

2018

1º Semestre



Inglês

VESTIBULAR FGV

GRADUAÇÃO EM DIREITO SP

Instruções para a Prova de INGLÊS:

- Confira se seu nome e RG estão corretos.
- Não se esqueça de assinar a capa deste caderno, no local indicado, com caneta azul ou preta.
- Você terá **4 horas** para realizar as três provas.
- Antes de iniciar a prova, verifique se o caderno contém 3 questões e se a impressão está legível.
- A prova de **Inglês** é composta por 3 questões. Atenção: A **Questão 1** deve ser respondida **em português**; as **Questões 2 e 3** devem ser respondidas **em inglês**. As três questões desta prova valem, no total, 10 pontos, assim distribuídos:
 - **Questão 1** – 3 pontos.
 - **Questão 2** – 3 pontos.
 - **Questão 3** – 4 pontos.
- As respostas deverão ser redigidas nos espaços destinados a elas, com letra legível e, obrigatoriamente, com caneta de tinta azul ou preta.
- Não se identifique em nenhuma das folhas do corpo deste caderno, pois isso implicará risco de anulação.
- O candidato só poderá deixar definitivamente o local das provas a partir de 1 hora e meia após seu início.
- Não haverá substituição deste caderno.
- O candidato é responsável pela devolução deste caderno ao fiscal de sala.
- Adverte-se que o candidato que se recusar a entregar este caderno, dentro do período estabelecido para realização das provas, terá automaticamente sua prova anulada.
- Estará automaticamente eliminado do processo seletivo o candidato que obtiver **nota bruta inferior a 3,0** na prova de **Inglês**.

NOME:

IDENTIDADE:

INSCRIÇÃO:

LOCAL:

DATA: 29/10/2017

SALA:

ORDEM:

Assinatura do Candidato: _____

ID: <<ID>>

Argentina's Dirty War

More than 40 years have passed since Argentina's generals seized power. They kidnapped, tortured and killed thousands of Argentines whom they saw as a threat to western civilisation. Democracy was restored in 1983, but many perpetrators of those crimes have never been punished. Of the 2,780 people who have been charged with human-rights violations since 2006, just 750 have been found guilty.

Now, some Argentines fear, even that incomplete justice is being weakened. On May 3rd the country's supreme court made a decision that could free as many as 248 prisoners. The case relates to Luis Muiña, who in 2011 was sentenced to 13 years in prison for the kidnap and torture of five people in 1976. The court ruled that, under Argentina's "two-for-one" law, some of the time he had spent on remand [sob prisão preventiva] should reduce his sentence by double that amount of time. This cut it by eight years. His release on parole [em liberdade condicional] in April was thus legal.

Since democracy was restored, politics has dictated how the crimes of Argentina's "dirty war" are treated. A truth commission established that at least 8,960 people had been murdered. After military uprisings against the democratic government of Raúl Alfonsín in the late 1980s, the government introduced amnesty laws and pardons to placate the army. Under the populist presidencies of Néstor Kirchner and his wife, Cristina Fernández de Kirchner, from 2003 to 2015, the state threw its weight behind trial and punishment.

The government of Mauricio Macri, Argentina's president since December 2015, says it is returning to the principle that independent courts, not politicians, should administer justice. Its critics doubt that. They see the centre-right president as soft on dictatorship. In December he suggested that Remembrance Day, which commemorates the military coup [golpe militar] every March 24th, could be observed on the nearest Monday to raise productivity. Human-rights activists point out that Mr Macri appointed two of the three judges who set Mr Muiña free.

Stung by the criticism, his coalition joined forces with the opposition in the senate on May 10th to pass, unanimously, a law stating that two-for-one should not apply to crimes against humanity. That may prompt the supreme court to rule differently on similar cases. How it decides will matter as much as what it decides. Judicial independence is as important as punishing the dictators' henchmen [capangas, carrascos].

Adapted from *The Economist*, May 13th 2017

Introduction

This article from *The Economist* discusses a legal controversy taking place in Argentina. Read the text and answer the questions below. You are advised to read the questions carefully and give answers that are of direct relevance. Remember: Your answer to Question 1 must be written in Portuguese, but your answers to Questions 2 and 3 must be written in English. With these last two questions, you may use American English or British English, but you must be consistent throughout.

INGLÊS

Question 1 (to be answered in Portuguese)

(This question tests your understanding of the text, as well as your ability to identify and paraphrase the relevant pieces of information. Your answer should fill up approximately 15 to 20 lines in the space provided.)

A fight is taking place in Argentina over how to punish those who committed crimes in the service of that country's brutal military dictatorship. In your own words, describe this fight and the events and circumstances that caused it. In what ways have the country's politicians, civil society, and judiciary affected or influenced the situation? Explain how Argentina's supreme court may act in the future – and why it may act in such a way.

RESPOSTA

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NOTA

VISTO CORRETOR

INGLÊS

Question 2 (to be answered in English)

(This question tests your ability to express yourself in a manner that is clear, precise, and relevant. Your answer should fill up approximately 15 to 20 lines in the space provided.)

Since the end of Argentina's dictatorship, successive democratically elected governments have in their own ways tried to deal with the crimes of the "dirty war." Of the governments mentioned in the article, which in your opinion took or is taking the best approach? Do you believe that any post-dictatorship government has addressed those crimes adequately? Why or why not?

Going further, explain as well how the "two-for-one" law most likely works and why it was or was not fair to apply that law to the case of Luis Muiña. Keeping in mind that by definition human rights mean everybody, can Muiña's release on parole last April be considered a victory or a defeat for human rights in Argentina?

In answering the above questions, you should support your points of view with clear, well-balanced, and specific reasons. And while you may take into account legal, ethical, and practical considerations, please try to be as objective as possible.

RESPOSTA

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NOTA

VISTO CORRETOR

SALA:

ORDEM :

ID:

INGLÊS

Question 3 (to be answered in English)

(This question tests your ability to construct a balanced, considered, and fluent argument in the form of a short composition. Your answer should fill up approximately 15 to 20 lines in the space provided.)

Whether because of war, revolution, collapse, or voluntary transition, since the 20th century several dictatorial or authoritarian governments, besides the one in Argentina, have been supplanted by democracies. And when those democratic governments take over, they often make an effort to come to terms with the violent, tyrannical history of the governments they have replaced. The quotations below touch on two extremes of how countries may address such a criminal legacy.

On November 21, 1945, the American lawyer and judge Robert H. Jackson made the following opening statement for the prosecution before the International Military Tribunal in Nuremberg, which had been set up to try German war and human-rights criminals:

“That four great nations [The United States, The United Kingdom, France, and The Soviet Union], flushed with victory and stung with injury, stay the hands of vengeance and voluntarily submit their captive enemies to the judgment of the law, is one of the most significant tributes that Power has ever paid to Reason.”

As a result of the Nuremberg Trials – despite Robert Jackson’s magnificent, almost conciliatory words – many Germans, especially ex-Nazis, were executed (or committed suicide) or given long – even life – prison sentences.

The object was to enact *retributive* justice for crimes against humanity and, it was hoped, to ensure that such crimes would never happen again.

In contrast, when South Africa’s cruel apartheid regime finally ended, the new government not only set up a Truth and Reconciliation Commission to expose the terrible oppression that had taken place during the apartheid years, but also, in many cases, granted amnesty to politically motivated perpetrators who made full confessions and expressed sincere remorse.

The object was to enact *restorative* justice for human-rights crimes and, it was hoped, to move ahead with the building of a new country.

As the statesman Nelson Mandela, first president of the new South Africa, wrote in 1994, “No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”

Nevertheless, in a speech on January 7, 1996, Mandela emphasized that, “True reconciliation does not consist in merely forgetting the past.”

Therefore, considering the information in the article and the examples of Nuremberg and South Africa – and considering as well that Brazil’s own National Truth Commission has accomplished very little (so far, not one military perpetrator has been tried or convicted) – discuss what you would like to see happen here with respect to the alleged human-rights criminals who acted under the auspices of the 1964-1985 Military Dictatorship.

The following questions will help you to formulate your point of view:

- In 1979, when Brazil’s Military Government granted amnesty to many in the opposition, it also granted amnesty to itself, i.e., for any human-rights offense that military personnel might have committed between September 2, 1961 and August 15, 1979. In your opinion, should such military personnel now be vigorously prosecuted or should they still enjoy protection under the 1979 Amnesty Law. Can that law be considered valid?
- Since some members of the opposition in fact resorted to extreme violence, should they be prosecuted despite having received amnesty?
- Should victims of the Military Government receive financial reparations?
- Should Brazilians even be concerned with crimes that may have happened decades ago?
- Will prosecuting human-rights criminals make Brazil a better place to live or will it merely keep old wounds open, further dividing the country? In other words, don’t we have more important things to do, or can Brazil only move forward by confronting the past? If so, should justice be implacable or should it be tempered with common sense and mercy?

In answering, you may take into account legal, ethical, practical, and even religious matters, but please strive to be as clear-sighted and logical as possible, supporting your point of view with specific arguments and examples.

QUESTÃO 3 (continuação)

| RESPOSTA | |
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| | NOTA |

VISTO CORRETOR

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