

Using Democratic Institutions to Smash Democratic Aspirations (the Brazil Model): The Twenty-Fifth Newsletter (2019)



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Dear friends,
Following the lead of the Transnational Institute's "Global Research," Brazil's former President Luiz Inácio Lula da Silva has now been in prison since April 2018. More than four hundred Brazilian lawyers have signed a [statement](#) that expresses alarm at what they see as procedural irregularities in the case against him. They call for the immediate release of Lula. The *Associação Americana de Juristas* – a non-governmental organization with consultative status at the United Nations – has called Lula a political prisoner. Lula was convicted of corruption and money laundering, despite a lack of solid evidence. Two lawsuits against him remain unresolved.
Now, more evidence emerges about the collusion of the head judge and the head investigator in the prosecution of Lula thanks to excellent reporting from *The Intercept*. The political motivations are now on the record: they, on behalf of the oligarchy, did not want Lula – who remains hugely popular – to be the 2018 presidential candidate of the Workers' Party (PT). Brazil's right-wing has begun a hostile campaign to malign the journalists of *The Intercept*, notably its editor Glenn Greenwald. Using the same tactics of fear, misogyny, and homophobia to defame their journalists, they hope to deflect from and delegitimize the damning evidence of their corrupt tactics.
Chris new essays around the political persecution of Lula. But what is still blurry for many is the actual case against him. The details of his case remain murky, with many who sympathize with Lula unsure of how to understand the corruption charges and his apparent conviction. This newsletter is dedicated to providing a primer on Lula and the case against him.



When Luiz Inácio Lula da Silva (77 years old), a trade unionist and trade union leader helped found the PT, Brazil's state left party. He won two consecutive elections to govern Brazil from 2003 to 2010. At the close of his second term, Lula had an approval rating of 80% – the highest in the country's history. His poverty reduction programme – particularly his hunger alleviation scheme – earned his government praise from around the world, which is why some are [calling](#) for him to be nominated for the Nobel Peace Prize. Income redistribution through social programmes such as Bolsa Família, Brazil's state Ministry, the expansion of credit, the increase in decent work, and the increase in the minimum wage lifted almost thirty million (out of 209 million) Brazilians out of poverty. The number of public university enrollees more than doubled, leading to a 200% increase in Afro-Brazilian attending institutes of higher education. Brazil paid off its debts to the IMF and the government discovered a massive new oil reserve in the Santos Basin, off the coast of São Paulo. This all eventually changed Brazil's strategic position in the world.



Two investigations, *La Jirafa* at [Ricochet](#), 2018.
Why was Lula arrested? There are two narratives that exist to answer this question. The first—the official narrative, propagated by the bourgeoisie—is that Lula is in prison on charges of corruption and money laundering. His case remains pending before the court, Curitiba Public Prosecutor's Office – led by Deltan Dallagnol – was in charge of an investigation around corruption allegations at Brazil's state energy firm, Petróleo. Because a car crash became part of the money laundering investigation, the *Tank Force* was known as Lava Jato ('Go Wash'). The *Tank Force* is an investigation of corruption such as the one that led to the arrest of Lula. These firms, it was said by the *Tank Force*, had global connections from Petrobras. The *Tank Force* argued that Lula benefited from the conviction, who is then benefited from state largess. This was the allegation. The second narrative—further substantiated by recent reporting from *The Intercept* of collusion between the main judges in the case against Lula—shows evidence of political persecution and a coordinated attempt to strip Lula from winning the presidential election and put a halt to the country's progressive social agenda. In this narrative, the corruption charge against Lula was manufactured in order to recover the right-wing's control of the government, despite a lack of evidence against him.



Lula leaves Brazil, New York's news agency, 2018.
Is there evidence against Lula? Actually, no. The prosecution could not prove that Lula had ever received the government or the firm. Nor could they prove any benefit to the companies. Lula was convicted – wrongly – of *unjustified* use of company funds. Former OAS Director Luis Polanco, who had been convicted of money laundering and corruption in 2014 and was to serve eleven years, gave evidence against Lula, for this evidence, his sentence was reduced. There was no material evidence against Lula. When convicted and Judge Sérgio Moro convicted Lula. He became a celebrity and a star of the Ministry of Justice to the government of Jair Bolsonaro. It is clear that Bolsonaro was the dictator because Lula was not permitted to run. Moro's conviction defamed the presidency to Bolsonaro, who then rewarded Moro with the Ministry appointment. Moro not only tried Lula in his court, but also in the court of public opinion. The corporate media was on the side of the prosecution, and Lula from the court seemed an image of Lula as the enemy of the people. Bizarrely, the press often seemed to have information from the court before Lula's defence lawyers. When Lula's lawyers filed a habeas corpus petition to get him out of jail, the Army's Commander-in-Chief sent the Supreme Court a message on Twitter to instructing them not to grant the petition. The petition was denied.



Paula Tassinari, *The Intercept*, 2018.
Should Lula have been allowed to run for president? The Brazilian Code of Criminal Procedure says that one can only go to prison when their appeals run out. Article 7 of the Constitution says, 'No one shall be considered guilty before the issuance of a final and unappealable prison sentence.' Why Lula went to jail in the first place requires an investigation. Judge Moro argued that it was because he was found guilty in the Appeal Court based on a plea bargain. This is murky. The UN Human Rights Committee said that Lula should have been allowed to run for president. But he should have been allowed to run. Not only did the judge and the prosecution allow Lula to run, but they also did not allow him to enter the prison and to influence the election. What has been the role of the United States in the Lava Jato investigation? Did have the US Department of Justice officials visited Judge Moro during the investigation, and how US Assistant Attorney General Kenneth Bismar said in 2017 that the US justice officials had 'received communications' about the removal of Lula from the presidential race. On 6 March 2019, the US Department of Justice said that it would transfer 80% of the fines it received from Petrobras to the Public Prosecutor's Office to set up an 'anti-corruption investment fund'. It is fair to say that this is a payment to the Lava Jato team for the presidential case.



When was the end corruption in this case? Messages seemed to constantly be exchanged between the Moro and the Lava Jato team led by Dallagnol. There have now been revealed by *The Intercept* and scrutinized by a range of forensic and political analysts. It is clear that the judge and the prosecutor colluded to find Lula guilty and lock him away. The first instance of corruption is this collusion between two parts of the government. The second instance of corruption is the role of the United States in this case, and the pay-off to Dallagnol's department for services rendered.
The prosecution of Lula is a story that is not merely about Lula, but rather about Brazil. This is a true case for the way oligarchies and imperialism have sought to use the shell of democracy to undermine the democratic aspirations of the people. It is the methodology of democracy without democracy, a Petróleo Village of Brazil.



Paula Tassinari, *The Intercept*, 2018.
Is Transnational Institute for Social Research, we are studying the prosecution directly. You have already seen our dossier on the hybrid war against Venezuela and our dossier on lawless in Brazil. The arrest of human rights defenders from Julian Assange to Ots Buit as well as the arrest of white-blacks from Chelsea Manning to Daniel McBride are part of this chilling effort against the centrality of democracy.



We are studying the prosecution directly. We are going to look at the role of money in elections (not case) and voter suppression, as well as the subversion of public to the failure of democracy, the absence of state to create the basic institutions of civil society, and the role of international in the defeat of the democratic right. We need a new theory of actually-existing democracy. Your suggestions for readings and for areas to explore are required.
Meanwhile, We're watching on the left of the world is a newspaper on *Brazilian Today* Political Ideas and the 'Tank of the Left' to be held in 'Tactics (inspired) by Chinese Economy, not Rousseau, with the participation of all our efforts). It is a new-day event, which we are holding alongside the Correa Rio Ruchel dos Endos at the Richardson.



