



**Presidency of the Republic sub-Sofia
Civil House
for Legal Affairs**

N LAW ^{the} 10,559 of 13 November 2002.

[Conversion of MPv No. 65, 2002](#)

[\(See Law No. 13,954, of 2019\)](#)

Regulates art. 8 ^{the} Act Constitutional Provisions and other measures.

Let me know that the **PRESIDENT OF THE REPUBLIC** adopted Provisional Measure 65, of 2002, which the National Congress approved, and I, Ramez Tebet, President of the National Congress, for the purposes of the provisions of art. 62 of the Federal Constitution, as amended by Constitutional Amendment 32, of 2001, promulgating the following Law:

CHAPTER I

OF THE POLITICAL AMNESTIATE REGIME

Art. 1 ^{the} The political amnesty Scheme comprises the following rights:

I - declaration of the condition of political amnesty;

II - economic repair, indemnity character, in one installment or in monthly installment, permanent and continuous, assured readmission or promotion in the inactivity, the conditions laid down in the main section and [§§ 1^a](#) and [5^{the} art. 8 the Act Constitutional Provisions](#);

III - counting, for all purposes, of the time the political amnesty was compelled to leave his professional activities, due to punishment or a well-founded threat of punishment, for an exclusively political reason, the requirement to collect any social security contributions being forbidden ;

IV - completion of the course, in a public school, or, failing that, with priority for a scholarship, from the interrupted academic period, for those punished as students, in a public school, or registration of the respective diploma for those who have completed course in educational institutions abroad, even if there is no correspondent in Brazil, requiring for that the diploma or certificate of completion of the course in an institution of recognized international prestige; and

V - reintegration of civil servants and public employees punished, for interruption of professional activity as a result of the workers' decision, for adhering to the strike in public service and in essential activities of national security interest for political reasons.

Single paragraph. Those who were removed in administrative proceedings, installed based on the exception legislation, without the right to contradict and defend themselves, and prevented from knowing the reasons and grounds for the decision, will be reinstated in their positions.

CHAPTER II

DECLARATION OF THE POLITICAL AMNESTY CONDITION

Art. 2 ^o Those who, from September 18, 1946 to October 5, 1988, for purely political reasons, were declared to be political amnesties:

I - affected by institutional or complementary acts, or by exception in the full scope of the term;

II - punished with transfer to a location other than that where they performed their professional activities, imposing changes in the place of residence;

III - punished with loss of commissions already incorporated in the employment contract or inherent to their administrative careers;

IV - compelled to leave the paid professional activity, to accompany the spouse;

V - prevented from exercising, in civilian life, specific professional activity as a result of Ordinance Subject to the Ministry of Aeronautics n ^{the} S-50-GM5 of June 19, 1964, en ^{the} S-285-GM5;

VI - punished, dismissed or compelled to leave the remunerated activities they performed, and prevented from exercising professional activities by virtue of ostensive pressures or expedients secret official, and private sector workers or trade union leaders and representatives, pursuant to [§ 2^o of art. 8^o the Act Constitutional Provisions](#);

VII - punished on the basis of exceptional, institutional or complementary acts, or suffered disciplinary punishment, being students;

VIII - covered by Legislative Decree [the 18](#) of December 15, 1961, and the [Decree-Law n^o 864, of September 12, 1969](#);

IX - dismissed, with civil servants and employees at all levels of government or in their public foundations, public companies or mixed or state - controlled companies, except in the military commands with regard to the provisions of § 5 [the art. 8^o the Act Constitutional Provisions](#);

X - punished with the withdrawal of retirement or availability;

XI - dismissed, licensed, expelled or in any way compelled to leave their paid activities, even if based on common legislation, or resulting from confidential official procedures.

XII - punished with the transfer to the paid reserve, retired, or, already inactive condition, with loss of earnings, for exceptional, institutional or complementary acts, in the full scope of the term;

XIII - compelled to exercise free elective mandate of councilman, by virtue of institutional acts;

XIV - punished with the termination of their elective mandates in the Legislative or Executive Powers, at all levels of government;

XV - as civil servants or employees at all levels of government or its foundations, public or mixed economy companies or under state control, punished or dismissed for interrupting professional activities, as a result of workers' decisions;

XVI - being civil servants, punished with dismissal or removal, and that did not require return or reversion to the activity, within the period that passed from August 28, 1979 to December 26 of the same year, or had their request rejected, filed or unknown nor were they considered retired, transferred to the reserve or retired;

XVII - prevented from taking office or entering into public office, in the Judiciary, Legislative or Executive Powers, at all levels, and the contest was valid.

§ 1 [the](#) In the case provided for in section XIII, the term period exercised free account only for purposes of retirement in the public service and social security.

§ 2 ^o The right to request the corresponding declaration from the successors or dependents of the person who would be the beneficiary of the condition of political amnesty is ensured.

CHAPTER III

OF ECONOMIC REPAIR OF INDEMNITY

Art. 3 ^o The economic reparation referred to in item II of art. 1 ^o of this Law, under the conditions established in the caput of [art. 8^o the Act Constitutional Provisions](#) , run the Treasury account.

§ 1 [the](#) The economic compensation in one installment can not be combined with economic compensation in monthly, permanent and continued provision.

§ 2 ^o Economic reparation, under the conditions established in the caput of [art. 8^o the Act Constitutional Provisions](#) shall be granted by order of the Minister of Justice, with the assent of the Amnesty Commission pursuant to art. 12 of this Law.

Section I

Economic Repair in Single Installment

Art. 4 [The](#) Economic repair in one installment payment will consist of thirty minimum wages per year of punishment and will be due to the political amnesty that may not prove ties to the labor activity.

§ 1 the order to calculate the payment referred to in this article, consider yourself as one year the period of less than twelve months.

§ 2 the In no event shall the amount of economic compensation in one installment will exceed R \$ 100,000.00 (one hundred thousand reais).

Section II

Economic Repair in Monthly, Permanent and Continued Installments

Art. 5 ^o Economic repair in monthly, permanent and continuous installments, under the terms of [art. 8 the Act Constitutional Provisions](#) shall be provided to political amnesty that prove ties to the labor activity, except those who choose to receive in one installment.

Art. 6 ^o The value of the monthly, permanent and continuous installment, will be equal to the remuneration that the political amnesty would receive if he / she was active, considering the graduation to which he / she would be entitled, obeying the promotion deadlines provided for in the current laws and regulations, promotions to the official position are ensured, regardless of requirements and conditions, respecting the characteristics and peculiarities of the legal regimes of civil servants and the military, and, if necessary, considering their paradigms.

§ 1 the The monthly installment, permanent and continuing, will be established as the evidence offered by the applicant, information from official bodies and foundations, public and private enterprises, or mixed companies under state control, orders, unions or professional advice to which the political amnesty was linked when suffering punishment, which can be arbitrated even based on market research.

§ 2 the order to calculate the value of the service referred to in this Article shall be deemed incorporated the rights and benefits the legal status of the professional category occupied the political amnesty, subject to the provisions of § 4 the this article.

§ 3 the Promotions ensured to amnesty independerão politician of his time of admission or incorporation of their position or rank, and observing the permanence periods in planned activities in laws and regulations, prohibited the requirement of meeting the conditions incompatible with the personal situation of the beneficiary.

§ 4 the For the purposes of this Act, it is considered paradigm often as functional situation found among peers or contemporaries pardoned colleagues who had the same position in the office, employment or position when the punishment.

§ 5 the Provided there is manifestation of the beneficiary, within a period of two years from the entry into force of this Act, shall be reviewed by the competent authority within six months from the date of the request, the value of retirement and of the exceptional pension, related to the political amnesty, which has been reduced or canceled due to social security criteria or established by normative or service orders from the National Social Security Institute - INSS, respecting the provisions of art. 7 of this Law.

§ 6 the The values established in accordance with this article may generate financial effect from October 5, 1988, given to the beginning of retroactivity and the five-year prescription the date of application of the protocol or early amnesty application, according to the [arts. 1 the](#) and [4 the Decree n. the 20,910 of January 6, 1932.](#)

Art. 7 ^o The value of the monthly, permanent and continuous installment, will not be inferior to the minimum wage nor superior to the ceiling established in [art. 37, section XI](#) , and [§ 9 the Constitution](#).

§ 1 the If the political amnesty was on the date of punishment demonstrably paid for over a labor activity, not possible, the monthly, permanent and continued provision, shall be the sum of remuneration to which he was entitled to the limit established in the caput of this article, obeying the constitutional rules of non-accumulation of positions, functions, jobs or earnings.

§ 2 the order to calculate the monthly installment referred to in this Article shall be ensured in inactivity in retirement or in the reserve, promotions from office, employment, position or rank to which he would be entitled if in active service.

Art. 8 ^o The readjustment of the amount of the monthly, permanent and continuous installment, will be made when there is a change in the remuneration that the political amnesty would be receiving if he were in active service, observing the provisions of art. 8 the Act Constitutional Provisions.

Art. 9 the values paid by amnesty can not be object of contribution to the INSS, assistance boxes or pension funds or pension or compensation for these object of their statutory responsibilities.

Single paragraph. The amounts paid as indemnities to political amnesties are exempt from income tax. ([Regulation](#))

CHAPTER IV

ADMINISTRATIVE COMPETENCES

~~Art. 10. It will be up to the Minister of State for Justice to decide on the requirements based on this Law.~~

~~Art. 10. It will be up to the Minister of State for Women, the Family and Human Rights to decide on the requirements based on the provisions of this Law. [\(Wording provided by Provisional Measure nº 870, of 2019\)](#)~~

Art. 10. It will be up to the Minister of State for Women, the Family and Human Rights to decide on the requirements based on this Law. ([Wording given by Law nº 13,844, of 2019](#)) [Art.](#)

Art. 11. All political amnesty processes, deferred or not, including those that are filed, as well as the respective computerized acts that are found in other Ministries, or in other organs of the Public Administration, direct or indirect, will be transferred to the Ministry Justice, within ninety days from the publication of this Law.

Single paragraph. The political amnesty or its dependent may, at any time, request a review of the value of the corresponding monthly, permanent and continuous installment, whenever this is not in accordance with arts. 6^a, 7^a, 8^a and 9th this law.

~~Art. 12. The Amnesty Commission is created, within the scope of the Ministry of Justice, for the purpose of examining the requirements referred to in art. 10 of this Law and assist the respective Minister of State in his decisions.~~

~~Art. 12. The Amnesty Commission is created, within the scope of the Ministry of Women, Family and Human Rights, with the purpose of examining the requirements referred to in art. 10 and assist the Minister of State in his decisions. [\(Wording given by Provisional Measure nº 870, of 2019\)](#)~~

Art. 12. The Amnesty Commission is created, within the scope of the Ministry of Women, Family and Human Rights, with the purpose of examining the requirements referred to in art. 10 of this Law and to assist the Minister of State in his decisions. ([Wording given by Law nº 13,844, of 2019](#))

~~§ 1th the members of the Amnesty Commission shall be appointed by order of the Minister of Justice and it will participate, among others, a representative of the Ministry of Defense, indicated by its Minister of State, and a representative of the amnesty.~~

~~§ 1th — members of the Amnesty Commission will be appointed in Ordinance of the Minister of Women, Family and Human Rights and it will participate, among others, a representative of the Ministry of Defense, indicated by its Minister of State, and a representative amnesties. [\(Wording given by Provisional Measure nº 870, of 2019\)](#)~~

§ 1 The members of the Amnesty Commission will be appointed by order of the Minister of State for Women, Family and Human Rights, and will participate in the Commission, among others, 1 (one) representative of the Ministry of Defense, appointed by the respective Minister of State, and 1 (one) representative of the amnesty. ([Wording given by Law nº 13,844, of 2019](#))

~~§ 2th The representative of the amnesty will be appointed according to the procedure established by the Minister of Justice and as instructed by the respective associations.~~

~~§ 2th — The representative of the amnesty will be indicated by the respective associations and designated according to the procedure established by the Minister of Women, Family and Human Rights. [\(Wording given by Provisional Measure nº 870, of 2019\)](#)~~

Paragraph 2. The representative of the amnesty members shall be appointed by the respective associations and appointed in accordance with the procedure established by the Minister of State for Women, the Family and Human Rights. ([Wording given by Law nº 13,844, of 2019](#))

§ 3th For the purposes of this Law, the Amnesty Commission may conduct inquiries, request information and documents, hear witnesses and technical consultation in order to instruct the processes and requirements, and arbitrate on the basis of evidence obtained, the value of the indemnities provided for in arts. 4^a and 5^a where it is not possible to identify the exact time of the interested punishment.

~~§ 4th The requests and decisions made by the Minister of State for Justice in the political amnesty processes will be obligatorily fulfilled within sixty days, by all the organs of the Public Administration and any other entities to which they are addressed, with the exception of budgetary availability.~~

~~§ 4^{the} —The requests and decisions issued by the Minister of Women, Family and Human Rights in political amnesty process will necessarily be fulfilled within sixty days, all public administration agencies and any other entity to which it is addressed, with the exception of budget availability. (Wording given by Provisional Measure nº 870, of 2019)~~

§ 4º The requests and decisions made by the Minister of State for Women, the Family and Human Rights in the political amnesty processes must be complied with within 60 (sixty) days, by all public administration bodies and by any other entities to which they are directed, with the exception of budget availability. ([Wording given by Law nº 13.844, of 2019](#))

§ 5 ~~the~~ For the purpose of and perform their legal duties, the Amnesty Commission may request of public companies, private or mixed economy, covered by the amnesty period, documents and functional postulant records amnesty that has belonged to his paintings functional, and these companies may not refuse to display these documents, provided that it is officially requested by the Commission's administrative file and request, when deemed necessary, information and advice from the amnesty associations.

CHAPTER V

GENERAL AND FINAL PROVISIONS

Art. 13. In the event of the death of the political amnesty, the right to economic reparation is transferred to its dependents, observing the criteria established in the legal regimes of the civil and military servants of the Union.

Art. 14. The political amnesty is also guaranteed the indirect benefits maintained by the companies or bodies of the Public Administration to which they were linked when they were punished, or by the entities instituted by one or the other, including insurance, medical, dental and hospital, as well as housing finance.

Art. 15. The company, foundation or autarchy may, by means of an agreement with the Public Treasury, undertake the payment of the monthly, permanent and continuous benefit, in relation to its former employees, political amnesties, as well as to their eventual dependents.

Art. 16. The rights expressed in this Law do not exclude those conferred by other legal or constitutional rules, the accumulation of any payments or benefits or indemnity on the same basis is forbidden, providing the most favorable option.

Art. 17. Proving the falsity of the reasons that gave rise to the declaration of the condition of political amnesty or the benefits and rights ensured by this Law, the respective act shall be rendered void by the Minister of State for Justice, in a procedure in which fullness of the right of defense, with the burden of reimbursing the National Treasury for the sums it has unduly received, without prejudice to other administrative and penal sanctions.

Art. 18. The Ministry of Planning, Budget and Management shall, with reference to the amnesties granted to civilians, by means of a communication from the Ministry of Justice, within sixty days of such communication, the payment of economic reparations, provided that exception of § 4 ~~the~~ art. 12 of this Law.

Single paragraph. In the case of amnesties granted to the military, reintegrations and promotions, as well as economic reparations, recognized by the Commission, will be carried out by the Ministry of Defense, within sixty days after the communication from the Ministry of Justice, except in the cases specified in art. 2 ~~the~~ item V of this law.

Art. 19. The payment of retirement or exceptional pension related to the already political amnesties, which has been made by the INSS and other public entities, as well as by companies, through an agreement with the aforementioned institute, will be maintained, with no continuity solution, until the its replacement by the monthly, permanent and continuous installment regime, instituted by this Law, obeying what determines art. 11.

Single paragraph. The resources necessary for the payment of economic reparations of an indemnity nature will have their own item in the General Budget of the Union and will be determined by the Ministry of Justice, with specific destination for civilians (Ministry of Planning, Budget and Management) and military (Ministry of Defense).

Art. 20. To the declared amnesty who is in a judicial dispute aiming at obtaining the benefits or indemnity established by [art. 8^{the} Act Constitutional Provisions](#) is provided celebrate transaction to be approved in the competent court.

Single paragraph. For the purpose of complying with the provisions of this article, the Attorney General's Office and the Legal Attorneys of the autarchies and federal public foundations are authorized to enter into transactions in the lawsuits against the Union or its entities.

Art. 21. This Law enters into force on the date of its publication.

Art. 22 are hereby repealed the [Provisional Measure the 2151-3 of August 24, 2001](#) , the [art. 2 the](#) , the [§ 5 the art. 3 a](#) , and [arts. 4 the and 5 the Law n the 6.683 of August 28, 1979](#) , and [art. 150 of Law n the 8.213, of July 24, 1991.](#)

National Congress, on November 13, 2002; 181 [The](#) Independence 114 and [the](#) Republic.

Senator RAMEZ TEBET
President of the National Congress Board

This text does not replace the one published in the DOU of 11.14.2002

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