutes of limitations to crimes against humanity, serious human rights violations and continuing crimes, as clearly recognized in international instruments and international jurisprudence.¹⁵ He also recalls that Brazil is bound by international law to effectively investigate, prosecute and sanction serious human rights violations, and to remove any legal or de facto obstacles to criminal accountability for these crimes, and further recalls that international human rights treaties ratified by Brazil, including those establishing the obligation to ensure justice for serious human rights violations, have constitutional status and therefore binding force for domestic courts.

36. The Amnesty Law and its interpretation by the Supreme Federal Tribunal and lower courts have become a significant obstacle to justice and negatively affected the transitional justice process in Brazil, as well as the country's prospects for non-recurrence. The lack of legal consequences for past abuses has reinforced a culture of impunity and established conditions for repetition that have allowed authoritarian rhetoric and practice to resurface in the political sphere, as evidenced by the alleged coup attempt of January 2023.

¹⁵ See A/HRC/54/24, paras. 20, 40–41 and A/HRC/48/60, para. 26; see also 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, principle IV; and E/CN.4/2005/102/Add.1, principle 22.

37. The failure of Brazil to adopt legislation to criminalize enforced disappearances, as established in international instruments ratified by the State,¹⁶ has compounded the obstacles to justice. A related bill is currently before congress. In the absence of a legal typification of this offence, courts resort to the legal concept of “corpse concealment”, which does not carry the same penalties and attributions, including its continuing and therefore imprescriptible nature. The process of adoption of legislation to criminalize this offence began in 2011 and has not been completed, placing the country in contravention of its treaty obligations. Brazil is yet to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; nonetheless, the principle is applicable therein as a rule of *jus cogens*.

38. The Special Rapporteur is seriously concerned about the lack of accountability for the serious human rights violations committed during the dictatorship, despite the commendable work of the Federal Public Prosecutor’s Office, and calls upon the competent judicial and legislative authorities to adopt the measures necessary to finally make progress in this area.

V. Reparation

39. Brazil has implemented two administrative programmes to provide reparation to victims of the dictatorship. Given the impunity persistently afforded by the Amnesty Law and the delay in the establishment of an official truth commission, these reparation programmes were the primary transitional justice processes to be implemented between 1995 to 2012.

40. The first initiative was the Special Commission on Political Deaths and Disappearances, mandated to grant reparation to families of persons killed or disappeared for political reasons between 1961 and 1979 (later extended to 1988). The commission provided pecuniary compensation and measures of satisfaction through the issuance of death certificates and rectifications of victims’ obituaries where these had been falsified by the authorities. By 2023, it had recognized approximately 362 cases of political deaths and disappearances of persons persecuted for their political activities and had provided average financial compensation of R\$120,000 (approx. \$30,000) per family.¹⁷

41. The Special Commission played a pioneering role in a period where no other form of redress was available to victims of the dictatorship. The requirement under Law No. 9.140 for persons to be recognized as victims only if they had been persecuted for their “political activities”, and a narrow interpretation of the text of the provision, led however to the exclusion of entire categories of victims from consideration, including members of Indigenous Peoples, peasants, workers and people of African descent, whose death or disappearance was not considered to be “politically motivated” (and therefore admissible) even if committed by the dictatorship. The Special Rapporteur noted with concern that the procedure for recognition of the status of victims is centred on the political motivation of victims or of the perpetrators rather than on the violation endured by victims. This approach is incongruent with international standards in the field of reparation and enforced disappearances, according to which victims must receive recognition and reparation for the harm suffered, irrespective of other contextual considerations.¹⁸

42. In addition, the Special Commission’s procedural framework imposed significant barriers to obtaining reparation. Until recently, the burden of proof rested with victims’ families, who were required to meet a high evidentiary threshold to establish violations. Restrictive temporal restrictions, such as the requirement for claims to be filed within 120

¹⁶ Such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons.

¹⁷ See Lucia Elena Arantes Ferreira Bastos, *Transitional Justice in Brazil, Walking the Tightrope*, (Cambridge, Intersentia, 2023), p. 51.

¹⁸ See the International Convention for the Protection of All Persons from Enforced Disappearance, art. 2 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, principle 8.

days of the law's ratification, with only two subsequent 120-day extensions, further constrained the number of victims able to benefit from the mechanism.

43. In 2002, Law No. 10.559 established a second reparation mechanism, the Amnesty Commission, with a mandate to identify and provide reparation to individuals persecuted for “exclusively political motivation” between 1946 and 1988. The commission established a simplified administrative process with lower standards of proof. As at December 2024, the commission had processed 97 per cent of 80,357 claims received, granted 39,984 and rejected 31,669.¹⁹

44. The Amnesty Commission offered pecuniary reparation as monthly stipends of R\$2,000 or a lump sum of up to R\$100,000.²⁰ It also granted restitution measures, such as the reinstatement of government employees and recognition of due promotions and of time (forcibly) unemployed towards a pension;²¹ rehabilitation measures, such as “testimony clinics” that offered psychological support to victims and families, and “psychological reparation study centres”, which trained professionals and produced related knowledge; symbolic reparation through several memorialization and education efforts; and measures of satisfaction by public apology (see paras. 46–47 below). In 2023, the Commission changed its internal regulations to include the provision of collective reparations; for example, in 2024, it granted collective reparation to the Guarani-Kaiowá and Krenak peoples.

45. Between 2019 and 2022, the operations of both commissions were disrupted under the previous administration,²² leading to the rejection of numerous claims for reparations and an overall regression in reparation programmes. The Amnesty Commission remained operational but with structural limitations. The Special Commission was suspended in December 2022 and reinstated in August 2024 under the current administration in the wake of civil society advocacy. Both commissions continue to face structural, administrative and financial constraints that hinder their effective functioning.

Apologies

46. In 2007, the Amnesty Commission began to offer an official apology to victims on behalf of the State, at a ceremony during which representatives of the Commission publicly thanked survivors for their resistance and made the apology. In 2024, the Commission offered apologies on behalf of the State to the Guarani-Kaiowá and Krenak peoples. In March 2025, the Ministry of Human Rights and Citizenship apologized for State negligence in identifying the remains found in the Perus mass grave.

47. The Special Rapporteur welcomes the work of both commissions and the variety of reparation measures provided to certain categories of victims. However, he warns that the aforementioned procedural and temporal restrictions and limiting victim status to those persecuted “for political reasons” unduly obstruct access to reparation by all victims of the dictatorship, and calls for their urgent revision.

VI. Memorialization

48. Brazil has adopted several measures to memorialize the serious human rights violations committed under the military dictatorship.

49. The Amnesty Commission created a powerful memorialization and symbolic reparation initiative, the Amnesty Caravans, consisting of public hearings where victims gave testimonies and commissioners held deliberations and paid homage to victims. In addition, it implemented the Traces of Memory Project to fund civil society initiatives aimed at

¹⁹ www.gov.br/mdh/pt-br/assuntos/noticias/2025/abril/comissao-de-anistia-finalizou-97-dos-80-357-pedidos-recebidos-desde-2001 (in Portuguese).

²⁰ <https://agenciagov.ebc.com.br/noticias/202504/comissao-de-anistia-finalizou-97-dos-80-357-pedidos-recebidos-desde-2001>.

²¹ <https://agenciagov.ebc.com.br/noticias/202504/comissao-de-anistia-finalizou-97-dos-80-357-pedidos-recebidos-desde-2001>.

²² See BRA 4/2020.

producing audiovisual and oral resources about the dictatorship, and established “memory totems” in places where caravans were held. It is planning the construction of a Brazilian political amnesty memorial to host the documentary repository of the commission.

50. The Special Commission on Political Deaths and Disappearances implemented the Right to Memory and Truth Project, which documents and disseminates accounts of resistance, and the Places of Memory Project, which marks sites associated with human rights violations using a georeferencing system. It built a catalogue of 222 memory sites related to the dictatorship and produced several publications about its work and related issues.

51. Pursuant to the recommendation of by the National Truth Commission, the National Archives acts as the document repository of the Commission and for documentation from other sources about the violations committed during the dictatorship. It has also implemented the Revealed Memories Project, which contains the largest memory collection about the dictatorship. Obstructions preventing access to the archives of military institutions and a shortage of resources, however, hamper its work. Renewed financial and political support is therefore necessary. The Federal Public Prosecutor’s Office maintains an online repository of the “Brasil: Nunca Mais” project produced by religious and civil society actors in 1985.

52. Other official initiatives include the declaration of the National Day of Memory for Political Dead and Disappeared (August 28) and the National Day for the Defence of Democracy (October 25), and the renaming of streets and public spaces named after dictatorship officials. However, cities such as Porto Alegre, Fortaleza and Joao Pessoa still have streets and public spaces named after members of the military regime, including alleged perpetrators of violations. In São Paulo, the state government sanctioned a bill naming a viaduct after a prominent member of the dictatorship, and the city government refuses to implement as agreed the streets resignification programme “Memory Streets” approved by decree in 2016.²³ A federal bill (No. 1145) banning tributes in public property to persons who violated human rights during the dictatorship has been pending approval in Congress since 2011.

53. Authorities have also established dedicated memorialization institutions, such as the Memorial of Resistance in São Paulo, in the former headquarters of the Department of Political and Social Order, and the Fernando de Vasconcellos Coelho Democracy Memorial in Pernambuco.

54. The Special Rapporteur commends the important and various memorialization efforts made in Brazil. He notes with concern, however, that some states and municipalities fail to preserve and memorialize sites where serious human rights violations were committed, such as the headquarters of the Department of Information Operations – Centre for Internal Defence Operations in São Paulo and Rio de Janeiro, the Department of Political and Social Order in Rio de Janeiro, and the so-called “house of death” in Petropolis (the latter is in private hands with negotiations for its expropriation to establish a memory site). The premises of the above-mentioned centres are abandoned and derelict, under police and military jurisdictions, respectively. The Special Rapporteur fully endorses the demands from civil society for the premises to be preserved and established as memory sites under civil jurisdiction. He regrets that he was not permitted by state authorities to visit the former premises of the Department of Information Operations in Sao Paulo, but was informed by eyewitnesses of the dilapidated state of the building and the documentation stored there, including relating to the dictatorship. He reiterates the call for its preservation made in 2021.²⁴

55. The Special Rapporteur reiterates the concerns raised in previous communications with the State about acts of glorification of the military dictatorship (including of officials accused of serious human rights violations) and of negationism with regard to the violations committed therein, acts attributable to members of the previous administration (including the former President), despite the recommendation of the National Truth Commission that such commemorations should be banned.²⁵ Acts of this nature contravene the State’s obligation to ensure truth and memory of past human rights violations, undermine prevention efforts and

²³ Submission received.

²⁴ See [BRA 8/2021](#).

²⁵ See [BRA 4/2020](#), [BRA 5/2019](#) and [BRA 12/2019](#).

constitute a threat to human rights and democracy. In 2024, the Superior Federal Tribunal ruled that the use of public funds to commemorate the 1964 military coup was unconstitutional.

VII. Guarantees of non-recurrence

A. Education

56. Brazil has adopted federal policies to include human rights education and history teaching about the dictatorship, including the findings of the National Truth Commission, in school curricula, in line with international standards. Many states nonetheless refuse to comply with these policies or allow teaching about these issues. Moreover, the previous federal administration ordered the removal of references to the dictatorship and other human rights issues from school curricula, and censored or criminalized teachers who taught on those subjects, accusing them of indoctrination. Despite the recent re-establishment of human rights education policies, educators continue to face political pressure from local authorities in some regions. The Special Rapporteur recalls that international standards call upon all government authorities to provide human rights education, including teaching about past human rights violations.²⁶

57. The previous administration adopted the National Programme of Civic-Military Schools whereby the management (and sometimes the teaching activities) of some schools was transferred to military personnel, leading to a worrying militarization of education. Although that policy has since been abandoned at the federal level, most affected schools have not returned to civic administration and some states maintain the programme. In 2023, there were 816 civic-military schools in Brazil, representing a 21-fold increase in 10 years.²⁷ In April 2025, the state of São Paulo published a list of 35 state public schools that had received approval to adhere to the civic-military model.²⁸

B. Judicial reform

58. The 1988 Constitution expanded civil liberties, established human rights guarantees and set out a new legal and institutional framework for democratic governance. To improve judicial independence, it introduced a merit-based judicial appointment system, emphasizing competence and training and reducing permeability to political influence. A constitutional amendment adopted in 2004 established the National Council of Justice to oversee the judiciary and the National Council of the Public Ministry to oversee the Public Ministry. Despite these reforms, the Brazilian judiciary reportedly continues to face challenges regarding efficiency, corruption and inequality in access to justice, particularly for marginalized communities.²⁹

²⁶ A/HRC/45/45, paras. 27–30.

²⁷ Submission received.

²⁸ <https://agenciabrasil.ebc.com.br/educacao/noticia/2025-04/sp-publica-lista-de-escolas-que-podem-aderir-ao-modelo-civico-militar>.

²⁹ See <https://biblioteca.cejamerica.org/bitstream/handle/2015/1292/ModernJudicialReforminElSalvadorandBrazil.pdf?sequence=1&isAllowed=y>, p. 6; <https://worldjusticeproject.org/rule-of-law-index/country/2024/Brazil/Civil%20Justice/>; <https://worldjusticeproject.org/rule-of-law-index/country/2024/Brazil/Criminal%20Justice/>; https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2020_BRA.pdf, p. 10; <https://www.riotimesonline.com/corruption-allegations-shake-brazils-judicial-system-to-its-core/>; and https://www.enajus.org.br/anais/assets/papers/2018/017_EnAjus.pdf, p. 10.

C. Security sector reform

1. Law enforcement

59. The security sector is extensive and complex.³⁰ Multiple law enforcement agencies coexist at the federal, state and municipal levels, with distinct roles and responsibilities. Each state entity has separate civil and military police institutions, and some municipalities have a municipal guard. Law enforcement agencies at the state level are independent from the federal jurisdiction.

60. After the end of the dictatorship, some reforms to the security sector inherited from the regime were introduced. The 1988 Constitution placed police operations under civilian control, primarily the Ministry of Justice. In the 1990s, the Government dismantled the National Information Service, the repressive intelligence agency that had operated during the dictatorship and replaced it with the Brazilian Intelligence Agency to coordinate intelligence across government agencies with a democratic approach.³¹ In 2021, the dictatorship-era National Security Law (No. 7170/1983) was repealed.

61. The federal Government adopted measures to improve police operations, such as new regulations and procedures for the use of force, less-lethal weapons and body-worn cameras; training on human rights and the use of force; a focus on community policing; establishing internal investigation mechanisms; and creating the National Committee for Monitoring the Use of Force, signed on to by 13 federal units. The Special Rapporteur was not informed about measures to vet officials accused of committing human rights violations during the dictatorship, nor about reforms or vetting procedures in state police agencies; reports from civil society indicate, however, the absence of such measures.³² Reforms adopted at the federal level are not enforceable in state police entities. Protocols on the use of force and police accountability mechanisms have not been uniformly implemented across the country; the latter mechanisms also reportedly lack independence and effectiveness.³³

62. In 2013, Brazil enacted Law No. 12.847 creating the National System for the Prevention of Torture, which became operational in 2015. Only nine of the 11 members have, however, been appointed owing to delays in the selection process. The law also envisages the creation of local mechanisms at the state level, but only seven states of 25 have implemented one. Progress in this field will be essential to overcome the abusive practices reported in penitentiaries.³⁴

63. Owing to their restricted geographic scope and nature, the reforms had only limited success in curbing the abusive authoritarian legacy in the security sector. As a result, police misconduct, human rights abuse and police corruption remain a significant problem in many forces and regions. The Special Rapporteur heard harrowing testimonies from a wide range of actors about the persistence of such violence. Law enforcement agencies, particularly the military police and other security agents at the state level, continue to commit summary executions, torture and arbitrary detention at alarming rates. As a result, Brazil has one of the highest rates of police killings in the world, accounting for 13 per cent of intentional violent deaths in the country.³⁵ Accountability for police brutality is rarely pursued, which further emboldens these actions, and acts of retaliation are common.³⁶ The criminal actions of militias or paramilitary groups are also not adequately prevented or prosecuted, and are sometimes supported by the authorities. Disappearances are another concern, with 80,333 cases recorded in 2024.³⁷ Structural flaws and negligence reportedly hamper police

³⁰ A/HRC/57/71/Add.1, para. 26.

³¹ https://ciaotest.cc.columbia.edu/olj/si/si_6_03/si_6_03_d_bruneau.pdf, p. 4.

³² Submission received.

³³ A/HRC/57/71/Add.1, paras. 32, 46–48.

³⁴ Ibid., para. 65.

³⁵ Ibid.

³⁶ Ibid., paras. 46–48.

³⁷ See <https://www.gov.br/mj/pt-br/assuntos/sua-seguranca/seguranca-publica/estatistica/download/dados-nacionais-de-seguranca-publica-mapa/mapa-2025-infograficos> (in Portuguese).

investigations and searches for missing persons, which are frequently entrusted to family members.

64. People of African descent are disproportionately affected by police brutality; according to the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, they are three times more likely to be killed by police than white people, and those most affected by police lethality are young men of African descent living in poverty in impoverished areas.³⁸ A total of 83.1 per cent of civilians killed by the police in 2023 were people of African descent, and 75.6 per cent of police victims were aged between 12 and 29 years. Similarly, 54.3 per cent of disappeared persons were black, and 29.3 per cent were aged between 12 and 17 years.³⁹

65. Brazil has established a national DNA database, an integrated network of genetic profile databases and new forensic protocols and procedures to enhance criminal investigations, and has adopted new regulations, policies and training to improve searches for missing persons.

66. The Special Rapporteur recalls that the reform and vetting of institutions involved in human rights violations in authoritarian settings is crucial for democratic transition and to prevent the recurrence of past violations. He is fully aware that the federal structure of Brazil poses challenges to the adoption of reforms that encompass the entire security sector; however, each state entity and the country as a whole is responsible for adopting measures to ensure that law enforcement operations fully conform with international standards on the use of force,⁴⁰ and that violations are adequately investigated, prosecuted and sanctioned.

2. Military

67. At the end of the dictatorship, some incipient measures were implemented to transform the military sector and align it with democratic principles. The 1988 Constitution restricted the role of the military to external defence. The Ministry of Defence was established to centralize civilian control and oversight of the armed forces. A national defence policy and a national defence strategy were developed to guide military activities within a democratic framework.

68. Despite these reforms, clear challenges remain in integrating the military into a democratic framework. The armed forces continue to be involved in domestic security, especially in cases of internal violence or major social unrest. Moreover, the military police – reserve forces of the army in charge of policing and preserving public order under the civilian authority of states – are allegedly routinely involved in serious human rights violations, such as killings and torture, accounting for 90 per cent of abuses committed by state agents in some regions.⁴¹ Furthermore, the armed forces fail to cooperate with transitional justice mechanisms. The involvement of active military personnel in political positions and in episodes relating to the alleged attempted coup of January 2023 exposed the severe democratic deficit in the institution and showed a serious deviation from the constitutional role expected of it.

69. After the dictatorship, reforms to the military justice system comprised changes to its regulatory framework and the establishment of specialized courts to examine cases of military misconduct. Law No. 13,491/2017 however expanded the jurisdiction of the federal military justice system to encompass intentional crimes against civilians committed by military personnel, including military police, removing these cases from the jurisdiction of ordinary courts. The constitutionality of the rule is being challenged in court through Direct Unconstitutionality Actions 5032, 5901 and 5804.

70. The Special Rapporteur notes the efforts made to reform the military and security sector to ensure that they operate under civilian control and adhere to democratic principles. The reforms have however failed to address the deep-rooted challenges in these institutions.

³⁸ A/HRC/57/71/Add.1, para. 42.

³⁹ <https://forumseguranca.org.br/wp-content/uploads/2023/07/anuario-2023.pdf> (in Portuguese).

⁴⁰ See <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/executions.pdf> and <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

⁴¹ https://www.iddd.org.br/wp-content/uploads/2020/07/OFimDaLiberdade_completo.pdf, p.77.

Resistance to reform, reluctance to relinquish power or influence and a culture of abuse and impunity are still considerable and must be urgently addressed.

VIII. Indigenous Peoples, peasants and people of African descent

71. As a result of the negotiations leading to the adoption of the Amnesty Law in 1979 and its reference to victims of political repression – mainly in urban centres – the transitional justice framework in Brazil has focused primarily on victims who suffered State repression for their political activities, and largely failed to address the harm inflicted (by State agents and non-State actors in collusion or with acquiescence of State authorities) on other sectors of society. This was the case for groups that are marginalized in Brazilian society, such as Indigenous Peoples, peasants and people of African descent.

72. Most of the serious human rights violations suffered by Indigenous Peoples and peasants, and several suffered by people of African descent, were committed in the context of land dispossession campaigns for agricultural, infrastructure, logging and mining development projects encouraged and materially supported by the dictatorship; however, the transitional justice infrastructure largely considered these abuses not to have been politically motivated. As a result, the Special Commission on Political Deaths and the Amnesty Commission recognized very few cases affecting these groups, and the National Truth Commission devoted secondary attention to their plight.

73. According to the report of the National Truth Commission, volume II,⁴² text V, an estimated 8,350 members of Indigenous Peoples were killed during the dictatorship in massacres, forced removals from their land, contagion by infectious diseases, imprisonment, torture and ill-treatment,⁴³ even though the Commission believes this figure to be far higher, given that its estimates were based on only a few cases. It did not identify individual victims or perpetrators as it did for victims of “politically motivated crimes” (in volumes I and III of the report), but recommends further investigations of these violations, public apologies, Indigenous land regularization, disintrusion, environmental recovery of the reserves and collective reparation. The archives of the Indian Protection Service and the National Foundation of Indigenous peoples (FUNAI) are said to contain further information about these violations and should be the subject of careful truth-seeking processes.

74. Today, Indigenous Peoples continue to be subject to violence and land seizure facilitated by the failure of the Government to demarcate and protect Indigenous land, as required by the country’s constitutional framework. This precariousness worsened with the adoption of Law No. 14,703 of December 2023 establishing the *marco temporal* legal thesis, according to which Indigenous Peoples could claim rights only to the lands they occupied (or claimed) by 1988 when democracy was restored. In doing so, the legislator disregarded the ruling of the Supreme Federal Tribunal of September 2023 (RE 1017365) overruling this thesis and establishing that 1988 could not be used to define the traditional occupation of land by Indigenous communities. The law is being questioned in the Supreme Federal Tribunal through five “concentrated control of constitutionality” actions (ADC 87, ADI 7.582, ADI 7.583, ADI 7.586 and ADO 86). In 2024, the reporting judge suspended the actions but not the effects of the law, imposing a conciliation process between the parties, which was rejected by most of the Indigenous Peoples movement and criticized by other social actors⁴⁴ for undermining their constitutionally guaranteed rights.⁴⁵

75. Peasants also endured serious human rights violations during the dictatorship. Of the 15,000 victims listed by the “Brasil: Nunca Mais” project, 1,621 were peasants.⁴⁶ Civil society reported that the Amnesty Commission had received 2,559 claims of people identified as peasants as at 2022 (but had approved 354 cases to date). The Peasants Truth Commission

⁴² Drafted by advisors to the Commission.

⁴³ https://cnv.memoriasreveladas.gov.br/images/pdf/relatorio/volume_2_digital.pdf (in Portuguese), p. 205.

⁴⁴ <https://apiboficial.org/files/2024/05/sei-4299642-nota-cndh-8-1.pdf>.

⁴⁵ <https://noticias.stf.jus.br/posts/noticias/stf-realiza-nesta-segunda-5-primeira-conciliacao-sobre-lei-do-marco-temporal/> (in Portuguese).

⁴⁶ Submissions received; see also <https://bnmdigital.mpf.mp.br/pt-br/> (in Portuguese).

submitted a list of 1,196 peasants and allies killed or disappeared during the dictatorship to the National Truth Commission, later updated to 1,988.⁴⁷ Of those, only 41 were officially recognized by the Truth Commission.⁴⁸ The Commission explains the violence suffered by this group in volume II, text III of its report.

76. As confirmed by the National Truth Commission, land concentration and semi-feudalism determined the social, economic and power structure of Brazil for centuries and shaped public and private strategies to respond to the demands of peasants and other groups for land reform. Long before the 1964 coup, those demands were met with violence, often committed by private actors in collusion or with the acquiescence of state or federal authorities. The coup itself was partly motivated to halt the land reform spearheaded by President João Goulart. During and in the immediate aftermath of the dictatorship (1985–1988), the repression of peasants intensified and included expulsion from land, forced emigration, killings, enforced disappearances, torture, arbitrary detention and sexual abuse. Little effort was officially made to establish the truth about the abuses and the complicity of State and non-State actors, including private companies and militias. Serious human rights violations in rural areas continued after the end of the dictatorship; according to civil society sources,⁴⁹ some 1,440 peasants and allies were murdered between 1985 and 2023, revealing the ineffectiveness of guarantees of non-recurrence.

77. People of African descent have long been disproportionately affected by systemic racism and State violence in the context of law enforcement operations in urban areas and of land disputes with public and private actors in rural areas.⁵⁰ These practices are a legacy of the enslavement and colonial practices that shaped the country's socioeconomic fabric for centuries,⁵¹ and that intensified during the dictatorship in the form of arbitrary arrests, enforced disappearances, summary executions and torture targeted at favela residents, *quilombos* and the black movement.⁵² Documents found in the National Archives in 2024 revealed that black activists were persecuted to stifle racial justice movements.⁵³ The Truth Commission of Rio de Janeiro noted the increased militarization of favelas and the growth of death squads in this period,⁵⁴ reporting that 41 black movement leaders had been killed or disappeared, and that the actual number of black victims of the regime was difficult to measure.⁵⁵ Accurate estimations during this period were hampered by the removal of racial disaggregated data from official statistics.⁵⁶ In its report, the National Truth Commission recognized some individual Afrodescendent victims of the regime but failed to address the breadth of the oppression and violence against these communities, the military repression of black activism and the role of the black movement in opposing the dictatorship and contesting the official propaganda of a country without racism.⁵⁷ The Commission reportedly produced information on the subject that remained unpublished and is part of its documentary repository stored at the National Archives. Many interlocutors reported that the racism and police violence that men and boys of African descent face have increased since the return of democracy, as the data cited in the previous section showed.

⁴⁷ <https://comissaoacamponesa.org/wp-content/uploads/2023/07/Livro-Lutas-Memorias-e-Violacoes-no-Campo-Brasileiro-2020.pdf> (in Portuguese), p. 294.

⁴⁸ Submission received.

⁴⁹ Submissions received.

⁵⁰ A/HRC/57/71/Add.1, para. 20.

⁵¹ Ibid., para. 16.

⁵² See (in Portuguese) <https://memoriasdaditadura.org.br/militarizacao-do-cotidiano/>; <https://memoriasdaditadura.org.br/alvos-historicos-das-violencias-do-estado/>; <https://noticias.uol.com.br/reportagens-especiais/ditadura-militar-espionou-movimento-negro-reprimiu-e-infiltrou-agentes/>.

⁵³ See <https://noticias.uol.com.br/reportagens-especiais/ditadura-militar-espionou-movimento-negro-reprimiu-e-infiltrou-agentes/> (in Portuguese).

⁵⁴ See <https://memoriasdaditadura.org.br/militarizacao-do-cotidiano/> (in Portuguese).

⁵⁵ See <https://comissaoadaverdade.al.sp.gov.br/relatorio/tomo-i/parte-ii-cap1.html> (in Portuguese).

⁵⁶ See <https://rmnpr.org.br/publicacao/13/quesito-raca-cor-obrigatorio-para-promocao-da-saude-publica-brasileira/artigos> (in Portuguese).

⁵⁷ See <https://memoriasdaditadura.org.br/memoria-verdade-e-justica-onde-a-questao-racial-entra/>; and <https://noticias.uol.com.br/reportagens-especiais/ditadura-militar-espionou-movimento-negro-reprimiu-e-infiltrou-agentes/> (in Portuguese).

78. The serious human rights violations committed against members of Indigenous Peoples, peasants and people of African descent over decades, even centuries, of Brazilian history intensified during the dictatorship and persist today, highlighting the limitations of a transitional justice project that has neglected to effectively report, remedy and prevent their recurrence. Transitional justice mechanisms in Brazil must be given the mandate and tools to address this shortcoming without delay.

IX. Conclusions

79. The Special Commission on Political Deaths and Disappearances, the Amnesty Commission and the National Truth Commission have led the transitional justice process in the country, achieving important results in the quest for truth, recognition, reparation, apology and memorialization, despite restrictions on their mandates that affected the scope of their work, particularly with regard to the categories of victims addressed. Such limitations are directly related to the negotiations leading to the adoption of the Amnesty Law of 1979, which legitimized the idea that only persons persecuted for their political activity were victims of serious human rights violations and could be the focus of the mechanisms.

80. The Amnesty Law of 1979 – and its interpretation by the Supreme Federal Tribunal – is at the core of many of the challenges faced since the end of the dictatorship, as it impedes the achievement of justice, undermines the rule of law, weakens trust in State institutions and emboldens the commission of future violations. Moreover, it has shaped a narrow transitional justice model artificially divided into two camps: the military regime and its vocal opponents, excluding entire categories of victims. This exclusion undermines the foundations of international human rights law, according to which the State must guarantee the full exercise of human rights, and effective remedy in the case of violations, to all persons under its jurisdiction, without discrimination.

81. The failure to address the incompatibility of the Amnesty Law with the State's human rights obligations remains a core barrier to truth, justice, reparation and guarantees of non-recurrence. This challenge is compounded by the inadequacy of security sector reforms, the worrying militarization of education in certain parts of the country and the lack of history teaching about the dictatorship (mainly at the state and local levels), all of which have weakened democratic values and have made society less perceptive of the risks of authoritarianism and recurrent violence. The alleged coup attempt of January 2023 demonstrates the dangerous effects of an incomplete transitional justice model and the urgent need to settle accounts with the past to avoid repeating the same mistakes in the present.

82. Numerous reports and interlocutors point to the alarming rates of State violence directed against people of African descent, members of Indigenous Peoples and peasants today. Serious human rights violations that target these groups are not new; they were prevalent during the dictatorship and can be traced back to slavery and colonialism, as the reports cited in the present report have shown. This continuum of violence is an indicator of the failure to punish abuse and to effectively reform the institutions and regulations that facilitate these practices.

83. The lack of a comprehensive transitional justice process to deal with the aftermath of the dictatorship has regrettably led to recurrent attacks on democracy, human rights and the rule of law. To correct this path, Brazil must urgently implement the transitional justice package proposed in the final report of the National Truth Commission and in the recommendations below.

X. Recommendations

84. The Special Rapporteur recommends that the competent Brazilian authorities:
- (a) Implement the recommendations of the National Truth Commission;

(b) Establish a federal follow-up mechanism to continue the Commission's work and monitor the implementation of its recommendations; the mechanism should investigate comprehensively the serious human rights violations committed during the dictatorship against all sectors of society, including Indigenous Peoples, peasants and people of African descent, irrespective of whether the violations were instigated because of the victim's "political activities", and report on its findings and make recommendations; it should be autonomous, financially independent and open-ended until investigations are completed. The process should consider the findings of existing commissions at the state and municipal levels and in civil society;

(c) Establish a national truth commission on Indigenous persons, as advised by the National Truth Commission, and one on people of African descent and on peasants;

(d) Maintain a repository of records of past serious human rights violations stemming from the National Truth Commission, the Special Commission on Political Deaths and Disappearances and the Amnesty Commission;

(e) Take the legislative and administrative measures necessary to facilitate access to and regulate use and management of records of past human right violations, including undisclosed records kept by security and armed forces;

(f) Provide continued financial, technical and human resources for searches for and the identification of missing persons;

(g) Establish an independent and dedicated civil institution in charge of exhuming, storing, examining and identifying the remains of persons presumably disappeared during the dictatorship, and of collecting and storing the DNA sampling of their relatives, in compliance with international standards; and ensure the functional and administrative autonomy of the institution and other official forensic bodies in Brazil;

(h) Revise the Amnesty Law to ensure its full compliance with international human rights obligations and the binding judgments of the Inter-American Court of Human Rights, including by removing any obstacles to the prosecution of all perpetrators of serious human rights violations committed during the dictatorship.

(i) Refrain from recourse to legal, judicial or de facto obstacles to accountability, such as immunities, total or partial amnesties, pardons, the application of statutory limitations or of provisions of non-retroactivity in criminal law, *ne bis in idem* or *res judicata*, the doctrines of due obedience or command responsibility, or dispensations or remissions that are at odds with the determination and execution of a quantum of the sentence, since they run counter to international law when applied to serious human rights violations and are aimed at shielding perpetrators from criminal prosecution and punishment, as detailed in the report of the previous mandate holder on international legal standards underpinning the pillars of transitional justice;⁵⁸

(j) Step up efforts to discharge their national and international duty to criminally investigate, prosecute and sanction the serious human rights violations committed during the dictatorship, in compliance with international human rights obligations; sufficient human and financial resources should be devoted to that task.

85. The Special Rapporteur also recommends that the competent Brazilian authorities:

(a) Typify the criminal offences of crimes against humanity and the crime of enforced disappearance in line with international standards, and ensure they cannot be subject to statutory limitations or amnesties;

(b) Adopt the legislative or administrative measures necessary to expand the mandates of the Special Commission on Political Deaths and Disappearances and of the Amnesty Commission, or create a new programme if required, to ensure that all victims of human rights violations committed by State agents, or by private actors in collusion

⁵⁸ A/HRC/54/24.

or with the acquiescence of the State during the dictatorship, receive recognition and reparation irrespective of whether the violations were instigated because of the victim's "political activities"; reparation should include compensation, rehabilitation, satisfaction and restitution, as well as collective reparation when required by victims;

(c) Ensure that such reparation procedures are not time-bound, require a low threshold of evidence of victimhood, and are clearly communicated and accessible to all victims, and consequently abolish the 120-day limitation for the filing of claims with the Special Commission on Political Deaths and Disappearances and revise the burden of proof requirements of the commissions;

(d) Provide legal, institutional and financial stability to the Special Commission on Political Deaths and Disappearances and the Amnesty Commission to ensure their continuity, regardless of changes in political circumstances;

(e) Develop and make official public apologies to all categories of victims of human rights violations, in full consultation with victims regarding the content, scope and format of the apology and in compliance with the international standards detailed by a previous mandate holder in his report on apologies for gross human rights violations and serious violations of international humanitarian law;⁵⁹

(f) Implement comprehensive public policies at the federal, state and municipal levels to adequately memorialize past human rights violations based on plural and accurate accounts, as established by international and domestic mechanisms; place under civil jurisdiction, preserve and convert sites of past human rights violations into memory sites; facilitate and support memorialization efforts of victims or their families; and address and pre-empt practices that negate, relativize or glorify past human rights violations, in compliance with international standards;

(g) Implement policies at the federal and state levels to ensure the inclusion of human rights education and history teaching about past human rights violations in education, culture and the media, based on plural and accurate accounts, as established by international and national mechanisms; prevent the teaching of negationist or glorifying theories about those violations; and prohibit and reverse the militarization of public education, as established in Decree No. 11.611/2023;

(h) Adopt the legislative and administrative measures necessary to ensure that military and law enforcement agencies at the federal and state levels operate in full compliance with international standards, including by reforming their regulations and operations in accordance with those standards; conducting effective vetting of officials involved in human rights violations; implementing effective and independent oversight and accountability mechanisms; demilitarizing military police agencies; strengthening human rights training and history teaching about past violations committed by their agents to prevent their recurrence; excluding human rights violations from military justice jurisdiction, and extinguishing State military jurisdiction; strengthening the reach, autonomy and independence of the national system for preventing and combating torture; and cooperating fully with transitional justice mechanisms;

(i) Promptly implement criminal and other judicial actions to address State violence committed against Indigenous Peoples, peasants and people of African descent, and take measures to guarantee proper reparation, memorialization and non-recurrence for these violations, in consultation with and ensuring the consent and participation of victims;

(j) Provide continuing human rights training and history teaching about past human rights violations to public officials, teachers and the judiciary;

(k) Ensure that victims and civil society participate actively in the design and implementation of all transitional justice processes.

⁵⁹ A/74/147.