



## **GRUPO TORTURA NUNCA MAIS - SOME RECOLLECTIONS**

**Tim Cahill**

It has now been over four years since I left the Brazil team at Amnesty International. Today, working in the world of human rights philanthropy, supporting organisations that continue to combat the ever present scourge of torture around the world, it is interesting to look back and see what I learned from my experiences working on Brazil for an international human rights monolith. Over time, there has been a notable evolution in the understanding of where and how torture sits within a society. This has been particularly evident in Brazil. This article is a very brief personal account of what I saw during my time working in the human rights world and my experiences collaborating with Grupo Tortura Nunca Mais - Rio de Janeiro (GTNM-RJ). Amidst all the successes and failures that have marked the continued the fight against torture in Brazil, the organisation has maintained a consistent and principled vision of its work that underlines why GTNM-RJ holds a place within the human rights community that goes well beyond its size.

Acres have been written about the nature of repression in Brazil. The 1964 Coup d'Etat, saw Brazil matching the tone of a region that was to be dominated by military regimes set to 'protect' their populations through the institutionalisation of torture and extra-judicial executions. Violence became the accepted tool of the state, in many countries, in their efforts to quell 'leftist subversives'. Yet in their turn, these regimes left a legacy of bloodshed across the Americas, which have seen it marked by the highest levels of institutional and criminal violence in the world. It has been the process of understanding this connection, which has made the work of GTNM-RJ so important in the human rights context in Brazil today.

It is no coincidence that Amnesty International's first ever report on torture was written about Brazil. An organisation born out of the desire to support the plight of political prisoners, it was an inevitable step for Amnesty to begin to document the torture and violations these detainees were suffering at the hands of their captors. Brazil, one of the first military regimes in South America, stood as a perfect example of the systemic use of state mandated violence against political detainees. In 1972 Amnesty launched its "Report on Allegations of Torture in Brazil"<sup>1</sup>. The report, which was largely based on testimony given from former detainees in exile, led to the Brazilian military authorities expressly banning public statements from the organisation in the country's media. Today Amnesty's report stands as an early historical document of the violations being perpetrated by the armed forces, and was to signal the importance of the recording of the experiences and memories of victims and their relatives.

If, in the 1960s and 1970s, Amnesty International opened the way for the creation of a public voice for human rights activists and their supporters around the globe, the 1980s and 1990s were to be marked by the rise of local NGOs. Latin America stood as a cradle for the homegrown human rights movement, born out of the vast numbers of violations perpetrated by military regimes across the continent. Many of the organisations were born out of the joint desire to document past violations and to bring those responsible to justice. In 1985 Cecilia Coimbra formed GTNM-RJ with four aims: to educate new generations of the crimes of the past regime; to support survivors and the families of the "disappeared"; to denounce past crimes and ensure that those responsible were removed from positions of responsibility; and finally to promote human rights for all. To this end the work done by GTNM-RJ was essential, in remembering, documenting and supporting. However, with the end of the military regime in Brazil, as is so often the way in the country, sought to create a transition based on consensus and conformity, rather than truth and justice. So the 1979 Amnesty law was passed, which controversially pardoned torturers for what

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<sup>1</sup> "Report on Allegations of Torture in Brazil" Amnesty International, September 1972 see: <https://anistia.org.br/wp-content/uploads/2014/07/Relatório-da-Tortura-1972.pdf>

were deemed to be political crimes. Essentially, this saw the old conservative structures left in place, rather than ripping up the system and starting again. This lack of revolutionary re-configuration has left an authoritarian undertow in Brazil through all its different political experiments.

As mentioned above, the legacy of a transition which hides a history of institutional state abuse under the carpet, was to allow its perpetuation. However, when I took over as head of Amnesty's Brazil research team in 2000 most of the country still had to come to terms with the profound conflict this had created within its criminal justice system. When Amnesty began to investigate the practice of torture in the country at that time, firstly in the organisation's excellent report on the state of the country's prisons, launched in 1999, and subsequently in a report on torture in 2001 and a report to the UN Committee against Torture in the same year, two things were clear. Firstly, that the practice of torture was rife throughout the country's police stations, detention centres, juvenile socio-education centres, and even on the streets as part of daily policing methods. The second element, was that public, media and authorities alike had built a mythical image of a country that had moved on from its repressive past. The central dilemma which upheld this notion in the collective national psyche was best expressed to me by a senior member of the state of São Paulo's Secretariat for Prison Administration, when he told me that, "*Claro, tem tortura e tem **Tortura**. A gente não tortura como antigamente.*" Essentially, one cannot compare torturing white educated political activists with torturing young Afro-descendent criminal suspects. They are not the same, hence the crime is not the same.

Worryingly, so prevalent was this belief in Brazil, that four years after the introduction of the country's 1997 anti-torture law, no state officials had been convicted of the crime. In fact many, who themselves suffered torture during the military dictatorship, failed to make the link. GTNM-RJ, and especially its unstoppable founder Dra Cecilia Coimbra, never lost sight of how the crimes of the era bred the crimes of the present. In 2000, Sir Nigel Rodley then UN Special Rapporteur on Torture and Cruel, Inhuman and Degrading Treatment, made his now historic visit to Brazil. It was to be the moment that the Federal Government, at that time headed by President Cardoso, was to finally recognise

the practice of torture in the country. It was undoubtedly a historic turning point, and though the efforts introduced to combat its practice (most notably a telephone hotline manned by elements in civil society) were to be little more than window dressing, it paved the way to civil society fighting for real and effective change.

Throughout the subsequent advances that were to come, it is notable that GTNM-RJ never lost sight of their principled stance on the issues at hand. In collaboration with CEJIL and the Sao Paulo Commission of Comissão de Familiares de Mortos e Desaparecidos Políticos, GTNM-RJ was co-petitioner on a number of historic cases before the Inter-American Human Rights System. Most notably in the Gomes Lund case, where the Inter-American Court of Human Rights ruled that Brazil's Amnesty laws 'lack legal effect'. However, the organisation's fight against impunity did not stop at the Inter-American system. When President Dilma sought to finally create the Truth Commission the country so desperately needed, it was GTNM-RJ that most doggedly campaigned to ensure that the process would not become merely the window dressing that some now fear it became. Time and again the members of the organisation called on former colleagues and activists, now amongst the ranks of the ruling PT, to ensure that real redress would be made to former victims, including effective and lasting justice for those who had tortured and killed so many.

Yet, as mentioned above, unlike those in other parts of the region whose fight for justice might have seemed more successful, GTNM-RJ never lost sight of the plight of today's Afro-Brazilian population, which daily faces the force of a violent, under-prepared and often corrupt security system. The organisation regularly campaigns against current day acts of torture, arbitrary detentions and extra-judicial executions, sometimes even putting GTNM-RJ at risk. In 2001, GTNM-RJ presented to the UN Committee against Torture 23 cases of torture within the armed forces. Most notable was the case of Cadet Márcio Lapoente da Silveira, who was kicked, beaten and hit with a rifle butt by his commanding officer after collapsing during a training session. He subsequently died of his injuries and, at the time, following a thoroughly flawed investigation the commanding officer received a suspended sentence. In 2012, 22 years after the

crime had occurred, the Brazilian state finally accepted its responsibility for the killing, in a settlement signed with the family at the Inter-American Commission of Human Rights.

At a time that international fora are taking on the longstanding neglect that governments have shown towards past victims of torture, GTNM-RJ has been the only organisation in Brazil that has worked for the full redress of victims. General Commentary No 3 of article 14 of the UN Convention against torture, sets out in full what obligations a state has to ensure the full rights to redress of the survivors of state violence. GTNM-RJ set up the country's only centre for the provision of psycho-social and legal support for victims. Supported by the UN Voluntary Fund for Torture, the Oak foundation, the European Union and Amnesty, the organisation was able to provide much needed medical and later legal support to many of those who had been tortured during the military regime. It is an appalling fact that, after GTNM-RJ was forced to close down the service in 2012, that in a country of the political standing of Brazil, with the extensive levels of torture victims, that no such provision exists today.

However, in conclusion, beyond the quality of their work, the consistency and persistence of their vision and their deep sensitivity to the human rights message, at their heart the men and women who made up the organisation have always been warm, incredibly positive and lasting friends. It impressed me intensely that in a recent visit to Buenos Aires for work, that all the human rights activists I met not only knew Cecilia, but expressed deep respect for her work and an intense fondness for her. Throughout my time working at Amnesty and since then, Cecilia has been a friend, a motivator, and an example. Always keen to contact me to put me in touch with people, most recently with young protestors challenged by the Rio de Janeiro authorities. The organisation hold a special place in the Brazilian, and even regional, human rights community and I look forward to continuing to collaborate with them in the future, because there is no doubt that today more than ever Brazil needs a strong and indefatigable human rights movement.

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