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AN INTERVIEW WITH PAR ENGSTROM

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In May, Brazilian President Dilma Rousseff [formally inaugurated a truth commission](#) to examine human rights abuses that occurred during Brazil's period of military rule. In an email interview, [Par Engstrom](#), a lecturer at the University College of London Institute of the Americas, discussed Brazil's process of transitional justice.

WPR: *What are the major steps Brazil has taken to account for the abuses of the dictatorship era?*

Par Engstrom: Brazil remains a regional laggard in South America in terms of transitional justice. This is largely due to the 1979 Amnesty Law, adopted as a measure to facilitate a political opening in Brazil, but which was subsequently interpreted to include military and police officials who had committed human rights violations. Successive Brazilian governments have broadly accepted the conditions imposed by the military. The Cardoso government created a Special Commission, which offered some monetary compensation to victims. The Lula government extended the compensation policy and offered some support for the creation of a National Truth Commission. Yet, efforts to prosecute individuals for human rights violations committed under the military regime have been resisted. The election of Dilma Rousseff offers therefore an exceptionally opportune moment with a president who herself is a victim of human rights violations under the military regime. The recently created truth commission is a political triumph for Rousseff, as it has a fairly robust mandate to investigate the truth about military abuses. But, crucially, it does not have a mandate to support prosecutions of individual perpetrators.

WPR: *To what degree is the process motivated by domestic factors, pressure from regional and international institutions and the experiences of neighboring countries, respectively?*

Engstrom: Demands for transitional justice have been kept alive by numerically small but highly mobilized human rights groups in Brazil. On the other hand, until quite recently Brazil has been fairly insulated from external pressures. In recent years, however, international human rights organizations have become more involved in Brazil, and Brazilian human rights groups have been more successful in bringing attention to the unresolved issues of Brazil's recent past. In December 2010, the Inter-American Court of Human Rights ruled that Brazil is responsible for forced disappearances in the early 1970s. It ordered the investigation and criminal prosecution of those responsible. This ruling, combined with Rousseff's election and the increasingly mobilized human rights groups, has given significant momentum to transitional justice demands in Brazil.

WPR: *Is the truth commission likely to be an end point of institutional efforts, or are further pushes -- to address the question of amnesty, for instance -- to be expected?*

Engstrom: Just a few years ago, due to strong military resistance, even the creation of a truth commission looked unlikely. Today the picture looks quite different. It is true that prosecutions

have been ruled out by the Rousseff government and that the Amnesty Law remains intact. There are clearly strong political incentives for the Rousseff government not to jeopardize the relatively friction-free relationship with the military. However, there has been a trickle of cases concerning past violations brought to Brazilian courts by federal prosecutors. And, notwithstanding the preference for “truth” over “justice” by the Rousseff government, it may simply not be possible to put a full stop to increasingly concerted legal efforts to hold individual military and police personnel to account. The experience of other countries in the region is that both domestic and international pressures have a corrosive effect on impunity in the medium to long term. □

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