

Militarization of Politics in Brazil

Abstract: the article provides analyses of the recent events in Brazil that culminated in a movement that I call “militarization of politics”. Changes in military jurisdiction, political speeches by members of the Armed Forces, a “federal interference” commanded by militaries in the State of Rio de Janeiro, the fulfillment of the traditional civilian offices in federal government (as the Ministry of Defense), parallel to the absence of criminal responsibility for crimes against humanity during the dictatorship of 1964-1985, paved the way for poor results in terms of public security and a growing peril for the Constitutional Democratic State designed by the Constitution of 1988.

Keywords: Armed Forces, politics, Brazil, human rights, transitional justice.

Emilio Peluso Neder Meyer¹

One of the hottest topics of the past few decades has been the ‘judicialization of politics’: on one hand, courts and judges start to take part in political issues once monopolized by legislative and executive branches; do exercise central roles in changing the course of elections, legislative and executive terms, political decisions and democratic procedures; or even are used to keep intact interests that can be affected by the shift of representatives’ majorities.² On the other hand, relationships

between judicial authorities and the militaries had for long be the subject of investigations; for instance, Anthony Pereira developed an important research on the connections between these institutions in Argentina, Chile and Brazil, concluding that in the last country the nearness of tribunals and soldiers led to a more ‘legalized’ repression.³ But while transitional measures of accountability reached the militaries as also judges in Argentina,⁴ in Brazil no military or judge has ever been subject to accountability remedies concerning potential abuses committed during the dictatorship of 1964-1985.⁵ Although partial activities relating to the right to truth and memory reached the Armed Forces, there was no cooperation from such actors.⁶

A few months ago, writing with some colleagues from UFMG, we were able to discuss the political role played by few military authorities in Brazil that publicly supported a so-called ‘military intervention’ to answer to our ongoing constitutional crises.⁷ The manifestations from General Antonio Hamilton Martins Mourão arguing for a military solution to put away criminal convicted individuals from the political scenario did not receive any immediate punishment from the Army Commander, General Eduardo Villas Bôas, albeit the request from then civilian Ministry of Defense Raul Jungmann. Those manifestations were only the tip of the iceberg.

This piece aims to show that, parallel to the ‘judicialization of politics’ phenomena, there is a recent ‘militarization of politics’ happening in Brazil. Little has been done after the Brazilian Constitution of 1988 to rebuild the relationship between civilian and military authorities, what must have led to the facts here presented: political manifestations by members of the Armed Forces, military officials indicated by President Michel Temer leading an exceptional ‘federal interference’ or taking charge of important federal administration offices, conducting investigations and processes related to their own peers and other public security measures, beyond

affecting their civilian command. This growing movement cannot be detached from the consideration that no gross violation of human rights committed during the dictatorship of 1964-1985 was ever ruled by military authorities in Brazil.

Military Jurisdiction

Changes in the juridical system in favor of the Brazilian militaries draw attention. Statute Law n° 13.491, of 13th October 2017, shifted jurisdiction for crimes committed by militaries during the exercise of their functions, reestablishing a system prior to 1996 and expanding its reach.⁸ The statute law modified the Military Criminal Code to provide that intentional crimes committed by militaries of the Armed Forces against the life of civilians will be tried by Brazilian Military Justice, if the accused one committed the crime in the context of duties ordered by the President of the Republic or the Ministry of Defense, in the context of acts that involve military institutions or missions (even if on a non belligerent basis) or either if the crime was committed in the context of military nature activity, peace operations or the so-called operations of guarantee of law and order (*Garantia da Lei e da Ordem, GLO*, a system that allows militaries to act on national security matters in extraordinary situations, as provided for by Complementary Law n° 97 of 1999).

The jurisdiction shifts were severely criticized by organs such as the UN Regional Office for South America of the High Commissioner on Human Rights and the Inter-American Commission on Human Rights.⁹ Sure there are reasons to alarm: Rio de Janeiro state has faced an operation of guarantee of law and order determined (*GLO*) by two Temer's decree's from 28th July 2017 until 31 December 2018, using Armed Forces effective members in public security operations.

Military Political Speeches

A few months after the aforementioned political speeches of General Mourão supporting a ‘military interference’, the Army Commander Villas Bôas removed him from the Army’s Economy and Finances Secretariat. This change only took place in response to another manifestations by which he qualified Temer’s government as something that was happening in a stunt way and on the basis of an exchange market.¹⁰ After that, on 28 February 2018, Mourão retired and made an announcement that the 2018 elections in Brazil would count with a group of military candidates. He also praised a military that was recognized as a torturer in a civil lawsuit by the Brazilian Superior Court of Justice (*Superior Tribunal de Justiça*), Colonel Brilhante Ustra, as did the far-right primary presidency candidate Jair Bolsonaro during Dilma Rousseff’s impeachment authorization in 2016.¹¹ Finally, he said that politicians like now president Michel Temer and others who could not legitimately participate of public life should be purged by the judiciary branch.¹²

The apex of military speeches threatening Brazilian politics came with General Villas-Bôas manifestation concerning the trial by the Brazilian Supreme Court of a *habeas corpus* writ filled by ex-President Lula da Silva against the possibility of his imprisonment. Lula was condemned in very controversial criminal lawsuit that attributed to him corruption and money laundry acts related to the supposed acquisition of an apartment in a beach in the State of São Paulo. The main question, however, is that appeals to Brazilian Supreme Court and Brazilian Superior Court of Justice were pending. In February 2016, by a strict majority, the Brazilian Supreme Court decided that those appeals were not enough to avoid imprisonment,

being satisfied with the confirmation of the condemnation in second level tribunals; the strict majority, however, was confronted in other singular cases, opening the way for overruling the precedent. Villas-Bôas posted on Twitter claims that indicated that the Armed Forces shared Brazilian citizens concerns against impunity and that they were aware of their “institutional duties”, signaling that Brazilian Supreme Court should not grant the habeas corpus writ.¹³

Militaries in Offices

This growing wave of militaries participation in Brazilian politics sets backs to Temer’s government initial moments. Contrary to what Rousseff did in her term, specifically in the year of 2016, Temer recreated an Institutional Security Cabinet (*Gabinete de Segurança Institucional*), responsible to take directly to the President security matters, but also to analyze facts with risk potential, avoid the occurrence and articulate crisis, especially in cases of threat to the institutional stability. The cabinet also coordinates federal intelligence activities and the Brazilian Agency of Intelligence.¹⁴ To take care of such sensitive subjects, the incumbent president nominated General Sérgio Etchegoyen: he was depicted as someone concerned with social movements like the MST (*Movimento dos Trabalhadores Rurais sem Terra*, or Rural Workers without Land Movement).

Etchegoyen has also a family background linked to the phenomena of the militarization of politics. Sérgio Etchegoyen’s grandfather, Alcides Gonçalves, substituted Filinto Müller as Getúlio Vargas police chief, during the dictatorship of 1937-1945. His father, Leo Etchegoyen, saw advantages in the functioning of the repressive structure of the dictatorship of 1964-1985. His uncle, Cyro Etchegoyen,

was the head of the Army's Center of Information (*Centro de Informações do Exército*).¹⁵ Both his father and uncle were indicated by the National Truth Commission's Final Report as involved in gross violations of human rights, being Cyro Etchegoyen accused of commanding a famous torture venue, the House of Death of Petrópolis (*Casa da Morte de Petrópolis*).¹⁶

Several other high rank offices in Temer's administration were filled by members of the Armed Forces: Public Security National Secretariat; Presidency of the National Indigenous Foundation (*FUNAI – Fundação Nacional do Índio*); Civil Office of the Cabinet of the President of the Republic, and others.¹⁷

Participation of militaries in politics in Brazil has a large historical background. From the foundation of the republic in 1889, militaries have had a protagonist role: they engaged in contests to the Presidential election results of 1930, finally leading defeated candidate Getúlio Vargas to a Provisionary Government. After the indirect polls of 1934 in which Vargas was elected, he was able to continue in power through a coup that imposed the Constitution of 1937, always counting on military support. However, unsatisfied sectors of the same Armed Forces seized power from Vargas in October 1945. And then, in 1964, a coup d'état took the militaries to presidency leading to the dictatorship of 1964-1985. Only popular struggle during the Constituent Assembly of 1987-1988 put away the planned and controlled transition ambitioned by the Armed Forces without, however, proceed to clear institutional reforms.

Ministry of Defense

Another step towards the militarization of politics would be taken with the nomination of the new Minister of Defense. Once the Ministry of Justice was split to allow the creation of the Ministry of Public Security, former Minister of Defense Raul Jungmann took office in the last one, giving Michel Temer the opportunity to indicate the General of the Army reserve Joaquim Luna e Silva to take charge of the Ministry of Defense.¹⁸ What is the problem with this nomination? The Ministry of Defense was created with the provisions of the Constitutional Amendment nº 23 of 3 September 1999 that modified articles 12, 52, 84, 91, 102 and 105 of the Brazilian Constitution of 1988. The idea was to transfer to civilian control, under the supreme command of the President of the Republic (article 84, number XIII, of the Brazilian Constitution of 1988), the structure of the Armed Forces. Temer's nomination goes dramatically against that premise.

Federal Interference

Amidst a political crisis it is no surprise how things can get worst. Apparently to present a way out of the critical public security dilemmas of the State of Rio de Janeiro, and while being criticized for a populist using of exceptional measures, Temer recurred to another kind of intervention provided for by the Brazilian Constitution of 1988: the 'federal interference'.¹⁹ Based on the article 34 of the Constitution, he used a decree to set aside Rio de Janeiro State's authorities autonomy on public security, invoking their inability to fight drug traffic and their consequences. The basis for such 'federal interference' would be the 'gross embarrassment to the public order' (*grave comprometimento da ordem pública*).

A federal intervenor was nominated, Army General Walter Braga Souza Neto. Right after the nomination, Army's Commander, General Villas Bôas, manifested in a meeting of the Republic's Council that militaries should have the guarantee that no truth commission would be created in the future.²⁰ That would not be enough: even a proposal of a search and apprehension 'collective warrant', delimited by street or neighborhood was debated, generating loud criticism by lawyers, public attorneys and civil society organizations like the Human Rights Watch, something that made the government back down for a moment.²¹ Criticizing the whole operation of applying military forces in public security issues, United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein urged that Brazilian government avoided racial screening and criminalization of the poor, as well it should act effectively towards the respect of human rights.²²

Federal interferences did not happen after the Constitution of 1988, maybe in a way to avoid resembling authoritarian interferences in states and big cities during dictatorships, as they happened under Vargas (1937-1945) and the militaries (1964-1985). The proper text of article 34 of the Constitution of 1988 provides the remedies for interference in a 'exceptional language': 'The Union shall not intervene in the States or in the Federal District, except to: . . .'. There is a clear connotation, from normative stipulations to political practice, that this is not a day-by-day act: it is exceptional and against the basis of a principle that cannot even be taken off of the Constitution of 1988, that is, federalism. As article 60, 4º paragraph, provides, this is a non amendable clause or, more clearly, no constitutional amendment bid shall be even deliberated if it aims to set aside Brazilian federalism.²³

It is no news that Brazil faces a political, or even constitutional, crisis since, at least, Dilma Rousseff's reelection in October 2014. When Temer took office in April

2016, that was a political and also economic crisis. His government has publicly advocated an overcoming of the economic crisis. However, he has no way to neglect that the political crisis is still in place, especially for a president with such low popularity levels.²⁴ As Levitsky and Ziblatt recently showed, crises create the path for authoritarian abuses that can ameliorate governants' popularity: this happened with George W. Bush Patriot Act in 2001, a response to terrorist attacks that elevated his popularity to unprecedented levels at the same time that restricted fundamental rights. The same would go for Fujimori's 1992 coup, followed by approval rating of 81 percent. 'Indeed, elected autocrats often *need* crises – external threats offer them a chance to break free, both swiftly and, very often, “legally”.'²⁵

No Accountability for Dictatorship Crimes

Consider another issue that can be related to this problematic 'jurisdiction by its own peers': if there is no good will by civilian judicial authorities to accomplish human rights treaties and norms related to militaries' criminal accountability, why would own military judicial organs consider doing so properly with present violations committed by militaries? Avoiding such accountability is specifically indicated by the way Brazilian judges and courts have been refusing federal prosecutors initiatives to hold accountable public agents accused of crimes against humanity committed during the Brazilian dictatorship of 1964-1985.²⁶ Based on the Brazilian Supreme Court ruling on the ADPF n° 153, a lawsuit that discussed the Statute Law n° 6.683 of 1979 in a abstract constitutional review and aimed at excluding the interpretation of an auto-amnesty for agents of the dictatorship, federal judges have been reluctantly

rejecting criminal lawsuits, arguing that a supposed ‘political agreement’ prior to the Constitution of 1988 should be respected.

None of the 31 criminal lawsuits filed at least since 2012 had successful results.²⁷ In this sense, Brazil’s condemnation by the Inter-American Court of Human Rights in the Gomes Lund case remains, largely, unaccomplished, since one of the main determinations required the investigation, prosecution and judgment of gross violations of human rights committed by public agents during the dictatorship.²⁸

What is at Stake?

If, on one hand, the Constitution of 1988 normatively subordinated the Armed Forces to the civilian control of the President of Republic, on the other hand, several difficulties arose.²⁹ Effective accountability, broader dialogue, access to truth and, more important, the recognition by the Armed Forces that violations of human rights were committed by their agents and inside their facilities, all contributed to generate three important effects: a) the continuity of a doctrinal approach guided by Cold War premises in the education of younger officers; b) the absence of truly adherence to the command of civilian authorities, despite their political bias; and, c) a tenacious trust that public security activities could be conducted by militaries, even if they are not trained to deal with such public policies.

Temer’s decision has deep populist basis: his administration concluded that one of the key objectives it had, a social security austerity reform, would not count on the representatives’ votes it needed, specially in a electoral year that will include legislative and executive elections in federal and regional levels. Therefore, the public security matters can sound like an interesting way to cast conservative votes,

especially with the aid of popularly supported institutions such as the Armed Forces. The danger, however, is to reshape the participation of militaries in politics in Brazil, now under the cover of ‘globalized’ authoritarian clothes.³⁰ Some of public speeches and interviews of reformed militaries supporting Temer’s politics resemble Henry Ford’s utterance during the 1920’s, when his name was discussed as an accidental North-American candidate for President: “I can’t imagine myself today accepting any nomination. Of course, I can’t say . . . what I will do tomorrow. There might be a war or some crisis of the sort, in which legalism and constitutionalism and all that wouldn’t figure, and the nation wanted some person who could do things and do them quick”.³¹

A clear example of such defiance to the Brazilian Constitution of 1988 and the legislation that regulates it comes from public declarations and a concrete bid proposed in the Federal Senate (*Senado Federal*). Retired General Augusto Heleno and Army’s Commandant Villas Bôas proposed in interviews that suspects carrying a gun in Rio de Janeiro’s streets could be legitimately shot by military forces.³² However, it would be Senator José Medeiros who would present a legislative bid modifying Brazilian Criminal Code to allow a presumable legitimate self-defense when public security agents kills or wounds someone illegally and ostensibly carrying a gun of restrictive use.³³ The justification of the legislative bid explicitly recurs to ‘legitimate defense of the society’ terms. The bid is supposed to be discussed in Federal Senate’s Commission of Constitution and Justice, an organ that shall verify the constitutionality of the bids. A survey in Senate’s website showed, in 20 March 2018, the support of 32.194 internet users favoring the change. Only 1.058 people opposed the bid.³⁴

Politically, the non-planned effects of such militarization of politics would reach an insurmountable level when the black, left-wing and lesbian female Rio de Janeiro city councilor Marielle Franco, 38 (the only one amidst the 51 municipal representatives) was shot dead on the 14 March 2018, together with her driver Anderson Gomes, 35. A severe critic of the way young people were killed at Rio de Janeiro's communities (the pejorative 'favelas'), Franco denounced it as a slaughter committed by policeman, most of them part of the so-called regional military police. The assassination brought up series of protests around Brazil and the globe – including London, Paris, Munich and Stockholm, transforming her death in a symbol against racial oppression.³⁵ Little was known until now; however, investigations follow the path of highly professionalized killing that could only be committed by corrupt police officers. To add another critical element to the facts, it is important to remember that Marielle Franco was chosen to be one of the commissioners to investigate possible abuses committed during the federal militarized interference declared by Michel Temer.³⁶

¹ Full Professor at the Federal University of Minas Gerais (UFMG) Faculty of Law, Brazil. Coordinator of the Study Center of Transitional Justice of the UFMG (<http://cjt.ufmg.br>). Coordinator of the Latin America Transitional Justice Network General Secretariat (2016-2017) (www.rljat.com). Member of the Critical Transitional Justice Network (<https://www.kcl.ac.uk/law/tli/about/critical-transitional-justice-network.aspx>). Visiting Researcher at King's College Brazil Institute (2014-2015) and Fellow at King's College Transnational Law Summer Institute (2016). Masters and Doctor of Law by the UFMG.

² See, for instance, RAN HIRSCHL, *TOWARDS JURISTOCRACY* (2004); for an analyses of the role of constitutional courts in democracies after transitions, see SAMUEL ISSACHAROFF, *FRAGILE DEMOCRACIES: CONTESTED POWER IN THE ERA OF CONSTITUTIONAL COURTS* (2015). For the case of 'judicialization of politics' in Brazil, see Emilio Peluso Neder Meyer, 'Judges and Courts in Unstable Constitutionalism Regimes: The Brazilian Judiciary Branch's Political and Authoritarian Character', GERMAN L. J., forthcoming.

³ See ANTHONY PEREIRA, *POLITICAL (IN)JUSTICE: AUTHORITARIANISM AND THE RULE OF LAW IN BRAZIL, CHILE, AND ARGENTINA* (2005).

⁴ See JUAN PABLO BOHOSLAVSKY, ¿USTED TAMBIÉN, DOCTOR? (2015).

⁵ Kathryn Sikkink does the association between the lack of accountability for past violations of human rights and high levels of present violations. See KATHRYN SIKKINK, *THE JUSTICE CASCADE: HOW HUMAN RIGHTS PROSECUTIONS ARE CHANGING WORLD POLITICS* (2011).

⁶ For a view on the Brazilian National Truth Commission achievements and shortcomings, see Marcelo Torelly, 'Assessing a Late Truth Commission: Challenges and Achievements of the Brazilian National Truth Commission', 12 *I.J.T.J.* 2, 2018, p. 1-22.

⁷ Emilio Peluso Neder Meyer, Marcelo Andrade Cattoni de Oliveira, & Thomas da Rosa Bustamante, 'The Brazilian Constitution of 1988, the Armed Forces, and the Coup d'Etat', *Int'l J. Const. L. Blog*, Oct. 2, 2017, at: <http://www.icconnectblog.com/2017/10/the-brazilian-constitution-of-1988-the-armed-forces-and-the-coup-de-etat/>, last visited 27 Feb. 2018.

⁸ See BRAZIL, STATUTE LAW Nº 13.491 of 2017.

⁹ See Conjur, 'Lei que autoriza Justiça Militar julgar morte de civil é sancionada', <https://www.conjur.com.br/2017-out-16/lei-autoriza-justica-militar-julgar-morte-civil-sancionada>, last visited 7 March 2018.

¹⁰ André de Souza, 'Após Criticar 'Balcão de Negócios' de Temer, General é Afastado de Cargo no Exército', *O Globo*, <https://oglobo.globo.com/brasil/apos-criticar-balcao-de-negocios-de-temer-general-afastado-de-cargo-no-exercito-22172340>, last visited 27 Feb. 2018.

¹¹ Márcio Falcão, 'Bolsonaro fez apologia de crime na votação do impeachment, diz OAB', *Folha de S. Paulo*, <http://www1.folha.uol.com.br/poder/2016/04/1763027-bolsonaro-fez-apologia-ao-crime-na-votacao-do-impeachment-diz-oab.shtml>, last visited 14 March 2018.

¹² Fabio Victor, 'General Mourão Anuncia Frente de Candidatos Militares nas Eleições', *Piauí*, <http://piaui.folha.uol.com.br/general-mourao-anuncia-frente-de-candidatos-militares-nas-eleicoes/>, last visited 6 March 2018.

¹³ See Fernanda Odilla, "O silêncio do general Villas Bôas após tuítes serem lidos como ameaça (ou promessa) de interferência", *BBC*, <http://www.bbc.com/portuguese/brasil-43640244>, last visited 5 April 2018.

¹⁴ See BRAZIL, STATUTE LAW Nº 13.341 of 2016, article 12. See, also, Agência Brasileira de Inteligência, 'ABIN volta a ser subordinada ao GSI', <http://www.abin.gov.br/abin-volta-a-ser-subordinada-ao-gsi/>, last visited 6 March 2018.

¹⁵ See Marco Antônio Martins, 'Chefe do GSI nomeado por Temer é de ala que vê MST com preocupação', *Folha de S. Paulo*, <http://www1.folha.uol.com.br/poder/2016/05/1776179-chefe-do-gsi-nomeado-por-temer-e-de-ala-que-ve-mst-com-preocupacao.shtml>, last visited 6 March 2018.

¹⁶ See COMISSÃO NACIONAL DA VERDADE, *Relatório Final*, <http://cnv.memoriasreveladas.gov.br/textos-do-colegiado/586-epub.html>, last visited 6 March 2018. On pages 1.963 and 1.964, a confessed torturer, Paulo Malhães, in a testimony before the National Truth Commission, indicates Cyro Etchegoyen as the one responsible for the House of Death of Petrópolis. On pages 2.094 and 2.111, the names of Sérgio Etchegoyen's relatives appear as public agents responsible for structures and administration and procedures conducting to gross violations of human rights.

¹⁷ Rubens Valente, 'Temer dá a militares controle sobre áreas sensíveis do governo', *Folha de S. Paulo*, <https://www1.folha.uol.com.br/poder/2018/03/temer-da-a-militares-controle-sobre-areas-sensiveis-do-governo.shtml>, last visited 9 March 2018.

¹⁸ See Andreza Matais, 'Jungmann será o novo ministro da Segurança Pública; general Luna vai para Defesa', *O Estado de S. Paulo*, <http://politica.estadao.com.br/blogs/coluna-do-estado/jungmann-sera-o-novo-ministro-da-seguranca-publica/>, last visited 7 March 2018.

¹⁹ See BRAZ. CONST., article 34. See, also, BRAZIL, DECREE Nº 9.288 of 2018. All of those legal texts are available in Portuguese at <http://www4.planalto.gov.br/legislacao>, last visited 28 Apr. 2018.

²⁰ Cristiana Lôbo, " 'Militares precisam ter garantia para agir sem o risco de surgir uma nova Comissão da Verdade', diz comandante do Exército", diz comandante do Exército", *G1 – Blog da Cristiana Lôbo*, <https://g1.globo.com/politica/blog/cristiana-lobo/post/general-vilas-boas-militares-precisam-ter-garantia-para-agir-sem-o-risco-de-surgir-uma-nova-comissao-da-verdade.ghtml>, last visited 6 March 2018.

²¹ Carla Araújo et. al., 'Exército pede uso de mandado coletivo; especialistas e população temem abusos', *O Estado de S. Paulo*, <http://brasil.estadao.com.br/noticias/rio-de-janeiro,defesa-pede-autorizacao-judicial-para-aplicar-mandados-coletivos-de-busca-e-apreensao-no-rio,70002195172>, last visited 6 March 2018. Right after the federal interference decree, three black young activists, AD Junior, Spartakus Francisco and Eduardo Carvalho recorded a video in which they orient the population of the communities on how to act before the repression that would increase with the interference. Simple tips like walk with identification documents, keep the cell phone charged, tell the friend where you are going to may seem futile, but can really make a difference in day by day living. See Ana Beatriz Rosa, 'Jovens negros do Rio que gravaram manual de sobrevivência temem intervenção federal', *Huffpost*, <http://www.huffpostbrasil.com/2018/02/20/jovens-negros-do-rio-que-gravaram-manual-de-sobrevivencia-temem-intervencao-federal-a-23366801/>, last visited 6 March 2018.

-
- ²² Vitor Abdala, ‘UN concerned with deployment of Armed Forces to fight crime in Rio’, *EBC Agência Brasil*, <http://agenciabrasil.ebc.com.br/en/direitos-humanos/noticia/2018-03/un-concerned-deployment-armed-forces-fight-crime-rio>, last visited 9 March 2018.
- ²³ See BRAZ. CONST., article 60, 4^o paragraph, number I.
- ²⁴ See Guilherme Mazui, ‘Com aprovação em 6%, Temer diz esperar popularidade ‘muito maior’ até maio’, *GI*, <https://g1.globo.com/politica/noticia/com-aprovacao-em-6-temer-diz-esperar-popularidade-muito-maior-ate-maio.ghtml>, last visited 20 December 2018. In this December 2017 survey, only 6% of the interviewed ones considered Temer’s government good or great.
- ²⁵ STEVEN LEVITSKY AND DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* (2018), 94.
- ²⁶ See Emilio Peluso Neder Meyer, ‘Criminal Responsibility in Brazilian Transitional Justice: A Constitutional Interpretative Process under the Paradigm of International Human Rights Law’, *IV INDON. J. INT’L & COMP. LAW* 1, jan. 2017, p. 41-71.
- ²⁷ The documents concerning the criminal lawsuits, including prosecutors’ petitions and judges’ rulings, are available at the Federal University of Minas Gerais Study Center on Transitional Justice: <http://cjt.ufmg.br>, last visited 7 March 2018. See, also, BRASIL, MINISTÉRIO PÚBLICO FEDERAL, 2^a CÂMARA DE COORDENAÇÃO E REVISÃO, *CRIMES DA DITADURA MILITAR* (2017) (available at: http://www.mpf.mp.br/atuacao-tematica/ccr2/publicacoes/roteiro-atuacoes/005_17_crimes_da_ditadura_militar_digital_paginas_unicas.pdf, last visited 7 March 2018).
- ²⁸ See INTER-AMERICAN COURT OF HUMAN RIGHTS, ‘Caso Gomes Lund e Outros (“Guerrilha do Araguaia”) vs. Brasil’, <http://www.sdh.gov.br/assuntos/atuacao-internacional/sentencas-da-corte-interamericana/sentenca-araguaia-24.11.10-1>, last visited 7 March 2018. See, also, EMILIO MEYER, *DITADURA E RESPONSABILIZAÇÃO* (2012).
- ²⁹ BRAZ. CONST., article 142: ‘The Armed Forces, made up of the Navy, Army and Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and intended to defend the Nation, guarantee the constitutional branches of government and, on the initiative of any of these branches, law and order’ (https://www.constituteproject.org/constitution/Brazil_2017?lang=en, last visited 7 March 2018).
- ³⁰ Gábor Attila Tóth, ‘The Authoritarian’s New Clothes: Tendencies Away from Constitutional Democracy’, *The Foundation for Law, Justice and Society, Centre for Social-Legal Studies*, Wolfson College, <http://www.fljs.org/content/authoritarians-new-clothes-tendencies-away-constitutional-democracy>, last visited 31 May 2017.
- ³¹ See STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* (2018), 45-46.
- ³² See Rubens Valente, ‘Comandante do Exército defende mudança em regras de enfrentamento no Rio’, *Folha de S. Paulo*, <https://www1.folha.uol.com.br/cotidiano/2018/02/comandante-do-exercito-defende-mudanca-em-regras-de-enfrentamento-no-rio.shtml>, last visited 10 March 2018.
- ³³ See BRAZIL, FEDERAL SENATE, SENATE LEGISLATIVE BID N^o 352/2017, <https://legis.senado.leg.br/sdleg-getter/documento?dm=7203849&disposition=inline>, last visited 20 March 2018.
- ³⁴ See <https://www25.senado.leg.br/web/atividade/materias/-/materia/130958>, last visited 20 March 2018.
- ³⁵ Anthony Faiola and Marina Lopes, ‘A black female politician was gunned down in Rio. Now she’s a global symbol’, *Washington Post*, https://www.washingtonpost.com/world/the_americas/a-black-female-politician-was-gunned-down-in-rio-now-shes-a-global-symbol/2018/03/19/98483cba-291f-11e8-a227-fd2b009466bc_story.html?utm_term=.99b04025cb7e, last visited 20 March 2018: ‘Underpaid and under pressure, police here are also under threat: At least 120 officers were killed in 2017, including many in confrontations with drug traffickers, according to the Rio-based Igarapé Institute. But last year, 1,124 people died at the hands of police, the highest number in a decade, the institute reports. In recent years, nearly 80 percent of those killed by police were black or mixed-race’.
- ³⁶ Glenn Greenwald, ‘Marielle Franco: Why my friend was a repository of hope and a voice for Brazil’s voiceless, before her devastating assassination’, *Independent*, <https://www.independent.co.uk/news/world/americas/marielle-franco-death-dead-dies-brazil-assassination-rio-de-janeiro-protest-glenn-greenwald-a8259516.html>, last visited 20 March 2018. See, also, Veja, ‘Vereadora Marielle Franco fiscalizava intervenção federal no RJ’, *Veja*, <https://veja.abril.com.br/brasil/vereadora-marielle-franco-fiscalizava-intervencao-federal-no-rj/>, last visited 20 March 2018.