



**CORTE INTERAMERICANA DE DERECHOS HUMANOS
COUR INTERAMERICAINE DES DROITS DE L'HOMME
CORTE INTERAMERICANA DE DIREITOS HUMANOS
INTER-AMERICAN COURT OF HUMAN RIGHTS**



I/A Court HR_PR-19/10 ENGLISH

PRESS RELEASE (*)

**Judgment of the case
Gomes Lund *et al.* ("*Guerrilha do Araguaia*") v. Brazil**

Today, the Inter-American Court of Human Rights notified the government of Brazil, the representatives of the victims, and the Inter-American Commission on Human Rights of the Judgment in the Case of Gomes Lund *et al.* ("*Guerrilha do Araguaia*") v. Brazil. In its Ruling, the Court concluded that Brazil is responsible for the forced disappearance of 62 persons during 1972 and 1974, in the region known as Araguaia.

In the mentioned case, among other things, the Court analyzed the compatibility of the Amnesty Law No. 6.683/79 with the international obligations assumed by Brazil under the American Convention on Human Rights. Based on international law and its constant jurisprudence, the Inter-American Court concluded that the provisions of the Amnesty Law that prevent the investigation and punishment of serious human rights violations are incompatible with the American Convention and lack legal effect, and as such, cannot continue to represent an obstacle for the investigation of the facts of the case or for the identification and punishment of those responsible.

Moreover, the Inter-American Court concluded that Brazil is responsible for the violation of the right to humane treatment [personal integrity] of specific next of kin of the victims, among other reasons, for the suffering caused by the lack of effective investigations in order to ascertain the facts.

In addition, the Inter-American Court found that Brazil is responsible for the violation of the right to seek information, established in Article 13 of the American Convention, given the State's failure to provide access to records, which were in its control, of information on these facts.

The Inter-American Court recognized and positively valued the various initiatives and reparation measures adopted by Brazil, and decided, *inter alia*, that the State must criminally investigate the facts of the present case in the ordinary justice system.

The composition of the Inter-American Court of Human Rights, in the adoption of this decision on November 24, 2010, consists of the following: Diego García-

(*) The content of this press release is of the responsibility of the Secretariat of the Inter-American Court of Human Rights. The official text of the Judgment can be viewed at http://www.corteidh.or.cr/docs/casos/articulos/seriec_219_esp.pdf

Sayán (Peru), President; Leonardo A. Franco (Argentina), Vice President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic); Alberto Pérez Pérez (Uruguay); Eduardo Vio Grossi (Chile), and Roberto de Figueiredo Caldas (Brazil, *Ad hoc* Judge).



For more information, please contact:

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San Jose, December 14, 2010.