

*Rio de Janeiro, April 16th, 2013.*

**To His Excellency Mr. Gilmar Ferreira Mendes**  
**Minister of the Supreme Federal Court**

*Subject: Manifest for the unconstitutionality of the penal repression of drug possession for personal consumption.*

*Your Excellency Mr. Minister*

*Considering that Brazil is a constitutional State founded on the principles of human dignity and pluralism and that every citizen has the freedom to live as they deem, so long as said freedom does not interfere with that of a third, the criminalization of a behavior that is practiced within the sphere of an individual's personal privacy and does not harm a third party is not legitimate.*

*For this, we the subscribers of this document- all having served as State Minister of Justice – manifest our position on the unconstitutionality of the penal repression of drug possession for personal consumption.*

*The failures of the war on drugs, based on the criminalization of the consumer, reveal the impropriety of the strategy used to this day. Treating drug users as citizens and offering them treatment and support by means of harm reduction, is more adequate than stigmatizing them as a criminals.*

*Experiences in Portugal, Spain, Colombia, Argentina, Italy, Germany, amongst others, have shown that the decriminalization of the use of narcotics is an important step towards rationalizing a policy that combats drug traffickers without transforming the primary victim of the illicit product into the object of penal persecution. Drug users deserve respect and access to dignified treatment, not time behind bars.*

*In response to the above, the subscribers of this document stand united behind the manifests stated in the case of Extraordinary appeal number 635.659, requesting this Court the recognition of the incompatibility of the crime of drug possession for personal consumption with the present constitutional model, which is based on human dignity, pluralism and the respect for personal privacy and that of the private lives of its citizens.*

**Tarso Genro**

*State Minister of Justice, 16/03/2007 - 10/02/2010*

*Under President Luiz Inácio Lula da Silva*

**Aloysio Nunes Ferreira Filho**

*State Minister of Justice, 14/11/2001 - 03/04/2002*

*Under President Fernando Henrique Cardoso*

**José Gregori**

*State Minister of Justice, 14/04/2000 - 14/11/2001*

*Under President Fernando Henrique Cardoso*

**Márcio Thomaz Bastos**

*State Minister of Justice, 01/01/2003 - 16/03/2007*

*Mandato do Presidente Luiz Inácio Lula da Silva*

**Miguel Reale Júnior**

*State Minister of Justice, 03/04/2002 - 10/07/2002*

*Under President Fernando Henrique Cardoso*

**José Carlos Dias**

*State Minister of Justice, 19/07/1999 - 14/04/2000*

*Under President Fernando Henrique Cardoso*

**Nelson Jobim**

*State Minister of Justice, 01/01/1995 - 08/04/1997*

*Under President Fernando Henrique Cardoso*