

Groups in Brazil Aim to Call Military Torturers to Account

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SÃO PAULO, [Brazil](#) — Frustrated by their own government's timidity but encouraged by recent court rulings in Argentina and Chile, Brazilian human rights groups are seeking to overturn an amnesty for human rights abuses that went into effect in 1979, when a right-wing military dictatorship ruled this nation.

A family of five jailed earlier in the 1970s has filed a civil action against Col. Carlos Alberto Brilhante Ustra, who was then the commander of Center for Operations for Internal Defense here. A judge has agreed to hear the complaint, the first time that a Brazilian military officer has been formally called to account for the torture of political prisoners during the dictatorship.

“This has a lot to do with historical context, and not just in Brazil,” said Cecilia Coimbra, a leader of the human rights group Torture Never Again. “Other countries have advanced a lot further, both in terms of punishing those responsible for abuses and opening their archives. And since our government still insists on sitting on the wall, we have to take the offensive ourselves.”

The complainants say that they are not seeking to have Colonel Ustra jailed or forced to pay damages to former prisoners. “Our objective is merely to establish the truth, which is that torture was not an isolated practice, but institutionalized,” said Criméia Schmidt de Almeida, one of the plaintiffs. “We want the state to recognize that he was a torturer, for the sake of the historical record.”

The original law, approved in 1979 by a compliant Congress, granted amnesty for all “crimes related to politics or committed with a political motivation.” Over the years, that phrase, apparently purposefully ambiguous, has been taken to mean that neither the leftist opponents of the military dictatorship, including former armed guerrillas, nor their jailers and torturers, could be held legally accountable for their actions.

“It was a broad, generalized amnesty, for terrorists and torturers alike,” said Jarbas Passarinho, a former army colonel, senator and justice minister who has emerged as one of Colonel Ustra’s main defenders. “I favor the idea of turning the page and moving on, in the interests of national reconciliation.”

But lawyers here who have volunteered their services to human rights groups contend that torture cannot be regarded as a political offense and that it is therefore excluded from the amnesty. And because torture has no statute of limitations under Brazilian law, Colonel Ustra and others could theoretically be indicted under a law outlawing torture that was passed in 1997 meant mainly to prevent police abuses.

The total of those who died or disappeared during the military dictatorship that ruled Brazil from 1964 to 1985 numbers in the hundreds, rather than the thousands who perished in Argentina and Chile over a much shorter period. In the past, governments here had focused on compensating victims and their relatives, but when the leftist [Luiz Inácio Lula da Silva](#) was elected president in 2002, human rights groups hoped for a more forceful approach.

Mr. da Silva, however, has disappointed those expectations. When, for example, the military was caught in late 2004 trying to destroy incriminating records and issued a public statement justifying its mistreatment of political prisoners, the president declined to fire or even rebuke military commanders, which led his civilian defense minister, José Viegas, to resign in protest.

“Everything depends on the political context and political will, and I don’t see the political will in Lula’s administration,” José Miguel Vivanco, the executive director of the Americas program of [Human Rights Watch](#), said in a telephone interview from Washington. “Politicians are rational actors. They are willing to challenge the status quo only if they have a constituency or some pressure, and I don’t know if that constituency exists in Brazil the way it does in Argentina and Chile.”

Speaking on behalf of Colonel Ustra, his wife, Joseita, declined a request for an interview with him, saying he is recovering from

surgery. But in recent speeches made to military groups before his hospitalization, he suggested that he was not the human rights groups' only target.

"I am the first, but tomorrow there will be others," he said in a speech to an audience of more than 400 fellow officers and sympathizers at the Military Club in Rio de Janeiro in January. "I am being judged for a crime I did not commit. It is the revenge of those who were defeated in 1964, many of whom today find themselves in power."

Colonel Passarinho said that among the people Colonel Ustra had in mind was Dilma Rousseff, Mr. da Silva's chief of staff. As a member of an armed revolutionary group, Ms. Rousseff, then nicknamed "the guerrilla Joan of Arc," was involved in a \$2.5 million robbery in 1969 and was captured the next year, tortured and held in prison for three years.

Colonel Ustra, 74, is the founder of a group called Terrorism Never Again, formed as a counterpoint to Torture Never Again, and the author of a book, "The Suffocated Truth." The book was intended to, in his words, "undo the myths, farces and lies to manipulate public opinion" about the period of the dictatorship. He acknowledges that some of his subordinates may have committed abuses, but he insists that he never personally participated in torture sessions. That claim has been contested by human rights groups and former prisoners.

"As commander, he not only knew what was going on, but personally tortured me when I was seven months pregnant," said Ms. Schmidt de Almeida, a former guerrilla. "He used electricity to shock me not on the anus, mouth and genitals, which was the standard practice then, but on the hands and feet, and he beat me about the head.

"It's not just me, but Brazilian society as a whole that is living with the consequences of that repression," she added. "It's a difficult thing to confront, but there have been important advances in Argentina, Chile and Uruguay, and for our own well-being, we need to resolve this issue, too."