

BRAZIL: INTRODUCTION

*Nations come to terms with their past, or—more often—fail to do so, in different ways. Few countries offer a more pointed case than Brazil. Famous for its own version of what in Italy became known as trasformismo—the seamlessly smooth mutation of persons and institutions into the opposite of what they once represented—Brazil has characteristically extended the pattern to events and memories too. In the texts that follow, Patrick Wilcken and Mario Sergio Conti explore two striking examples, each of strong contemporary reverberation. At the turn of the seventies, the military dictatorship ruling the country unleashed a draconian repression against attempts, quite small in scale, at resistance to it; torture and ‘disappearances’ becoming standard practices. Since democracy, Brazil—unlike any of its neighbours—has seen no truthful accounting of them, and no prosecutions of their authors. Wilcken traces the way the country’s political establishment, from Cardoso to Lula, colluded with an unrepentant army to sweep the crimes of the past under the rug of the safeguards the torturers wrote for themselves before they relinquished power. If a National Truth Commission has finally been set up, its findings remain uncertain and their immunity has yet to be revoked. Conti recounts how the first direct elections brought to power a politician, Fernando Collor, whose victory was enabled by the media as a barrier against the left, then brought down by its exposure of the unbridled corruption surrounding his conquest and occupation of the presidency. Editor at the time of *Veja*, the country’s leading news magazine, which played a central role in Collor’s downfall, Conti produced in *Notícias do Planalto* (1999) an extraordinary panorama—of a scope, penetration and detail without rival in contemporary literature on the media—of the relations between the press and power in the drama of Collor’s rise and fall. This year he added a postface reflecting on the changes that have supervened since: in the personal careers of the journalists who were investigative heroes then—now mostly marketeers or consultants, for mostly sleazy politicians—and in the general fate of journalism amid the progress of technologies of electronic communication and surveillance. Disappeared still unaccounted; torturers at large; a president hounded from office become senatorial ally of the worker he cheated of it; ace reporters, so many mercenary flaks. Brazil is not just these. But the country’s art of ‘finessing’ the past, as Wilcken aptly puts it, has not passed.*

PATRICK WILCKEN

THE RECKONING

Investigating Torture in Brazil

IN 2011, RESEARCHER Vladimir Sacchetta found a remarkable photograph while working in São Paulo's public archives. Taken in November 1970, it was of Brazil's current President, Dilma Rousseff. It showed a 22-year-old Dilma, as she is known in Brazil, in front of a military court, being interrogated about her role in the armed struggle against Brazil's military dictatorship as a member of the left-wing guerrilla group, VAR Palmares. Dilma's hair is cropped; her posture is relaxed, but her expression is one of defiance, anger, with a hint of boredom, unbowed after weeks of torture and over a year in prison. Filling out the sense of the image are the figures in the background: two unidentified military officials, shrinking back in their chairs, their hands shielding their faces against the flash of the camera bulb. 'Do you know why I like the photo?' Dilma later said. 'Because it is the truth. It is what happened.' Perhaps less to the President's liking was the use made of an image that seemed to portray a different kind of truth: a mug-shot taken on her arrest, after she had been picked up by the military police on charges of subversion and terrorism. Wearing a checked shirt and thick, black-rimmed glasses, Dilma stares intransigently back at the camera, holding her charge number, 3023. The photo was widely circulated by the opposition in the run-up to the 2010 presidential election, in a smear campaign that failed to gain real traction.

Four decades after the most violent phase of the dictatorship, Brazil is still far from pinning down its significance. One by one neighbouring countries—Argentina, Chile, Peru, Uruguay, even Paraguay—have challenged amnesty laws, held truth commissions and brought forward criminal prosecutions, while Brazil hangs on to its 100 per cent record:

not a single former military officer has been convicted in a criminal case, despite the thousands of instances of torture, killing and disappearance that occurred between 1964 and 1985. If anything, the reverse has happened, with government lawyers sent to defend the broadest possible interpretation of the 1979 Amnesty Law in the Supreme Court, and the Ministry of Defence representing Brazil when it was taken before the Inter-American Court of Human Rights for the disappearance of over 60 leftist guerrillas in the early 1970s. What makes Brazil's position so exceptional is that the Partido dos Trabalhadores (PT)—a party which was formed in opposition to the dictatorship and many of whose members were imprisoned and tortured during the military era—has been in power for a decade; its militants are now in their 60s and are powerful figures. In contrast, their former tormentors—the known torturers—are mostly obscure, retired army functionaries, well into old age.

This May signalled a potential turning point, when President Dilma, now herself in her mid-60s, inaugurated the country's first National Truth Commission. In a moving ceremony in Brasília's Palácio do Planalto attended by former presidents José Sarney, Fernando Collor, Fernando Henrique Cardoso and Luiz Inácio Lula da Silva, bald from his recent treatment for throat cancer, Dilma choked back tears as she spoke of victims' families: 'Above all, those who lost friends and relatives and continue to suffer as if they die each day, over and over again, deserve the factual truth.' Even to get to this stage had involved overcoming entrenched opposition from the military, who managed to extract concessions toning down aspects of the bill that installed the Commission. Seven commissioners selected by Dilma—lawyers (including Rosa Maria Cardoso da Costa, who represented Dilma in the dictatorship years), prosecutors and scholars, led initially by Judge Gilson Dipp—have now spent six months of the two years they have been allotted, beginning their task of hearing testimony from the tortured and the torturers, and revisiting the 150-plus cases of disappearance and the more than 300 deaths that occurred under the dictatorship. As the commissioners sift through the evidence, could this finally be the moment of reckoning?

Leaden years

In 1964, the Brazilian military became the region's Cold War pioneers when they ousted the democratically elected President João Goulart. Chile would only follow suit in 1973, with Argentina's dirty war kicking

off three years later. In what was the original 'war on terror', they played on the fears of a Communist takeover—that Brazil, given its size and population, would, as Nixon put it, become not so much another Cuba as another China. The strategy they developed, including close associations with the US security services, counter-insurgency methods and even specific torture techniques, became a template for the South American military regimes that came into power in the 1970s. By the time it was given institutional shape in 1975 through the region's violent intelligence consortium, Operation Condor, the Brazilian generals were already searching for a way out.

Journalist and historian Elio Gaspari, whose four-volume history of the dictatorship years remains a key source,¹ has divided the Brazilian regime by era: from 1964 to 1967, President Castelo Branco presided over a 'temporary dictatorship'—an interim arrangement aimed at bracing Brazil against the perceived Communist threat; from 1967 to 1968, Marshal Costa e Silva flirted with a kind of 'constitutional dictatorship', before Brazil descended into what Gaspari calls the 'blatant dictatorship' of 1968–74 under General Garrastazu Médici, who took office in 1969. From 1974, President Geisel led the regime on a long, methodical journey out of the morass. Although the timescale the Commission has been given is long—bookended by two constitutions, 1946 and 1988, in theory it covers over four decades—the main focus has been Gaspari's 'blatant dictatorship' years, when torture became routine and people started to disappear in numbers.

After the early years of authoritarian rule, the regime's bluff was called during the course of 1968. In São Paulo, a wave of coordinated strikes threatened to paralyse Brazil's industrial hub; at the same time a series of bomb blasts and bank heists announced the emergence of an armed insurgency. In Rio de Janeiro, a mass public protest at the killing of a student, known as the *Passeata dos 100 mil* (the march of the 100,000; in fact, probably closer to 50,000), filled the streets. Among the demonstrators marching through the square known as Cinelândia were the future stars of Música Popular Brasileira, Chico Buarque, Caetano Veloso and

¹ Elio Gaspari, *A Ditadura Envergonhada*, vol. 1, São Paulo 2002; *A Ditadura Escancarada*, vol. 2, São Paulo 2002; *A Ditadura Derrotada*, vol. 3, São Paulo 2003; *A Ditadura Encurralada*, vol. 4, São Paulo 2004. Respectively: *The Dictatorship Shamefaced—Blatant—Defeated—Trapped*. Note that these divisions do not correspond to the four substantive phases of the military regime, as Gaspari periodizes them above.

Gilberto Gil, all in their 20s, along with poet and composer Vinicius de Moraes and modernist writer Clarice Lispector. The protesters openly defied the regime, holding banners aloft with '*Abaixo a Ditadura. O Povo no poder*'—'Down with the dictatorship. Power to the people'.

In December, the regime responded with a draconian decree—the Ato Institucional 5 (AI-5). President Costa e Silva closed down Congress and state parliaments indefinitely, banned protests and tightened censorship over the press, music, theatre and literature. Crucial to what would unfold over the next five years, the decree also suspended the right to *habeas corpus* 'in cases of political crimes, those against national security, economic and social order'—a category so broad as to cover almost any form of dissent. The AI-5 was a 'coup within a coup'; divisions within the military were papered over as the hardliners captured the spirit of the 1964 'revolution'. In the purge that followed left-leaning politicians, civil-service functionaries, union leaders and university lecturers were summarily dismissed. Thousands fled into exile—many to Chile, Mexico, France and the UK.

Some on the left saw the regime's reaction as a sign of weakness or panic. But they were wrong. Caught off-guard when the armed opposition erupted, the military had begun to organize. Key to their success was the network of counter-insurgency interrogation centres, known as the DOI (Destacamento de Operações de Informações), organized in regions under the CODI (Centro de Operações de Defesa Interna). Was it really any coincidence, asks Gaspari, that the acronym, DOI, was the third person of the verb *doer*, 'to hurt'? It is what happened in these centres, known by the shorthand DOI-CODI—along with the older police-run DOPS (Departamento de Ordem Política e Social)—that is providing much of the raw material for the Truth Commission.

The radical left was small, fragmented and isolated—the result of a fissioning from the once-influential Brazilian Communist Party. When the regime's hammer struck, it had proliferated into a Monty-Pythesque array of tiny, subtly distinct groups. Many of the militants were in their early 20s, middle-class, recruited on university campuses. Strong on Marxist rhetoric, they had a visceral dislike of the dictatorship, but no roots in the wider society, let alone the working classes. They launched a series of spectacular but largely symbolic attacks, including kidnapping a string of foreign diplomats—most famously the US Ambassador,

Charles Elbrick (an episode later portrayed in Bruno Barreto's 1997 film *Four Days in September*)—who were successfully ransomed for the release of political prisoners and the broadcast of left-wing manifestos in the media. In another coup, in which Dilma may have been tangentially involved, VAR Palmares militants stole \$2.6 million, \$15 million in today's terms, from a safe in the house of Ana Benchimol Capriglione, in Rio's hilltop Santa Teresa district. Capriglione was the mistress of a notoriously corrupt former governor of São Paulo state, Adhemar de Barros, who pioneered the slogan '*Rouba mas faz*'—'He steals, but he gets the job done'; the enormous stash in Capriglione's safe is thought to have been an accumulation of bribes that de Barros had received while in office.

The insurgents' strategy was based on a manual written by the figure-head of the armed struggle, ex-Communist Party member and head of the Ação Libertadora Nacional (ALN), Carlos Marighella. In contrast to the Cuban rural *foco* model, Marighella's influential and much translated *Mini-manual do guerrilheiro urbano* was built around the idea that the cities were the ideal terrain from which to launch a guerrilla insurgency. But in the Brazilian context, it meant that the militants quickly became hemmed into their urban bases—mainly in São Paulo and Rio de Janeiro. There, the regime systematically took them apart, tracking, infiltrating, arresting, torturing and killing them, and dismantling their organizations. By the early 1970s only individuals were left, permanently on the run. The audacious bank heists had deteriorated into assaults on drug stores and restaurants, the proceeds used for nothing more ambitious than day-to-day survival.

Those taking the struggle to the countryside fared little better. The army effortlessly cleared out a smattering of tiny bases in Paraná, the interior of São Paulo, Goiás and Maranhão; while the demise of the Araguaia guerrilla, set up by a split-off from the orthodox Communist Party and composed of a small group of mostly ill-prepared university students attempting to foment a Maoist-style uprising from its Amazon base in the south of Pará state, is Exhibit A for the ongoing Truth Commission. In one of the most controversial acts of Brazil's *anos de chumbo*, between 1972 and 1974 the army captured, tortured and killed over sixty insurgents. The final push was the largest operation undertaken by the Brazilian military since its deployment in Italy in the Second World War, but was hushed up at the time, with details only leaking out more than a

decade after the fact. Despite repeated searches of the area for remains, only two bodies have so far been recovered.

The numbers tortured, killed and disappeared during the Brazilian dictatorship are dwarfed by what happened in Argentina and Chile—a point endlessly repeated as a mitigating factor by the right, and giving rise to the unfortunate and much criticized word *ditabranda* (soft dictatorship), taken from a Spanish coinage, in an editorial which ran in the *Folha de São Paulo* in 2009. But put in the context of the situation in Brazil itself, it is hard to be generous to the military. There may never have been more than a thousand men and women in total actively engaged in the armed struggle, and according to some estimates, they numbered just 500. Over a hundred of those were disappeared, at least twice that number executed, and most of the rest incarcerated and brutally tortured. The left, on the other hand, carried out only a dozen or so targeted executions, though more would die as bystanders in bomb attacks. The existential threat that the military used to justify such overwhelming force was an invention. With the exception of the early unrest in 1968, the regime never faced serious opposition.

A managed transition

There was something surreal about the Brazil of the early 1970s. On one side there was the primitive spectacle of men in army fatigues stringing up students on the infamous *pau de arara* or parrot's perch, dousing them with water and applying electric shocks from wind-up telephones, cranked faster or slower to vary the voltage. Cake recipes and stanzas from the Portuguese epic poet Luís de Camões's *Os Lusíadas* appeared on the front pages of two national papers in last-minute attempts to fill the spaces left by the censor. On the other were intimations of a long-hoped-for modernity. As grey generals strode the newly built modernist capital Brasília—conceived as a socialist utopia by the architect and life-long Communist militant Oscar Niemeyer, by then working in Paris in exile—economic growth hit 10 per cent a year. The regime's *grand projets*—the 5,000 kilometre Transamazônica highway, the enormous Itaipú hydroelectric dam, the nuclear reactors in Angra dos Reis and the 13-kilometre Rio–Niterói bridge, spanning Guanabara bay—were coming to fruition. On flickering black-and-white television sets across Brazil, the nation watched as one of the all-time great football teams, featuring Pelé, Jairzinho and Tostão, hammered four goals past Italy to take

the 1970 Mexico World Cup in style. The only threat to Brazil's success was the enemy within. The military propaganda of the times was blunt: 'Brazil: love it or leave it'—*ame-o ou deixe-o*.

By the mid 1970s, under President Geisel, the military was looking for a way out—not through an abrupt relinquishing of power, but rather a slow, gradual *distensão*, or relaxation, leading to an eventual *abertura*, opening up. Managed elections—left-wing parties were banned—delivered Congress to the military-created opposition Movimento Democrático Brasileiro (MDB) in 1974; censorship eased, torture returned to pre-1968 levels. As the military released its grip, genuine dissent returned, and was permitted. When the chief of Brazil's secret service, João Baptista de Figueiredo, took over as President in March 1979, re-democratization was in the air, and there were calls for an amnesty for the thousands of political dissidents languishing in prison or in exile, or simply unemployed after being fired from their jobs. Though it had been conceived by the left, the military worked the draft bill for an amnesty law to its own advantage. By the time the law had been signed into the statute books in August 1979, after a tight vote in a Congress that had long been rigged in favour of the military, the text had undergone significant changes. It ended up being interpreted as a blanket amnesty for both sides—though not quite. In Article 2, clearly aimed at the armed opposition, an exception was made for 'those who have been condemned for terrorism, robbery, kidnap and assault'. As it retraced its steps toward full democracy, the military had successfully covered its trail.

Even at the time, Brazil's Amnesty Law was contested. A year before the law's passing, the president of a drafting committee, Eny Raimundo Moreira, asked an obvious question: how could state agents be amnestied when their crimes had never been formally investigated and punished in the first place? More fundamentally, how could beating someone unconscious, holding a prisoner's head under water or electrocuting them ever be described as 'political crimes' on a par with handing out left-wing pamphlets or organizing a strike? In spite of these apparent inconsistencies, it would take three decades before the law was seriously challenged in national and regional courts.

In the interim, the evidence of systematic abuses by Brazil's military began piling up. In the year that the Amnesty Law was promulgated, lawyers working on behalf of those persecuted during the regime began

going through case files of prosecutions that had been appealed to the military high court—many containing allegations of torture. Though these allegations had rarely been taken seriously during the trials, following court etiquette the judges had nevertheless dutifully recorded them. Under a somewhat lax bureaucracy, given the incendiary nature of many of the case files, the lawyers were allowed to remove papers for a period of 24 hours for consultation. Using this loophole, the lawyers passed the case files onto activists headed by the Catholic Cardinal Dom Paulo Evaristo Arns and Presbyterian minister Jaime Wright, who began going through the archives systematically. The group rented an office close to the military court, hired three photocopying machines, and started the long and laborious process of duplicating hundreds of judicial case files. The paperwork was then sent down to São Paulo—by bus, freight plane or car—bundled into anonymous packages. For six years, the photocopying continued without detection. By the mid-eighties, when Brazil held its first direct elections in two decades, the duplicate archive had reached more than a million pages, with over five hundred rolls of micro-film of verbatim court transcripts. The project culminated in the publication, four months after re-democratization, of a synthesis, *Brasil: Nunca Mais* (Never Again), detailing 1,843 cases of torture and naming over four hundred military and police torturers—a large tip of an even larger iceberg, as the authors themselves pointed out. The book, one of the founding documents of Brazil's new democracy, became an instant bestseller and as of 2009 was in its thirty-seventh edition.

Excavations

In any other context, a book like *Brasil: Nunca Mais* would have created ripple effects, as cases, names and methods were laid bare—not as loose, possibly politicized allegations, but in the black-and-white of court papers. But in post-dictatorship Brazil, not one of the 444 named torturers suffered any sanction, other than occasional harassment by campaign groups like Amnesty International. A large number continued working in police interrogation centres across the country, some indeed becoming the subject of more recent allegations of torture; most have ended up retiring on generous state pensions. There is a strong argument that the persistence of torture throughout Brazil's criminal justice system is a hangover from dictatorship-era structures and techniques. All that has changed are the targets: in place of the university-educated left-wing activists, who have long since rejoined

the elite, are the *marginais*, or delinquents—overwhelmingly young, poor, black men picked up in favelas on petty drug charges.

It was not until 1995—a decade after re-democratization and more than two decades after many of the events took place—that the Brazilian government, then led by Fernando Henrique Cardoso, began officially recognizing the wrongs of the past. It was a recognition based on hard cash: substantial sums in compensation were disbursed to victims and, in the case of those killed or disappeared, their relatives, through a newly created Amnesty Commission. This process continues to this day and the cases, which range from death to unfair dismissal, now number over 60,000. (In May, President Dilma received 20,000 *reais*, around \$10,000, from the Rio State government in compensation for her detention and torture; at the time she pledged to donate the money to the NGO, Grupo Tortura Nunca Mais.)

The second initiative was an 11-year fact-finding exercise, undertaken by the Special Commission of Political Deaths and Disappearances, which culminated in the 2007 book, *The Right to Memory and Truth* (*Direito à memória e à verdade*). The book examined 339 cases of deaths and disappearances between 1961 and the 1988 Constitution, but even though the Commission is a legally sanctioned entity, operating under the Secretary of Human Rights, it was hampered by lack of access to secret files. Though compelling, some of the entries are thin on documentation, relying at times on little more than press clippings from the era. A year after the publication of the book, the first cracks began to appear in the government's position over prosecutions for crimes of the past. In a public hearing Lula's then Minister of Justice, Tarso Genro, broke decades of official silence with a simple statement: 'From the moment a state agent takes a prisoner and tortures him in a basement, he goes outside the law of even the military regime and becomes a common criminal. This isn't a political act. It is torture. And he becomes a torturer, just like any other torturer that humanity recognizes.' It is a measure of how conservative Brazil has been on this issue that Genro's statement instantly spread through the national media, as if he had said something outlandish and controversial. He was supported by the then Human Rights Secretary, Paulo Vannuchi—yet another PT politician who had been detained and tortured under the regime, before going on to work on the *Brasil: Nunca Mais* project. Even as the first stirrings of dissent within the government were being aired, the Minister of Defence Nelson Jobim, the Supreme

Court judge Gilmar Mendes and, most crucially, the Attorney General's office went on the counter-attack, vigorously defending the broadest possible interpretation of the Amnesty Law.²

In 2010 the National Bar Association challenged the Amnesty Law in the Brazilian Supreme Court, arguing that it was being misinterpreted to cover torture and other crimes against humanity, and flew in the face of Brazil's obligations under international law. In a ruling extensively covered by the national media, the challenge was defeated—by an unambiguous seven votes to two. In a final irony, the rapporteur (lead judge) was none other than Eros Grau, who himself had been imprisoned and tortured during the military dictatorship. The Bar Association challenge was poorly timed. Just six months later, Brazil faced a far more potent ruling at the Inter-American Court of Human Rights on the disappearance of the Araguaia guerrillas. The case had originally been taken up by NGOs in the mid-1990s, had passed through the Commission and gone up to the court in 2009. To the dismay of the NGOs and relatives of victims, the government was represented by the Ministry of Defence, sending a clear—and aggressive—signal.

When the ruling finally came in December 2010, it was damning. The Inter-American Court found Brazil guilty of the enforced disappearance of 62 people between 1972 and 1974. It concluded that there had been a complete failure properly to investigate what had happened and bring perpetrators to justice. The authorities had deliberately kept relatives in the dark; key military files had been withheld. Working on a consolidation of jurisprudence from the region—it had already challenged the legitimacy of amnesty laws in Peru, Chile, El Salvador, Suriname and Guatemala—the Inter-American Court roundly dismissed the Brazilian government's appeals to the 1979 Amnesty Law, which in the Court's opinion was 'null and void' in the face of grave human-rights abuses. Legislation for a National Truth Commission was rushed through in part as a response to this ruling. But as far as the Brazilian government was concerned, the Court's core recommendation relating to the Amnesty Law was stillborn. Hiding behind the Supreme Court ruling, officials have repeatedly asserted that the issue has already been settled at a national level.

² For a devastating portrait of Jobim, see *Piauí*, no. 59, August 2011, which led to his ouster from Dilma's government. For Mendes, a notorious Cardoso appointee, see *Piauí* nos 47 and 48, August and September 2010.

While the principle of the amnesty was being debated, a group of prosecutors were adopting another line of attack. Relatives of the disappeared, who have been campaigning fruitlessly for years to find out what had happened to their loved ones, have so far been denied a true sense of closure. And it was precisely the cruel, unresolved, open-ended nature of their experiences that prosecutors seized on, as they tried, much as their colleagues in Chile have done, to bypass the Amnesty Law. Their argument had a simple, but compelling logic: since, in the case of disappearances, no bodies had been recovered, it was impossible to say that the original crime had been completed. The state had essentially kidnapped political opponents. Who was to say that they were not still being held, or had been held beyond the 1979 cut-off point? The prosecutors' case was strengthened by the fact that, following regional jurisprudence, the Supreme Court itself had used precisely this interpretation to support the extradition of a Uruguayan major, Manuel Juan Cordero Piacentini, to Argentina for disappearance of an Argentinean citizen during Operation Condor in the 1970s.

Criminal cases have so far been brought against three men, two of whom are pivotal figures of the military years: Colonel Carlos Alberto Brilhante Ustra and Major Sebastião 'Curió' Rodrigues de Moura (the third is police chief Dirceu Gravina). A quiet, methodical figure, Ustra had presided over the notorious São Paulo DOI-CODI interrogation centre—the workhorse of the military era, which processed thousands of militants. Curió, on the other hand, led the final operation against the Araguaia guerrilla, and had already admitted publicly that the Army executed 25 militants, who were bound before being shot. Both cases were rejected in the first instance by federal judges, but are now being appealed. (Ustra has already been found guilty of torture in a separate civil case which flew under the radar of the Amnesty Law.) With many more cases in preparation, and the Bar Association challenging the Supreme Court's decision—using this time the argument that disappearance is a 'continuous crime'—the courtroom skirmishes look set to continue.

Contested images

Perhaps more important than the legal wrangling has been the resurfacing of the issue in the media. New revelations are stoking interest, as the fear of disclosure finally begins to ease and a 40-year-old pact of silence weakens. In the recently published *Memories of a Dirty War*,

retired police officer Cláudio Guerra has claimed that he was asked to dispose of at least ten bodies of militants who had been executed.³ He recalls taking them to a sugar-cane plantation in the north of Rio de Janeiro state, where they were incinerated in a distillery furnace. New light has been shed on one of the era's iconic images: the body of the 38-year-old director of journalism for TV Cultura in São Paulo, Vladimir Herzog, hanging by a noose from the bars of the DOI-CODI interrogation cell. His 'suicide' has long been contested, but the appearance of another, uncropped photo, which shows the rope slung over the lower bars of the window, and Herzog practically kneeling on the cell's parquet flooring, all but confirmed a set-up. Then in February this year, the national newspaper *Folha de São Paulo* tracked down the man who took the actual photograph, Silvaldo Leung Vieira, who is now living in Los Angeles. 'Everything was manipulated', he told the paper, 'and unfortunately I became part of this manipulation.'

In another iconic image, the body of Marighella lies on the back seat of a vw Beetle, rivulets of blood running out of his nostrils. In the official version, he died during a shoot-out with police, commanded by the notoriously corrupt and violent police chief, Sérgio Fleury. Photographer Sérgio Jorge recently told journalists what actually happened at the scene. Fleury screamed at the press not to take any photos and to stand facing a wall, while the body was first laid on the pavement and officers rifled through his pockets. Then, after some undignified pushing and pulling, the cadaver was shoved unceremoniously into the back of the car and arranged for the photographers. 'It was a complete farce', Jorge told the magazine *IstoÉ*. Asked why he had come forward more than forty years after the event, Jorge gave a telling reply: 'I saw that the time had come to tell the story. Brazil has changed.'

Over the past few months a new group of student activists, the Levante Popular da Juventude (Popular Youth Uprising), has emerged. Deploying a tactic widely used in Argentina and Chile, public shaming—*esculacho* in Portuguese—and using social media to organize rapidly across the country, the group has staged a series of successful publicity stunts. In May they targeted Maurício Lopes Lima, Dilma's alleged torturer, spraying 'Dilma's torturer lives here' in red paint on the pavement outside

³ Cláudio Guerra, with Marcelo Netto and Rogério Medeiros, *Memórias de uma guerra suja*, Rio de Janeiro 2012.

his apartment block. In another stunt, the group projected the image of Herzog's body onto the headquarters of the ultra-conservative Military Club in Rio de Janeiro on the anniversary of the 1964 *coup d'état*. Dissent is not confined to fringe student organizations. In March 2012, Miriam Leitão's hour-long documentary *The Unfinished Story: The Case of Rubens Paiva* screened on Globo television. A wealthy engineer, middle-aged family man and ex-Federal Deputy, Paiva had just returned from a walk along Leblon beach when he was arrested along with his wife and daughter at his apartment in the early afternoon of 20 January 1971. After being transferred to the DOI-CODI at Rua Barão de Mesquita in Rio, he was never seen again. A doctor who was called to his cell in the middle of the night later said that he saw Paiva lying naked on the floor, his body covered in bruises, his stomach taut, suggesting a massive internal hemorrhage. Given Paiva's high profile, his death was in all probability a mistake; the torture session had run out of control. In a ludicrously clumsy attempt at a cover-up, the military subsequently claimed that Paiva had been kidnapped in the small hours of the morning by a terrorist group—a story that has never in any way been corroborated.

The presence of Miriam Leitão—a senior economics journalist, who was herself imprisoned and tortured under the military regime—grilling an unrepentant retired Army general, while sympathetically interviewing surviving family members and a military prosecutor gathering evidence, was a milestone. The fact that this documentary was screened at all on the normally conservative Globo television network—a one-time staunch ally of the generals—says something about the profound changes underway in Brazil. Whether these changes run deep enough to shift mainstream opinion and challenge entrenched opposition in parts of the government and the military remains to be seen.

Confronting the past

Historically, Brazil has managed to finesse crises time and again. From independence to the belated abolition of slavery in the late 19th century and the rise of authoritarian rule in the 1930s—all were somehow smoothed over without major conflict, though leaving underlying tensions unresolved. The National Truth Commission has its work cut out, if it is to buck this trend. A large part of the reason for Brazil's modern reluctance to face up to the past was the way in which the military managed the latest transition from dictatorship to democracy in the 1980s.

Unlike in Argentina, where the military left power in disgrace after defeat in the Falklands War, the Brazilian generals' exit was long-drawn-out and intricately stage-managed—almost dignified. They left behind them more a sense of relief than anger. There was no purge of the right; those who had wholeheartedly supported the military, including the Globo media empire as well as the rural and business elites, glided untouched into the 1990s. Perhaps the critical juncture *vis-à-vis* some form of reckoning for past crimes was Lula's defeat in his second attempt at the presidency in 1994, at the hands of Fernando Henrique Cardoso. A former Marxist scholar and author of papers on dependency theory, Cardoso nevertheless was lifted into power through an alliance with some of the most reactionary, pro-dictatorship forces in Brazilian politics—the family oligarchs of the poorer states in the north and the north-east.

Back in the 1990s, the PT was a raw, radical party with an unashamedly left-wing agenda. By the time Lula had finally won office on his fourth attempt in 2002, the fires had dimmed somewhat. Now modern politicians, desperate to portray a middle-of-the-road image, many in the party found looking back to their days as left-wing militants uncomfortable. The PT's former party boss, José Genoino, is a case in point. One of the few members of the Araguaia guerrilla to have survived, Curió has alleged that he saved his skin by collaborating with the army. (Extraordinary as it may seem, this ex-Marxist guerrilla, who was recently convicted of involvement in a major political corruption scandal, has ended up as an adviser in the Ministry of Defence.) The Left has also been sensitive—oversensitive, perhaps—to the Right's constant claim that they are merely seeking victor's justice, so that the Truth Commission will amount to little more than an act of belated revenge.

Now that the National Truth Commission has begun, with commissioners criss-crossing Brazil to hold public events and gather testimony, its significance is becoming clearer. At first, from the tortuous process of passing the required legislation to the initial noises coming from the Commission itself, it seemed like the military had yet again neutered the opposition. Initially, Judge Gilson Dipp appeared to endorse the military's tired refrain that there were two sides to the conflict and that the Left must also face investigation. In the Commission's opening statements there was much talk of reconciliation, as if Brazil should be reaching out to past torturers, rather than investigating them for possible future prosecutions.

But more recently the conciliatory tone has disappeared and the public statements have become tougher. Commissioners have made it clear that they will be focusing only on violations committed by state agents. A working group will examine the activities of Operation Condor, and the Commission has pledged to investigate the role of companies and businessmen who financed the regime. One of the Commission's early interventions was in the case of Vladimir Herzog; by unanimous vote, they supported Herzog's widow's requests for his death certificate to be changed from 'mechanical asphyxiation' (*asfixia mecânica*, in this case from hanging) to 'injuries and mistreatment suffered during interrogation'. In October, commissioners visited Araguaia, interviewing not just protagonists but peasant farmers and indigenous groups who were caught up in the Army offensive. And on an earlier visit to the state of Pará, members of the Commission explicitly linked past repressive structures with Brazil's contemporary security apparatus; what happened in the DOI-CODIS with what still happens in police lock-ups and prisons across the country.

Research is being aided by a new Freedom of Information bill, signed into law last year on the same day as the National Truth Commission legislation, which may signal the beginnings of an era of greater openness and transparency in a country that has a long history of official secrecy. Doubts remain, though, given the fact that the Commission has said that it will hold some of the more sensitive sessions behind closed doors, and the military continues to claim that many of the vital files describing some of the most traumatic events of the era have been destroyed. But the very existence of the National Truth Commission is undoubtedly changing Brazil. Even before official proceedings had really got off the ground, a series of parallel commissions sprang up to help process the mountain of evidence from the era. Five states—Alagoas, Espírito Santo, Pernambuco, Rio Grande do Sul and São Paulo—have established their own truth commissions, with a further eight in the process of doing so. Some municipalities, the Bar Association in Rio de Janeiro and several universities have also joined the fray. For its part, the National Truth Commission has urged other states to follow suit, saying that it will work in partnership with the new commissions.

'I was 19 years old. I spent three years in prison and I was barbarically tortured', Dilma said during a Senate hearing in 2008, over two years before she assumed the presidency. According to her own account, she

was slung up onto the *pau de arara* and beaten, before being strapped into the 'dragon's chair' where she received electric shocks to her nipples, hands, feet, thighs and head. 'The pain is unbearable—you cannot imagine how unbearable it is', she went on; 'and so I am proud to have lied, because I saved my comrades from the same torture and from death.' 'There is no space for the truth under a dictatorship', she stated. 'Some truths, even the most banal, can lead to death.'

As the Commission continues gathering testimony, what new truths await the Brazilian public? Will the Commission add significantly to the already voluminous evidence of human-rights violations under the dictatorship? What will we learn about the role of Brazil's current political elite during these years? Will these truths simply gather dust alongside *Brasil: Nunca Mais*, and the *Direito à memória e à verdade*?, or can some form of justice finally be delivered? The litmus test for a successful conclusion will be what happens after the final report is delivered: whether Brazil will at last follow in the footsteps of its neighbours, revoke the Amnesty Law and start the long-overdue process of judicial reckoning; and whether this will in turn serve as a catalyst for urgently needed reform of Brazil's police forces and prison system. As the events that scarred a generation recede into the past, this could be Brazil's last chance to back out of the historical bunker in which it has entrenched itself.