

A portrait of Francisco Rezek, an elderly man with grey hair, wearing a dark suit, white shirt, and dark tie. He is looking directly at the camera with a serious expression. The background is slightly blurred, showing what appears to be a bookshelf.

Interview FRANCISCO REZEK

Former Justice
of the
Brazilian
Supreme
Federal
Court (STF)

Interviewers:
Otávio Morato
Francis Duarte

Translator:
Lais Barreto



CAAP Journal



INTERVIEW WITH FRANCISCO REZEK, FORMER JUSTICE OF THE SUPREME FEDERAL COURT

**Otávio Morato de Andrade¹
Francis Duarte²**

Translated from the Portuguese by Lais Barreto³

About the Interviewee

Francisco Rezek was born in Cristina, in the southern part of Minas Gerais, on January 18, 1944, into a family originally from the province of Baalbek, Lebanon. He graduated from the Faculty of Law at the Federal University of Minas Gerais (FDUFMG), where he delivered the valedictory address for the class of 1966 and completed his doctorate at the Sorbonne, in Paris, in 1970. He served as professor at FDUFMG, the University of Brasília, and the Rio Branco Institute. A Chief Federal Prosecutor in the first civil service exam in 1972, and he had already risen to the position of Deputy Prosecutor General when he was appointed Justice of the Brazilian Supreme Court – STF – in 1983, at the age of 39. In 1990, he submitted his resignation request from the judiciary in order to head the Foreign Ministry, returning to the Supreme Court in 1992. To this day, he remains the only Justice to have been appointed twice to Brazil's highest court. After retiring from the STF in 1997, he was elected by the United Nations to serve as a judge of the International Court of Justice, where he remained in The Hague until 2006. Since his return to Brazil, he has been engaged in advisory opinion law in São Paulo. In this interview, Rezek reflects on his formative years at the Vetusta (as FDUFMG is affectionately known), highlights milestones of his distinguished career in public service, and shares insights on law and justice in Brazil and around the world.

¹ Ph.D. candidate in Law (Federal University of Minas Gerais – UFMG/Université Libre de Bruxelles), with a research exchange period at the Université libre de Bruxelles – Belgium. Holds a Master's degree in Law (UFMG) and a postgraduate specialization in Civil Law (PUC-MG). Bachelor's degree in Law (UFMG), Business Administration (PUC-MG), and Accounting (PUC-MG). Editor-in-Chief of Revista do CAAP. ORCID: <https://orcid.org/0000-0002-0541-7353>. E-mail: otaviomorato@gmail.com

² Law undergraduate at UFMG, researcher at the República Project, and member of several academic study groups at UFMG. President of the Clube da Democracia (UFMG/USP) and co-author of books such as *Direito na Atualidade* and *Homotransfobia e Direitos Sexuais*. Contributor to various research projects on democracy and the independence of Brazil, as well as to exhibitions and audiovisual productions. ORCID: <https://orcid.org/0009-0006-0651-3052>. E-mail: francisufmg@gmail.com

³ Master's student in Public Law at UFMG. Holds a postgraduate specialization in Constitutional Law (PUC-MG). Bachelor's degree in Law (UEMG). Chair of the Editorial Review Committee of CAAP Journal. ORCID: <https://orcid.org/0000-0002-3799-8113>. E-mail: laisbarretob8@gmail.com

1. The poet Wordsworth (1170-1850) once wrote: “*The Child is father of the Man*”, a reflection later seen in Machado de Assis works. What were the key moments, influences, and figures in the life of young Rezek that helped shape the jurist and the man you would become? Do you believe that the cultural traits of Minas Gerais (state you were born) played a role in shaping your personality?

“*Minas are many*” as João Guimarães Rosa once said. I was born in the greenest and most mountainous part of the of Minas Gerais state. In this area, rice is cultivated in the lowlands, coffee grows upon the hillsides, and olive trees thrive at high altitudes, and where, not uncommonly, temperatures fall below zero in the month of June. But from early childhood, I saw myself as a man of all the “*many Minas*”. made a conscious effort, from a young age, to become familiar with the state’s historic regions, and I always rejected the discourse of “separatists” who, from time to time, would emerge in certain parts of Minas Gerais – among them, the South and the “*Triângulo*”. The idea of unity was instilled in us, children of my generation, by our elementary school teachers in the public school system, women endowed with an intelligence, a cultural depth, and a human sensibility vastly disproportionate to the modest salaries they received from the state.

2. In 1960, you moved to Belo Horizonte to complete high school at “*Colégio Arnaldo*”. What memories do you keep from those early years in the city? How would you describe the capital of Minas Gerais at the time, and what places and social circles did you frequent?

In January of that year, the Fernão Dias highway was nearly completed, making it easier for people from southern Minas to travel to the capital. At the end of the previous year, my father had come to the city for a nephew’s graduation and was immediately taken by it. He then sent me to settle in a student boarding house shared by others from our region (Santa Rita do Sapucaí, São Sebastião do Paraíso, Pedralva, Ouro Fino) and to choose where I would finish high school, which I had begun as a boarder at the Marist School in Poços de Caldas. The Byzantine architecture of *Colégio Arnaldo* was, for me, love at first sight just at the age of sentimental education. *Colégio Arnaldo*, founded in 1912, had among its former students the two great stars of our literary tradition: Guimarães Rosa and Carlos Drummond de Andrade. There, I learned a great deal and formed lasting friendships, some of which continued into my university years. At that time, Belo Horizonte lived up to its title of “Garden City.” Electric trams glided along the tree-lined avenues, running smoothly on their tracks...

3. You were then admitted through the entrance examination and, in 1962, began your studies at the UFMG Faculty of Law. Where were you living at the time, and what were your first impressions and initial encounters at the “*Vetusta Casa de Afonso Pena*” (old house of Afonso Pena)?

At the beginning of 1962, my father was living his final months in Santa Rita, as he was terminally ill. He received and celebrated the news that I had passed the entrance exams for both the Federal and the Private Law School in Belo Horizonte, having chosen, in addition to Portuguese and Latin, French in one and English in the other as foreign language subjects. He passed away three weeks later. During my final year of high school, I attended the Champagnat preparatory course for the Law entrance exam. It was located quite close to the faculty, at the corner of *Guajajaras* and *João Pinheiro* streets. My own residence, after the student boarding house known as *Inferno 17 (Hell 17)* in the São Lucas neighborhood, was a rented room in the *Argélia* Building, on the corner of Augusto de Lima and Bahia, almost directly across from the Law School. One of my colleagues at the preparatory course was Aristides Junqueira, from São João del Rey, who would later distinguish himself as Chief Federal Prosecutor. At the time, however, he chose to begin his studies in Philosophy, and only after a year he

came to the conclusion that studying Law was the more sensible path. He entered the *Vetusta* the following year.

4. During your undergraduate years, you were actively involved in the student movement, including participation in the Class Representatives Council (CRT) and on the board of the Afonso Pena Academic Center (CAAP), at a time marked first by the ideological antagonisms of the Cold War and, subsequently, by the establishment of the military dictatorship in Brazil. Could you share some of the most significant events and influential figures that stood out during your engagement in student activism under the authoritarian regime?

My closest friend among my classmates at the Law School was Lúcio Miranda. We were both members of FAR – *Frente Acadêmica Renovadora* (Academic Renewal Front) – through which Lúcio was elected president of the CAAP in 1965, followed the next year by his successor, José Afonso de Alencar. The other two student organizations on campus were ADA – *Aliança Democrática Acadêmica* (Academic Democratic Alliance), leaning more to the right, and UDU – *União Democrática Universitária (University Democratic Union)*, which leaned somewhat more to the left. FAR was an independent leftist group: we were all firm in our progressive ideals, but without any formal affiliation requiring a membership card, be it from the

Communist Party, Ação Popular, or even the *Juventude Universitária Católica* (Catholic University Youth). As a member of the CAAP Council, I dedicated myself to securing the release of classmates arrested during protests against the regime. I was never technically arrested, but I did spend the night in the basement of the DOPS (Department of Political and Social Order), on *Afonso Pena* Avenue, on one occasion when we were unable to secure the release of the detainees on the same day as the protest. We told the director that we would not leave without all of them, and they were released the following morning.

5. In 1968, “the year that never ended,” you were in Paris pursuing your doctoral studies. What memories do you have of those weeks in May '68? And a few months later, what was it like to receive news of Institutional Act No. 5 while still abroad?

For us Brazilian students pursuing our doctor degree at the Sorbonne, it was striking to observe the lack of a tradition of political engagement among French students, who seemed entirely devoted to their studies and to winter sports during the colder months. Then came the explosion of May 1968, marked by the idealism of the student leadership – under the direction of Daniel Cohn-Bendit – and by the inevitable consequences of their lack of experience with political mobilization and with applying pressure for reforms to the

archaic governance structures that continued to plague French universities. The year 1968 unfolded like a symphony – even in how General De Gaulle, a hero of the French Resistance during the Nazi occupation, regained control of the situation. He ensured the necessary reforms, dissolved the National Assembly, and called for new general elections. On December 10, 1968, having completed the first stage of my doctorate at the Paris Academy, I boarded the *Augustus*, an Italian vessel operating the Genoa–Buenos Aires route, with scheduled stops in Cannes, Lisbon, Rio de Janeiro, and Santos. It was on the night of December 13 that the ship’s captain informed us of the issuance of Institutional Act No. 5 in Brazil. He proceeded to discuss with us the contents of that decree, the most arbitrary of all up to that point. Some Brazilian passengers even considered not disembarking, but quickly abandoned the idea, recalling that the political climate in Argentina offered no better prospects at the time.

6. In addition to your esteemed career as a professor, you have also distinguished yourself as a scholar, having conducted research at both Oxford and Harvard, and having received various fellowships and academic honors. How have these experiences in the academic world contributed to your intellectual development and informed your work

as both a legal scholar and a public servant?

When I entered the Afonso Pena Law School, it was under the deanship of Professor Alberto Deodato, a distinguished figure from the state of Sergipe, known for his remarkable personality and widely recognized leadership. At that time, I had the privilege of being taught by some of the most prominent legal minds of the era: Edgar Mata Machado, Washington Albino, Raul Machado Horta, Rui de Souza, Lourival Vilella Viana, Celso Barbi, Darcy Bessone, Messias Donato, Ozires Rocha, Oswaldo Pataro, and Gerson Boson. It was, however, a period in which procedural law – especially civil procedure – was greatly overvalued often at the expense of substantive law. I remember telling Professor Lourival, who succeeded Alberto Deodato as Dean of the Faculty, that I had been awarded a scholarship from the French government to pursue a doctorate in international law at the Sorbonne. He advised me to think twice before accepting it, warning that such a field of law might not, in the long run, “put food on the table”. Fortunately, much has changed since then. My doctoral studies in Paris (1967–1970) proved to be an extraordinary experience, and the year I later spent at Oxford (1978–1979), already in my thirties and accompanied by my family, was nothing short of magical

7. You were first appointed to the Federal Supreme Court (STF) in 1983 and reappointed in 1992, making you the only individual to have joined the Court on two separate occasions. Could you share your reflections on your time at the STF and offer a comparison between the Court as it was then and what it has become today?

Some members of the Supreme Federal Court, both past and present, have openly acknowledge that they aspired to that position, that it was their dream, and that they fought for it. In my case, there was neither aspiration nor dream – let alone any struggle. It always seemed to me that the contingencies of life would lead me toward something good, without the need for a career plan. The only positions I ever actively pursued were those for which I sat public competitive examinations as soon as I was eligible: assistant professor at our faculty, in early 1970, and federal prosecutor in 1972. Resigning from the Supreme Court and from the presidency of the Superior Electoral Court (TSE), which I held at the time, was both bold and risky move. But when President Fernando Collor, elected by forty million Brazilians, without a fully formed team and not even a proper political party behind him, appealed to me to assume the role of Minister of Foreign Affairs, I felt that (having never made a decision in my life out of fear) I should not begin doing so then.

8. In recent years, the Supreme Court has been at the center of public and academic scrutiny, facing criticism from both legal scholars and the general public. I refer, in particular, to concerns about the excessive use of single-justice decisions, the Court's role in conducting criminal investigations itself (as in the so-called "fake news inquiry"), and what some see as judicial activism in matters that are, under the Brazilian Constitution, reserved to the Legislative Branch. How do you assess these criticisms? Do you believe the Court has taken on an overly prominent role in recent years?

Some time ago, in an interview with *Correio Braziliense*, I stated that the Supreme Court today resembles an archipelago of eleven monarchies. The notion of an archipelago is not entirely new, since the Court has always been composed of justices with differing academic backgrounds, political orientation, and understandings of the judicial function, particularly in a country like Brazil, where the Judiciary constitutes a true branch of government rather than merely an independent authority. Institutional divergences have long been present in working styles as well: some would test the collective patience by speaking for an hour and a half to express what others managed to express in ten minutes; some would write five pages, while others would require eighty to convey the same idea

with a minimum degree of clarity and precision. What strikes me today, however, is the unprecedented gravity of the current situation. There is simply no justification for single-justice rulings within a collegiate body, especially when such rulings address matters of constitutional relevance or affect fundamental rights and the prerogatives of the other branches of government. Judges (including those serving on the Supreme Court) must continually remind themselves that they were not elected by the people to legislate on behalf of the country, nor to govern it.

9. The 21st century has been marked by a series of regrettable events that international law has proven unable to prevent, redress or sanction. Prominent examples include the escalation of the Israel–Palestine conflict, U.S. interventions in the Middle East, and the ongoing war in Ukraine. As an expert in international law, how would you evaluate the efficacy of international legal norms and institutions in addressing contemporary geopolitical tensions? What are the principal challenges facing international law today in its pursuit of global peace and justice?

International law is undergoing a crisis, and the United Nations appears to be crumbling in the face of what our media now cynically calls the 'Israel–Hamas war.' None of the major genocides of the

twentieth century was as brazen, disgraceful, inhumane, and arrogant as the one currently being inflicted against the Palestinian people by the Israeli government, with the complicity and sponsorship of Western powers. If the direct and indirect perpetrators of this crime are not held accountable, there will be no reason to continue teaching international law – no point in lying to students that there exists a legal order and a set of ethical principles governing the coexistence of nations. This is not a time for optimism, especially when we consider the upcoming presidential elections in what remains the most powerful country in the world, where power is contested by two calamities. On the one hand, Donald Trump, an unrepentant sociopath. On the other, the pitiful figure of Joe Biden – now referred to in the U.S. as ‘Genocide Joe’ – a politician who, over recent decades, has received the most funding from the Israeli lobby. There is no room for a dignified figure like Senator Bernie Sanders, a monument to lucidity and integrity. What a marvelous democracy indeed...

10. We know you are a devoted reader. Which authors have had the greatest impact on your intellectual formation, both in the field of law and in literature more broadly? What are you currently reading – or rereading?

At the age of seven, I began reading two children’s books: *Cuore* (Heart), by

Edmondo de Amicis, originally published in late 19th-century Italy, and the Brazilian translation of *L’Auberge de l’Ange Gardien*, by the Countess of Ségur. The former was a gift from my mother, the latter from my second-grade teacher. At eleven, I read *The Maias*, by Eça de Queirós, and to this day I remember the entire plot, as well as several full pages from the book. From then on, I read everything that seemed essential in Portuguese and Brazilian prose and poetry. I also read widely among Italian authors, from Leopardi to Pirandello; English writers, from Shakespeare to Oscar Wilde; Spanish, from Cervantes to García Lorca; French, from Montaigne to André Gide; American, from Edgar Allan Poe to Robert Frost; and Russian, from Pushkin to Solzhenitsyn, with special emphasis on Tolstoy and Chekhov, whose complete works I have read. There are other authors whose entire work I have read and to whom I often return for the pure pleasure of rereading – our own Machado de Assis, Olavo Bilac, Guimarães Rosa, and Carlos Drummond de Andrade; the Irishman James Joyce; and the Argentine Jorge Luis Borges. I have never read a bestseller, nor have I taken an interest in self-help books. I regularly leaf through the Encyclopaedia Britannica, searching for information on history, the arts, astronomy, botany...
