

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 **Political 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 unfiled.
Now, more evidence emerges about the collusion of the lead judge and the lead investigator in the prosecution of Lula thanks to excellent reporting from **The Intercept**. The political institutions are now on the record: they, on behalf of the oligarchy, did not want Lula – who remains highly popular – to be the 2018 presidential candidate of the Workers' Party (PT). Brazil's right-wing has begun a heinous campaign to malign the journalists of **The Intercept**, notably its editor Glenn Greenwald. Using the same tactics of fear, misology, and homophobia to defame their journalists, they have, with dogmatism, the damning evidence of their corrupt tactics.
Chris now emerges around the judicial prosecution of Lula. She writes a still history that is the actual case against him. The details of this 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 Lula was elected in 2002, a revolution and fresh ideas broke beyond the PT. Brazil's main 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 schemes – 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 Familia, Brazil with Myself, 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 completions more than doubled, leading to a 300% 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 oil will eventually change Brazil's strategic position in the world.



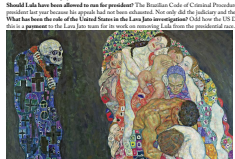
Why Lula is arrested There are two versions that exist to answer this question. The first – the official narrative, propagated by the bourgeoisie – is that Lula is in prison on charges of corruption and money laundering. His case remains pending before the courts. Curitiba's Public Prosecutor's Office – led by Deltan Dallagnol – was in charge of an investigation around corruption allegations at Brazil's state energy firm, Petróleo. Because a car wash became part of the money laundering investigation, the **Car Wash** was known as **Lava Jato** (Car Wash). The **Car Wash** investigation is a cover-up for the real reason Lula is in prison: he was arrested because he was a political prisoner. The **Car Wash** investigation is a cover-up for the real reason Lula is in prison: he was arrested because he was a political prisoner. The **Car Wash** investigation is a cover-up for the real reason Lula is in prison: he was arrested because he was a political prisoner.



Lula's arrest in Brazil. Illustration by Chris Johnson, 2018.
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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 rights are not. Article 5 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's Human Rights Committee said that Lula should have been allowed to run for president but that his arrest had been unlawful. Not only did the judge and the prosecutor collude to force Lula to accept a plea bargain, but they also did not allow him to enter the press and influence the election. What has been the role of the United States in the Lava Jato investigation? Did the US Department of Justice officials visit Judge Moro during the investigation, and how US Assistant Attorney General Kenneth Bismarck said in 2017 that the US justice officials had 'induced 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 Petróleo to the Public Prosecutor's Office to set up a 'anti-corruption investment fund'. It is far to say that this is a punishment for the Lava Jato case.



When was the real corruption in this case? Messages were constantly being exchanged between the Moro and the Lava Jato team led by Dallagnol. There has now been evidence 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 in this case is 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 only about Lula, but about Brazil. This is a case for the way oligarchy 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 Peruvian Village of Brazil.



Puti Guey.
The Transnational Institute for Social Research, we are reaching this phenomenon daily. We have already won our dossier on the hybrid war against Venezuela and our dossier on Twitter in Brazil. The arrest of human rights defender Julian Assange to Ode Brez as well as the arrest of whistle-blowers from Chelsea Manning to David McBridge are part of this chilling effect against the centrality of democracy.



We are going to look at the role of money in elections (not just ballot and voter registration, as well as the subversion of public to the financial interests, the absence of states to curb the bank, institutions of civil society, and the role of international in the debt of the democratic right). We need a new theory of actually existing democracy. Your suggestions for readings and for areas to explore are required.
Watch: Video
The writing of the end of the month is a compilation on **Democracy: Today's Political Ideas and the Tasks of the Left** to be held in Paris (organized by **Change Knowledge**, not **Research**, with the participation of all our offices). It is a one-day event, which we are holding alongside the **Corrosive Theoretical Debates of the Biennale**.



