

mayors have testified to date and 108 of those testifying have been convicted (*Vêja*, No. 27, 5 July 2000).

- In the state of Paraíba, there were 18 convictions, and the Public Prosecution was able to induce mayors and ex-mayors to return one million *reais* of illegally appropriated funds to state coffers rather than face charges (*Vêja*, No. 27, 5 July 2000).

- In São Paulo, the Public Prosecution has levied 436 accusations against mayors since January 1997, the majority of which were based on Law 201, which refers to crimes of administrative responsibility, and can be enacted in cases of corruption, misuse of public funds, irregular investment of federal and state funds, irregular use of municipal property, and so on. The number of mayors who have been stripped of office in the state has increased from seven in the previous administration (1993–96) to at least 41 in this last administration (1996–2000). Such a rate over the last three and a half years is equivalent to one mayor per month losing his or her political office due to the Public Prosecution's work. Some of these dispossessed mayors, however, were able to re-assume office through countervailing legal action. The primary charges brought against mayors were the misuse of public funds, irregularities in public employee hiring, inflating the costs of public works projects (which means the money could go to undisclosed third parties), and not transferring due revenue to the County Chamber. With the exception of mayors from the cities of Baurú, with more than 300,000 inhabitants, and Guarulhos, with more than one million inhabitants, available data indicates the majority of mayors who were stripped of their mandate governed counties with less than 20,000 inhabitants. Finally, public prosecutors have demonstrated an exemplary performance in the city of São Paulo, the economic centre of the country. A group of public prosecutors created the GAECO (Special Group to Combat Organized Crime), which has been responsible for the investigation of a political scandal with national repercussions. The scandal came to be known as *máfia dos fiscais*<sup>11</sup> of the city, and led to stripping the mandates of two county legislators and one state deputy and to the temporary, but profoundly emblematic, removal of the mayor of Brazil's largest city.

<sup>11</sup> Or, 'Mafia of the Auditors'.

- In the state of Pará, there were four convictions, with the Public Prosecution bringing charges against 125 mayors and ex-mayors, the majority for misuse of public funds (data from the Public Prosecutor and Justice Tribunals published in *Vêja*, No. 27, 5 July 2000).

- In the state of Paraná, located in the southern region of the country and containing 399 counties, 141 mayors have had criminal and civil charges levied against them due to irregular practices in their public administrations. In the criminal sphere, there are 250 suits against 101 mayors currently in office. In the civil sphere, there are 110 suits against 40 mayors (Ministério Público do Paraná, as of 30 June 2000).

The Law of Administrative Impropriety (Law 8.429), passed in 1992, proved critical to the Public Prosecution. In the civil sphere, this law draws the greatest fear from mayors, because it enables public prosecutors to levy charges of illicit enrichment, financial losses to the public sphere, and offences against principles of public administration. In the criminal sphere, the most frequent charges consist of appropriating public funds,<sup>12</sup> fraud, and hiring county employees without a public entrance exam.

The state of Rio Grande do Sul deserves special attention. In this state, the Public Prosecution has received the least amount of resistance from the Judiciary, a traditionally conservative institution that shies away from political conflicts. In 1994, the Justice Tribunal in Rio Grande do Sul established a Criminal Court for the sole purpose of judging mayors.<sup>13</sup> This Court has already convicted 100 mayors, with punishments ranging from required community service to prison sentences for crimes like the misuse of public funds or irregular contracting. As of February 2000 there were two mayors in prison in Rio Grande do Sul.

Due to the Public Prosecution's efforts, the majority of mayors and council members in the country face an unparalleled level of oversight. Whereas in the past mayors were accustomed to governing without limits and to using their mandates either for personal enrichment or as a springboard for higher offices at the state or

<sup>12</sup> Known as *peculato* in Brazilian legal terminology.

<sup>13</sup> The fourth Câmara (a court within the Justice Tribunal) was created by the Judge Luiz Melbino Machado in 1994, and became known as the 'mayors' court'. It must be noted that potential punishments to infractions committed by mayors were delimited well before the new Constitution through Law 20 of 1967. This law, however, had no real effective impact.