Brazil

A parliamentary committee investigated allegations of corruption and mismanagement in the judiciary. A number of judges and prosecutors were denounced and the evidence collected was sent to the Public Prosecutor for the initiation of criminal investigations. The Committee's report constituted a major input to the ongoing debate over a new law reforming the judiciary, which will focus on external control, modifications in the structure of the court system and a better definition of administrative and functional misconduct.

The Federal Republic of Brazil is composed of 26 states and a federal district, which is its capital. The Constitution was adopted in 1988 heralding the transition from two decades of military government to civilian democratic rule. Each federated state has its own constitution whose provisions must be consistent with the federal Constitution. The Constitution establishes the separation of powers. The legislative power is exercised by a bicameral parliament: a Chamber of Deputies (Camara de Deputados) and a Federal Senate (Senado Federal). The executive is vested in the President of the Republic who governs with the assistance of a Cabinet of Ministers. In 1999 President Fernando Enrique Cardoso started his second consecutive term in office as the President of the Republic. Conflicts of competence between the federal government and state governments frequently occur over economic, social and, above all, security and judicial issues.

The year 1999 started in financial turmoil which threw the country into deep recession and prompted the federal government to adopt emergency measures. One of these measures was the passing into law, in January, of a civil service pensions bill enabling the government to deduct social security payments from pensions paid to retired civil servants, as well as increasing those paid by civil servants still at work. The measure was to affect 300,000 pensioners and improve the financial situation of the federal government. The measure was opposed by political and social groups who challenged the law as being unconstitutional before the Supreme Court which, on 30 September, granted the petition. The ruling prompted the government to enact further legislation in order to close the financial gap caused by the decision. At the same time it prompted criticism from government officials who accused the Supreme Court of undermining the economic and financial measures adopted by the executive.

Human Rights Background

In June 1999, a Ministry of Defence was formally created by law. The new Minister of Defence, who is a civilian for the first time ever, has control over the three branches of the armed forces. In the same month, President Cardoso appointed a new Federal Police Director-General, Mr. Joao Batista Campelo, but was obliged to request his resignation some days later after a strong campaign by human rights and social groups accusing the appointee of having direct responsibility in cases of torture against political prisoners during the 1970s.

Impunity continues to be one of the main reasons for the low level of public confidence in the judiciary. Police abuse and the killing of civilians are alarmingly frequent and the special branch of the judiciary empowered to try policemen continuously fails to punish those responsible.

During the year controversial acquittals were granted in various tribunals throughout the country. On 19 August 1999, a tribunal in Belem, the capital of the state of Parà, acquitted three senior officers of the so-called "military" police who were accused, together with many other subordinates, of the killing of 19 landless peasants in El Dorado de Carajas. This ruling was criticised by the survivors, as well as human rights groups, as enhancing the impunity of high-ranking officials. In August 1999, another member of the "military" police involved in the 1997 massacre in the neighbourhood of Vigario Geral was convicted, by a jury in Rio de Janeiro, on only one count of homicide, being acquitted of another twenty, despite existing evidence. Yet another defendant involved in the same case was acquitted of all charges, while a third one was convicted. In the state of Sao Paulo, in June 1999, a judge cleared another member of the "military" police of all charges in relation to the 1997 killing of three squatters in the Fazenda da Juta neighbourhood.

In November 1999, the government set up a Federal Taskforce to Fight Impunity (Núcleo de Combate à Impunidade) to investigate and combat impunity in the country. The taskforce is composed of members of the police, state prosecutors and officials from the revenue and central bank. This demonstrates that the government intends to adopt a tough stance against organised crime and its influence on political and economic life. Observers say that the scale of the taskforce's operations may resemble the Italian "clean hands" (mani pulite) campaign in the early 1990s.

In the context of the land conflict in Brazil, landless workers who had been occupying privately-owned land were forcibly evicted by the police, and in many instances the police abused their power, with fatal consequences. There were also allegations of extra-judicial executions of landless workers, as well as harassment and persecution of peasant leaders through the institution of criminal judicial proceedings against them. It is also within this framework that many attempts against the judiciary, jurists and legal practitioners are carried out.

The situation in prisons remains precarious and constitutes a form of inhuman and degrading treatment. Overcrowding and slowness of trial proceedings resulted in rioting, hostage-taking and consequent repression in state and federal prisons.

Corruption

Corruption at all levels continued to be one of the main problems in Brazilian society and this has also affected the judiciary. According to a survey carried out by the newspaper O Estado de Sao Paulo, 82% of the population considered that the judiciary is slow and favours only the rich. 56% thought that lawyers are, in general, dishonest. During the first months of the year cases of corruption, misappropriation and nepotism were aired by the press, prompting public outcry and demands in parliament by a conservative group of senators that an inquiry committee be set up. On 8 April 1999, the Senate set up a Committee of Inquiry into alleged irregularities, corruption and nepotism within the judiciary. The scandal erupted as many accusations became public, but many members of the judiciary rejected the investigations and the claims of corruption within the judiciary, denying the Senate's legal power to take action on the matter. Further, they maintained that the Senate's decision was politically motivated and aimed at discrediting some independent judges who were conducting investigations into alleged crimes involving politicians and people of high social class. The initiation of the investigations led to a wide discussion on the legality of the parliamentary Inquiry Committee and the broader issue of the necessity of reform of the judiciary (see below).

Parliament itself decided to take measures to counter corruption inside the legislature. Through a process of political impeachment two members of parliament were deprived of their parliamentary immunity and sent to stand trial. On 22 September the Chamber of Deputies deprived parliamentarian Hildebrando Pascoal of his immunity from prosecution, allowing criminal proceedings to start before the courts. Deputy Pascoal was accused of drug-trafficking and leading a death squad in the state of Acre. Earlier in the year another deputy, Talvane Albuquerque, was expelled from parliament to face a criminal investigation into his alleged involvement in the murder of another deputy.

During the year another parliamentary committee attracted public attention. The Chamber of Deputies' Special Committee on Reform of the Judiciary had started its work some years ago but it gained major impetus and became the focus of attention when the Senate Committee of Inquiry into the Judiciary started its own work and issued its reports. The year ended with the discussion and approval by the Chamber of Deputies of a number of provisions contained in a draft bill to reform the judiciary (see below).

The Judiciary

At present the judiciary in Brazil is undergoing an important process of reform to adapt itself to the needs of modern society and to become more responsive to the demands for security, stability and peace among the population and the business community. During the year, important reform proposals were debated in parliament and among civil society involving the press, the Association of Judges and the Lawyers Bar Association.

Structure

Article 92 of the federal Constitution states that the judiciary is composed of the Federal Supreme Court (Supremo Tribunal Federal), the High Court of Justice (Superior Tribunal de Justiça), the Federal Regional Courts, and the federal one-judge courts. Tribunals and courts specialised in labour, electoral and military matters also form part of the judiciary although they have an autonomous structure. Finally, the tribunals and one-judge courts of the different states and the federal district are also considered part of the national judiciary.

The highest tribunal in the country is the Federal Supreme Court which is composed of eleven judges. Its powers include those to declare a federal law invalid on grounds of unconstitutionality, to try, inter alia, the President of the Republic, ministers and members of parliament for common crimes, to deal with habeas corpus petitions against the President and parliament, to try judges of High Courts for common crimes and misconduct (crime de responsabilidade) and to resolve conflicts of competence between High Tribunals and other tribunals (Article 102 federal Constitution).

The High Court of Justice is composed of at least 33 judges (Article 104 FC). It has, inter alia, powers to try state governors for common crimes, to try Chief Justices of the state High Courts, judges of the Federal Regional Courts and specialised tribunals for labour and electoral matters for common crimes and misconduct and to deal with habeas corpus petitions against Cabinet ministers (Article 105). It also works as a court of appeal for decisions taken by lower level courts.

The Federal Regional Courts (Tribunais Regionais Federais) are composed of at least seven judges each and have jurisdiction, inter alia, to try federal judges (including those specialised

in labour and military matters) working within their jurisdiction, for common crimes and misconduct (Article 106 - FC). Decisions taken by federal judges can be appealed before these Regional Courts.

As the Constitution also establishes separate and specialised branches of the judiciary for labour, electoral and military matters, there is a High Court on Labour in Brasilia, a Regional Court on Labour in each of the states and the federal district, and Conciliation Panels at the lowest level. The High Court on Labour is composed of twenty-seven members, not all of whom are legal experts. Seventeen have legal training, whereas ten are representatives of labour trade unions - the so-called "class judges"- (Article 111 - FC). The same composition is observed in the case of the Regional Courts on Labour and the Conciliation Panels.

The country is divided into judicial districts (seção judiciária) which correspond with each of the states and the federal district.

Resources

The amount and the use of resources allocated to the judiciary are the subject of controversy and conflict between powers. Allegations of misappropriation and mismanagement of huge amounts of money by certain judges, especially in the Labour Courts section, were taken as justification for the appointment of a parliamentary Committee of Inquiry (see below). The President of the Senate, Senator Magalhães, said that the budget allocated for personnel salaries in the judiciary has experienced a 760% increase in the period 1987-1999, whereas the increase of the same for the two other branches of government did not exceed 300% for that period. However, in reality judges' salaries are very low, and many magistrates are leaving the judiciary to join private law firms because of this. Reports state that judges' salaries have not been increased in five years, the last increase being in January 1995. The explanation of this paradox of an increasing budget and low salaries is that most of the money is used for hiring new personnel or paying allowances to officials appointed temporarily and for ad hoc purposes. It has been highlighted that this practice has sometimes served as a framework for cases of nepotism and corruption.

A Federal Council of the Judiciary, attached to the High Court of Justice in Brasilia, oversees the administration and management of the judiciary's resources (Article 105). The 1992 Law of the Federal Council of the Judiciary empowers it to co-ordinate the use of human and financial resources of the judiciary.

Appointment and Security of Tenure

Federal judges are appointed by the President of the Republic, with the exception of the "class judges" serving in the Conciliation Panels who are appointed by the Chief Justice of the Regional Court on Labour and some of the members of the High Electoral Court. The justices of the Supreme Court and the High Court of Justice, which have nation-wide jurisdiction, are appointed by the President with the consent of the majority of the Senate. The members of the Federal Regional Courts are appointed by the President from a list presented by each Regional Court itself, whereas the members of the High Court on Labour are appointed by the President with the Senate's consent from a list presented by the court itself. One fifth of the members of the Federal Regional Courts should be lawyers and prosecutors coming, thus, from outside the judiciary.

This method of appointment gives considerable power to the President of the Republic and has been pointed out as a probable source of undue political influence, especially with regard to the Supreme Court. Proposals have been made to allow judges themselves to participate in the election of judges at higher levels.

Judges enjoy life tenure (Article 95). This security of tenure is obtained by first level judges only after two years in office. Judges cannot be removed except in the public interest and following the procedures and requisites established by the Constitution and the law.

Discipline and Causes for Dismissal

A lack of discipline and internal control is one of the main problems facing the Brazilian judiciary, together with slowness and inadequate legislation. The disciplinary and sanctioning procedures established to deal with judges and prosecutors accused of misconduct while performing their duties or for ordinary crimes are lax and incomplete. The law grants higher tribunals the power to discipline and sanction members of lower tribunals, with the exception of the Federal Supreme Court whose justices are subject to impeachment proceedings before the Senate.

Article 52(II) of the Constitution grants to the Senate the power to impeach the Chief Justice of the Supreme Court, the Attorney General and the Defender General for misconduct whilst carrying out their functions. The Senate, by a two thirds majority vote, can decide on the dismissal of the incumbent and their ineligibility for any other public post for a period of eight years. This is the only instance where a member of the judiciary can be sanctioned by an organ outside the judiciary itself.

Judges of all other levels are subject to discipline and control by the judicial body immediately higher in the structure. In this way, the Supreme Court tries and sanctions its own members, other than the Chief Justice, those of the High Court of Justice, and specialised High Courts for labour and electoral matters (Article 102(I) paragraphs b and c). The High Court of Justice, in its turn, tries and sanctions members of all Federal Regional Tribunals (Article 104(I) paragraph a), and the Regional Tribunals do the same for all other federal judges acting within their jurisdiction (Article 108(I) paragraph a). The same system of internal control and discipline is applied in the judiciary of each state. In practice, however, this control system only works partially in the case of first level judges who are tried and sanctioned by the disciplinary section of the higher tribunal, but it does not work in the cases of judges of higher tribunals because of a lack of legal provisions on the matter.

Article 93(X) of the federal Constitution establishes that all disciplinary measures shall state the reasons for the decision and be adopted by the majority of members of the respective tribunal.

For a number of reasons, most notably the judges' tendency to protect each other, this system has not been very effective in combating corruption and general misbehaviour within the judiciary. Furthermore, the definition of misconduct is not sufficiently clear in the law. Law 1079 which defines misconduct (crime de responsabilidade) of the justices of the Supreme Court, fails to define what constitutes misconduct in the case of judges at lower levels (High Court, Federal Regional Tribunals, etc.). The reason for this failure is that at the time the law was promulgated, in April 1950, the provisions of the 1988 Constitution on misconduct of judges did not exist, and the law was never amended or supplemented to cover these new

provisions. However, it has been noted that provisions in this regard do exist in the rules of the tribunals and in a law applicable to all public officials.

In its final report the Senate Committee of Inquiry did not miss the opportunity to underline the problem of effectively holding accountable all members of the judiciary. The matter is being dealt with in the context of the ongoing debates about reform of the judiciary in the Chamber of Deputies (see below).

The Senate Committee of Inquiry: Conclusions and Recommendations

As mentioned above, in March 1999 the Senate appointed a Committee of Inquiry into alleged irregularities in the judiciary (Comissão Parlamentar de Inquérito- CPI), which started to work effectively in April. The Committee was mandated to investigate certain facts and allegations and to report its findings and recommendations to the Senate as a whole. However, the Committee considered that its tasks included making recommendations for legislative reform and to pass its findings and evidence to the Public Prosecutor who started criminal proceedings in many of the cases.

The Committee worked for a period of eight months during which time it held 61 meetings and hearings, received 73 depositions, examined public and confidential documents and issued orders to produce certain evidence necessary for its work. In November 1999, the Committee presented nine reports, one for each case investigated, and a final report with conclusions and recommendations. The nine cases investigated were chosen from nearly 4,150 complaints received from different sources and, according to the Committee, merely touched the surface of the problems faced by the judiciary.

The work of the Committee was preceded and constantly surrounded by an intense debate in political and judicial circles about the legality of its constitution, its mandate and the powers it intended to exert. From judicial circles certain voices alleged that the investigations carried out by the parliamentary Committee would interfere with the judiciary, putting into question, therefore, the constitutional principles of the separation of powers and the independence of the judiciary. Furthermore, judicial spokespersons stressed that the cases taken by the Committee had already been investigated by the Public Prosecutor. However, the Committee made it clear that its mandate was grounded in the constitutional provisions that grant to parliament, or any of its chambers, the power to set up committees of inquiry to determine facts (Article 58.3). It maintained that this power is founded in the general constitutional principle of checks and balances which is an integral part of the division of powers as such.

Further debate arose about the extent of the powers of the Committee of Inquiry, as Article 58.3 of the Constitution defines parliamentary committees of inquiry as having "powers of investigation proper to judicial authorities". The question assumed concrete characteristics when it came to decide whether the Committee was empowered to take interim measures of protection such as freezing bank accounts, the seizure of property or transcending the principle of confidentiality of bank accounts and telephone communications. In this regard the Supreme Court established in various rulings that parliamentary committees of inquiry do not have powers that are reserved for judges, such as ordering the arrest of a person or the seizure of property and the freezing of assets belonging to a suspect. However, the court found that committees of inquiry have the power to issue duly justified orders to lift the confidentiality of bank accounts, financial statements and telephone communications. In the cases at issue, where the claimants had petitioned the court for a protective measure, the

Supreme Court granted the petitions allowing the persons in question not to be bound by the Committee's summons to appear or to produce the evidence requested. In its final report the Committee, while recognising the Supreme Court's rulings over the issue, welcomed the passing in the Senate of a draft bill to amend Article 58.3 of the Constitution extending parliamentary committees' powers to include the possibility of ordering interim measures of protection.

In its final report the Committee emphasised the magnitude of the judiciary's problems: corruption, nepotism, irregular hiring of personnel, overvaluation of goods and other irregularities. It also stressed the need for reform. It observed that the judiciary is not only slow and inefficient, but also vulnerable due to its inefficient internal mechanisms of control and its self-contained features that make any reform from inside unlikely. The report remarked that the judiciary has turned a blind eye to the magnitude of the problems it faces and had shown unwillingness to collaborate with the work of the Committee itself. In yet another conclusion the Committee observed that, in general, it had not focused its investigations on the states' judiciary where, according to the Committee, even more numerous and serious problems exist.

The conclusions of the Committee of Inquiry were received with scepticism and strong criticism on the part of judges and lawyers in general. During the year, national and regional representatives of the Magistrates Association (Associação dos Magistrados Brasileiros-AMB) and of the Lawyers Bar Association (Ordem dos Advogados do Brasil) voiced their concern and protest at press statements involving wild accusations against the judiciary by members of the Committee of Inquiry. They also warned that political leaders in the Senate and the government were harbouring intentions to discredit and weaken the judicial institutions. However, although they opposed any inquiry at the beginning and maintained a critical attitude towards the Committee, they later decided to co-operate with the inquiry. The two organisations took the issue further by setting up a working group to draft a proposal for the reform of the judiciary.

The Committee of Inquiry highlighted serious shortcomings and deficiencies which, in the view of judges and lawyers, contributed to a major discrediting of the judiciary in the eyes of the public. Judges and lawyers also claimed that many charges were generalised and exaggerated and motivated by political intentions to weaken an independent judiciary capable of protecting the people's rights in the face of oppressive governmental policies.

The Debates Over the Reform of the Judiciary

Important proposals aimed at reforming the judiciary were tabled during the year in the Chamber of Deputies. By the end of the year, the Chamber of Deputies' Special Committee of Reform of the Judiciary presented a package of legal measures that began to be discussed and approved by the plenary of the chamber. These measures entail amendments to the Constitution and a number of new laws which are necessary to speed up judicial proceedings and enhance the fight against corruption.

Among the most important and controversial matters relating to the reform of the judiciary are the following:

- Discipline and sanctioning of judges for misconduct, and the body in charge of discipline in the judiciary: as shown above, the 1950 Law defining misconduct for

judges of the Supreme Court fails to do the same for the rest of the judiciary. According to the Senate Committee of Inquiry's report, it is practically impossible to hold accountable or discipline judges of lower levels for misconduct in carrying out their functions. This conclusion is not shared by representatives of judges and lawyers. A draft bill to modify the law relating to the misconduct of judges at all levels was tabled and will be discussed in the near future.

Although there is general agreement as to the need to define misconduct, differences of opinion arise as to the most suitable body to be charged with initiating disciplinary proceedings and applying sanctions. The Chamber of Deputies' Special Committee of Reform has proposed the Supreme Court to be such a body, whereas there is a group of senators who prefer the formula of a National Council of the Judiciary composed mostly of representatives of the judiciary, the Public Prosecutor's office, and the Bar Association. The Magistrates Association (AMB), an organisation that claims to represent 14,700 magistrates throughout the country, has supported the latter formula which was approved on the first reading in the Chamber of Deputies.

- Measures to speed up proceedings and punish undue delays: this is a primary concern of the Special Committee of Reform and has prompted some legislators to advance proposals that have given rise to heated debate. One such proposal is the incorporation of the legal principle of binding opinion (súmula vinculante) which resembles the legal institution of the "binding precedent" that is the basis of Anglo-Saxon legal systems, allegedly as a means to ensure consistency of jurisprudenceand to restrain the frequent recourse to the Supreme Court of cases essentially similar to others in which there already exists jurisprudence. However, the proposed formula would oblige the judge to follow the criteria established by the Supreme Court and would allow review by the highest court in all cases where no precedent exists. However, the Magistrates Association -AMB maintains that the proposed formula does not imply the application of the same legal principles and solutions to similar situations but the imposition of legal recipes to all cases involving even different circumstances. In the judges' opinion this would restrict their discretion to improve and recreate the jurisprudence and may also be an instrument for political manipulation of the judiciary since the members of the Supreme Court, which establishes the "súmula vinculante", are appointed by the President of the Republic with the consent of the Senate and can be dismissed by the latter. The AMB has proposed instead a different formula that would impede the recourse to a higher tribunal if the lower judge has decided to follow the established precedent and would allow it when the judge decides differently, but does not oblige the judge to follow the criteria set up by the highest tribunal.

Another proposed institution that has caused some controversy, but has already been discarded on first reading, is the power granted to higher tribunals to take up ongoing cases at lower levels and assume direct jurisdiction over them (the so-called "avocatoria").

- The restructuring of the court system on labour matters: criticism towards the specialised tribunals on labour was very strong during the year, as in other recent years. There is a strong tendency towards its abolition as a separate system and its integration in the main court structure. The institution of the "class judge" - in fact a representative of trade unions on the bench - has been the target of particular criticism

and there is a general consensus that it should be done away with. However, the fate of the labour tribunals as a separate structure has not yet been decided.

- The reform of the procedure for criminal investigations, and especially the role of judges and prosecutors in the investigation stage. Brazil is one of the few countries that still maintains the institution of a preliminary investigation carried out by the police. According to the existing system, the police pass to the prosecutor the results of their investigation for his decision on whether to prosecute or not. The system has been blamed for the bad quality of the investigation and collected evidence, as well as for being the source of endless and unpunished abuse by the police while carrying out the investigations. In January 2000 a proposal of constitutional reform allowing the elimination of the preliminary police investigation was presented to parliament by the Public Security Secretary of the state of Sao Paulo. In this proposal the police investigation is replaced by an investigation stage led by the prosecutor and controlled by a kind of investigating judge. The government has backed the proposal but it is faced by strong opposition from the police.

Obstacles to the Work of Lawyers

According to the federal Constitution (Article 133) the "lawyer is indispensable in the administration of justice and enjoys immunity for his exercising of the legal profession". The 1994 Law of the Advocacy grants lawyers a series of prerogatives such as the right not to be detained except in flagrant and only for crimes for which release on bail is not allowed, and to be detained in special sections of the prison in accordance with his dignity. The law also mandates that all authorities should facilitate lawyers with adequate conditions for their work.

In practice, however, lawyers are subject to many limitations in the exercise of their profession and even to mistreatment and abuse by the police. This occurs with particular frequency in cases of social conflict where lawyers intervene as advocates of landless workers, indigenous peoples or prisoners. During the year scores of lawyers working at the state and federal levels were the target of threats, intimidation and physical attacks.

The Judiciary in the Federated States

In one of the conclusions stated in its final report, the Committee of Inquiry set up by the Senate underlined the fact that it had not analysed the judiciary at the state level where the magnitude of problems is greatest. The tribunals in the states, according to the Committee, are undermined by rampant corruption and a pervasive practice of impunity for the powerful.

Judges and lawyers have to work in a hostile environment. Several judges, prosecutors and lawyers have been intimidated or physically attacked whilst trying to carry out their duties independently. A number of allegations of harassment against jurists were made during the year, especially regarding the situation in the states of Acre, Mato Grosso, and Rio Grande do Norte (see cases below).

Military Police Courts

The so-called military police, formally a division of the state police rather than the military, keeps its name because its members are subject to the jurisdiction of military tribunals for the commission of common crimes (see Attacks on Justice 1998). This special jurisdiction has

reportedly been the source of impunity enjoyed by those who commit crimes against civilians.

The proposal for an amendment to the Constitution which would eliminate police investigation as an institution purports also to eliminate the division between the civil and military police in the states and replace them by a single state police. The unified structure of the new state police would arguably lead to the unification of the jurisdiction to which its members are subject for the commission of common crimes. The proposal will be discussed during the year 2000.

Cases

Andressa Caldas and Darci Frigo (lawyers): Mrs. Caldas and Mr. Frigo work for the National Network of People's Lawyers, an organisation linked to the landless workers movement. On 27 November 1999, lawyers Frigo and Caldas were arrested and jailed by the "military" police of the state of Parana during an eviction of landless workers carried out under the orders of the local authorities of Curitiba, capital city of the state of Parana. As the workers occupying the city's main square were being evicted, lawyers Frigo and Caldas tried to get close to them but were stopped, beaten and jailed by the police in charge of the operation. Lawyers Frigo and Caldas have filed a complaint and asked the state Bar Association to intervene on their behalf.

Maria de Nazaré Gadelha Ferreira Fernandes (lawyer): Mrs. Ferreira suffered intimidation by members of a death squad that allegedly encircled her workplace on 10 September and have also surrounded her house. Lawyer Ferreira works with the Centro de Defesa dos Dereitos Humanos, a human rights organisation of the Rio Branco Diocese. The intimidating acts were perpetrated after Mrs. Ferrreira gave public testimony in an inquiry conducted into the activities of a death squad in the state of Acre.

Joilce Gomes Santana (lawyer): Mrs. Gomes was the target of threats and intimidation from unknown authors. Lawyer Gomes works with highly sensitive cases in Natal, capital city of the state of Rio Grande do Norte, including amongst them the case of a murder committed by the federal police, the defence of torture victims, and victims of other human rights violations. The threats, which started in March 1999, intensified throughout September and October when one of her employees was allegedly coerced to steal away with some of Mrs. Gomes' personal documents and money. On 21 October Mrs. Gomes filed a complaint before the federal police but was still not given protection.

Valdecir Nicácio Lima (lawyer): Mr. Lima suffered threats and intimidation from death squads following the discovery of a clandestine cemetery where the remains of alleged death squad victims were exhumed. A number of police were arrested following the discovery, in the state of Acre.

Leopoldino Marques do Amaral (judge): Judge Marques, who worked in the state of Mato Grosso, was murdered on 3 September 1999. Reports say that he had important evidence of the state judiciary's involvement in cases of corruption and drug-trafficking, which he had partially presented before the Senate Investigating Committee, which was arguably the reason for his murder.

Roberto Monte (lawyer): Mr. Monte received death threats. Lawyer Monte and his fellow human rights defender, Joe Marques, are witnesses in the official investigation into the 1996 murder of a human rights lawyer, Francisco Gilson Nogueira, and they received death threats following the murder, on 3 March 1999, of another witness, Antonio Lopes. It was reported that Mr. Lopes was killed by a death squad with alleged links with the state authorities.