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## From the Executive Editor:

### Implementing The Rule Of Law In Brazil's Amazon Frontier

By Markus Zimmer



**Abstract:** This piece traces the courageous and dedicated efforts of Brazilian judge Sueli Pereira Pini and her colleagues in Brazil's northern state of Amapá to undertake an ambitious effort to deliver justice and other government services to the marginalized and disenfranchised inhabitants of Macapá municipality. That municipality serves as the capitol of Amapá state, and its residents include those residing in remote communities in the hinterlands accessible only via dirt roads and trails as

well as those the Balique archipelago, part of the enormous Amazon River Delta, whose communities are only accessible by water-based transportation. Developing the justice-distribution network known as *Justicia Itinerante* for the land-based communities and *Justicia Fluvial Itinerante* for the communities in the archipelago involved acquiring and converting buses and Amazon riverboats to function as mobile courts and utilizing them to conduct proceedings in a diverse assortment of civil, criminal, family and commercial cases. It is an inspiring narrative demonstrating how passion and determination can combine to provide access to justice for those governments all too often ignore.

**Keywords:** mobile courts, floating courts, access to justice, remote community justice, Amazon justice, Brazil's mobile courts, riverboat courts, bus courthouses.

For the location of its 2018 International Conference, IACA's Executive Committee selected the Federative Republic of Brazil, the largest country in the southern hemisphere of the Americas and home of the acclaimed Amazon Rainforest.<sup>1</sup> Brazil is a shortened form of *Terra do Brasil*, *land of Brazil*, christened in the early 16th century by Fernão de Loronha, leader of a merchant consortium pursuing commercial exploitation of brazilwood for the production of wood dyes for the European textile industry.

Brazil ranks fifth both in size and population of the world's countries; it comprises nearly half of the entire South American continent. The country's diverse political, cultural and ethnic vibrancy stems in part from its neighborhood; it shares borders with Argentina, Bolivia, Colombia, French Guiana, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. Brazil's political geography encompasses five regions subdivided into 26 states and a Federal District. Colonized by the Portuguese, Brazil declared its independence on 7 September 1822.

Brazil hosts an estimated one-third of all known animal species and makes up about half of the world's rainforests. Its Amazon River conveys more fresh water into the Atlantic Ocean than any other river to any other body of water. At its narrowest point, the river is 1.6 kilometers or one mile wide; during Brazil's monsoon, at its broadest point the Amazon's width can reach 48 kilometers. The country's enormous size, its dazzling and sometimes-inhospitable physical geography, and its numerous indigenous peoples, each with its own language, cultural traditions, religious beliefs and practices, pose inordinate government service delivery challenges.

A core theme of IACA's Brazil conference is promoting access to justice for myriad souls worldwide suffering from lives of disenfranchisement and marginalization. If we take Brazil as an example, enabling access to justice for inhabitants in remote areas of Brazil's Amazon basin poses numerous challenges. The enormous power of the river's flow constantly mutates the labyrinthian network of streams, channels and inlets that lace the enormous delta, rendering fruitless any effort to create a grid of fixed roads intersecting the towns and villages strewn throughout the archipelago. For centuries, indigenous locals relied on homegrown mechanisms for criminal justice and dispute resolution, mechanisms that proved no match for and left them at the mercy of marauding bands of pirates and other rogues who ruled the delta's

<sup>1</sup> For conference information, agenda and registration, go to <http://www.iaca.ws/upcoming-conferences.html>

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waterways. More recently, local oligarchs dispensed their own versions of enforcement, not far removed from tactics deployed by mobs and occasionally peppered with lynchings. The enforcement functions of the national justice system, replete with its own gargantuan challenges and inefficiencies was in no position to either effectively monitor these remote communities or to establish an institutional framework for preserving law and order within them until relatively recently.

Brazil's Northern border is anchored on the East by Amapá State. With the shape of a rough Rhombus, Amapá's North-eastern border abuts the Atlantic; its South-eastern border runs largely along the Amazon archipelago where its capitol city, Macapá, is located. Amapá is Brazil's second-least populated state; over 90% of its population resides in Macapá. The majority of the state's inhabitants in Macapá, its hinterlands, and in remote settlements scattered along the delta, subsist at the poverty level, enjoy little in the way of government-sponsored social-assistance infrastructure, and traditionally are not significant beneficiaries of government largesse or services.

In 1996, an enterprising and impassioned judge, Sueli Pereira Pini, attached to the *Juizado Especial Central Cível e Criminal da comarca de Macapá*, the Special Civil Court of Macapá, created with her colleagues an access to justice initiative christened *Justicia Itinerante* or *Itinerant Justice* (IJ). In addition to her judicial functions, Judge Pini serves as Macapá municipality's special courts coordinator. IJ is a framework for delivering justice not only to the poor and disenfranchised within metropolitan Macapá's impoverished slum areas, but extends throughout the 6,400 square-kilometer municipality whose jurisdiction, in addition to the capital city, includes myriad small communities in the hinterland accessible only via hazardous and, during monsoon, often impassable dirt roads and trails. To reach those far-flung communities, IJ utilizes a bus refurbished as a mobile courthouse that circulates through the bush country on a regular schedule, often convening court in town and village squares. Judge Pini wields her justice gavel with resolve when necessary, insisting that local officials undertake infrastructure upgrades to improve the sometimes-wretched conditions under which the poorest inhabitants eke out a living.

The jurisdiction also includes rural communities in the Balique archipelago, access to which is restricted to watercraft. For their denizens, most of whom subsist in poverty, access to justice in Macapá's trial-level courts entails unaffordable transportation costs, significant time commitments and sluggish adjudication, effectively putting justice beyond their reach and consigning them to vigilante-style relief such as bullying, domestic violence, drunken brawls, machete attacks, destruction of property, protracted feuds, etc. To deliver justice to those residents, Judge Pini created *Justicia Fluvial Itinerante* or *Itinerant Fluvial Justice* which relies on an Amazonian steam-powered riverboat doubling as the justice boat whose top-deck functions as a convertible courtroom and administrative space for dispensing local justice, sleeping quarters, and stowage for gear, food and drink, casefiles, equipment such as computers and water-purification systems, and furniture, including a portable dentist's chair. The justice boat convenes its service with a 200-kilometer downstream crossing to the archipelago every other month with the judge and her legal staff on board, dispensing justice in a variety of civil, family, commercial and criminal cases. Apart from a single room in which formal hearings are convened, the riverboat has no refrigerated air conditioning, so dress codes are relaxed in the hot and humid tropical climate.

On a typical business day, the officials roll out of hammocks by 6:00 am, shower in one of the four stalls on board, dress, breakfast, and stow their personal affects before setting up tables and loading them with stacks of court case files arranged by docket calendar, legal reference texts and Brazilian legal codes, laptops and a printer prior to convening court. Litigants walk to the docked riverboat court from local villages or arrive by motor dingy or canoe, sometimes traveling for hours, from neighboring locales, queuing up by 7:00 am. Recognizing early in IFJ's debut that the inhabitants of these remote communities also lacked access to medical, dental, and other government services and products such as medicines, Judge Pini gradually expanded its scope to include doctors, nurses, dentists, psychologists, educators and assorted government professionals to accompany the judicial team.

The court's docket reflects its broad jurisdiction in what primarily comprise minor civil, criminal, family and commercial cases. Because Amapá state boasts Brazil's second-highest fertility rate and over 25% of birthmothers are in their teens, the caseload features numerous child-support disputes. As a single mother of four, Judge Pini takes an active interest in ensuring the welfare of small children and does not hesitate to order delinquent fathers to appear before her months after judgment was imposed. Other cases involve charges of contractual non-compliance in a variety of settings. In one case, a local fisherman defaulted on credit installment payments for supplies acquired at the general mercantile store. The store owner opted to accept an Amazonian pig in lieu of cash to settle the debt, and a police officer was dispatched to confiscate the animal and convey it to the court. Judge Pini remarked that having ordered a pig be taken into the court's custody was a first for her. The criminal prosecutor motioned that the pig be sentenced to death and promptly slaughtered, then slow-roasted for a special floating court dinner that evening. Judge Pini denied the motion, noting that "There's no death penalty in Brazil and no habeas corpus for pigs." Perhaps the most enjoyable aspect of her work is conducting marriage ceremonies in the natural beauty of Brazil's Amazon rainforest. After concluding a full day of proceedings, the riverboat team members relax with a beer on the top deck as the tropical sun recedes and the heat fades.

Where adjudicating a case that requires unique professional expertise not in her portfolio, Judge Pini may have a skilled professional accompany her. When reviewing a case in which three ranchers with adjoining island acreage each claimed property rights to new land created by the silt-depositing Amazon, she contracted with a land title expert to research and prepare a report, then brought him along on the day of the trial proceeding as a court-appointed expert. He disclosed his findings, equally unfavorable to all three. Shortly, a settlement agreement was reached that apportioned the new land equally among the three, at least while it survived Amazonian currents.

Case adjudication for litigants in these backcountry venues rarely involves retained counsel. Judge Pini has pro bono attorneys travel with her to assist otherwise clueless litigants and frequently dispenses with strict adherence to formal procedural requirements, relying instead on less-formal and streamlined approaches normally associated with settlement, mediation and related dispute-resolution tactics that simplify court processes in a manner that indigenous locals understand and prefer. Most litigants willingly accept the judgments and comply with them as the proceedings conclude, largely eliminating the need for enforcement process. Judge Pini lamented in 2005 that the pace of justice is "irresponsibly slow in Brazil, with 70% of case time wasted on formalities and not the issue itself." She went on to note that where the formal courts require an average of five years to dispose of cases, the justice boat court resolves 60% of its cases in a single hearing. When criminal matters are on the docket, the justice team is accompanied by armed sheriff's deputies or police officers in speedboats who fan out early mornings to apprehend and arrest suspects charged with violent and other crimes, ensuring their appearance at scheduled proceedings and providing courtroom security.

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In the interim, other judges have been assigned to justice-boat adjudication, including Mayra Brandão, Pires Neto, Matias Pires Neto and Fabio Santana. Similar riverboat court jurisdictions have been replicated elsewhere in the enormous Amazon delta, complementing the traditional land-based courts. Nationally, in 1995, the federal government mandated the implementation of bus- and boat-based mobile justice networks in Brazil's sprawling and embryonic interior, also underserved. Judge Pini's efforts have not escaped global notice and acknowledgement. In 2005, she was one of 1,000 women nominated collectively for the Nobel Prize in 2005 by the Swiss-based PeaceWomen Across the Globe.

The productivity, success and efficiency of this dual system, justice bus and justice boat, for the provision of court and other government services to vulnerable populations in Brazil is a testimony to Judge Pini's humanity, passion, commitment to human rights, and tenacity, consistently administered under less-than-ideal conditions. The ongoing effort has its critics who seek to marginalize its accomplishments by invoking some of the enormous challenges facing the nation such as the ongoing plunder of Brazil's dwindling rainforests and other natural resources, the protection of its fragile and endangered indigenous populations, the endemic public-sector corruption, and the trafficking of the country's unique and diverse flora and fauna, among others. Such criticisms are misdirected, and those giving voice to them are advised to target their indignation on those whose authority and accountability vest them with the power to address those challenges. IACA salutes Judge Pini and her colleagues in Brazil and elsewhere for their significant contributions and personal sacrifices to the cause of justice and the rule of law for marginalized and disenfranchised souls.

To join Judge Pini and her colleagues in their riverboat justice initiative, click on this link: <https://www.aljazeera.com/programmes/fightforamazonia/2012/02/201222713552170402.html>. It features an inspiring, circa 45-minute documentary of them serving the indigenous populations of various communities of the archipelago as the justice boat navigates the Amazon.

The agenda for IACA's September Conference at Brazil's Iguazu Falls will include a session on access to justice in the country's remote hinterlands. Consider joining us there for an unforgettable experience.



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