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[1] Communication No. 1683, dated July 9, 1970, concerning the arbitrary arrest, torture and murder of the union leader Olabo Hansen, allegedly committed by the Brazilian Political and Labor Police (DOPS) in the city of São Paulo between May 1 and May 9, 1970.

[2] The Commission, in a note dated June 17, 1970, requested the corresponding information from the Government of Brazil in accordance with Articles 42 and 44 of its Regulations.

[3] This communication has been under study since the Twenty-fourth Session (October 1970) at which time the Commission decided to appoint Dr. Durward V. Sandifer as rapporteur for the case (and for other communications referring to the situation regarding human rights in Brazil); Dr. Sandifer was requested to present a report on each case, with the observations he may deem appropriate. The Commission further decided to request the consent of the Government of Brazil for the rapporteur to go to that country, accompanied by the Executive Secretary of the Commission, in order to gather the information necessary for the performance of its functions. This request was made on October 26, 1970 and repeated on December 10, 1970.

[4] The Government of Brazil responded to the request for information in a note dated January 11, 1971 (AAA/1/602.60(20), enclosing documentation as an integral part of its reply.

[5] In reference to case No. 1683, the information provided by the Government of Brazil may be summarized as follows:

a. That Mr. Hansen, an engineering student, 25 years of age, had been arrested by the Military Police of the State of São Paulo when he distributed subversive pamphlets at the "Villa Maria Zélia" athletic field during an assembly of workers, this having led to the so-called "Operation Bandeirantes" of that city;

b. That on the next day he was taken to the station of the Political and Labor Police (DOPS), where he felt ill and was transferred to the Army Hospital, where he died;

c. That an autopsy was performed on the cadaver at the Institute of Legal Medicine, which issued a medical-forensic opinion that the cause of death was unknown;

d. That a police investigation had been initiated on this matter, and had led to the conclusion that Mr. Hansen had committed suicide by taking "Parathion," a substance used in the manufacture of

insecticides and the like; and that accordingly, it was decided to file the investigation in the custody of the Political and Labor Police authorities.

[6] In the same note the Government of Brazil also stated the reasons for which it refused its consent for the rapporteur of case No. 1683 and others concerning Brazil to visit that country.

[7] At its Twenty-fifth Session (March 1971), the Commission continued its study of communication No. 1683 together with the information supplied by the Government.

[8] At that session the rapporteur, in compliance with the mandate received from the Commission, prepared a report with his conclusions and recommendations (Doc. 7-25 reserved), which was the subject of extensive discussion and study, and of observations by Dr. Carlos A. Dunshee de Abranches. As a result of these discussions, the rapporteur presented a second report on case No. 1683 at the same session (Doc. 37-25 reserved), which contains an analysis of aspects of the supposed suicide of Mr. Hansen, as well as conclusions on certain points of fact to which no reference is made in the pertinent part of the information received from the Government of Brazil (hematomas and encephalic lesions on the cadaver of the alleged suicide).

[9] Finally, at this session the Commission approved the recommendations of the rapporteur on case No. 1683, sending notes to the complainants on April 6 and 7, 1971, transmitting to them the pertinent parts at the Government's reply and requesting that they provide the Commission with all information at their disposal to assist in resolution of the matter.

[10] The complainants, in a communication dated August 20, 1971 (No. 9031), supplied the following additional information on the case of Mr. Hansen, with particular reference to the reply of the Government of Brazil:

a. That the Government of Brazil, in its reply to the request from the Commission for information regarding case No. 1683, "does not answer the specific points of the complaint but merely sends the Commission its own version of the events, insistently emphasizing that Olavo Hansen was at the same time one more agent and victim of the most abominable and inhuman system of ideas that the human mind has yet devised, and thereby passively admitting the political and union-related nature and motives of his arrest and his death";

b. That the Government of Brazil reproduces the findings of the police investigation and the dossier kept by a judge advocate of the army, which means that the entire process remained within military jurisdiction; and that this jurisdiction, according to the complainant, is not the most suitable one to hear the case since it is both judge and an interested party. The proper procedure would have been for the regular system of justice to take up the matter;

c. That the opinion of Dr. De Mello, the attorney appointed by the Attorney General of São Paulo to take part in the investigation, according to the Government of Brazil, does not appear within the documents submitted by that Government to the Commission. The claimant adds that with one exception, all of the testimony is from police or security agents";

d. That the forensic experts saw evidence of violence on the cadaver of Mr. Hansen, regarding which the Government file says nothing, except that the lesions observed on the cadaver were insufficient to cause death;

e. That the imprisonment, physical violence and death of Mr. Hansen should be regarded as a political and union-related crime, and that the complainant does not accept the finding of suicide and much less agree that the investigation be filed; and

f. That the Commission continue its study of the case going to Brazil if need be to verify the truth of the act on the spot.

[11] At the Twenty-sixth Session (October-November 1971), the rapporteur presented a third report on the case (Doc. 14-26, reserved), in which he stated that the new information supplied by the complainants required further study of the case, and recommended that a decision be postponed until the Twenty-seventh Session, at which time he would present a further report.

Dr. Carlos A. Dunshee de Abranches commented on the recommendation of the rapporteur, stating that the Commission should reach a decision at the present session, since in his opinion, all elements were at hand, namely: the information supplied by the Government concerned and the additional observations and information provided by the complainants.

The Commission decided by a majority vote to approve the recommendation of the rapporteur and accordingly to postpone its decision on case No. 1683 until its Twenty-seventh Session, after the rapporteur had presented his report. Dr. Dunshee de Abranches submitted a separate opinion.

[12] The Commission informed the Government of Brazil of this decision in a note dated November 17, 1971; in a communication of December 3, 1971 it also informed the complainants.