



Associação
Brasileira dos
Expostos ao
Amianto



(Revised June 26, 2023)

URGENT APPEAL TO BRAZILIAN SUPREME COURT JUSTICES 2023

To: Ministers Rosa Weber, Alexandre de Moraes, Luís Roberto Barroso, Gilmar Mendes, Cármen Lúcia, Dias Toffoli, Luiz Fux, Edson Fachin, Nunes Marques and André Mendonça
Supreme Court Justices
Supreme Court
Brasilia, Brazil

Dear Ministers,

The Brazilian Supreme Court is respected the world over as a bastion of democracy, a guardian of constitutional rights and a fiercely independent institution. With great respect for your esteemed position as Justices of this revered Court, we hereby entreat you to end the Brazilian injustice which is condemning vulnerable populations abroad to ill health and premature deaths.

In 2017, the Supreme Court (STF) issued a historic verdict banning the commercial exploitation of chrysotile (white) asbestos in Brazil. In contravention of that judgment, the State of Goiás passed a law in 2019 allowing asbestos operations to continue at the Cana Brava mine in Minaçu owned by Sama Mineração S/A, a subsidiary of the Eternit Group. Five years later, the mine is still in production, making Brazil the world's third largest asbestos exporter after Russia and Kazakhstan. It is a relief to the cosignatories of this letter that the STF is now considering the constitutional legitimacy of the Goiás law in view of possible violation of health rights for all citizens embodied in the Constitution.

In 2019 members of the Asian Ban Asbestos Mission to Brazil – Sugio Furuya (Japan), Raghunath Manavar and Rajkamal Tweary (India), Firman Budiawan and Siti Kristina (Indonesia) – travelled a total of ~79,000 miles (127,000 km) to bring their message to Brazil: Stop sending asbestos to Asia.¹ Asbestosis victim Siti Kristina told Supreme Court Judges, Federal Prosecutors, Federal Deputies, Federal Advisors, trade union leaders, union members asbestos victims and municipal politicians in Brasilia, Osasco and São Paulo of the daily reality of asbestos misuse in her country:

“In Indonesia, there is widespread ignorance about asbestos; most workers do not have access to information about asbestos. Medical testing is expensive and out of reach for most workers so people live and die with asbestos conditions. This is the situation for many of my friends. They cannot be here so I am representing them when I call for solidarity from our brothers and sisters in Brazil who know very well about the human sacrifices demanded by asbestos stakeholders; our deaths are the price paid for their profits.”²

¹ Kazan-Allen, L. *Report from Asian Ban Asbestos Mission to Brazil April, 2019*. April 29, 2019.
<http://ibasecretariat.org/lka-status-report-from-asian-ban-asbestos-mission-to-brazil-apr-24-2019.php>

² *The Asian Ban Asbestos Mission to Brazil 2019*. April 2019.
<http://ibasecretariat.org/press-briefing-asian-ban-asbestos-mission-to-brazil-apr-2019.pdf>
Missão Asiática Antiamianto no Brasil/2019 Parem com as exportações de amianto para a Ásia! Abril de 2019.
<http://ibasecretariat.org/press-briefing-asian-ban-asbestos-mission-to-brazil-apr-2019-por.pdf>

The following is our understanding of the progress of the constitutional case before the Supreme Court which is the subject of this letter.

On June 9, 2023, Justice Alexandre de Moraes, in an opinion submitted when casting his vote in a virtual plenary session of the STF, confirmed that the state law from Goiás allowing continued asbestos production was indeed unconstitutional, but he thought that mining of chrysotile (white asbestos) in Minaçu should be allowed to continue for just one more year. On June 16, anticipating her imminent retirement, the STF President Rosa Weber cast her vote earlier than would have been expected. She agreed with Moraes that the disputed Goiás law was unconstitutional but favored a shorter transition period before closure. Since it is understood that two STF Justices have self-recused themselves from the case, it is up to the remaining six Justices to decide whether a substance deemed too dangerous to be used in Brazil should continue to be sold overseas – and if not, how quickly this trade should be terminated. Regrettably, the deadline for the STF’s decision in this case (expected to be before the end of June) has been extended for another 90 days because Justice Gilmar Mendes has asked for more time to analyze the case and vote.

We urge the STF Justices currently analyzing their views on the legitimacy of the Goiás law to do what is right when the time comes to cast their votes; not just for Brazilian citizens but for people all over the world who are dying from exposures to asbestos originating in Brazil.

Signed:

Sugio Furuya, on behalf of the Asian Ban Asbestos Network (ABAN), Japan

Eliezar João de Souza, on behalf of the Associação Brasileira dos Expostos ao Amianto (ABREA), Brazilian Association of the Asbestos-Exposed, Brazil

Muchamad Darisman, on behalf of the Indonesian Ban Asbestos Network (INA-BAN), Indonesia

Laurie Kazan-Allen, on behalf of the International Ban Asbestos Secretariat (IBAS), UK