



Number: **5000325-94.2017.4.03.6135**

Class: **CIVIL PUBLIC CIVIL ACTION**

Judging body: **25th Federal Civil Court of São Paulo**

Last Distribution : **15/12/2017**

Value of the cause: **R\$ 1.000,00**

Process reference: **5000265-87.2018.403.6135** Subjects: **Sanitary Inspection of Animal Origin**

Secrecy of justice? **NO**

Free justice? **YES**

Request for an injunction or anticipation of guardianship? **YES**

Parts	Attorney/Related Third Party
NATIONAL FORUM FOR ANIMAL PROTECTION AND DEFENSE (AUTHOR)	ANA PAULA DE VASCONCELOS (LAWYER) RICARDO DE LIMA CATTANI (LAWYER)
FEDERAL UNION (REU)	
ANIMAL RIGHTS NEWS AGENCY (ASSISTANT)	RODRIGO HUGUENEY DO AMARAL MELLO (LAWYER)
FEDERAL PUBLIC MINISTRY - PR/SP (FISCAL LAW)	

Documents			
Id.	Date of Signature	Document	Kind
28453 3974	25/04/2023 19:17	Sentence	Sentence

CIVIL PUBLIC CIVIL ACTION (65) Nº 5000325-94.2017.4.03.6135 / 25th Federal Civil Court of São Paulo AUTHOR:
NATIONAL FORUM OF ANIMAL PROTECTION AND DEFENSE Lawyers of the AUTHOR: ANA PAULA DE
VASCONCELOS - DF41036, RICARDO DE LIMA CATTANI - SP82279 REU: FEDERAL UNION

ASSISTANT: AGENCIA DE NOTICIAS DE DIREITOS ANIMAIS LAWYER of the
ASSISTANT: RODRIGO HUGUENEY DO AMARAL MELLO - DF38436

S E N T E N Ç A

"Today the obvious is recognized, that animal is not a thing but a sentient living being with fundamental rights and dignity"

Laerte Fernando Levai - Prosecutor MP/SP[1]

This is a **PUBLIC CIVIL ACTION** proposed by the **FORUM NATIONAL PROTECTION AND DEFENSE OF ANIMAL** (NON-GOVERNMENTAL ORGANIZATION) IN THE FACE OF THE **FEDERAL UNION**, AIMING TO OBTAIN A JUDICIAL PROVISION THAT PROHIBITS THE EXPORTS OF ANY **LIVE ANIMALS** BY MEANS OF SHIPS DEPARTING FROM ANY PORTS OF THE COUNTRY, SENDING A LETTER TO THE CAPTAINCY OF THE PORTS INFORMING IT ABOUT THE **PROHIBITION**.

After the long explanation, the author formulates in the initial the following request:

"For the reasons stated above, the National Forum for Animal Protection and Defense asks:

and. In the end, the application is upheld, definitively restraining the export of live animals in all ports of the country".

The author asserts that it is a non-governmental organization, constituted in the form of a civil entity of private law, non-profit, *"whose creation results from the congregation of entities and non-governmental organizations of protection and animal welfare from all national and foreign territory and individuals, with the purpose of, joining efforts, stimulate, promote and develop plans and strategies that optimize actions for animal protection and welfare ."*



It claims to be Brazil a major exporter of animals, especially **live cattle , having exported about 600,000 animals in 2016**. It

claims that the transport is carried out in such a way

CRUEL " for long distances, which can last for weeks until the final destination ." It reports that " whether by land or sea, the suffering caused by trauma, adverse temperatures, lack of food and water, exhaustion and lack of hygienic-sanitary conditions is evident ."

It maintains that the Animal and Terrestrial Health Code of the OIE (World Organization for Animal Health) establishes clear standards regarding the responsibilities of exporters regarding rest periods, stocking density and the provision of food and water. However, it claims that, despite being a **signatory to the OIEo, Brazil does not comply with several articles of the Terrestrial Animal Health Code**, which establishes, in the part of the general considerations: " *exporters, importers, animal owners and facility managers are jointly responsible for the general health of the animals, their physical condition for the trip, and their well-being during the journey, even if the services are outsourced .*"

It also states that "[it] is scientifically proven that the stress generated by transport over long distances causes depletion of glycogen from the muscles, negatively affecting the sensory characteristics of the meat, such as the increase in its rigidity. The frequently observed injuries, such as bruises, bruises and fractures, not only generate pain and suffering, but also reduce in the same way the value of the final product. In addition, the high mortality for the reasons described above obviously promotes economic losses, since these animals generated a cost for breeding and fattening, but will not be accounted for when they arrive at the destination. It is worth noting that the Brazilian situation is alarming, given the poor conditions of the highways and the vast majority of ports, particularly in the state of Pará, which is the main exporter of live cattle, as well as the fragility of the regulation and inspection system. There is not even a government regulation that establishes and requires standards for the transport of slaughter animals in national territory, giving rise to the execution of reckless practices and without any regard for the basic needs of individuals recognized as sentient when being moved to slaughterhouses. In addition, it is also known from scientific studies that animals submitted to handling and transport on unpaved roads over long distances have a higher proportion of injuries ."

In addition, it states "that the ship throughout its voyage leaves a trail of serious environmental impact, because wherever it passes it throws into the sea the waste of thousands of animals, making the color of the water brown, in addition to the carcasses of dead animals that are thrown into the sea! It is unbelievable that in the twenty-first century this aberration, not only for the defenseless animals, but also for the environment and for the coffers of our nation occur openly with the greatest naturalness ."

He adds that animals do not even have room to sleep, eat feed mixed with urine and feces and " if an animal dares to lie down it will die suffocated in the excrement ." Not to mention that, in sea trips, there is a risk of traumatic injuries due to the agitation of the sea, pneumonia and bovine respiratory disease.



It reports that in 2017, "*Animals International documented the management and slaughter of Brazilian animals in Lebanon and Egypt. In Lebanon, attempts to restrain frightened animals have routinely led to terrible treatment, such as piercing the eyes and twisting the tail. In Egypt, Brazilian oxen were stabbed in the face and eyes, and tendons of the limbs were cut in order to immobilize them so that they could be beheaded (conscious). Such horrific treatment is routine in Egypt.*"

It notes that article 225, §1º, VII, of the Federal Constitution, article 32 of Law n. 9,605/98, as well as the Universal Declaration of the Rights of Animals prohibit the cruel treatment of animals.

With the initial came documents.

The action was initially proposed before the court of the 14th Federal Civil Court **of the Federal District**, having as an injunction request the prohibition of export of live cattle on the date of 13/12/2017 in the Port of São Sebastião.

The decision of ID 3817910 issued there, recognizing **the incompetence of the court** to judge the dispute due to the location of the damage, determined, *ad cautelam*, that IBAMA and the Ministry of Agriculture enter the ship anchored in the Port of São Sebastião to verify the existing conditions.

The deed was then redistributed to the 1st Federal Court of Caraguatatuba, at which time the author added the exordial (ID 3900520) to formulate the *injunction request for a ban on exports of any live animals by means of ships in all ports of the country*.

By virtue of the addition, the judgment of Caraguatatuba, considering the **national scope of the damage**, determined the redistribution of the case to one of the federal courts of the capital of the State of São Paulo (ID 3919187).

Redistributed the process to this 25th Federal Civil Court, it was determined the subpoena of the UNION to manifest within 72 hours, under the terms of article 2 of Law n. 8.437/92 (ID 3963071).

The author gathered technical reports prepared by a biologist and two veterinarians, "*which converge with the experience brought to the proceedings*" (ID 4200422).

Maintained the decision that postponed the analysis of the request for provisional protection of urgency until after the manifestation of the UNION (ID 4205120).

Subpoenaed, **the UNION presented a statement** (ID 4273275). It alleged, in short, the impossibility of granting an injunction that exhausts the object of the action against the Public Treasury. He maintained **that it is not for** the Brazilian State to verify the treatment of cattle in countries outside its jurisdiction and that "*the photos attached to the file and extracted from Google, referring to the international transport of animals, are of facts that did not occur within the national territory.*" On the merits,



it gathers information contained in the Survey Report n. 51/2017-UT-CARAGUATATUBA-SP/SUPES-SP, by IBAMA. It also adds the following information contained in COTA n. 00166/2018/CONJUR-MAPA/CGU/AGUE, of January 23, 2018:

"However, in view of the volume of information provided in the initial, which despite being fallacious and out of the reality of the Brazilian production chain deserve to be rejected item by item, even for the notoriety that the theme has been assuming, including in the Brazilian media, we request that a complementary period be requested that allows this Coordination to provide additional information, elaborating a detailed technical manifestation on the subject, validating it with the CTBEA – Permanent Technical Commission for Animal Welfare, in order to consign a consolidated manifestation of MAPA, definitively clarifying the unjustifiable controversy, whether for ideological reasons or even for economic reasons, has been incited on the same subject.

The author reiterates his request "for the *immediate departure of the case to the conclusion for consideration and granting of an injunction prohibiting the shipment of live animals in all ports of the country, as well as that the animals be immediately returned to the pastures from which they came !*" (ID 4318724).

O request for an injunction was assessed **and GRANTED IN PART** to determine the **IMMEDIATE SUSPENSION** of the shipment operations of the said ship with live cargo of animals that is moored in the Port of Santos , as well as to determine the President of CODESP (Companhia Docas de São Paulo) and the representative of the Navy in the Port of Santos to **prevent the departure of the SHIP NADA**, bound for Turkey, until further order, to be delivered in view of the inspection report. It also determined the performance of a technical inspection on the vessel (ID 4385047).

Attached to **the "Technical Inspection Report "** by the designated veterinarian (ID 4415146).

4416724 ID: Plaintiff's petition stating that the animals on the ship NADA are without drinking water.

ID 4420617: the news came to the file that the E. Court of Justice of São Paulo, in the case file of ACP n. 1000419-39.2018.8.26.0562, determined "the suspension of the shipment of live animals in the Port of Santos". In order to give effectiveness to the order, the judge of first instance thus determined: *"a writ of summons is urgently issued to the litisconsorts CODESP, Municipality of Santos, ECOPORTO and MINERVA, for i) knowledge of the order of prohibition of the shipment of live cargo in the Port of Santos; ii) prohibition of the exit of ships with live cargoes inside; iii) promote, within the scope of its responsibilities, the disembarkation of any live cargo already embarked, promptly informing the court of the destination that will be given to the animals landed "*. 4428761 ID: as informed by the



company MINERVA S/A, as an interested third party, it was decided in the conflict of jurisdiction proposed by the said company (raising), having as raised the judgments of the 2nd Court of the Public Treasury of Santos and this 25th Federal Civil Court in São Paulo, by E. Ministro Gurgel de Faria, the following: "THE MEASURE

INJUNCTION OF MINERVA S/A TO SUSPEND THE PROCESS IN PROGRESS IN THE 2nd COURT OF THE PUBLIC TREASURY OF THE DISTRICT OF SANTOS SP (PROCESS No. 1000419-39.2018.8.26.0562)
AND DESIGNATE THE JUDGMENT OF THE 25TH FEDERAL COURT OF THE JUDICIAL SECTION OF THE STATE OF SÃO PAULO TO DECIDE, ON A PROVISIONAL BASIS, THE URGENT MEASURES RELATED TO THE PROCESS IN QUESTION, UNTIL THE FINAL JUDGMENT OF THE PRESENT CONFLICT OF JURISDICTION AND REQUESTED THE INFORMATION TO THE JUDGMENTS RAISED SO THAT THEY PROVIDE THEM IN TEN DAYS (PUBLICATION SCHEDULED FOR 02/06/2018)".

A decision of ID 4432583, in view of the determination of the Eminent Minister Gurgel de Faria, of the E. STJ, as well as the inspection report, **granted in part the request for an injunction**

to prevent the export of live animals for slaughter abroad, **throughout the national territory**, until the country of destination undertakes, by means of an inter partes agreement, to adopt slaughter practices compatible with what is recommended by the Brazilian legal system **and provided that specific, concrete and verifiable rules are issued and observed, by means of clearly and** precisely established parameters, which can effectively confer conditions of handling and welfare of the animals transported. Consequently, it was determined the **landing and return** of the animals embarked on the NADA SHIP to the origin.

Against this decision was filed the appeal of instrument No. 5001499-79.2018.403.0000 by the company MINERVA S.A., and the E. TRF of the 3rd Region, on judicial duty, **rejected** the request for attribution of suspensive effect (ID 4439134).

In view of the injunction decision was also filed the aggravation of instrument No. 5001513-63.2018.403.0000 by the UNION, and the E. TRF, on duty, **granted the request for an injunction** for the specific purpose of determining the immediate start of the voyage of the ship MV NADA (ID 4439138).

The decision of ID 4441118 **rejected** the application for entry of the company MINERVA S.A. in the litigation. The Confederation of Agriculture and Livestock of Brazil – CNA (ID 4457633) also applied for entry into the case; ABREAV – Brazilian Association of Live Animal Exporters (ID 4552415); the National Animal Rights News Agency – ANDA (ID 48224155); the Brazilian Association of Cattle Exporters – ABEG (ID 6998605), whose claims were **rejected by the** decisions of ID 455557; 5546039 and 8459222.

In the records of the suspension of injunction no. 5001511-93.2018.403.0000 filed by the UNION, the E. TRF determined the suspension **of the decision that prevented the export of live animals** for slaughter abroad throughout the national territory, until the final judgment of this public civil action (ID 4465906).



The E. TRF approved the request for withdrawal of the appeal of instrument no. 5001507-56.2018.403.0000, which had been filed by the author (ID 5137115).

Cited, the **UNION offered to contest** (ID 5367597). It raised, in preliminary, the need to suspend the process due to the processing of the conflict of jurisdiction before the STJ, as well as presented an objection to the gratuity of the justice pleaded by the author. On the merits, he asserted that the production, trade and supply of cattle is part of the **Brazilian Agricultural Policy (Law n. 8.171/91), in charge of MAPA (art. 23, Law n. 13.502/17), through the Secretariat of Agricultural Defense (art. 18, Decree n. 8.852/16)**, which is responsible for supervising the export of animals and animal welfare, and the Department of Health (art. 24, Decree n. 8.852/16), which establishes the sanitary requirements for the import and export of live animals, as well as monitors the livestock surveillance activities carried out at the points of egress of animals in the country and the inspection of animal welfare. It also argues that Normative Instruction No. 13/10 was issued; IN n. 56/08; IN n. 36/06; IN n. 39/17 and the **Manual of Good Management Practices**

during transport. It defends the effectiveness and practical application of existing standards. It claims, in the future, *"that the finding of animal abuse must be based on objective parameters, with the demonstration of the evident deprivations of the needs of the animals and the apparent harm caused to them, and it is neither correct nor reasonable that this finding is supported by a purely subjective and emotive judgment, with improper conjectures about the state of need and psychological of the animals!"* That is to say, *"[i]n order for animal cruelty to be characterized in the concrete situation, some useless, unnecessary suffering must occur in the transport"*, and the cruelty does not reside in the transport itself, but in its form of execution, which is strictly regulated by the MAP.

It states that the documents brought to the process by the author himself indicate that the responsible public authorities supervise and apply the rules, including the punishment of any infractions. It also defends compliance with the international rules established by the World Organization for Animal Health – OIE; whereas exports of live cargoes are not capable of spreading disease or polluting the oceans; the absence of illegality in the slaughter according to religious dogmas, which is provided for and authorized in Brazil under the terms of Decree n. 9.013/17; the impertinence of the alleged economic disadvantage in the export of live animals. After maintaining that the plaintiff would be litigating in bad faith and invoking the incidence of article 16 of Law No. 7,347/85, the defendant pleaded, in the end, for the dismissal of the action.

A reply was filed (ID 6233140).

In an opinion of ID 7642191 the MPF expressed itself **favorably** to the entry of ANDA in the litigation, as well as opined for the suspension of the action until the judgment of the conflict of jurisdiction by the STJ.

The plaintiff, in a petition for ID 7803664, attached to the record a copy of the decision rendered by the STJ in conflict of jurisdiction No. 156,515, which declared the jurisdiction of the **Federal Court** to judge the matter.



At the request of the parties, **the plaintiff reported that he had no other evidence to produce** (ID 8548960), while the UNION requested the production of testimonial and documentary evidence (ID 8824423).

O Federal Parquet opined for the merits of the authorial claim (ID 9769334).

Through the 9806329 ID petition, the UNION proceeded to the physical delivery of *a pen drive* containing images and videos, on which the author presented a statement (ID 10290021).

A decision of ID 18360820, considering that the UNION had already added to the process the documentary evidence, **determined the holding of a hearing**, the act of which was registered under the ID 24584860. The hearing held was attended by the author's patrons, the representative of the Federal Public Prosecutor's Office and the representatives of the UNION, as well as the representatives and technicians listed by the parties,

a Mr. Franc Jeferson Alarcon de Barrientos, Ms. Elizabeth Suzanne Mac Gregor, Rita Legal Paixão, Carla Forte Maiolino Molento (all for the author), Messrs. Antônio Pitanguí de Salvo, Gustavo Marin Monaco, Paulo Roberto de Carvalho Filho, Luciano Soares Carvalho Filho, Luciano Soares Jacintho Siqueira, Jamil Gomes de Souza and Ms. Luciana Pomilio and Juliana do Amaral Moreira Conforti (all for the Union).

A copy of the judgment handed down in public civil action no. 500028-53.2018.403.6135, proposed by Veddas – Ethical Vegetarianism, Defense of Animal Rights and Society, due to the occurrence of contumacy (ID 21914300), was transferred to these files.

The UNION requested the addition of Normative Instruction MAPA n. 46/18, which brings the **Manual of Procedures for the Export of Cattle, Buffaloes, Sheep, Goats live**, destined for slaughter / fattening / reproduction (ID 23127481).

Copies of the decisions rendered by the E. TRF in the suspension of injunction No. 5001511-93.2018.403.0000 (ID 24531306) were attached to the file.

In petition ID 25122829, the author requested, incidentally, *that "in the next 6 months, in all shipments of live animals that are made in the ports of Brazil, be accompanied by 3 independent observers linked to animal protection NGOs, and in the same number by veterinary auditors linked to the Ministry of Agriculture of Brazil – MAPA (...)"*, which must accompany all stages of export, throughout the journey across the oceans, until landing in the country of destination. It also required the placement of audio cameras in 10% of the trucks leaving the Pre-Boarding stations, in order to monitor the behavior of the animals throughout the road trip.

The UNION, in compliance with the decision handed down at the hearing, attached to the records scanned copies of the administrative proceedings that deal with the cancellation of the qualification of Pre-Boarding Establishments (ID 27168210), an



opportunity in which it pleaded for the rejection of the request made by the author in ID 25122829, "given the complete absence of legal-legal support for the production of evidence in the manner in which it is requested." Sobre the documentation attached by the UNION, the author offered manifestation (ID 28427202).

The MPF, in an opinion of ID 28890018, opined for the approval of the request made by the author for the monitoring of the shipments of live animals for the next 6 months, according to the material and human resources that the Administration can spend and, in the alternative, for the reversal of the burden of proof.

In ID 36848407 were accessed to the records procedural documents extracted from the suspension of guardianship No. 5001511-93.2018.403.0000.

The decision of ID 40556598, in view of the order passed in RE No. 1,101,937, ordered the **suspension** of the proceedings and, as a result, considered impaired the assessment of the application for ID 25122829.

The plaintiff, due to the judgment of the matter by the C. STF, argued for the resumption of the processing of the deed (ID 51990869).

A new request for emergency protection has been made by the author (ID 58312512), the BRAZILIAN ASSOCIATION OF CATTLE EXPORTERS (ID 69836315); the CONFEDERATION OF AGRICULTURE AND LIVESTOCK OF BRAZIL – CNA (ID 91484886) and UNION (ID 130741543) expressed themselves against it.

MERCY FOR ANIMALS BRAZIL filed as *amicus curiae* (ID 105353862).

The decision of ID 135272454, in addition **to rejecting the** new request for protection formulated by the author, determined the joining of the bylaws by the MERCY FOR ANIMALS BRAZIL ASSOCIATION (ID 135272454), whose providence remained fulfilled in ID 160211465.

The MPF, in an opinion of ID 245063219, opined by the subpoena of the Federal Council of Veterinary Medicine (CFMV) to participate in the process, whose claim remained granted by the decision of (ID 2506135434), The judgments linked to the grievances of instrument of n.

5004527-55.2018.4.03.0000, filed by the CONFEDERATION OF AGRICULTURE AND LIVESTOCK OF BRAZIL (ID 256873293) and 5008482-94.2018.4.03.0000, filed by ABREAV - ASSOCIACAO BRAZILIAN EXPORTERS OF LIVE ANIMALS (ID 259576328), which, in short, upheld the decisions rejecting the requests of those entities to intervene in the proceedings.

The UNION manifested itself contrary to the entry of the MERCY FOR ANIMALS BRASIL Association in the litigation (ID 266597599), while the author with this intervention agreed (ID 267552517).



Notice of No. 5023493-60.2022.4.03.6100 for reliance on the present public civil action (ID 264991339).

The CFMV collated the technical and normative aspects that were explained in TECHNICAL NOTE No. 8/2018/CTQA/DSA/MAPA/DAS/MAPA (ID 267289596).

O MPF opined for the granting of the request for intervention made by the MERCY FOR ANIMALS BRAZIL ASSOCIATION (ID 268372082).

The final reports came.

It's the report.

Plea and DECIDE.

PRELIMINARY CONSIDERATIONS

the intervention of third parties:

Initially, **I grant** the request made by the MERCY FOR ANIMALS BRASIL Association to join the case as *amicus curiae* (ID 105353862).

In practical terms, if the referred entity holds, in theory, legitimacy to the filing of a public civil action (see case 5023493-60.2022.403.6100, attached), with more reason to admit its entry into this litigation, avoiding even the processing of deeds with similar objects.

Likewise, **I also define** the entry of the FEDERAL COUNCIL OF VETERINARY MEDICINE – CFMV as *amicus curiae*, in view of its contribution to the Public Consultation that preceded the edition of IN No. 46, of 8/28/2018.

Entrants receive the process as is.

From the evidentiary instruction:

At the request of the parties, **the plaintiff reported that he had no other evidence to produce** (ID 8548960), while the UNION requested the production of testimonial and documentary evidence (ID 8824423).

A decision of ID 18360820, considering that the UNION had already added to the process the documentary evidence, **determined the holding of a hearing**, the act of which was registered under ID 24584860.



In the hearing held were present the patrons of the author, the representative of the Federal Public Ministry and the representatives of the UNION, as well as the representatives and technicians listed by the parties, namely: Mr. Franc Jeferson Alarcon de Barrientos, Ms. Elizabeth Suzanne Mac Gregor, Rita Legal Paixão, Carla Forte Maiolino Molento (all by the author), Messrs. Antônio Pitanguí de Salvo, Gustavo Marin Monaco, Paulo Roberto de Carvalho Filho, Luciano Soares Carvalho Filho, Luciano Soares Jacintho Siqueira, Jamil Gomes de Souza and Ms. Luciana Pomilio and Juliana do Amaral Moreira Conforti (all for the Union).

In this scenario, due to the hearing held, I reject the hearing of other witnesses.

Of the territorial scope of the judgment handed down in a Public Civil Action:

In the case of a matter raised by the UNION in the context of a challenge - "[n]o very small hypothesis that the action will be upheld (...) the decision shall be limited to the area of coverage/jurisdiction of the Federal Court of São Paulo, pursuant to article 16 of Law No. 7,347/85" (ID 5367606 – page 60) – the decision of ID 40556598 determined **the suspension** of the processing of the process by virtue of an order issued by Justice Alexandre de Moraes, of the C. Supremo Tribunal Federal in **RE n. 1.101.937**.

And, in analyzing the matter, the Supreme Court affirmed the following thesis of general repercussion:

"I - It is unconstitutional the wording of article 16 of Law 7,347/1985, amended by Law 9,494/1997, being reprised its original wording; II - In the case of a public civil action with national or regional effects, the jurisdiction must comply with article 93, II, of Law 8,078/1990 (Consumer Protection Code); III - Multiple public civil actions of national or regional scope are filed and the jurisdiction under item II is established, the prevention of the judgment that first knew of one of them is established, for the judgment of all related demands."

Thus, in view of the unconstitutionality of article 16 of Law No. 7,347/85, as declared by the Supreme Court, as well as considering the provisions of Article 93, II, of Law No. 8,078/90 [2], **the national scope** of the judgment handed down in these proceedings is established.

From the suspension of injunction no. 5001511-93.2018.403.0000:



Granted the request made in the context of emergency protection to prevent the export of live animals for slaughter abroad throughout the national territory - opportunity in which were accepted the arguments then spent by the author -, the **E. TRF of the 3rd Region**, in the records of SLTA No. 5001511-93.2018.403.0000, **determined the suspension** of the effects of the decision rendered until the moment in which the controversy is judged, in a collegiate manner, and, on the merits, by an organ of that Court.

For clarity, I transcribe the summary of the judgment:

"CIVIL. CIVIL PROCEDURE. GRIEVANCE IN SUSPENSION OF INJUNCTION. PUBLIC CIVIL ACTION. HARM. NO CHARACTERIZATION. EXPORT. COURT DECISION. PROHIBITION, THROUGHOUT THE NATIONAL TERRITORY, OF THE SENDING ABROAD OF LIVE ANIMALS FOR SLAUGHTER. PROVEN OFFENSE TO PUBLIC ORDER AND ECONOMY. FINAL TERM OF SUSPENSION. GRIEVANCE KNOWN AND PROVIDED IN PART.

– Challenged the original injunction decision in aggravations of instrument in which there is no collegiate judicial provision of organ of this Court. No prejudice in the judgment of internal aggravation in suspension of injunction.

– The suspension of the effectiveness of judicial provisions by act of the Presidency of the respective Court is "a prerogative legally made available to the Government, among others legitimated, in defense of the public interest, whenever there is a concretely glimpse of a danger of serious injury to the values pertaining to public order, economy, health or safety", aiming at "the suspension of the effectiveness of injunctions and judgments handed down against public and private entities that perform of some form of public function" (Elton Venturi, Suspension of Injunctions and Sentences Contrary to Public Power, Malheiros, 3rd ed., 2017, p. 35).

– Under analysis, a decision that suspended the effects of a judicial provision that prevented, in an effective provisional protection throughout the national territory, the export of live animals for slaughter abroad, doing so until appropriate practices and specific regulations are implemented.

– Uncontroversial existence of a significant volume of exports of live animals from Brazil, a commercial practice of undisputed importance for the national economy and which is structured in the administrative, business and political spheres to meet the specific consumer market by supplying the product via sea routes.

– Significant economic impacts from the suspended decision, especially in view of the scenario of difficulties that the country is going through. Precedent.

– Peremptory prohibition of export by judicial means that takes away the decision-making power of the competent spheres for the elaboration of economic and environmental policies.



- *Existence of a normative framework at the federal level that regulates the issue of the export of live animals, which was eventually replaced by the exercise of jurisdiction.*

- *Judiciary Power which is not responsible for the preparation of policies, but only the protection of rights, which means that it is not within its purview to determine the forms of state action in the economy, establishing guidelines as to what should or should not be exported, as well as the constrictions applicable to products subject to trade. Evidenced the intrusion of the judicial protection in the field that extrapolates its attributions.*

- *Offenses to public order and economy characterized. Need to maintain the suspension previously granted, in monocratic seat, which appears from the file.*

- *Precedents of the Federal Regional Court of the 3rd Region that point to the permanence of the effects of the suspension until the assessment, on the merits, of an appeal eventually filed before the judging body of this Court, at which time triggered, by the substitutive appeal effect, the displacement of the jurisdiction for the analysis of suspensive measure to the Superior Court of Justice or the Supreme Federal Court.*

- *Appeal known and provided in part, so that the suspension of the effects granted remains healthy until the moment in which the controversy is judged, in a collegiate manner, and, on the merits, by an organ of this Federal Regional Court."*

(Federal Judge Therezinha Cazerta, President of the Federal Regional Court of the 3rd Region, judgment of 05/30/2019 of the Special Organ of the TRF3).

It is taken care of, of course, of provision to be observed by the court.

From the hearing held:

The decision of ID 18360820 **determined the holding of a hearing** to deepen the debates on the object of the dispute, whose act received the ID 24584860.

As recorded, the hearing held was attended by the patrons of the author, the representative of the Federal Public Ministry and the representatives of the UNION, as well as the representatives and technicians listed by the parties, namely: Mr. Franc Jeferson Alarcon de Barrientos, Ms. Elizabeth Suzanne Mac Gregor, Rita Legal Paixão, Carla Forte Maiolino Molento (all by the plaintiff), Messrs.



Antônio Pitanguí de Salvo, Gustavo Marin Monaco, Paulo Roberto de Carvalho Filho, Luciano Soares Carvalho Filho, Luciano Soares Jacintho Siqueira, Jamil [Gomes de Souza](#) and Ms. Luciana Pomilio and Juliana do Amaral Moreira Conforti (all for the Union).

The following considerations/contributions were made by the participants:

1) From pre-shipment:

- Dr. Luciano Siqueira, Fiscal Auditor of the Ministry of Agriculture and who acts as Head of the Regional Technical Unit of São José do Rio Preto, exercising the function since 2016; Graduated in Veterinary Medicine. It reported that the first export of live cattle in the State of São Paulo occurred in the municipality of Guapiaçu in 2016; that the rural establishment was inspected by the Ministry, and the same occurs with all those rural establishments that intend to become a pre-shipment establishment for this activity of export of live cattle and that the unit already followed the prerequisites of IN n. 13/2010, with the purpose of rounding up animals, submitting them to a restricted regime of sanitary control and after a period of quarantine, these prepared, nourished, healthy animals with negative diagnoses for a series of diseases could follow their road path to the port of egress, to be embarked and proceed to the country of destination; whereas the inspection verifies the presence of the requirements and only then does the establishment join the list of establishments authorized to carry out that activity; that the inspection includes the accesses (it must be restricted due to biosecurity requirement), have conditions to shelter and feed the animals, the fences must have maintenance condition that prevent accidents with the animals, the troughs must be in sufficient quantity to house a significant amount of animals, and the stocking must meet the precepts of animal welfare, for the comfort of the animals, the drinking fountains have to be constantly cleaned and with water available in quality and in sufficient quantity to meet the animals housed; there is an individualized control of the animals by means of electronic chip (individual identification); the animals are managed by trained professionals in relation to good agricultural practices and animal welfare, such as handling without stingers, without clubs or electric shocks, but with pennants; a health protocol follows, which is usually a bilateral agreement between Brazil and the country interested in acquiring the product; that the official veterinary service, both that of the Union and that of the State, act; that the Coordination of Agricultural Defense also acts in these establishments based on the control of transit of animals, which enter the EPE (pre-shipment establishment) duly documented with the animal transit guide, which allows traceability to the establishment of origin, whose origin is plural, since animals are received from several farms; The animals are sampled, blood samples are collected, they are inoculated with tuberculin, to reach a screening test and if there is positivity the animals are discarded and only healthy animals are susceptible to export.



- About what was reported about the first phase of the chain, the veterinarian brought by the author, Dr. Renato Silvano, recorded that the NI in does indeed provide for a series of criteria for pre-shipment, but draws attention to the fact that these animals already come from a long period of transport and will leave for a new long journey; the normative provides for several aspects related to sanitary issues, but what is discussed is the evaluation of the welfare of animals, and the normative is not very exhaustive when establishing these criteria, expressions such as "good welfare practices" or "animal welfare principles" are very generic and leave room for the public agent to be able to make this evaluation without objective criteria; which suggests that the norms be more objective, such as not using electric shock, the percentage of injuries admitted as acceptable.

- Questioned, the Fiscal Auditor of the Ministry of Agriculture stated that there are guidelines for animal welfare that guide the use of electric shock, which is allowed in certain circumstances by brief contact with the animal and at very low voltage / amperage to stimulate movement and that occurs more commonly at the time of shipment, but that the guidance in the official supervisions is that it should not be used during ordinary management, and only if necessary.

- Given the floor to those present, Dr. Carla Molento, veterinarian, coordinator of the animal welfare laboratory since 2004 and who teaches in postgraduate courses specifically on the diagnosis of animal welfare, explained that the diagnosis of animal welfare should be guided by four sets of indicators: 1) that health, disease control is a very important indicator; 2) set of nutritional indicators, which refers to issues of food and adequate water; 3) environmental indicators, type of environment offered to the animal and how is its comfort in that environment; 4) behavioral indicators; Each of these groups has several indicators that must be measured in order to know the degree of welfare of an animal; questioned, it registers that the normatives make very generic mentions to animal welfare, being that they are missing in the last two sets of indicators, which lack numerical/technical indicators of veterinary medicine, both in the normative, as in the field practices, to know what is the real condition of the animals with the different types of handling and transport, for example, that even before maritime transport, there are very variable conditions of transport and shipment and that the use of electric shock is very present in the country for the driving of animals, very different road conditions which greatly impacts the animal being transported in the truck, so that closer monitoring would be necessary, and there are states that are preferring river transport and cites



the state of Pará; believes that more numerical indicators are needed in order to understand the conditions of the animals in the different stages of transport.

- Dr. Paulo Carvalho, veterinarian, with a master's degree in veterinary science, Agricultural Fiscal Auditor since 2007, was given the floor, who informed, in relation to the use of shock, that MAPA developed, with the technical collaboration of UNESP, through Dr Paranhos, professor of animal welfare of the State of São Paulo, the Manual of Good Practices in Transportation, which prescribed the possibility of using electric shock, provided that it was to avoid risk to the operator or to the health of the animal itself, and the Ministry also verifies in the inspections.

- In her speech, Dr. Juliana do Amaral, Federal Fiscal Auditor of the Ministry of Agriculture, veterinarian, with a master's degree in microbiology and immunology, adds that there is also the Animal Boarding Manual, which deals with the use of electric baton, which should be used only in emergency situations, not being indicated as a management practice due to the high risk of accidents due to the reactions of the animals. In addition, it informs that indicators were created for the inspection of animals when complaints of mistreatment are met, an opportunity in which 05 mentioned indicators are used.

For his part, Dr. Jamil Gomes de Souza, who works at the Department of Animal Studies in Brasilia, reported that he had the opportunity to participate in the debates related to the discussion on animal welfare from the beginning, at the international level, promoted by the World Organization for Animal Health, asserting that the matter has been evolving and, from 1994, within the World Trade Organization, it gained an *upgrade* because it also began to enter the issue of market protectionism and some countries use this; understands that there is much to learn about what animal welfare is, and there is a very small boundary between what is good practice and what is animal welfare, for one thing leads to another; the question related to indicators, because it is very subjective, depends on who perceives and makes the observation, which is why it needs a better study, so that one can reach a well-being, not at a certain point, but in a time interval; from the moment the animals are rounded up and sent to sea transport, the animals are treated, are accompanied, the principles are observed and it is clear that any transport problems can happen to anyone; notes that the Ministry of Agriculture is concerned about this, and has edited Normative 46 (which replaced Normative 13) in order to discipline the operating system and that it is under construction with the other organizations and research units what is done in



the world to enter into the issue related to the standardization of a well-being that can be applied in Brazil, not necessarily the same as what is applied in Europe or Asia.

- Questioned, Dr. Luciano Siqueira replied that eventually importers make inspection in the EPE establishment; whereas in that year an official mission was received from Turkey to audit the system for exporting live cattle; which also had an unofficial mission in which there were importers observing the herd and assessing the conditions, which was not produced report.

-Dr. Carla Molento asked for the floor to emphasize that in relation to the diagnosis of animal welfare that it is not a subjective evaluation, but rather objective; whereas on the farm there are animal welfare protocols for cattle, pigs, poultry, horses, donkeys and protocols for elucidating cases of mistreatment; regardless of who applies them, as they are objective indicators. Exemplifies:

* Nutritional indicators: has quality and quantity of food, cleaning of the trough, cleaning of food and quality of water, which is a *check list*, has the *score* of body condition and weight; * health indicator: if there are lesions, what is the prevalence of injuries, if there is disease prevention, how many animals are affected by diarrhea;

* Comfort indicator: what surfaces there are for standing, walking or lying down; slippery floor; temperature within the transport; relative humidity;

* Behavioral indicator: how animals react to management, how many animals slip, effectively fall, suffer fracture. Questioned, she notes that some of these issues are already contemplated in the norms, but, in general, the Brazilian norms still allude to being in accordance with general principles of animal welfare and more is needed. In addition, Dr. Renato Silvano stated that the Manual of Good Practices is a recommendation and is not mandatory.

- The floor was given to Mr. Claudio Nepertoti, Vice-President of ABREAV, who has been working in the area of live cargo transport since 1995. He reported, in relation to the use of the shock stick, that 99% of the producers use flags that indicate the path that the cattle have to follow.



- Questioned, Dr Luciano Siqueira, from the Ministry of Agriculture, reported that, in the regulations, there is no regulation regarding the distance from the origin of the animal, and the owner of the establishment is usually a legal entity; rectifies previous information, clarifying that, in fact, there were 02 missions coming from abroad.

2) Shipment of animals:

- Mr. Claudio Nepertoti, Vice-President of ABREAV, reported that he personally participates in the embarkations and disembarkations; that logistical planning is done one week in advance; the number of trucks is defined by the weight and size of the animals; preferably the shipments on the farms occur in the morning, since the animals sleep during the night; whereas the accident rate is minimal in most shipments; that the number of trucks is always greater than that determined; whereas every 100 KM travelled there are vehicles stopped for emergencies; all vehicles are inspected by the farm veterinarian and then disinfected and a sawdust bed is placed; whereas the number of animals to be taken on board varies greatly at the EPE post, from 5,000 to 22,000 animals; that's dozens of trucks; that CONATRAN determines the number of animals per truck, that the space varies from 1.28m² to 1.78m² per animal; that Brazil is the only country in the world in which a cattle truck only transports cattlemen; that within the properties there are corridors (transport areas) and that the cowboys enter the corrals on horseback and direct the animals and are already predetermined the animals and quantity for each truck; that the animal boards the truck and continues its journey.

- Given the word, Dr Luciano, from the Ministry of Agriculture reported that the Ministry monitors and is present on the day of embarkation at the EPE; that the official does not stay for the entire period of embarkation, but is present for a variable period; that the animals do not board and are waiting inside the trucks; that does not occur the situation of the animal being loaded in the truck and remain waiting for the trip, because the shipment of the animal in the EPE is only authorized after the inspection and release of the ship by the Navy and Ministry of Agriculture.

- Given the word to Dr. Franc Jeferson Alarcon de Barrientos, biologist and doctor in bioethics, illustrated the Guapiaçu case, which is approximately 530 KM from the Port of Santos, to measure the



time that the animal is inside the transport facing curves, braking, traffic and that this occurs throughout Brazil, especially in Pará, where the quality of transport is not the same as in São Paulo; records that the animal is sealed in the truck and cannot be removed and, no matter how much the transport stops and food and water are provided, urine and feces accumulate on the floor and impact on the welfare of the animal; that it is intrinsic to transport that the indicators are affected, that there is stress inherent in the coexistence of animals; It suggests that at the very least, the number of animals per truck should be changed, because the area for each animal is not effectively respected, and the inspection is flawed at this point.

- Questioned, Dr Luciano, from the Ministry of Agriculture, said that the inspection is not flawed at this point, since companies are required to present a travel plan in which all the trailer configurations with the specific capacity are included

e documents are produced in this regard.

- Dr. Renato Silvano asked for the floor to, disagreeing with the demonstration, report that the literature is plentiful, including the material of MAPA, in pointing out that transport, boarding and disembarkation as one of the most critical moments of animal welfare, in which a series of injuries occur, adding to the fact that they will be transported for another 15 or 20 days on the ship, a scenario that allows one to have a dimension of the stress of these animals.

- Asked about situations of assessment for non-compliance with the regulations regarding the number of animals per truck, Dr Luciano, from the Ministry of Agriculture, replied that the animal health defense legislation does not provide for a sanction for infringement; that if non-compliance with the standard is found, if the service finds that the sum of non-conformities matters significant expression, this may imply the cancellation or suspension of the EPE, there is this normative provision.

- Mr. Gustavo [Marin Monaco](#), agronomist and Technical Director of ABEG, asked for the floor to report that the animals are brought from the paddocks of confinements or pastures in small lots so that they do not wait in the corral, so that the group does not contemplate more than 05 or 06 truck loads, whose calculation is made from the science of the weight of the animal that will be shipped and the norm that defines the space of the animal per truck; The care does exist and there are regulations regarding the number of animals per truck depending on the area.



- On this same issue, Dr. Carla Molento stated that she has field experience and that Mr. Gustavo reported to some extent is applied in practice, but draws attention to the enormous variation in the types of transport in the country; disputed the assertion that Brazil would be the only country with suitable trucks for this transport; states that there are major challenges in this area that end up culminating in great loss with discarded meat; that trucks are generally suitable for transport; believes that the biggest problem is the transport time, which is very long, and the quality of the roads in the country, the combination of which brings about a rather cruel situation for animals; It has the feeling that it is not well and that it is necessary to monitor with objective indicators so that the bottlenecks are known and solutions are sought.

- Dr. Jamil asked for the floor to say that in a truck that holds 40 animals you can not put 20 and, contrary to what is imagined, they would go to all sides that could get hurt; the trucks are not fully enclosed, which has ventilation device; that he does not know of a document describing injuries on boarding, that a document is known when, after slaughter, there are injuries to animals coming from properties where there is no road; that the producer has to get the animals out of there, but that this issue has improved a lot, because, in addition to welfare, it means loss; that MAPA has been working on the issue of good practices, of improving trucks, which has to advance in the issue of improving the roads, and the reality is very complex; that MAPA is open to talk so that a certain point can be reached that gives peace of mind to reduce injuries and problems.

- Representative of MAPA reported that the Ministry, in partnership with the National Traffic Council, created **Resolution 675/2017**, which provides for the transport of animals and transport vehicles and seeks to improve vehicles and transport conditions; that the standard is already in force and that all vehicles for the transport of live cargo must be built and produced in accordance with the standard.

- the magistrate recorded that, by the information contained in the process, it is precisely the transport of the EPE to the ship that causes the highest level of stress to the animals. He asked those present if there are any norms or if it is possible to reach a normative one that reduces this stress.



- Representative of MAPA said that the current regulations deal with the transport period; cited IN 43/2019 of MAPA , which amended IN 46/2018, extending the transport period from 08 hours to 12 hours.

- Paulo Carvalho, Fiscal Auditor, asked for the floor to explain that the original wording of IN 46 provided for 08 hours for qualification of EPE's as sufficient time for approval according to studies done by the companies; the company had to declare in MAPA that its EPE was, at most, 08 hours away from the point of egress; the norm also provided for a maximum time of 12 hours, provided for in a Decree of 1934, as the maximum period in which animals can be limited to access to water and food; This year's review limited commuting to a maximum of 12 hours, regardless of access to water or food; in relation to the comparison of data, it presented the data collection for countries of continental dimensions such as Brazil; cites the example of Canada, which allows the movement of up to 52 hours of cattle; the United States anticipates 28 hours; Australia, 36 hours; the European Union allows travel of up to 14 hours.

3) embarkation of animals on vessels:

- Mr. Gustavo Marin Monaco reported that the ships carrying live cattle were built or refurbished for this purpose and have feeding systems, ventilation water supply so that the animals can complete the trip in the best possible conditions; the quantity of animals is defined according to the speed and capacity of storing food; whereas during sea voyages there is a target for food consumption; it is common for well-steered cattle ships to present, on arrival, animals weighing more than the embarkation weight; that gaining weight is an indicator of animal welfare; states that the environment inside the ship is not unhealthy; there is a standard for transporting animals on ships; that the animals have an area as a function of weight, a standard published by MAPA – Annex I of IN 46.

- Dr. Carla Molento, in contrast, recorded that weight gain is an indicator of animal welfare, but ponders that these animals are young, around 300 Kg, are in the growth phase and the normal physiology is to gain weight; then it would be necessary to compare with the expected weight gain due to the physiological phase in which the animal is, but that is an important indicator, however, there must be a contextualization with the other



indicators that make up the welfare protocol; it then records that the discussion made about the transport of 08 to 12 hours gains another dimension when talking about transport in days, from 20 to 40 days; which shows a conflict in the area of animal welfare very important, which requires measurements and numbers.

- Dr. Renato Silvano reinforces that weight gain alone is not an indicator of well-being.

- Mr. Gustavo Marin Monaco, questioned, reported that there is no individual report per animal; whereas exporters need to send to the Ministry a report of the trips made so that there are concrete performance data, the deadline for submission of which is 10 useful after the completion of the trip; that there is no requirement for veterinarians to be on board, but that it is common for veterinarians to travel together with cargoes, often from the exporter and many times from the importer; the crew inside the ships is dedicated to handling the animals, ranging from 25 to 60 crew members depending on the size of the ship; This crew is in charge of feeding the animals, washing water troughs, cleaning feeders, washing the ship itself, identifying animals that need to be segregated.

- Dr. Rita Paixão, a veterinarian, PhD in public health and professor at the Fluminense Federal University, asked for the floor. He returned to the point of the density of the animals on the ships, because, although there is a normative, it is important to think about the context; in the case of the ship, there are animals that lie down that, due to the long period, will be trampled, receive excrement; believes that the rules lack who supervises, who accompanies, who monitors, the reports, what are the real facts about the animals transported; what we have so far are the reports presented by the veterinarian Magda and some works of literature that speak of heat stress, stress from travel, nausea on the trip, injuries, falls, excess of excrement that is intrinsic to the situation; These are facts that refer to animal welfare problems; Some norms are shown, but there is a "mismatch" between facts and norms, which need to be ensured.

- Dr. Renato Silvano emphasized that there is no inspection during maritime transport.

- Dr. Carla Molento, commenting on the international experience, reported that she received Professor Klayde



Philips, coordinator of the animal welfare center at the University of Queensland in Australia, a country where the discussion about the transport of live animals is very active; that the professor is the author of several scientific papers on injuries and deaths of animals due to heat stress; whereas in Australia, 80% of the population wants a ban on the export of live animals.

- Dr. Franc Jeferson Alarcon de Barrientos recorded, to measure the problem, that each animal defecates, on average 21 Kg per day, multiplied by the number of animals and the time it takes to the place of destination; that this material, either it is confined somewhere or is evacuated, causing environmental problems or well-being indices.

- Mr. Gustavo Marin Monaco informed that in the ship inspected, due to the size, the cleaning takes 05 days; that every 05 days the ship is thoroughly cleaned; stated that it is not possible to produce 21 kg of feces, because the animals consume dry food, around 2.5% of the live weight; estimates at 6.5 kg of food daily per animal; that the production of feces is around 5 kg; that the cleanliness of the ship is a cause for concern.

- Dr Renato Silvano stated, regarding the presence of waste, that ammonia/urea affect the airways and cause conjunctivitis, feces cause skin diseases and that, therefore, animals will be suffering due to contact; that the solution is efficiency in management.

- Mr. Gustavo Marin, questioned, replied that when an accident happens, the animal that is suffering is euthanized; who does not know the method, because he is not a veterinarian.

- Dr. Carla Molento asked for the floor and estimated at 800 or 400 tons of feces more urine per day produced in an enclosed place with 27,000 animals, being impossible to manage this.

- MAPA representative noted that the issue of legislation in international waters is very complex, because the



ship's own driver and professionals use the legislation of the exporting country; it also seeks to take into account the economic interest involved; MAPA builds the normative instrument, is present in the stations, conducts the entire process and goes to the boarding part.

4) From the slaughter itself:

- The court stated that Brazil has a rule for slaughter, specifying how the slaughter should be done. However, the country exports the animals for slaughter other than that provided for in the legislation. He asked those present to explain the differences between the slaughter practiced in Brazil and the slaughter practiced in Muslim-oriented countries.

- Dr. Luciano Siqueira, Fiscal Auditor of the Ministry of Agriculture, reported that Brazilian legislation accepts that slaughters based on religious precepts are practiced in Brazil; in Brazil, traditional, halal and kosher slaughter is carried out; Kosher slaughter is based on bloody jugulation, without prior desensitization; the halal slaughter, there was an adaptation accepted by the Islamic center in Brazil, so it is preceded by desensitization with pneumatic pistol, with the previous stunning; that in the method with the previous desensitization the sensation is that the animal suffers less than the bloody jugulation.

- Dr. Franc Jeferson Alarcon de Barrientos stated that this halal method with Brazilian animals abroad was recorded by the group, being one of the most violent things ever seen; **Slaughter without desensitization is the apex of the cruel process.**

- Asked by the court why the importer does not take care that the slaughter is done in Brazil, Mr. Gustavo Marin replied that in the first place there is a religious precept and that there is also a characteristic of the Muslim market that has the preference for the consumption of fresh meat, of the animal slaughtered on the day.

5) Final considerations of the hearing:

By the author's representatives, it was proposed that, for a period, the shipments of live animals made in



the ports of Brazil be accompanied by independent observers and also by veterinarians linked to MAPA, whose proposal cannot be accepted at that time by the representatives of the Union, especially considering the difficulty of linking the captain, the ship, the international authority that observed this inside the vessel.

Having established these premises, I proceed to the examination of the merits.

MERIT

With the filing of the present action, the plaintiff aims to **provide a court order prohibiting the exports of any live animals** by means of ships departing from any ports of the country, sending a letter to the captaincy of the ports informing it of the **prohibition**.

The author maintains, in summary, that the maritime transport of live animals for slaughter in other countries is carried out in a **cruel way, just as cruel is the method of slaughter to which they are submitted**, different from what the Brazilian legislation provides for and authorizes. In addition to the cruelty inherent to the method of slaughter practiced in the Islamic countries of destination, which, for religious reasons, does not provide for the prior desensitization of the animal to provide it with a death without suffering, the author questions the management practices of transporting the animals, both on the ship that takes them to the final destination and in the internal transport to the port of embarkation, whose practices would fail to observe the constitutional and legal canons of the Brazilian legal system.

In turn, the UNION asserts that the transport of live animals, the main target of the author-association, is regulated in the health and animal welfare aspects, and the useless suffering that could be objectively characterized as cruelty does not reside in the transport itself, but in its form of execution.

He argues that if transport for export were, in itself, a cruel act, there would be international norms prohibiting it, but what exists is exactly the opposite: rules that admit transport, organizing it to ensure animal welfare.

Well.

Initially, I note that Law 8.171/91 establishes in its articles 27-A and 28a:

"Art. 27-A. The objectives of agricultural defense are to ensure: (Included by Law No 9.712, dated 20.11.1998)

II – the health of animal herds;

§ 1. In pursuit of the achievement of the objectives referred to in the caput, the Government will permanently develop the following activities: II – animal health surveillance and defense;



§ 2. *The activities referred to in the preceding paragraph shall be organized in such a way as to ensure compliance with current legislation dealing with agricultural defense and international commitments signed by the Union.*

Art. 28-A. Aiming at the promotion of health, the actions of surveillance and sanitary defense of animals and plants shall be organized, under the coordination of the Public Power in the various federative instances and within the scope of its competence, in a Unified System of Attention to Agricultural Health, articulated, with regard to public health, with the Unified Health System referred to in [Law No. 8,080, of 19 September 1990](#),

in which they will participate: ([Included by Law No. 9,712, of 11.20.1998](#))

– official services and institutions;"

In turn, article 9 of Decree 5,741/2006, which regulated the aforementioned legal provisions, discriminated against the activities attributed to the various instances of the Unified System of Attention to Agricultural Health, conferring on the Central Instance (Federal Government, that is, the Union) the attributions "of a political, strategic, normative, regulatory, coordinator, supervisor, auditor, supervisor and inspector nature". Here is the regulatory provision:

"Art. 9. The activities of the Unified System of Attention to Agricultural Health will be carried out by the Central and Superior, Intermediate and Local Instances.

Paragraph 1. The Central and Superior Instance shall be responsible for the private activities of the Federal Government, of a political, strategic, normative, regulatory, coordinator, supervisor, auditor, inspection and inspector nature, including activities of an operational nature, if so determined by the national or regional interest."

Therefore, aiming at the present action **to prohibit exports of live animals abroad**, it is clear that the claim turns to activities "of a political, strategic, normative, regulatory, coordinator, supervisor, auditor, inspection and inspector nature", being, therefore, legitimate the figuration of the UNION in the passive pole, since such attributions were conferred on the Ministry of Agriculture, Livestock and Supply – MAPA.

A – ANIMALS AS SUBJECTS OF RIGHTS.



As a starting point, one has that animals are not things. They are sentient living beings, that is, individuals who feel hunger, thirst, pain, cold, anguish, fear. A dog is not a chair, an ox is not a sack of potatoes or sand.

Well for this reason, the evolution of civilization has made animals cease to be only OBJECTS of right and become SUBJECTS of law.

With this, the legal systems of civilized peoples began to confer protection on animals not because they were "thing", "object" and, in this capacity, integrated the patrimony of someone, but because they themselves, by their nature of **sentient beings** and, as such, **endowed with dignity**, deserved, by themselves, legal protection.

That is to say, someone owning a chair and a dog, could, without any legal recrimination, shatter the chair and throw its shards into the dumpster or make a coarse with them. However, it would be inconceivable that even if he owned the dog, he intended to do with the animal what he had done with the chair. Thus, by this metaphorical and caricature example is well established the idea that the **animal is a subject of law**, and its protection is a **LEGAL DUTY** e not just a precept of a moral order.

In this way, the ordinances of various countries contain juridical norms that repudiate cruelty to animals, which must be treated with dignity.

Just by way of examples, I mention a neighboring country of ours (Colombia) and a distant one (Australia), which in common have issued laws that curb cruelty to animals.

In the case of Colombia [3], the country's Constitution, like the current Constitution of the Federative Republic of Brazil, establishes that animals are subject to protection against a and suffering, and that the authorities must guarantee their well-being and protection. Law 84 of 1989, known as the "Animal Protection Act", sets the standards for the protection and welfare of animals in that country, imposing penalties for abuse and cruelty to them, including fines and imprisonment. In addition, the legislation provides that Colombian animals have the right to be treated with respect and consideration, and that authorities must ensure that they have access to adequate food, water, shelter and veterinary care.

Recently, in April 2021, Colombia passed Law 1774, which recognizes animals as sentient beings and establishes stricter standards for the protection and welfare of these individuals, prohibiting, for example, the use of animals in cosmetic testing, the holding of bull races and other spectacles involving cruelty to animals. Colombia's animal protection laws are included in the National Code of Natural Resources (Law No. 99 of 1993), more specifically in Title III, Chapter VIII, which deals with zootechnical resources. In addition, there is Law 1774 of 2016, which establishes the National Animal Welfare Code that consolidates the rights of animals, guaranteeing them proper handling and protection against cruelty.



Australia also has animal protection laws, both at the federal level and at the state and territorial level. Some of the major federal animal protection laws include, for example, the Animal Welfare Act that sets standards for care and cruelty prevention for farmed animals, pets, and wild animals in captivity.

In addition to federal laws, each state and territory has its own animal protection laws that cover a variety of issues, including animal transportation, humane slaughter, pet trade, and animal welfare on farms and breeding facilities.

With regard to the export of live animals for slaughter in other countries, Australia has been making a commendable effort to abolish this practice, it has also been making diplomatic gestures with destination countries, of other cultures, including of a religious nature, so that they adopt humanitarian practices of slaughter.

In free translation of the title "Animal Welfare Live Animal trade" extracted from the Australian government's website on the World Wide Web [4] , we highlight the following excerpt:

A cattle export industry is a valuable Australian industry than
It is worth more than \$800 million a year and promotes the livelihood of many people
in rural and regional Australia.

A leads the world in animal welfare practices. Or government
Australian does not tolerate cruelty to animals and will not compromise the
animal welfare standards. Our ongoing involvement in the trade of
Export of cattle offers an opportunity to influence the conditions of
animal welfare in importing countries.

O government and the cattle export industry are working on
cooperation with our trading partners to address the issues of
post-arrival welfare and improving transportation, handling and slaughter practices
of cattle in foreign markets. The department is funding in



set a series of projects with the animal export industry
alive to improve infrastructure and training to promote better
animal handling and slaughter practices. Australia is the only country that Requires
specific animal welfare outcomes for livestock exports. Our
ongoing involvement in this Trade offers an opportunity from
influence animal welfare conditions in importing countries.

The Government has also introduced legislation providing for a regulation
stronger cattle export industry. This includes a requirement for
comply with Australian Standards for the Export of Cattle

This legislation was an important step by the Government to reformulate the
cattle export trade. Arrangements to ensure that animals
exported are well treated during road transport, and maritime
They are an important part of the standards. Ships must comply with rules
strict about ventilation, drainage, and providing water and food. Every
animal must have access to food and water at will and sufficient space towards
lie down, and there should be special pens for sick animals to receive care
Veterinary.

According to the Australian Meat and Live-stock Industry Act 1997, a
Report on the transport of cattle on any sea voyage to a
port outside Australia must be presented in each House of Parliament to
every 6 months. The reports to Parliament are based on the total of
travel mortalities for each trip. Some trips include several
shipments to different exporters, therefore, it is possible that a remittance
suffers an incident of high mortality, but the result of other shipments in the



same trip is below the reportable mortality level. By this Reason, some of the mortality events on consignment may not appear in the report to Parliament, which is presented every six months.

Australia has signed Memoranda of Understanding (MOU) with ten Countries in the Middle East and Africa region and negotiations continue with others trading partners in the region. A key element of these MOUs is that the animals are disembarked on arrival, regardless of their status of health. MOUs also allow us to help our partners to improve handling and slaughter upon arrival through cooperative activities based on improving animal welfare.

Suggestions that live trade could be entirely replaced by chilled and frozen meat do not take into account the demands of the market. Although Australia has developed significant trade from meat products, the lack of refrigeration facilities and cold, as well as strong cultural preferences for freshly slaughtered meat, Prevents a to cater to all its export markets with products of processed meat.

The concern of Australian sovereignty is highlighted: the export of live animals must include an essential requirement, namely: that Australian standards of proper handling and transport and cruelty-free slaughter are met.

In the case of the Brazilian legal system, we have protective provisions of constitutional status, legal and regulatory order and even the right of the people, through international treaties to which Brazil is a signatory.



The Federal Constitution guarantees "to all the right to an ecologically balanced environment, a good for the common use of the people and essential to a healthy quality of life, imposing on the Government and the community the duty to defend and preserve it for present and future generations" (art. 225).

That constitutional norm establishes in its §1, item VII:

"§ 1 - To ensure the effectiveness of this right, it is incumbent upon the Government:

VII - to protect the fauna and flora, prohibited, in the form of the law, practices that endanger their ecological function, cause the extinction of species or subject animals to cruelty".

Law 8.171/91 and its regulation (Decree 5.741/2006) establish standards for the sanitary protection of animals and also infralegal normative acts establish procedures for recommending Good Welfare Practices to animals.

If these administrative rules were not enough, the legal system still uses protection in the criminal sphere. Thus, Law 9.605/1998, defines as a criminal offense the act of "[p]rivate an act of abuse, ill-treatment, injuring or mutilating wild, domestic or domesticated, native or exotic animals" (art. 32).

In turn, as a signatory to international standards, Brazil has obliged itself to protect animals, so that they are not subjected to ill-treatment or cruel acts and that, in case they are killed, for example, for the purpose of human food, that they are killed **instantly without being subjected to physical or psychological suffering.**

Thus, the **Universal Declaration of Animal Rights**, an international legal act, proclaimed by UNESCO on January 27, 1978, in a session held in Brussels – Belgium, which aims to create legal parameters for the member countries of the United Nations Organization on **animal rights**, and to which Brazil is a signatory, provides in its articles 3 and 9:

"Art. 3

(1) No animal shall be subjected to ill-treatment or cruel acts.

2. Se it is necessary to kill an animal, it must be killed instantly, without pain and so as not to cause it distress."

(...)



Article 9 When the animal is reared for food, it must be fed, housed, transported and killed without any anxiety or pain resulting in it."

Therefore, there are multiple normative diplomas that impose the duty of protection on animals, so that there is no doubt that the Public Power (Union, States and Municipalities) must **ENSURE** compliance with the **RIGHTS OF ANIMALS**, and **ENSURE them** within the scope of the five freedoms referred to by the Federal Council of Veterinary Medicine (Nutritional Freedom, of Pain and Disease, of Discomfort, of Natural Behavior and of Fear and Stress) and, in particular, in view of the case under examination, the rights linked to the prohibition of cruel treatment or ill-treatment.

In the same sense, the José Miguel Garcia Medina doctrine:

"The Brazilian Constitution prohibits practices that subject animals to cruelty. It was rightly decided that 'this special protection, which has as its legitimating basis

a authority of the Constitution of the Republic, is motivated by the need to prevent the occurrence of risk situations that threaten or cause danger to all forms of life, not only that of the human race, but also animal life itself, whose integrity would remain compromised, were it not for the constitutional prohibition by demeaning, perverse and violent practices against irrational beings' (STF, ADIn 1.856, rel. Min. Celso de Mello, Pleno, j. 26.05.2011). It can be seen, therefore, that, in the light of Brazilian constitutional law, animals are not things – and to this normative treatment the infraconstitutional norms must be adjusted. In this sense, the subject is disciplined in Austrian civil law (ABGB – Allgemeines bürgerliches Gesetzbuch, § 285^a) to German (BGB – Bürgerliches Gesetzbuch, § 90^a), e.g. The trend towards differentiated legal protection for animals tends to increase, either through the prism of the relationship between people

e animals (for example, because of the relationship of affection that may exist between people and animals that live in a domestic environment, the judge will take into account, as a criterion of decision, the animal welfare (...) or also as a result of the scientific recognition that there are animals different from the others, because they have a reference of individuality and self-protection similar to human beings (cf.

e.g., discussion that has been made in relation to great apes). The protection of animals, in any case, requires a new definition of their legal status – until now considered a thing by most laws (...)" (Course of Modern Civil Procedural Law, Journal of the Courts, 4th edition, pp. 1077/1078).

E also the jurisprudence of the C. Supreme Court:

"The obligation of the State to guarantee to all the full exercise of cultural rights, encouraging the appreciation and dissemination of demonstrations, does not dispense with the observance of the provisions of item VII of article



225 of the Federal Charter, which prohibits a practice that ends up subjecting animals to cruelty. It differs from the constitutional norm the so-called 'vaquejada'." [ADI \[4,983](#), rel. min. Marcus Aurelius, j. 6-10-2016, P, *DJE* of 27-4-2017.]

"Law 7.380/1998 of the State of Rio Grande do Norte. Sports activities with birds of the combatant breeds. 'Laughs' or 'cockfights'. Regulation. Inadmissibility. Environment. Animals. Submission to cruel treatment. Offense to art. 225, § 1, VII, of the CF. (...) It is unconstitutional the state law that authorizes and regulates, under the title of practices or sports activities with birds of so-called combatant breeds, the so-called 'rinhas' or 'cockfights'. [ADI \[3,776](#), rel. min. Cezar Peluso, j. 14-6-2007, P, *DJ* of 29-6-2007.] = [ADI 1,856](#), rel. min. Celso de Mello, j. 26-5-2011, P, *DJE* of 14-10-2011

B – CLAIM TO PROHIBIT THE EXPORT OF LIVE ANIMALS TO OTHER COUNTRIES, WHERE THEY WILL BE SLAUGHTERED, DUE TO THE METHOD OF SLAUGHTER.

It follows from the initial that the author intends to recognize that the Brazilian legal system prohibits the export of live animals to other countries where what he calls "**humanitarian slaughter**" does not occur.

The Brazilian legal system establishes the methodology for slaughtering animals for human food purposes. That is to say, if this methodology is not followed, the slaughter is irregular, so it is disrespecting the legal system.

Normative Instruction No. 3, of January 17, 2000, of the Secretariat of Agricultural Defense of the Ministry of Agriculture, Livestock and Supply – MAPA establishes that the slaughter will take place "by bleeding", **preceded by "humanitarian methods of desensitization of the animals" to be slaughtered.**

That is to say, in Brazil the slaughter does not occur except through the prior use of **humanitarian methods of desensitization**, so that the export, for the sake of the integrity of the order, can not occur except through the guarantee, established in international documents inter-partes, that in the country of destination the Brazilian animal exported alive will have, at the time of its slaughter, the same legal treatment that gives it the Brazilian order.



If this were not the case, the provisions of the ordinance would not be correct, which would apply to the Brazilian animal slaughtered here, but would not be valid for the Brazilian animal exported for slaughter abroad.

To keep in mind what I mean, it is enough to pay attention to the extradition regime of a foreign person to be prosecuted or to serve a sentence abroad: there she will not be able to suffer a penalty that does not exist in our system or suffer a penalty higher than that which she would receive in Brazil for the same fact.

It provides, for example, Article 96 of Law No. 13,445/2017 that the surrender of the extradited person is not effected without the requesting State assuming the commitment to (I) not submit the extraditor to arrest or prosecution for a fact prior to the extradition request; (II) to compute the time of imprisonment that, in Brazil, was imposed by virtue of extradition; (III) commute the corporal sentence, life or death in custodial sentence, respecting the maximum limit of compliance of 30 (thirty) years; (IV) not to hand over the extradite, without Brazil's consent, to another State that claims it; (V) not to consider any political reason to aggravate the sentence and (VI) not to subject the extraditor to torture or other cruel, inhuman or degrading treatment or punishment.

That is to say, although Brazil extradites a foreign criminal or accused, it does not do so without the extraditor receiving from the requesting State the same dignified and humanitarian treatment that Brazil understands to be applicable to the species. If it did not do so, it would indirectly be practicing acts that, by its legal system, it considers inappropriate.

Oh, one would say that this applies to "people", because if they are "subjects of rights". Yes, the same protection must be extended to animals which, as I have stressed, are not things, but also subjects of law, in view of the dignity they possess. The reasoning is the same as in the case of live animals exported for slaughter abroad.

If the Brazilian legal system establishes a method of slaughter that **it considers humanitarian** (bleeding preceded by desensitization), and does not admit slaughter by cruel means, it cannot, at the risk of incurring offense to this same legal system, export live animals abroad without guarantees that this methodology of slaughter, considered to be one that fulfills certain principles and a given purpose, come to be observed.

And, in view of the example of the live cargo embarked on the NADA Ship bound for Turkey, it is known that in that country, for religious reasons, the method of slaughter (haliyal or halal), practiced by Muslim countries, is different from that recommended by Brazilian legislation, as is also the so-called koser method, used in Jewish communities.

As noted by Prof. Fernando De Cesare Kolya, Agronomist Engineer and Master in Animal Nutrition from ESALQ/USP.
Consulting Partner at Boviplan Consultoria Agropecuária

"The meaning of the words Halal and Kosher is not the same, but they both involve a very similar ritual in the



slaughter of animals. The term Halal is the denomination that receive the food "suitable" for consumption according to Islamic law. In Judaism foods prepared according to Jewish laws are called Kosher or Kasher. In both cases, in Halal and Kosher slaughter, the animal should not be desensitized before the beheading and this should be carried out by someone trained and qualified for this type of slaughter

(<https://www.scotconsultoria.com.br/noticias/artigos/21605/>)"

That is to say, without entering into the merit of the greater or lesser "humanity" of those methods of slaughter, I have to because they are different from those recommended by the Brazilian legal system, it makes it impossible to export live animals to be slaughtered by such methods.

C- PROHIBITION OF EXPORT OF LIVE ANIMALS, UNTIL EFFECTIVE MEASURES ARE ADOPTED TO ENSURE THE WELFARE OF THE ANIMALS IN THE BOARDING PROCEDURE, INTERNAL TRANSPORT AND DURING THE TRIP.

Normative Instruction No. 13, of March 30, 2010, of the Ministry of Agriculture, Livestock and Supply, in force at the time of the filing of the lawsuit, was **revoked by Normative Instruction MAPA No. 46, of August 28, 2018**, which approved the Technical Regulation for the Export of Live Cattle, Buffaloes, Sheep and Goats, intended for slaughter or reproduction. The standard provides that:

"Art. 3 This Regulation establishes the basic rules and procedures for the preparation of live animals for export by sea, river, air or land, from the selection in the establishments of origin, the handling in the pre-shipment facilities and in the shipment, the transport between the establishment of origin and the Pre-Shipment Establishment (EPE), and of these, to the place of egress from the country.

(...)

Art. 26. The maritime or fluvial transport must be previously planned by the carrier and the exporter, carried out in ships approved by the Port Authority that have qualification for the transport of animals, with trained drivers for the transport of live cargoes, conducted in order to prevent damage to animals and minimize travel stress, respecting the standards established for animal welfare and the cargo densities recommended in Annex 01 of this Instruction.

Single paragraph. Vessels must be sufficiently supplied with food, drinking water and medication for the



voyage, suitable for the animal species transported Art. 27. The embarkation of the animals on the vessels shall not commence until the competent authority has been released.

§ 1 It is incumbent upon the Veterinarian of MAPA to inspect the vessel in order to verify its adequacy to the requirements set forth in this standard and to determine, if necessary, corrective measures prior to boarding.

§ 2 - The inspection referred to in the caput shall be carried out before the animals leave the EPE and, if the corrections determined make the shipment unfeasible, the animals must wait in the establishment until its completion and release of the vessel.

Art. 28. Vessels shall comply with at least the following criteria:

I - must be clean and disinfected before boarding the animals;

II - all the places through which the animals will transit or in which they will be installed may not cause them physical damage or cause them illness;

III - the equipment and facilities must be adequate to the capacity, age, species and reproductive stage of the animals transported;

IV - have spaces in each deck or compartment intended for wards for the eventual treatment of injured, exhausted or sick animals, corresponding to approximately 1% of the accommodation capacity; and

V - have contingency plans."

That is to say, the river maritime transport of live animals must be carried out in a vessel with adequate facilities and they undergo recommended management, with clean and disinfected facilities, adequately supplied with provisions (food and water) for travel.

Expressly the Normative Instruction imposes that, during the trip, the animals are conducted in order to prevent damage and minimize the stress of the trip, respecting the established norms.

The NI also provides that the vessel must be such that the area (square footage) of each deck available for loading animals, number of troughs, drinking troughs, food storage capacity (in tons), capacity of tanks for drinking water are adequate, in order to prevent damage to animals and minimize travel stress, and that "the number of animals to be housed inside road transport vehicles and on ships shall meet the conditions of animal comfort and welfare, this number being determined according to the space available, according to the animal species."



However, according to inspection determined by this court, in the case of the NADA SHIP, with live cargo shipped to Turkey, such conditions were far from being observed.

As pointed out by the technique designated by the court, the veterinarian Dr. Magda Regina, CRMV-7583, who made a detailed report (encartado in the file), the animals are packed in very poor hygiene conditions, *"the immense amount of urine and excrement produced and accumulated in this period, provided impressive deposition on the floor of a layer of muddy waste. The ammoniacal odor on these floors was intense making it difficult to breathe." " the waste accumulated by the cleaning process then has its contents discarded, without any treatment, to the sea "; "the animals are allocated in groups (in stalls or Bretons), in small spaces, for example, totaling dimensions smaller than 1 square meter per individual"; "both in the trucks and inside the bays of the maritime vessel the movement of the animals is seriously compromised"; "the maritime transport of live cargo does not contemplate the possibility of leaving the animals from their confinement bays to their destination of arrival, thus preventing any type of rest or walk for the animal"; the way they are packaged and transported "subjects the animal to intimate contact with its waste and the waste of other animals"; The animals are subjected on the vessel to "severe noise pollution" in environments where there are high temperatures and extreme humidity rates "that clearly compromise the welfare of the animals."*

At a time close to that inspection, attended this court the Superintendent of the Ministry of Agriculture, Livestock and Supply in São Paulo, Dr. Francisco Sergio Ferreira Jardim, accompanied by the Substitute Superintendent, Dr. Andréa Moura, assisted by the Regional Prosecutor of the Union in São Paulo, Dr. Luiz Carlos de Freitas and the Substitute Regional Prosecutor Dr. Cristiane Flores Soares Rolin, who delivered a report on the activities of the Agricultural Surveillance Service of the Port of Santos, prepared by the Head of that sector, Paulo Roberto de Carvalho Filho, noting that the conditions of management and welfare of the animals shipped meet the requirements of the standards issued by MAPA.

It is stated in that report that during the inspection, carried out by that Service shortly after the decision of this court, that *"it was found that the vessel was with the corrals clean, well dimensioned, with floor suitable for animal movement, cover of beds in quantity compatible with the trip and the number of animals, with troughs and adequate drinking troughs, either in size or quantity, provided with an automatic water replacement system, with sufficient stock of feed and fodder, equipped with three sanitizers with technical capacity for the production of water by means of reverse osmosis and ventilation in order to provide the comfort of the animals";* that during the period, between the afternoon of 26/01 and the last hours of 31/01, all animals were visually inspected by at least one competent technician", not visualizing "situations that denote mistreatment or irregularities to animal welfare recommendations, according to the International Organization for Animal Health (OIE)"; having also been found that "the space allocated for each animal was compatible with that recommended by the International Organization for Animal Health", and the shipowner's representative also declared that the mortality rate recorded on the trip between Brazil and Turkey, carried out after the shipment of December 2017 was 0.001%".



It is noted by this report that MAPA considers its standardization to be met, which may be due to a lack of more objective parameters, as was reinforced by the author and his representatives during the hearing held, since the situation narrated in the report of the veterinarian appointed to carry out the inspection, supported by numerous photographs that instruct her report,

point to inadequate management and very compromised animal welfare conditions.

That is to say, the conditions verified – and documented by the designated veterinarian – **are far from meeting what is recommended by Normative Instruction n. 56**, of November 6, 2008, of the Ministry of Agriculture, Livestock and Supply – MAPA, which establishes the general procedures of Recommendations of Good Welfare Practices for animals, verbis:

"Art. 3 For the purposes of this Normative Instruction, the following principles shall be for the guarantee of animal welfare, without prejudice to the compliance, by the interested party, with other specific rules:

I - proceed to careful and responsible management in the various stages of the animal's life, from birth, breeding and transportation;

II - have basic knowledge of animal behavior in order to proceed with proper management;

III - provide a satisfactory, appropriate and safe diet, appropriate to the different stages of the animal's life;

IV - ensure that the facilities are designed appropriately to the production systems of the different species in order to guarantee protection, the possibility of rest and animal welfare;

V - manage and transport the animals in an appropriate way to reduce stress and bruises and unnecessary suffering;

VI - maintain the breeding environment in hygienic conditions."

Faced with the finding that the animals are, when embarked, subjected to inadequate handling and accommodations that reveal a picture of total absence of animal welfare, in a situation if not of cruelty in very analogous conditions, the acceptance of the authorial claim is a measure that is imposed.

In the same sense, the opinion of the Federal Public Prosecutor's Office, of the mining of the E. Attorney of the Republic Suzana Fairbanks Oliveira Schnitzlein, registered under the ID 9769334, whose judicious reasons, I welcome:

"I. From constitutional prohibition to practices that subject animals to cruelty.



The Federal Constitution rejects practices that constitute animal cruelty in its article 225, § 1, item VII, in verbis:

'Art. 225. Everyone has the right to an ecologically balanced environment, a good for the common use of the people and essential to a healthy quality of life, imposing on the Government and the community the duty to defend and preserve it for present and future generations. (...)

VII - to protect the fauna and flora, prohibited, in the form of the law, practices that endanger their ecological function, cause the extinction of species or subject animals to cruelty.'

Thus, the same Brazil that inescapably prohibits, as seen in the aforementioned constitutional canon, practices that subject animals to cruelty, cannot allow thousands of cattle to be thought of in a ship to, after two weeks of sea travel, in terrible conditions of feeding, packaging, hygiene and sanitary, be finally slaughtered.

This constitutional commandment does not impose that Brazil adopt dignified practices only in Brazilian territory, but projects them, abroad, when its nationals have some relationship with these animals and with the practices that may be submitted. This is anything goes defended by the judicial representation of the Union, as long as the denouement takes place on alien soil, clearly, does not harmonize with our constitutional text. To fail to recognize this is to deny, in a very obvious way, what the Basic Law is.

II – The transport of live animals: the most explicit rite of the culture of animal violence, or a commercial practice of appalling suffering and death on an unacceptable scale

It is important to make a brief account of how the animals are transported from the field to boarding the ship.

As well elucidated in the opinion prepared by biologist Frank Alacón, CRBio 48611 (ID



No. 4200432) the animals destined for export are initially removed from farms in various regions of the country where they are raised by road transport and gathered in large areas for confinement, counting, inspection, application of veterinary protocols and future road transport to the port region where they will be shipped on large ships. In these confinement areas known as "quarantine areas" (regions usually located in the cities of Lins, Sabino, Altinópolis, etc.) the animals are marked, identified and clinically evaluated.

In the 'quarantine areas' there is the first problem: given the accumulation of thousands of animals there is already a favorable condition for the emergence of various diseases. Passed by inspection and considered fit the animals are again introduced in trucks with a capacity of 30 to 40 animals.

The process of filling the trucks is done by operators (cowboys) using electrical stimuli (sticks capable of transmitting shocks) in the lumbar or costal part of the animals. After the trucks are sealed and the animals are taken to a region known as EPE (pre-shipment establishment) in which they will be inspected by the federal agricultural inspector, authorizing the export process. The trucks then go to the Port of Santos, approximately 450/600 km away, which means about 4 to 5 and a half hours of road travel without taking into account congestion. The animals are confined all the time standing. In the vehicles there are also grilles that transmit electric shocks to prevent animals from moving inside the vehicle. During the land stretch it is already observed the occurrence of serious accidents including bone fractures resulting from vehicular braking, maneuvers and bumpy roads.

In the judicial inspection report made on the ship the veterinarian, Magna Regina, who is a public servant of the City of Santos, reported that the trucks took, in this specific case, from 8 to 14 hours to arrive at the port, noting a large amount of feces and urine inside the trucks, which were released on urban roads during the journey. That is, here one can deduce the occurrence of another problem: the pollution caused in the city of Santos, given the large number of trucks, with the sanitary problems that can result from it.



Upon arrival in the port area, the animals are again checked by agricultural inspectors and boarded on the ship through ramps, always stimulated by electric shocks.

The conditions on the ship, whose voyage will be at least 15 days, are the worst possible, as pictured below:



Embarcação para transporte marítimo de carga viva. Nome da embarcação: 9005429; Bandeira: Panamá). Ano de construção: 1993. Comprimento: 120 metros; Largura: 32 metros; Calado: 10 metros. Capacidade (de animais): 30 mil (boi

Once embarked (in the case of the autos, 27 thousand animals) the animals are accommodated in multiple floors mediating ramps. On each floor the height is 3 (three) meters and the lighting is natural. Air circulation is precarious since there are only side openings.

The veterinarian pointed out that there is a significant increase in the internal temperature of the compartments due to the high concentration of amines (sic) and gases (methane) produced by the animals themselves. The feed is made with industrial feed and desalinated water. Relevant information: the



desalination of seawater is only done with the ship in motion, a fact that remained proven by the judicial inspection where the water supply proved to be precarious and insufficient.

Sometimes there is a lack of oxygen at the site due to the high concentration of methane gas, causing suffocation of the animals accompanied by increased heart rate, fainting, coma and brain death.

The environment is conducive to the proliferation of fungi and bacteria and the consequent proliferation of pathologies and disorders in animals. The veterinary team (insufficient, and this will be better clarified in the course of the opinion) overloads the animals with medications that trigger physiological disorders such as diarrhea and vomiting.

The sanitary problems on the ship are absolutely impossible to solve. There is great accumulation of animal waste, such as feces, urine, vomit. There is no information on the amount of cleaning products that will be used or the type. If products of acidic nature are used there will be great environmental impact in their disposal that is made directly in the sea. This also occurs with part of the feces and other waste.

Both in land transport and in transport by ship the quadruped animals, equipped with hooves, the low adherence to the floor of the ship and the vehicles cause problems of imbalance with serious accidents. Specifically on the ship, the seriously injured animals (and there are not a few) are discarded at sea after being crushed in a place of their own called grease. There is no documentary control as to its occurrence.

According to information there are between 2 and 3 veterinarians on board a ship with 27 thousand animals, a fact that reveals, by itself, the (low) quality of the service provided.



The conclusion of the opinion deserves to be highlighted: '[...] It is the understanding of this opinion to be clear and translucent the varied and unjustifiable repertoire of mistreatment, applied without ethical coherence and respect for the dignity of the individual, on individuals notably sentient, equipped with sophisticated cognitive complexity, systems of singular subjective elaboration, in addition to sensory perception of the world comparable to that observed in our own species. In view of the set of elements presented here, I opine that not only are the guidelines offered by the Brazilian Constitution clearly being clearly injured, in the form of its article 225, §1, item VII, as well as the provisions of the Environmental Crimes Law (Law 9.6905/1998), in the form of its article 32, paragraph 1, which together , qualify the whole body of the activities cited here as evident more treatments committed against the vulnerable, namely, non-human animals. It's the story. [...]'

We also highlight the report of the technical inspection made on the Ship 'NADA', by the veterinarian, Magna Regina, CRM 7583 (ID 4415889):

'1) the ship consisted of 13 floors all occupied by bays; there was an attempt to limit the inspection only on the 8th floor, and in the others there was the information that the cleaning process was with operational problems;

2) on the other floors of the ship, the hygiene conditions were proven to be precarious. The layer of animal waste formed a muddy layer of ammoniacal odor, making it difficult to breathe. There was also great noise pollution from the fans;

3) The washing of the ship is done every 5 days, but only with it in operation. Jets of water are made that lead the dirt to a storage tank that are subsequently disposed of at sea without any treatment;

4) in the sector known as grease there is an equipment made to grind the dead animal to then be thrown into the sea;



5) in the answers to the questions it was clarified that in the stalls there is no room for movement, being only possible for the animal to prostrate itself to the ground in contact with a large amount of waste. There is high noise pollution, high internal temperature, extremely slippery floor. There were also water and food restrictions, extreme unhealthiness of the enclosures, limited mobility, extreme concentration of gases, among many other problems that cause extreme suffering to animals.'

In the final considerations thus reported the veterinarian:

'[...]

Based on the facts reported above, observed through entry and inspection of the facilities of a maritime vessel focused on confinement and transport of animals over long distances for rearing, fattening and slaughter abroad, I opine that there are abundant indications that prove mistreatment and explicit violation of animal dignity, in addition to exceeding criteria of elementary reasonableness the five freedoms that guarantee animal welfare. Having therefore understood that the practice of maritime transport of animals over long distances is intrinsically and inherently related to the causation of cruelty, suffering, pain, indignity and corruption of animal welfare in various forms.

[...]

Let's look at some photographs taken on the occasion of the technical inspection, with the ship still docked. Images that scream, making chorus with the suffering of these animals:





Equipamento de trituração de animais vítimas de óbito no na



Medida de baias – normalmente ocupada por mais de 21
menos 1 metro quadrado por animal):



This is the kind of trade that is being advocated by the Union.



III – The method of slaughtering animals abroad: another chapter of cruelty and suffering.

The Union does not deny the cruel slaughter of animals in the countries to which they will be exported, but justifies the fact to the argument that even Brazil allows (Decree No. 9,013, of 5.29.2017, art. 112, §2) the slaughter of animals according to religious precepts.

AGU's arguments are totally unreasonable (ID 5367597):

'[...] Brazil is a secular country and a major global provider of animal protein. As such, it presents itself as a major supplier with the potential to also meet the demand of communities that profess religions other than Catholic (which is the majority religion in Brazil). And it is important to say: the demand of communities that profess religions different from the Catholic one comes not only from foreign countries, but also from Brazil itself, which, despite having a majority Catholic population, concentrates important Muslim and Jewish communities. And it is for no other reason that the Brazilian legislation itself authorizes the slaughter of animals with respect to the different religious precepts. This is what is defined in Decree 9013, of March 29, 2017, which regulates Laws 7,889/89 and 1,283/50: (...) It is verified, then, that the realization of what could be called "religious slaughter" is legally foreseen and authorized in Brazil. And as such, it takes place under the supervision of the official health authority and also of members of the religious community. [...]

It turns out that the Constitution, as it could not fail to be, expressly prohibits any and all submission of animals to cruelty, without making any spatial, temporal or species distinction, as already demonstrated above.

A painless, imperceptible, and serene death of the animal is a constitutional determination. O the current Constitution tolerates is the slaughter without submission of the animal to any acts of cruelty and that is enough.



Therefore, the slaughter of animals must be carried out without unnecessary suffering and humanitarian conditions must prevail at all times preceding slaughter

The term humanitarian slaughter is defined by Normative Instruction No. 3, published in 2000, by the Ministry of Agriculture, Livestock and Supply, as: 'the set of technical and scientific guidelines that guarantee the welfare of animals from reception to the bleeding operation'.

Here, therefore, we can affirm that if Decree No. 9013, of 3.29.2017, which regulated Law No. 1,283, of December 18, 1950, and Law No. 7,889, of November 23, 1989, which provide for the industrial and sanitary inspection of products of animal origin, allowed the slaughter of animals according to religious precepts, in no way did he allow any kind of cruelty to animals, since if he did, it would directly affront the Constitution. That is, the adoption of religious precepts must obey the prohibition of not subjecting the animal to unnecessary suffering.

The purpose of desensitization is to make the animal unconscious at slaughter, so that it can be slaughtered efficiently, without causing it pain and anguish.

The stage of desensitizing the animal is essential, because it allows a better bleeding and handling of the animal in the slaughter, with safer procedures for the workers, since the animal is unconscious, besides being the moral duty of man to respect the animals.

Halal in Arabic means 'legal' or 'permitted', being a term used to describe various facets of life that are permitted by the laws of Allah (God), among them related to food. Only halal foods are allowed for the consumption of Muslims, which are those obtained according to the precepts and norms dictated by the Holy Quran and Islamic Jurisprudence. Animals such as cattle, goats, sheep, chickens can be considered halal as long as they are slaughtered according to Islamic rituals (Zabihah).



And how is halal slaughter carried out?

1- The animal must be slaughtered by a Muslim who has reached puberty. He must pronounce the name of Allah or recite a prayer containing the name of Allah during the slaughter, with the face of the animal facing Mecca;

2- The animal must not be thirsty at the time of slaughter;

3- The knife should be well sharpened and it should not be sharp in front of the animal. The cut should be on the neck in a half-moon motion.

4- You should cut the three main vessels (jugular, trachea and esophagus) of the neck;

5- The blood must be completely removed from the carcass.

As for this method of slaughter, the XXI Brazilian Congress of Animal Science concluded:

'Cattle slaughtered by the Halal method had higher levels of lactic acid and blood cortisol when compared to those slaughtered by the conventional method. Lactic acid is the product of cellular anaerobic glycolysis. High level of lactic acid in the blood is associated with increased metabolism caused by stress, which is an indicator used to assess the stress of animals (Bertoloni et al., 2006). Cortisol is a hormone released by the adrenal cortex in response to stressors. In situation neuroendocrine from stress - pituitary-adrenal axis - which results in the release of cortisol into the blood, with the function of reestablishing the homeostasis of the animal (Garcia-Belenguer and Mormede, 1993). These results indicate that the Halal slaughter method caused stress in cattle. Conclusions It is concluded that Halal slaughter increased the pre-slaughter stress level of cattle.'



And the halal slaughter method can cause contamination in the meat³, as warned by the French veterinarian Alain de Peretti:

'The sanitary aspect, the safety aspect, in fact, let's remember that in halal slaughter, the animal is facing Mecca, bled without stunning, a large incision from the throat to the vertebrae cutting all the organs of the jugular and carotid, but also the trachea and the esophagus. This practice brings anatomophysiological consequences These are as follows:

1. A regurgitation of the contents of the stomach through the esophagus which is anatomically next to the trachea
2. The animal continues with a very intense breathing caused by agony that can last from 15 minutes to 1 hour. Let's remember that it inhales fecal matter, rich in germs of all kinds.
3. This matter is inhaled to the pulmonary alveoli, which distribute germs in the blood much more easily because the membrane is not very thin and the circulation, let's remember, is always working during this period of agony and still accelerated by stress at the level of the essential organs.
4. The huge risk of contamination in the depth of the meat is present.
5. We also observe, from the intense stress, two physiological phenomena that combine the fall of all immune systems. And the concentration of blood in the essential organs, you can say that the animal keeps its blood. This is a natural process of survival that also brings a hemorrhage that is not so good. This opposes the claims of people who do this practice. There is, in fact, an increased production of toxins.
6. The longer the agony takes, it ultimately leads to violent convulsions accompanied by defecation and urine, all of which sneeze all over the slaughter area.'

IV – The necessary recognition of the condition of subjects of right to animals

It is important to clarify, at first, the meaning of the term sentient being: sentience = sensitivity + consciousness, that is, the capacity of the non-human animal to feel and manifest pain, fear, suffering, happiness, longings,



memories and, why not say, thoughts. The most widely known sign is pain. Sentience is widely recognized in vertebrate animals, carriers of the central nervous system, that is, almost all widely used by humans.

It is urgent, in addition to being morally important, to understand and assume that all animals have some degree of sentience, and to deny this condition without any reasoned argumentation makes confrontation with individual moral and ethical issues inevitable. Contrary to what many defend, not only man is the subject of law, animals are also and therefore must be inserted in human concerns, because these, once based on moral issues, must value, protect and preserve the dignity of every living being.

As Professor Sônia T. Felipe states:

"[...] if we deny moral approval to someone who causes pain and suffering to a human being to benefit from such acts, then we must maintain the same conviction when it comes to the pain and suffering of other beings, even if they do not belong to the species *Homo sapiens*, for what is at stake in the first place is suffering, not the nature of the suffering beings, and, secondly, the integrity and moral coherence of the agent, not the quality of the moral patient."

Given the current level of development of Brazilian legislation and society, it is possible to consider animals as sentient beings, recognizing their rights and the legal consequences of this decision regarding commercial practices and mistreatment.

In a relevant master's thesis, the lawyer and professor, Dr. Carlos Frederico Ramos de Jesus⁶, approached the subject in a lapidary way. He said:

"[...] From the theories exposed, a right emerges that is attributed to all animals that have a subjective experience of the world: their inviolability. They cannot be simple means to human ends, precisely because they have a life that can go better or worse for them. In this respect, they are not very different from us: the human being is inviolable because what



happens to him matters to him, regardless of whether or not it matters to other entities. Korsgaard's theory made it clear that the human is "end in itself" not only by his rationality, but also by his animality. There are, therefore, no obstacles for non-rational beings to be considered inviolable. (...) Human rights are interdependent: civil and political rights are not full without social, economic and cultural rights. And none of them can be achieved without the so-called third-generation rights, such as the right to an ecologically balanced environment, and without the rights of the fourth, such as the rights to democracy and peace. Well, animal rights are an extension of human rights: both aim to guarantee the primary needs of beings who originally care about what happens to them; both deal with beings who are ends in themselves; Both are responses to the vulnerability of individuals dependent on each other. Human rights without animal rights are incomplete, because human rights, as Cavalieri stated, are not only human. Therefore, a thesis on animal rights is also about human rights: it is about the minimum due to living beings that are subjects, not objects. That they are someone, not something. Perhaps the most relevant difference between us and other animals is our keen capacity for rational reflection, made possible by language. Reason is not only a fact about human beings, but also a burden: we cannot not reflect, not think. Even when we run away from reflection, we are deliberating to flee and thus thinking. The burden of reason imposes reflection on the various interactions between humans and sentient animals, to think about how they should be, if they are considered subjects of the right to inviolability. Thus, given that the realizability (sic) of animal rights was now not the scope of this thesis (which centered on the justification that the sentient animal should be the subject of law), I did not intend to answer how each of our practices involving sentient animals should be reviewed or reformed, but only to propose that each of them be analyzed from a different question: What should this relationship look like if the animal is considered a subject of law? Until we take this question seriously, we have no way of claiming that animal rights are, like the poet's stars, "unattainable." Because it is a question of justice, the question is a burden that reason imposes on us: we cannot give up asking it. [...]

The philosophical upholstery favors that animals be considered subjects of rights marries with the Constitution, which, by prohibiting cruel practices in the face of animals (art. 225, § 1, VII), recognized them at least one right: that of not being subjected to cruelty. Moreover, by



prohibiting cruelty to animals, the Higher Law implicitly recognizes that animals can suffer, for it is not possible to be cruel in the face of inanimate beings or even in the face of living beings that do not suffer (such as bacteria and plants). So the Constitution also recognized that animals are sentient beings: for it is only possible to be cruel in the face of beings capable of suffering.

Note that the constituent does not use the term cruelty (and its derivatives) arbitrarily. The word cruelty appears twice in the Major Law: in the first, already mentioned (art. 225, § 1, VII), it concerns animals; in the second (art. 227), it refers to children and adolescents, forbidding them to be treated cruelly.

The term cruel has two incidences in the Constitution: in the first (art. 5 XLVII, e), it refers to humans, to prohibit cruel punishments; in the second (art. 225, § 7), it refers again to animals.

It is concluded that the Constitution only provides for cruelty when it comes to beings capable of suffering and who are subjects of law - who are even in a situation of special vulnerability (prisoners, adolescents, children and animals). In fact, it would not make sense to protect animals from cruelty if they were considered mere things in the constitutional text: things do not feel pain, and thus it is impossible to be cruel to them. Even when things are specially protected (such as historical and cultural heritage), the constituent does not speak of 'cruelty' against them!

So, in the Brazilian legal system, animals are already considered sentient and are already subjects of law, simply as a result of the constitutional text. As will be seen below, the Supreme Court and the doctrine have endorsed this interpretation.

Note that it is possible for there to be subjects of rights who are not persons. We have long had in the country's law the figure of personalized entities. Professor Daniel Braga Lourenço⁷ argues that:

'The theory of depersonalized entities, based on the conceptual distinction between 'person' and



'subject of law', as it turned out, allows, therefore, to dispense with the qualification of the entity as a 'person' so that it comes to securitize subjective rights. As far as animals are concerned, it can be applied to characterize them as authentic subjects of non-human disembodied rights.'

Carlos Frederico Ramos de Jesus comments in the conclusion of his aforementioned thesis:

'(...) In fact, subject of law and person are not equivalent. They are genus and species: not every subject of law is a person, although every person is a subject of law. It is possible to be a rights holder without being a person, although both characteristics can occur together most of the time. For the consistency of rights-based theories, therefore, it is fundamental that the sentient animal be the subject of the right to inviolability. The "label" of this subject of law is less important than the right that is sought to be secured. In short: between people and things, sentient animals should not be things and can be people. It is fundamental that they be subjects of law.'

In this sense, the Chamber of Deputies approved a proposal to make explicit in ordinary law what is already a logical consequence of the Constitution: to consider non-human animals as subjects of rights. With this change, animals come to be considered, also by ordinary legislation, sentient beings, capable of feeling pain, joy or anger, instead of being treated as mere objects.

As the proposal was analyzed conclusively, it is approved in the House and must follow for review by the Senate. Also in the Federal Senate, the Constitution, Justice and Citizenship Commission (CCJ) approved, in a final decision, on 3.21.2015, a bill (PLS 351/2015) initiated by Senator Antônio Anastasia (PSDB-MG) that amends the Civil Code (Law 10.406/2002) to determine that animals are not considered as things. The proposal received a favorable opinion, with two drafting amendments, from the rapporteur, Senator Álvaro Dias (PSDB-PR).

But what we have today is a Constitution, as already mentioned, that prohibits the submission of animals to cruelty (article 225, § 1, VII), and this new modality of commercial practice, (export of live animals) is intrinsically linked to animal abuse and cruelty.



In addition, mistreatment of animals is also a CRIME provided for in Federal Law No. 9,605/1998 and the abuse of animals probably begins in land transport (involuntarily loaded in trucks, since supposedly through electric shocks, for an extensive, cruel and stressful journey), whose CRUELTY AND ABUSE ANIMALS PROLONG IN BRAZILIAN JURISDICTIONAL WATERS (animals crammed into each other in an unhealthy, fetid, noisy environment, at high temperatures, sick, fractured, trampled, some dying during the trip).

And as if it were not enough all the national legal system contrary to this modality of export, for the cruel practices that it contains, there is also the Universal Declaration of the Rights of Animals, proclaimed by UNESCO, in a session held in Brussels, on January 27, 1978, with Brazil being one of the signatory countries, which determines in its article 9 that 'in the case of the animal being created to serve as food, it must be nourished, housed, transported, and killed without anxiety or pain.'

There is also the OIE (World Organization for Animal Health) Terrestrial Animal Health Code that sets clear standards regarding exporters' responsibilities regarding rest periods, herd density and food and water provision. Despite being a signatory to the OIE, Brazil does not comply with several articles of the Terrestrial Animal Health Code (Chapter 7.2) that establishes in General Considerations – Exporters, importers, animal owners and facility managers are jointly responsible for the general health of the animals, for their physical condition for the trip, and for their well-being during the journey, even if the services are outsourced.

We may also add that the practice of cruelty to animals is clearly repudiated by the Eg. Federal Supreme Court, as seen in the judgment of the Direct Action of Unconstitutionality (ADI) No. 4983, filed by the Attorney General of the Republic on 6.18.2013, against Law No. 15,299/2013, of the State of Ceará, which regulated vaquejada as a sports and cultural practice in the State.

In the Northeastern cultural tradition, cowboys on horseback try to knock down an ox by the tail within an area demarcated by lime.



In the Judgment of ADI No. 498310, which took place in October 2016, the e. Rapporteur, Min. Marco Aurélio, considered that there was "intrinsic cruelty" applied to animals in the vaquejada. Check out an excerpt from the vote:

'[...] As stated in the initial, the objective is the overthrow of the ox by the cowboys, which they do in pluck, pulling it by the tail. Initially, the animal is cloistered, flogged and instigated to go on a rampage when the gate of the brete is opened. Led by the pair of competing cowboys comes to be grabbed by the tail, which is twisted until it falls with all four legs up and thus is finally overpowered. The author gathered technical reports that demonstrate the harmful consequences to the health of cattle resulting from forced traction on the tail, followed by overthrow, such as fractures in the paws, rupture of ligaments and blood vessels, trauma and displacement of the tail joint or even its pullout, resulting in the involvement of the spinal cord and spinal nerves, physical pain and mental suffering. He presented studies in the sense of also suffering injuries and irreparable damage to the horses used in the activity: tendinitis, tenosynovitis, exostosis, focal and exertional myopathies, fractures and tarsal osteoarthritis.

In view of the empirical data evidenced by the researches, the cruel treatment of the animal species involved is indisputable. The sudden and violent act of pulling the ox by the tail, as well as the true previous torture – including by means of electric shocks – to which the animal is subjected, so that it leaves the state of meekness and shoots in flight in order to enable the persecution, constitute an action to imply a mismatch with what is recommended in article 225, § 1, item VII, of the Charter of the Republic. The argument in defense of the constitutionality of the norm, in the sense that the discipline of the practice allows it to be carried out without threat to the health of the animals, does not subsist. In view of the way it has developed, the intolerable cruelty to cattle is inherent in the vaquejada. The activity of chasing an animal that is moving, at high speed, pulling it by the tail and knocking it down, without which it would not deserve the label of vaquejada, constitutes mistreatment. There is not the slightest possibility that the ox will not suffer physical and mental violence when subjected to this treatment. [...]

Professor Paulo Affonso Leme Machado emphasized, even before the Supreme Court's decision on the vaquejada, when commenting on the rule of article 225, § 1, VII, that the prohibition of cruelty is self-applicable:



'Omitting ordinary legislation or Public Administration, what matters is the content of the constitutional norm, which is self-applicable.' The eminent environmentalist reinforces this argument, later on:

'Animals are part of the fauna; and, therefore, it is incumbent upon the Government to protect them (Article 225, § 1, VII). This protection, as a general duty, is independent of infraconstitutional legislation. Three types of practices were prohibited, and these prohibitions will have their greatest effectiveness 'in the form of the law', even if the Constitution already acts from its own text.

(...)

A Federal Constitution, by preventing animals from being the targets of cruel acts, supposes that these animals have their lives respected. The constitutional text did not expressly say that animals have a right to life, but it is logical to interpret that animals to be protected from cruelty must be alive, not dead.

A preservation of the life of the animal is a constitutional task of the Public Power, and its death cannot be caused without an explicit and acceptable justification. The Federal Constitution did not prohibit human food from being carnivorous. (...) However, even animals that are slaughtered for food purposes cannot be subjected to cruelty.'

The self-enforceability of the prohibition of cruelty has resonance in the present case. It should be noted that the d. veterinarian who performed the expertise on the ship NADA also opined for the intrinsic cruelty of the transport of live cargo, so that the decision of the Court a quo did nothing more than apply the ratio decidendi of the Supreme Court to the concrete case.

Therefore, in the case of an understanding emanating from the supreme interpreter of the Constitution, the precedent cited should serve as a guide to the judges when facing complex cases involving animal cruelty (direct or intrinsic), that is, it is to be expected that it inspires the judge in the decision of this difficult case, where the mere economic interest of the cattle exporting companies cannot prevail, but the plethora of norms and principles refractory to practice, protective of animal dignity, even amalgamated in international commitments to which Brazil is a signatory, as was demonstrated, to the full, in the case files and along the intricate fabric that materializes this piece.



Also the Egregious Federal Regional Court of the 3rd Region, in line with the above, has rejected any type of practice characterizing animal cruelty. Check it out:

'PUBLIC CIVIL ACTION. ENVIRONMENTAL (PROTECTION OF EXOTIC FAUNA – ANIMALS SUBJECTED TO MISTREATMENT BY A CIRCUS). JUDGMENT OF MERIT WITH CONDEMNATION OF IBAMA IN ATTORNEYS' FEES. THE WORK OF THE AUTHOR (INTERNATIONAL ANIMAL ALLIANCE) IS COMMENDABLE, IN CONTRAST TO THE INEPTITUDE OF THE AUTARCHY (IBAMA) THAT ALSO EXISTS TO PROTECT ANIMALS, CREATURES OF GOD, INNOCENT, SUBJECTED TO HUMAN CRUELTY. REVIEW REQUIRED AND APPEAL DISMISSED. 1. Appeal of the Brazilian Institute of the Environment and Renewable Natural Resources / IBAMA against its conviction in legal fees and anticipated expenses by the plaintiff, the non-profit civil association International Animal Alliance, made in the public civil action deemed valid, which aimed at the seizure of exotic wild animals, acquired and kept in disagreement with the legislation in force by the second respondent, the São Paulo company Beto Pinheiro Comércio, Promoções e Eventos Ltda - Circo di Nápoli. 2. This public civil action, born from the analysis - made by the plaintiff - of the administrative procedure about these animals, filed by the co-defendant circus with IBAMA, only took shape due to the inertia and ineptitude of the federal entity in performing in an adequate time and manner the supervision that it should exercise through its executive structure, and especially on their own initiative. Exotic animals killed or mistreated, others disappeared by the corners of this Brazil, but many saved thanks to the lofty attitude of the author INTERNATIONAL ANIMAL ALLIANCE. 3. The present demand exposes the disrespect that humans devote to innocent animals, also creatures of God, and the ecological disaster mentioned in the initial was only not worse thanks to the extremely commendable performance of the INTERNATIONAL ANIMAL ALLIANCE, in contrast to the ineptitude and unpreparedness of the Federal Union, which should act - and does not - through its autarchy created and maintained with public money precisely to, also, defend the fauna, even if alien and exotic. 4. Without repairing the condemnation of IBAMA in fees, as stated in the judgment, noting that the amount was set at the minimum provided for in the table of the Brazilian Bar Association / OAB and is modest in view of the excellent work done by the INTERNATIONAL ANIMAL ALLIANCE, which spared no effort to locate the specimens collected by the co-defendant circus. 4. Necessary review and appeal dismissed. (TRF 3rd Region,

APELREEX 00041148820034036100, APELREEX - APPEAL/REVIEW REQUIRED – 1499945,



Rapporteur FEDERAL JUDGE

JOHONSOM DI SALVO, Judging Body, SIXTH PANEL Source e-DJF3 Judicial

1 DATE:09/05/2014, Date of judgment: Date of Decision: 24/04/2014.

From the vote of the rapporteur, Dr. Johonsom Di Salvo, the following excerpt stands out:

'[...] In the panorama portrayed in the case, it can be concluded that such specimens, although they passed from hand to hand (or cage in cage), until the final protective destination, reached by virtue of this PUBLIC CIVIL ACTION, were luckier than the hippopotamus and the elephant that died in captivity, the latter as a result of an electric discharge, when it struggled against the electrified enclosure of the enclosure where it was kept in Santa Catarina, on a stormy night (fls. 506). They were also more graced than the missing tigers and lions. Regarding the tigers, the last news we had is that they were in Paraíba, at an unknown address. As for the eight lions, it was found that four of them would have been donated to another circus, not located (fls. 543).

In short, this action, born from the analysis – made by the author – of the administrative procedure No. 02027.009045/99-90, about the said animals, filed by the company BETO PINHEIRO COMÉRCIO,

PROMOTIONS AND EVENTS LTDA - CIRCO DI NÁPOLI with IBAMA, in São Paulo/SP, it only took shape due to the inertia and ineptitude of the federal entity in performing in an adequate time and manner the supervision that it should exercise through its executive structure, and especially on its own initiative. The present demand exposes the disrespect that humans devote to innocent animals, also creatures of God, and the ecological disaster mentioned in the initial was only not worse thanks to the extremely commendable performance of the INTERNATIONAL ANIMAL ALLIANCE, in contrast to the ineptitude and unpreparedness of the Federal Union, which should act - and does not - through its autarchy created and maintained with public money precisely to, also, defend the fauna, even if alien and exotic. Thus, without repairing the condemnation of IBAMA in fees, as stated in the sentence, it should be noted that the amount was set at the minimum provided for in the table of the Brazilian Bar Association and is modest in view of the excellent work done by the INTERNATIONAL ANIMAL ALLIANCE, which spared no effort to locate and try to save the specimens illegitimately collected by the co-defendant Circus. [...] Regrettably,



the judgment of ADI No. 4983 did not dampen the will of those who apparently shrug off animal cruelty, so much so that in a short period of time, on 6.7.2017, the National Congress enacted EC No. 96, which added paragraph 7 to Article 225 of the CF, which reads as follows:

'For the purposes of the provisions of the final part of item VII of § 1 of this article, sports practices that use animals are not considered cruel, provided that they are cultural manifestations, according to § 1 of article 215 of this Federal Constitution, registered as an intangible asset that is part of the Brazilian cultural heritage, and must be regulated by a specific law that ensures the welfare of the animals involved.'

In response, a new ADI was proposed, this time by the National Forum for Animal Protection and Defense (ADI No. 5728), on 13.6.2017, and there is, unfortunately, no suspensive measure of the promulgated text, having decided the rapporteur, Min. Dias Toffoli, that 'due to the relevance of the matter, I understand that the abbreviated procedure of article 12 of Law No. 9,868/99 should be applied, in order that the decision may be taken definitively.'

In a very recent opinion, exarado by e. Attorney General of the Republic on 3.5.201812, the merits of the request made are hereby granted in order to be declared the unconstitutionality of Constitutional Amendment No. 96, dated 6.6.2017.

The following stands out from the demonstration:

'[...] There is no doubt that cruel practices such as vaquejadas, cockfights, the ox spree and similar activities collide with the Constitution of the Republic, especially with article 225, § 1, VII. Violent

and cruel. These manifestations, despite their importance in the past, must yield to the new social reality that the 1988 Constitution seeks to model. [...] In fact, there can be no serious doubt that



cruelty to animals will not prevail in the country's legal system, according to the understanding already consolidated in the

E. STF, specifically in the judgment of ADI No. 4,983, because the Constitutional Amendments are subject to the concentrated control of constitutionality by the STF, and must be expunged when in disharmony with rules or principles that are part of the original body of the Basic Law, and this is exactly the case. This (vain) attempt of the constituent legislator derived from "interpreting" the constitutional text, twisting (distorting) its original meaning, will not pass in the STF, even because the Praetorium Excelso has already judged the matter and is facing an unequivocal parliamentary maneuver aimed at nullifying the effects of the judgment.

The expert report (id No. 4415888) demonstrates the precarious conditions in which animals are transported and packed in this type of vessel and concludes: 'Based on the facts reported above, observed through entry and inspection of the facilities of a maritime vessel aimed at confinement and transport of animals over long distances for rearing, fattening and slaughter abroad, I believe that there are plenty of indications that prove mistreatment and explicit violation of animal dignity, in addition to exceeding criteria of elementary reasonableness the five freedoms that guarantee animal welfare. I have therefore understood that the practice of transporting animals by sea over long distances is intrinsically and inherently related to the causation of cruelty, suffering, pain, indignity and corruption of animal welfare in various forms.'

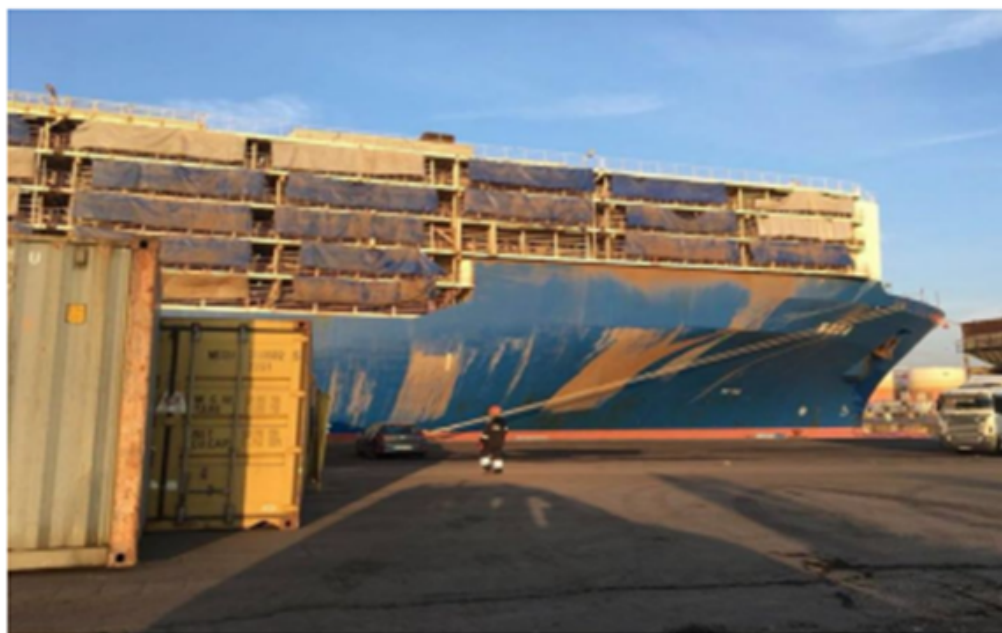
Despite this, and even knowing that we are facing a regrettable attempt by the constituent legislature derived from reducing the scope of the original constitutional text, to confer constitutionality to a traditional (cultural) practice that the Supreme Court has already said, concretely, that it is not, even so, the EC confirms, reaffirms, the condition of the animals of subjects of rights, For the Amendment, at least, outlined the need for 'a law ensuring the welfare of the animals involved'.

Although it is not the same hypothesis, we are using the principle that was eventually highlighted in the Bill of Rights, and that says with the safeguarding of animal welfare. And, in the case discussed, there is no law authorizing the export of live animals nor any legal norms that safeguard animal welfare, with minimum parameters set for exports of live animals. In fact, by the conditions observed in the boat



-reported by the expert appointed by the 1st degree Judgment-, it is very difficult, unlikely even, to imagine what these norms could be, what miracle can be worked by the legislator to reconcile animal welfare and profit of the exporter, because this is the genesis of the controversy, undeniably. Anyway, at the very least this would have to be guaranteed, but if it is far, far away from achieving it and when there is a law establishing minimum parameters indicative of well-being, it should be restricted.

It should be noted, in another twist, by way of finishing the topic, that the information obtained on the internet¹³ about the arrival of the NV NADA Ship in Turkey is worrying. Only one photograph of the vessel was released, with tarps covering its sides and preventing the view of the animals. In addition, in the same photo you can also observe the dirt state of the ship, confirming the way the waste is dumped into the sea and the trail of pollution left:



In summary, what is evident in Brazil today, with this practice of exporting live cattle, is simply the shameful disregard of any and all animal protection standards, both national and international, in exchange for (objectionable) profit, increased, at the expense of animal pain, suffering and cruelty.

V – Of the very serious violations to the environment during the entire route: from the field to the final destination



Of course, the export of live animals, as noted, is not limited to the mistreatment of amines (sic). The issue also denotes aggression to the environment.

The company Ecoporto Santos was fined R\$ 450 thousand¹⁴ (sic) for carrying out this activity of shipment of cattle for export without environmental authorization. The company manages a cargo shipping terminal at the port of Santos (SP).

But the issue is not limited to the port. The problems begin with the shipment of the animals 500 km from the port.

According to information obtained from the Embrapa Agency for Technological Information¹⁵, confined beef cattle produce around 30 to 35 kg/head/day of manure (feces and urine).

In the case of the case file, assuming that the trucks, with approximately 40 animals, took on average 10 hours (between 8 and 14 hours) to reach the port of Santos, we can conclude that in only one vehicle there was the release of approximately 500 kilograms of manure (12.52 kilograms x 40 animals). In a universe of 675 trucks we will have 337,500 (three hundred and thirty-seven thousand and five hundred) kilos of manure being dumped on the roads and streets of the city of Santos, only referring to the route between the shipment at the quarantine site and the port terminal. More than three hundred tons of estero (sic), produced and distributed, in a mere ten hours!

The consequences will be the worst possible, starting with the flies that when they land on the dung can spread numerous diseases, such as tuberculosis, brucellosis, cholera, worms, typhoid fever among others.

Air pollution is also important, since the odor released from manure contains large amounts of hydrogen sulfite, ammonia, carbon dioxide, carbon monoxide, methane and other gases, becoming pollutants through the fermentation of the waste on the soil, which in contact with other air pollutants can cause asthma attacks and bronchitis. Not to mention the greenhouse effect.¹⁷ Of course, all this might seem like a complete exaggeration, were it not for the fact that live cattle exports have grown dramatically since they began, with a forecast of another 30% for 2018.



In the present case, the City of Santos also imposed fines on the company Minerva Foods for the strong odor exhaled throughout the Santista waterfront.

Already shipped, they will produce an amount of 810,00020 (eight hundred and ten) thousand kilos of manure, that is, more than eight hundred tons of waste that will be produced per day to be released directly into the sea; part discarded in the territorial sea of Brazil and part in international waters. Therefore, in 15 days, there will be the release into the sea of 12,000 tons of animal waste, apart from the dead animals, which will also be discarded after being crushed.

It's an unprecedented environmental pollution spectacle!

In spite of the municipality of Santos having edited the Municipal Complementary Law No. 996, of 18.4.2018, which restricted the transport of animals by vehicles in the urban and urban extension areas of the city, the Minister of Eg. STF, Edson Fachim²¹, suspended the section of the law that prohibited the transit of vehicles carrying live cargo in urban areas and urban expansion of the city, on the grounds that there was a violation of the legislative competence of the Union. In any case, this demonstrates, in a crystal clear way, the degree of dissatisfaction of that municipality with the situation of inconvenience that the massive shipment of live cargo generated.

VI – Of the alleged economic losses resulting from the ban on the export of live animals: a story poorly told

Revenues from frozen beef exports in Brazil between January and February 2018 totaled more than US\$ 818.3 million, representing a substantial growth compared to the same period last year.

Let's look at the following table:



CARNE BOVINA CONGELADA, FRESCA OU RESFRIADA		
Indicador	jan. a fev-18	jan. a fev-17
Receita (Milhões US\$ FOB)	\$818,3	\$678,5
Volume (Mil ton.)	197,6	166,4
Preço (US\$ por ton.)	\$4.141,1	\$4.079,0

Initially, it is observed that the data released by the AGU, adducing injury to the economy, are not sustained when compared to those mentioned above.

The judicial representative of the Union makes a fuss with only one fact: live cattle exports yielded approximately 263 million dollars in the whole year of 2017!

A simple account: while the export of live cattle yielded in two months of 2017 approximately US\$ 44 million dollars, frozen meat yielded, in the first two months of 2017, US\$ 678 million dollars. It should be noted that between 2017 and 2018 there was a 20% increase in exports, which reveals that the frozen meat market is booming.

There is a prospect of great growth in the frozen meat sector, even facing adversities such as the Carne Fraca operation, the return of Funrural's collection and the plea bargain and arrest of JBS group executives

Revenue from foreign sales is expected to reach US\$ 6.2 billion, equivalent to the shipment of 1.53 million tons²³. According to the Brazilian Association of Meat Exporting Industries (Abiec), the forecast is for an increase of 13% in sales and 9% in volume compared to the previous year. "The sector is surprising," said Antônio Jorge Camardelli, president of the entity.

According to Camardelli, shipments of Brazilian (frozen) beef were destined for 134 countries on all continents. In the accumulated until November of this year, the main importers were Hong Kong (367 thousand tons), China (190 thousand tons) and Russia (146 thousand tons).



Another relevant aspect is the meat production chain.

Brazil has the largest commercial herd in the world; it has already surpassed the 200 million head mark. The livestock activity is developed in two million properties, and for every three hectares occupied with rural activity, two are with livestock, according to IBGE data. It is the only agricultural activity carried out in the whole country.

Cattle ranching is among all the activities developed in the country, the one that generates the largest number of jobs. If we consider the 40,000 cattle trucks that cross the country day and night, the slaughterhouses and commerce, there are 7.2 million direct jobs, not including the veterinary industry, manufacturers of wire, mineral salt, tractors, trucks, etc., according to data from the Secretary of Agriculture of the State of São Paulo.

Let's also look at the data provided by the Ministry of Agriculture and Livestock²⁴ regarding the importance of beef cattle farming:

- R\$ 50 billion/year – 7.5 million jobs generated
- Production of 9.5 million tons carcass equivalent.
- Internal market consumption - 7.6 million tonnes.
- Per capita consumption: 37.9 kg/year.
- Exports in the order of 2.0 million tons.

As mentioned in the north, live cattle exporters can redirect their business to Brazilian partners, who process the meat on home soil and export it frozen. It is true that this processed meat may not be exported to Muslim countries, and the profit is lower, but Brazil receives, in return, international respect, being certain that with good practices that preserve animal dignity the country opens many other doors to the quality meat it produces. And the processing of meat in the Brazilian territory adds much more social value (employment and income), along with taxes, on a much larger scale compared to the export of live cattle.



The Union makes a simple and mistaken account, because the embargo of these exports does not convert, or will convert into loss, but in the mere closure to a certain export model, which can be replaced by other modalities, as stated above. As a respected nation in the international agribusiness scenario, Brazil must repudiate this seal of country enemy of animal dignity, even because these practices fight with various constitutional principles.

VII – Conclusion

Brazil, some centuries ago, not without the very persistent opposition of the rural lords, very belatedly, renounced, under rigid pressure from England, concretized through its navy of war, another abominable practice, which took place exactly, as now, singrando the seas. It is clear that we refer to the slave trade, where Africans were brought from their homeland to Brazil under irons and subjected, on the journey, to absolutely inhuman conditions, without the slightest attention to the dignity of those human persons.

It is not possible that, so long after, similar conducts, although now involving indignity and suffering of non-human animals, will be justified, tolerated, or even judicially supported, for strictly commercial reasons, until, once again, we have to surrender in the face of the international repudiation that will surely come.

Thus, based on the elements contained in the file, it was demonstrated that the necessary measures are not being adopted to guarantee the health and welfare of animals in this type of transport."

The economic importance of the animal protein trade, an expressive sector of the Brazilian economy, both domestically and in foreign trade, is not unknown or minimized.



Despite the already expressive questions that today are increasingly being asked about the use of animal protein in human food, this is not the discussion that takes place in this feat.

In the trial of the notorious case of the "vaquejada" – in which the cruelty practiced against animals was discussed under the guise of entertainment of humans (ADI 4.983-CE, Rel. Min. Marco Aurélio) -, the late Minister Teori Zavaski pointed out the issue of the **consumption of animal protein by human beings, as being an ethical issue that sooner or later society will have to face**. Said the late minister in his ever-dense vow:

"We can even deal with it in a more abrupt or more diluted way in time, but it is a matter of time that cruelty to animals for entertainment is no longer tolerated in the civilized world. In a little while, it will enter the ethical agenda of humanity— we are not yet at this stage for a number of civilizing issues,

a disposal of ~~animals for feeding purposes~~ ~~animals for feeding purposes~~ themselves. It did not enter because it is an idea whose time has not yet come, to use Victor Hugo's famous expression, but the question of animal ethics for entertainment purposes is entering the ethical radar of humanity. We're having the first chapter of a debate that's not going to end here or in this case, but it's important to do."

When the time has come for this debate, and if Victor Hugo's phrase aired by Minister Teori ("Nothing is so powerful in the world as an idea whose opportunity has come") is valid, perhaps the consumption of nonhuman animals by human animals will no longer make civilizing sense. But until that time comes, it is certainly intolerable that evil human practices that entail unnecessary suffering for nonhuman animals should continue, and that cruelty to these sentient beings should therefore be completely abolished.

In this civilizing interregnum, there must be a harmonization between the interests of human animals (economic interest or interest in providing food for the population) with the ethics that should preside over their relations with nonhuman animals that, as we have seen, are endowed with their own dignity because of their nature as sentient beings.

In this step, the challenges are great, as Levai notes:

"One of the main challenges of ethics is perhaps to reconcile the interests of men with



the desires of animals, so that there may be a consensual, fairer and more dignified action for all. In this journey towards the full meaning of justice, there is no room to continue believing that the right is exclusive to the human being, that nature is a resource destined for exploitation or that morality is content with the effective granting of indirect duties to other beings who are in a position of subservience. Expanding the reach of ethics so that it goes beyond species boundaries is fundamental to human evolution itself. A right that excludes from its protective mantle beings who feel and suffer is certainly not an instrument of justice, because if it does so it will be at the service of exclusion and agency. It is necessary to seek the just where he is, within the positive right, or even outside it."[1]

To our eternal shame, Brazil was the last country to abolish the slave regime, accentuating cruel customs and reprehensible practices, among them the non-compliance with laws "made for the English to see". May we not be the last country to effectively respect the rights of nonhuman animals, but may we be at the forefront of abolishing improper management and eradicating all cruelty to animals.

In view of all that has been exposed, and of the excellent reasons expounded by the Federal Public Prosecutor's Office, in an opinion of the E. Attorney of the Republic **Suzana Fairbanks Oliveira Schnitzlein**, registered under ID 9769334 and transcribed above, the acceptance of the authorial claim is a measure that is imposed.

That said, I **CONSIDER WELL** the request made, with resolution of the merits, pursuant to Article 487, I, of the Code of Civil Procedure, to prohibit, definitively, the export of live animals in all ports of the country.

The present judgment does not take effect until the matter is considered by the remainder decided in the records of the Suspension of Injunction No. 5001511-93.2018.403.0000.

E. Of 3rd Region,
TRF

Ex lege costs.

In relation to **attorneys' fees**, in the field of diffuse rights, article 18 of Law No. 7,347/85, applicable in the alternative to this action, establishes that there will be no advance of costs, emoluments, expert fees and any other expenses, nor condemnation of the plaintiff association, unless proven bad faith, in attorney's fees, costs and procedural expenses.

Although the law only mentions associations, the jurisprudence of the C. STJ is peaceful in the sense that **such exemption reaches all those legitimated to the filing of the action** (AGRESP 200702935022, Rel. Min. OG FERNANDES, STJ -



SECOND CLASS, DJE DATE: 22/09/2014). In this case, it turns out, the action was brought by a civil association, which, when it succumbs, **does not bear attorneys' fees**, except in the case of unequivocal bad faith.

That is why, within the E. STJ, the understanding has become firm that, **by criterion of symmetry**, it is not appropriate to condemn the losing party to the payment of attorneys' fees in favor of the plaintiff in the public civil action proceedings, unless proven bad faith, which I also do not see (AgRg in REsp 1386342 / PR, Rel. Minister MAURO CAMPBELL MARQUES, SECOND CLASS, Judged on 03/27/2014, DJE 04/02/2014; REsp 1422427/RJ, Rel. Minister ELIANA CALMON, SECOND CLASS, Judged on 10/12/2013, DJE 18/12/2013 AgRg no AREsp 021466/RJ, Rel. Minister BENEDITO GONÇALVES, FIRST CLASS, Judged on 08/13/2013, DJE 08/22/2013).

Therefore, based on such a position, **there will be no fixing of any amount as legal fees**.

Arrange for the Secretariat to include the MERCY FOR ASSOCIATION ANIMALS BRASIL, as well as the FEDERAL COUNCIL OF VETERINARY MEDICINE at quality of interested third parties.

Judgment subject to the necessary referral, pursuant to Article 496 of the Code of Civil Procedure, applicable in the alternative to the species.

P.I.

[1] Levai, Laerte F., cited work, p. 366

[1] Levai, Laerte F., Animal Law, Theory and Practice, Ed. Appris, 2023, Presentation.

[2] Art. 93. Subject to the jurisdiction of the Federal Court, the local justice is competent for the cause: (...)

II - in the forum of the State Capital or the Federal District, for damages of national or regional scope, applying the rules of the Code of Civil Procedure to cases of concurrent jurisdiction.

[3] See <https://www.minambiente.gov.co/>, accessed 18.04.2023

[4] <https://www.agriculture.gov.au/animal/welfare/cruelty-prevention-legislation>, accessed 18 April 2023



SAO PAULO, April 25, 2023.



Electronically signed by: DJALMA MOREIRA GOMES - 25/04/2023 19:16:59
<https://pje1g.trf3.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23042519165896600000275253618>
Document number: 23042519165896600000275253618