



**CHAIRMAN TO THE OFFICE OF PROSECUTORS (OTP) OF THE  
INTERNATIONAL CRIMINAL COURT.**

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The **ANGELS OF LIBERTY INSTITUTE**, a non-governmental institution with national representation, duly registered with CNPJ No. 06.030.501 / 0001.05 with its head office located at: Avenida Graça Aranha, # 145, room 407, Rio de Janeiro, Brazil, Non-Governmental Organization for the **Defense of Human Rights**, entitled to act, and working with the Inter-American Commission on Human Rights, with its staff composed of lawyers and researchers, has very respectfully come before this great and honorable institution to:

**FILE A COMPLAINT OF CRIMES AGAINST  
HUMANITY,**

to the detriment of **MR. JAIR MESSIAS BOLSONARO**, who currently occupies the position of *President of Brazil*, a public agent who has been accumulating crimes punishable by the Rome Statute since ancient times in his former role as a congressman/representative, and also filing this complaint against:

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## **THE ATTORNEY GENERAL'S OFFICE AND THE ENTIRE FEDERAL PROSECUTOR'S OFFICE**

by its omission in relation to serious crimes against humanity, which now, only small aspects, such as the visible tip of an iceberg, gain international visibility.

Importantly, for the International Criminal Court to be able to have a clear understanding of the legal dimension of the Rome Statute in Brazilian domestic law, setting out the joint and several liability of the Federal Prosecutor for serious misconduct, it must be noted that the Statute of Rome is a stone clause of the Federal Constitution of Brazil and cannot be denounced, given the fourth paragraph of article 5 of the Federal Constitution of 1988.

*Paragraph 4 – Brazil submits to the jurisdiction of an International Criminal Court to whose creation it has expressed adherence.*

*The article 60, §4º, IV – (of the Federal Constitution of Brazil) makes the provision in stone clause, cannot be object of constitutional reform, therefore, since 2002, is internal law, violated by the institution that has the constitutional obligation to keep the Law, the prosecutor's office.*

Legislative Decree #112 of June 6, 2002, authorized the internalization of the Rome Statute, and Decree #4.388 of 2002 made the Statute internal law. In 2004, the fourth paragraph of article #5 of the Federal Constitution, previously transcribed, with no possibility of sculpting hermeneutic interpretation.

### **CRIMES AGAINST HUMANITY DONE BY MR. JAIR MESSIAS BOLSONARO**

Vindication to torture and extermination of indigenous populations, social and racial groups.

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As a congressman, and as a candidate for the Presidency of Brazil, on the basis of the omission of the Federal prosecutor's office, either as Attorney General's Office or as Electoral Public Prosecutor, **Mr. Jair Messias Bolsonaro** gave several speeches defending:

### **a) Torture, apology for torture**

Several videos of Mr. Jair Bolsonaro defending torture are available in Portuguese language on youtube.

The impeachment of Ms. Dilma Rousseff, then President of Brazil, without entering into any question of political merit, focusing on what constitutes a crime against humanity, during Mr. Jair Bolsonaro voting, explicitly honored **COLONEL BRILHANTE USTRA**, recognized several times by Brazil's own **judiciary** authorities as a torturer, a vile torturer responsible for various crimes against humanity, which, unfortunately for the Supreme Court, remain unpunished, while the Supreme Court considered constitutional the law of self-amnesty promulgated by the dictatorship during the years 1964 to 1985, avoiding judgment, maintains **Mr. Gomes Lund** and others free from justice, of the Inter-American Court of Human Rights, and now avoiding judgment to **Mr. Herzog** and others, of the Inter-American Court, not manifesting itself with the incompatibility of the Amnesty Law with respect to the international law of the ratified Human Rights Treaties, and made stone clauses under the Constitution of Brazil.

The federal Brazilian Bar Association has filed a petition for Breach of Non-Compliance with Basic Law #153, the Supreme Court, after declaring constitutional self-amnesty law, incompatible with the Rome Statute itself, does not judge the Embargoes of Declaration, last appeal of the Bar Association, refusing to speak out about conventionality control.

This behavior of ignoring public international law, undermined by the international commitments made by the Republic of Brazil, is a systemic issue that requires scrutiny and international sanctions, real and effective.

### **b) Torture, favoring torture**

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Keeping true to his speech, which we understand to be a case of serious crime against humanity, even so, by omission of the attorney general, Jair Bolsonaro was elected without responding for such practices, as President of the Republic, in the exercise of his position, incurred in real acts in favor of torture.

Bolsonaro used his power as president, editing an executive order #9.831/2019 by emptying, rendering the National Mechanism to Combat Torture ineffective and void of its capacity for action, by exonerating its technical experts personnel.

Torture is typified as a crime against humanity in Article 7 of the Rome Statute.

### **c) Defense of extermination policies**

Mr. Jair Bolsonaro demonstrations in favor of the extermination of prison populations are well known and known internationally. The massacre of prisoners in Altamira city, the demonstrations of Mr. Jair Bolsonaro as president of Brazil already bring sufficient elements of international accountability for commitment to extermination policies.

### **d) Apology for disappearance of people and crimes against humanity committed in the military dictatorship.**

Mr. Jair Bolsonaro's commitment to do crimes against humanity, particularly torture and enforced disappearance, surpasses his actions as a congressman for years unscathed by any action by the Federal Prosecutor's Office, reaching an unprecedented scale mocking him. Example of this, when Mr. Bolsonaro talk about the disappearance of **Fernando Santa Cruz**, father of the National President of the Brazilian Bar Association, **Mr. Felipe Santa Cruz**. Mr. Fernando Santa Cruz suffered torture and enforced disappearance, recognized by the Government, and the attitudes, already as president of Brazil, that deserves to be investigated. Mr. Jair Bolsonaro, constitute ideological commitment to crimes against humanity. Nothing has been done by any investigation by the Attorney General's Office and the Federal Prosecutor's Office, concerning this claim done by the President.

In this sense, there are already more than enough elements to contribute the actions of Mr. Jair Bolsonaro, that conflicts with the Rome Statute, in article 25, paragraph 3, subparagraphs "c", "d" and "f", within paragraphs #1 and #2 of the same article of the Rome Statute, in which Mr. Bolsonaro is an apologist for the exterminations, genocides of population segments that are in situations incompatible with the Rome Statute in the Brazilian prison system.

#### **e) Apology and favoring genocide, including cultural genocide.**

The issue that brings visibility now is the Amazon rainforest. There is more than an irresponsible environmental policy that threatens the rights of humanity to a heritage of its biodiversity. Behind everything is a policy of systematic genocide, indigenous peoples and cultural genocide.

The fire in the Brazilian Amazon rainforest represents the tip of an iceberg of a project by Mr. Jair Bolsonaro and his group that only takes place through genocide of local populations, including indigenous, cultural genocide, by the extermination of inextricable elements in cultures. through the eradication of biodiversity.

Notable for the apology for mining in indigenous lands defended by Mr. Bolsonaro, on the basis of statements that constitute more than less to the indigenous peoples' culture, their culture dependent only of native environment, setting apology and stimulating real policies to extermination of population and extermination of local cultures.

#### **f) Apology for indiscriminate homicide, configuring favoritism based on a national policy.**

Finally, the policy of apology and favoring homicide, including several attempts to modify national legislation to allow homicide crimes perpetrated by public officials, as long as they claim "violent emotion" or "perceived need", constitute a policy that became national, which radiates as an fundamental belief of Bolsonaro's administration of Government, direct responsibility of Mr. Jair Bolsonaro, to various states of the Federation, setting

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an apology for the premeditated and uncontrolled extermination of vulnerable sectors of the civilian population.

The article 25 of the Rome Statute, cited above, allows for individual accountability.

We must remember that the omission by the Federal Public Prosecutors office is unacceptable, considering the fourth paragraph of article 5 of Brazilian Constitution.

The ANEGELS OF LIBERTY INSTITUTE, requires a major international investigation into the individual responsibility of Mr. Jair Bolsonaro, so that crimes against humanity can be identified, as the Chief Prosecutor of this International Criminal Court comprehends.

The burning of the Amazon rainforest, it is said, is just an iceberg tip, the repetition of a policy of systematic genocide by government agents. In the Jair Bolsonaro administration, there is a clear discourse of dehumanization of civilian populations, Indians, and less favored segments of the population seeking a dehumanization, a rhetorical withdrawal of the human condition of the members of such groups, in order to justify to the Brazilian society, the sectors that support the current government, an extermination policy.

### **THE RESPONSIBILITY OF THE FEDERAL PROSECUTOR.**

The Federal Prosecutors Office Institution in republican perspective is indispensable, is fundamental to the country, to the defense of the Society. However, due to several historical factors, the role of the Prosecutor's Office in Brazil as auxiliaries to the exception regime from the years of 1964 to 1985 should be investigated internationally, in order to be able to understand clearly why the omission regarding the crimes against humanity listed above.

There is no action done by the Attorney General's Office seeking to hold public authorities, particularly Mr. Jair Bolsonaro, accountable for verbal attacks and apology to genocide, including genocide of indigenous peoples, through public policy. Not a single effort to raise the criminal responsibility of Mr.

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Bolsonaro for acting in favor of torture, through the exercise of the office of President of Brazil, to dismantle the official mechanisms of investigation and control of the practice of torture in Brazil.

What is common between Mr. Bolsonaro and the Federal Prosecutor's Office is a symmetrical, convergent action in wanting to use the country and the Brazilian Government, to exterminate his personal adversaries. Among these opponents is Advocacy. Attempting to make attorney job a criminal offense undermines the most fundamental of any democracy. As a consequence, this issue can be gained as a natural development of investigations that may be launched to investigate crimes against humanity in Brazil.

### **THE EMBLEMATIC DIMENSION OF THE MARIELLE FRANCO CASE**

In conclusion, we cannot omit the emblematic dimension of the Marielle Franco case. It surpasses the size of a local leader. It represents, in practice, the Brazilian Government, via omissions, serious omissions, allowing paramilitary groups to use violence, torture, murdering and exterminating people, also, enforced disappearance of dead people, as a policy instrument, particularly including electoral politics. Marielle Franco denounced to the country and to the world, the torture, the extermination, the disguised genocide of portions of the population as a government policy, she was murdered, and the elements of involvement of public authorities are well-known enough to generate the strike of the internal investigations, which do not advance to the chain of command that involves the financial efforts behind her assassination.

Failure to investigate this assassination cannot be disassociated from an analysis of later public security policies, which clearly favor the so-called **militia**, areas dominated by paramilitary groups, usually military and former military, police and former police officers, retired or expelled from corporations, military firefighters, and other public agents, who through the systematic practice of violence and extortion extend their interests also to party politics.

Councilwoman Marielle Franco has her image, her memory the target of public offenses on social networks by supporters of Jair Bolsonaro. The growth of paramilitary militias is an inseparable factor in this framework of apology for

crimes against humanity. The ties of Jair Bolsonaro's family to the summit of the most violent militias in Rio de Janeiro city, the failure to investigate Marielle Franco's murder, are all part of the same context, which ends in the statements of Mr. Jair Bolsonaro as president of Brazil in the face of Amazon fires.

Impunity done by omission of the Federal Prosecutor's Office against humanity crimes, Electoral Justice omissions that allowed to elect a candidate with such speech of crimes against humanity with explicit, as motto of Government program. And the risk of the formation of paramilitary militias, supported by the omission of the police, capable of performing the dirty work, silencing the opponents of violence, creating a climate of terror.

Humanity attended such a script in the early twentieth century, in 1920 the formation of the SA (*Sturmabteilung*) was permitted in Germany, and subsequent growth resulted in the Nuremberg Trials. The omission of the Supreme Court regarding the responsibility and imprescriptibility of crimes against humanity, challenging two rulings of the Inter-American Court of Human Rights, the error of the "supervisor of the law", the Attorney General, the Federal Prosecutor's office. The Amazon rainforest fire is just a moment of visibility of an official domestic policy that challenges investigations by the International Criminal Court, which is required here.

Rio de Janeiro, 26 de Agosto de 2019.

FLÁVIA PINHEIRO FRÓES

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