

RE 654,833

Civil Redress of Environmental Damage

Country:

Brazil

Court:

Federal Supreme Court

Competent Court:

Full Court

Format of the Session:

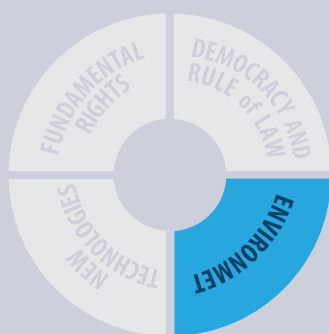
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Rapporteur:

Justice Alexandre de Moraes

Decision Date:

April 20, 2020

Matter:


CASE SUMMARY

An Extraordinary Appeal (RE) which discusses the non-subjection to a statute of limitations of claims for civil redress for moral, material, and environmental damages caused by invaders of Indigenous land in the 1980s (Topic 999). The appellants rely on the constitutional principle of legal certainty, while the respondents rely on the principles of environmental protection and redress.

LEGAL REASONING

- 1.** In the Brazilian legal system, the rule is that there is a time limit for filing an action. Not being subject to a statute of limitations is the exception, as it depends on external factors that the law considers to be unavoidable due to the passage of time. In this sense, it is important to consider that the consequences of environmental disasters are not limited to the present, but are projected into the future.
- 2.** Indeed, the environment should be regarded as a common heritage of humankind, so that its full protection is guaranteed, especially in relation to future generations. The interest in protecting the environment must prevail over the principle of legal certainty, given its far-reaching impact on the entire community.
- 3.** Furthermore, the redress of environmental damage is an inalienable fundamental right, which makes it imperative to recognize its non-subjection to a statute of limitations.

DECISION OF THE COURT

The Federal Supreme Court ruled that the claim for civil redress for moral or material damages due to environmental losses has no statute of limitations, in accordance with the constitutional principles of protection, preservation and civil redress for environmental damage.

ADDITIONAL NOTES

Topic: Non-subjection to a statute of limitations of claims for civil redress for environmental damage (Topic 999).

Rule Statement: "The claim for civil redress for environmental damage for environmental damages has no statute of limitations."

