

TRUTH MEMORIAL

WHY LULA IS INNOCENT AND WHY THEY TRIED TO DESTROY THE GREATEST BRAZILIAN LEADER

**HOW THE DEFENSE
DEFEATED THE LAVA
JATO SCAM**

**THE LIES THAT
POISONED THE
COUNTRY**



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Our fight is for the truth

The Federal Supreme Court (in Portuguese, Supremo Tribunal Federal - STF) definitively rescued Lula's innocence in the four actions of Lava Jato from Curitiba against the former president. The illegal actions regarding the triplex apartment, the Atibaia country house, the land, and the contributions to the Lula Institute were annulled, between March and June 2021, in the STF judgments in which former judge Sergio Moro was declared partial and suspect against the former president, in addition to never having had the legal competence to judge Lula.

Lula was also acquitted or had the accusations filed, because they had no just cause or were not based on facts, in another 11 cases that have already been tried in Brasília and São Paulo, outside the Court under Moro's command. In the few actions that remain to judge, all of them equally forged or contaminated by the suspicion of Moro, there was never a sentence of condemnation of the former president.

Therefore, Lula is indeed an innocent citizen under the law and the Brazilian Constitution. Anyone who does not recognize that this is Lula's real condition is misinformed or acting in ill faith. In Brazil, as in all democratic countries, every citizen who is not definitively condemned, who has been acquitted or had charges annulled, is innocent before the law and before the courts.

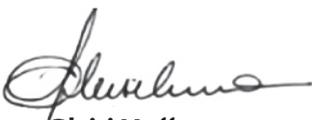
The fight for Lula's rights had immense support and solidarity in Brazil and around the world. The militants of the Lula Livre Vigil spent 580 days

and nights near the place where he was imprisoned. Lula Livre committees operated throughout the country and abroad, and artists held Lula Livre festivals. World leaders, politicians, lawyers, jurists, intellectuals, religious and journalists have always kept the flame of hope burning.

We thank all these people and especially the PT militancy, which never lost hope or strength to fight for freedom and justice for Lula. We also thank those who contributed to this Memorial of Truth, coordinated by journalist Ricardo Amaral, from the PT Press Office.

Lula and his lawyers won a long and terrible court battle. But this does not mean that the castle of lies they built to defame him, defame PT, and the project of transformation of the country that Lula started, in a society that was poisoned by lies every day, in the media, and anti-PT networks, has been overturned. Lies are repeated, prolonging the injustice and confusing the people.

The purpose of this **Memorial of Truth** is to make clear the reasons why Lula was persecuted, arrested and impeached, without having committed any crime. It is to undo the lies and explain the war operation (also called lawfare) set up against the country's greatest popular leader and the Workers' Party. It is to show how Lula conquered his victories in court, proved his innocence, regained his rights, and once again became the people's hope in the reconstruction of Brazil. Our fight now is to re-establish the truth.



Gleisi Hoffmann

*National President of the Workers' Party
Brasília, July 2021*



1

The false reports were overturned in court. 15 times accused, 15 times acquitted

Lula has proven his innocence in all the actions and inquiries that have already been tried and concluded, including the four processes in Curitiba that were annulled in March by the Federal Supreme Court. Whenever anyone doubts this fact, show this list, show the absurdity of the accusations and Lula's victories in court:

1. **Guarujá Triplex Case:** The defense proved that Lula never owned, never received, or benefited from the apartment in Guarujá, which belonged to OAS and was given as a guarantee for a loan at Caixa Econômica Federal bank. **Case annulled by the STF in two decisions, reestablishing Lula's innocence.**
2. **Atibaia Countryhouse case:** The defense proved that Lula never received money from Odebrecht to pay for renovations on the farm, which was never his. The transfer of R\$ 700,000 from Odebrecht, alleged in the complaint, was made to a company director, not for works on the farm. **Case annulled by the STF in two decisions, Lula acquitted.**

3. **Lula Institute Land Case:** The defense proved that the Institute never received a land donation, contrary to what the Lava Jato complaint says, and always operated in its headquarters. **Case annulled by the STF in two decisions, Lula acquitted.**
4. **Donations to Lula Institute Case:** The defense proved that donations from individuals and more than 40 companies from Brazil and other countries to Lula, between 2011 and 2015, were all legal, declared to the Federal Revenue, and never constituted any kind of bribe or slush funds. **Case annulled by the STF. Lula acquitted.**

Foto: Ricardo Stuckert



5. **PT “Quadrilhão” Case:** This is the most serious and irresponsible of all the false accusations made against Lula, that he was the “commander” of a criminal organization set up to drain resources from Petrobras and other public companies. The 12th Federal Court of Brasília filed the complaint in December 2019, verifying that the MPF made the very serious accusation without having pointed out any crime, any illegal act or corruption that had been practiced by Lula, former President Dilma Rousseff, his former ministers, or PT leaders accused in the action. The judge said the complaint was simply trying to criminalize political activity. **Case closed, Lula acquitted.**
6. **PT “Quadrilhão” Case II:** A second complaint along the same lines as the previous one was simply rejected by the 12th Federal Court of Brasília. **Case closed and filed, Lula acquitted.**
7. **Delcídio Case (obstruction of justice):** The defense proved that the denunciation of former senator Delcídio do Amaral was false. The denunciation was so fragile that there was not even an appeal from the prosecution against the decision of the 10th Federal Court of Brasília, which acquitted Lula. **Case closed, Lula acquitted.**
8. **Lula's Lectures Case:** An inquiry opened in Sergio Moro's Federal Court in December 2015, intending to accuse Lula of having simulated the holding of lectures, in another farce by Lava Jato. The defense proved through videos, recordings, photographs, and news the holding of all 72 speeches by Lula, organized by the company LILS, between 2011 and 2015. The Federal Police and

the Public Ministry (Task Force) had to acknowledge that the talks were carried out without any illegality or simulation. The legality of the lectures had to be recognized in a decision by the judge who substituted Moro, Gabriela Hardt. **Case closed, Lula acquitted.**

9. **Case of Provisional Measure 471 (Zealots):** Lula was falsely accused of having received compensation for the enactment of MP 471, which extended incentives to the automobile industry to generate jobs in the states of the North, Northeast, and Midwest. After four years, the same prosecutor who filed the false accusation had to ask for Lula's acquittal. The 10th Court Federal Court of Brasília acquitted Lula and even dismissed the defense's final statement, noting that there was no just cause to maintain the action. **Case closed, Lula acquitted.**
10. **Case of the National Security Law:** As Minister of Justice, Sergio Moro asked the Federal Police to open an inquiry against Lula, based on the National Security Law from the time of the dictatorship. Lula was summoned and testified to the Federal Police. The inquiry was summarily filed by the 15th Federal Criminal Court of Brasília. **Case filed, Lula acquitted.**
11. **Lula's Son Case (Touchdown):** The defense demonstrated that the prosecution's accusations against Luiz Cláudio Lula da Silva, for the actions of his sports events company Touchdown, were false. The complaint was rejected by the 6th Federal Criminal Court of São Paulo. **Case closed, Lula acquitted.**
12. **Lula's brother Case:** The defense demonstrated that there was no illegality, fraud, or favoritism in the services that Frei Chico,

one of Lula's brothers, provided to Odebrecht in union negotiations since before the president was elected. The 7th Federal Criminal Court of São Paulo rejected the false accusation. **Case closed, Lula acquitted.**

13. **Lula's nephew Case:** The defense proved that there was no irregularity, illegality, or favoritism in the subcontracting of a company owned by a nephew of the former president for an Odebrecht project in Angola and that Lula did not receive any value arising from this contractual relationship. The Federal Regional Court of the First Region closed the case because the complaint was inept (with no minimum conditions to be processed). **Case closed and filed, Lula acquitted.**
14. **Triplex occupation Case:** The 6th Federal Criminal Court of Santos rejected the prosecution's complaint regarding the protest that members of the Homeless Workers Movement (in Portuguese, Movimento dos Trabalhadores Sem Teto - MTST) made against Lula's unjust conviction in the Guarujá triplex, in April 2018. **Case closed, Lula acquitted.**
15. **Carta Capital case:** Investigation procedure sent to the Federal Court of São Paulo. In yet another farce, Lava Jato tried to characterize Odebrecht's sponsorship contracts with Carta Capital magazine as illegal. The Federal Police itself requested the filing. **Case closed, Lula acquitted.**

2

Why did they arrest and try destroy Lula, the best president Brazil ever had

The democratic project for transforming Brazil that Lula led, starting with his first election in 2002, provided for the longest and most stable period of economic growth in Brazil's history and the broadest social inclusion of all time. But to change the lives of the population, it was also necessary to make major changes in the way the country was governed, to invert priorities, and this went against powerful interests inside and outside Brazil.

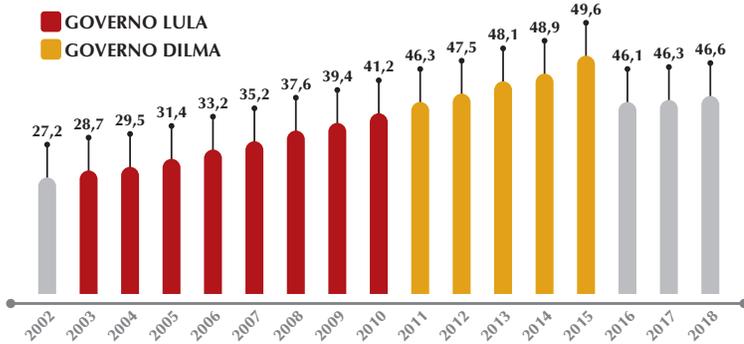
The Lula government interrupted a historic cycle of handing over national public patrimony to private interests, including foreign ones. That cycle, which began with Fernando Collor in 1990 and was deepened by the PSDB governments (1995 to 2002), was the time of rampant privatization, the sale of public banks and strategic companies for the country, such as Vale, which was sold for less 10% of its real value and Embraer, with its state-of-the-art technology created by Brazilian hands. They sold on the New York Stock Exchange more than half of the shares that the federal government had in Petrobras and changed the

Petroleum Law to benefit foreign oil companies in the exploration of our oil and gas. Lula put a stop to that true liquidation of the country, to preserve and enhance the heritage of the Brazilian people.

The model of state that was being imposed, before Lula, was increasingly harmful to the country. The public power did not invest in highways, railways, and hydroelectric plants, because the neoliberals said that this role was no longer up to the state, but that it would belong to the private sector. And it did not invest in the population's health, education, and safety, because they said that this would unbalance public accounts, cause instability, and the inflation to go up. Someone won with that model called the "minimum state", but it wasn't the country and much less the people. They were the speculators, those who profit from the high interest paid by the government, and the competitors of Brazilian companies. Lula came to change that situation and put at the service of all a state that, before him, only served a privileged part of the population.

With Lula, the vast majority, always forgotten, had a great social ascension, thanks to the growth of the economy and government investments to create 20 million formal jobs. With Bolsa Família and other policies, we overcome hunger and put food on the worker's table. We created the SAMU, the UPAs, and opened the doors of higher education to the people (for the first time blacks and workers' children became the majority in public universities). Families conquered their own homes, cars, refrigerators, air travel, more dignified life in short. But none of this was well accepted by the rich and powerful who had always ruled Brazil, in a society marked by three centuries of slavery and its legacy of exclusion and prejudice.

NÚMERO DE EMPREGOS FORMAIS (EM MILHÕES)



RENDA DOMICILIAR PER CAPITA RENDA FAMILIAR TOTAL DIVIDIDA PELO NÚMERO DE MORADORES DO DOMICÍLIO (EM REAIS)



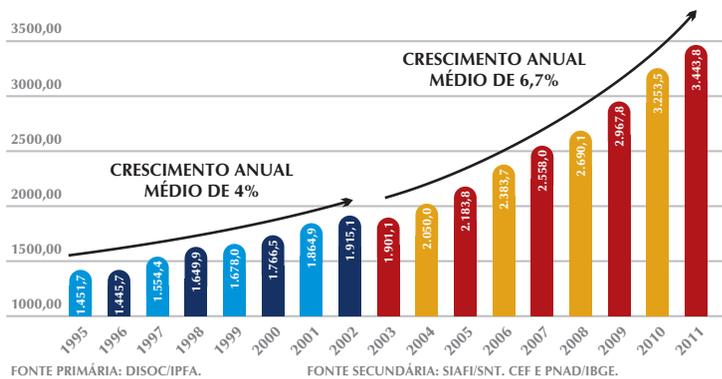
* A PNAD NÃO COLETADA EM 2010, DEVIDO À REALIZAÇÃO DO CENSO DEMOGRÁFICO
 ** MUDANÇA DE METODOLOGIA DA PESQUISA
 FONTE: PNAD

**In PT governments, the employment and income
of the poorest grew like never before**

The stability of public accounts, the control of inflation, and the sustained growth of the economy proved that a worker could better govern Brazil. They proved that the state does have a very important role in the economy and people's lives. They proved that the state's responsibilities to the population cannot simply be transferred to the market and the private sector. And they proved wrong the so-called

neoliberal model of the PSDB government before Lula's, which twice broke and subordinated the country to the IMF, lost control of inflation, brought unemployment and energy rationing because it did not plan nor invest in infrastructure for growth.

INVESTIMENTO EM TRANSFERÊNCIAS SOCIAIS DIRETAS**



* DE 2003 ATÉ 2013 ** DE 2003 A 2012

*** EDUCAÇÃO, SAÚDE, PREVIDÊNCIA, SEGURO DESEMPREGO, ASSISTÊNCIA SOCIAL

Lula and Dilma put the rights of the poor in the Union Budget

Lula's and PT's project was not only changing Brazil but proving that there was (and still is) a different and better path for the future. And that was unbearable for many powerful people, including abroad.

After Lula's government, Brazil became the sixth largest economy in the world and contributed strongly to changing world geopolitics, with a truly sovereign foreign policy. We have advanced a lot in the integration of Latin America and the Caribbean, in cooperation with Africa, with Arab countries, and at the same time with Israel, and in a joint action with Russia, China, India, and South Africa. We gained

influence in global negotiations on development, trade, the environment, and even on international security issues. Brazil has gained prominence in the world, with the banners of peace and democracy in political and commercial relations, overcoming poverty and hunger wherever they exist.

At the same time, Brazil strengthened itself in global trade. We have multiplied exports and imports by 5 in just 10 years, and, in addition to strengthening our global participation in agribusiness and basic products (so-called commodities), we conquered markets in new and more dynamic sectors, such as the export of aircraft, automobiles, technology and engineering and heavy construction services.

Thanks to Petrobras investments and the national content policy, we started to generate millions of jobs in Brazil to build ships, rigs, and a whole chain of products that were previously imported from other countries. With the discovery of the pre-salt, we changed the old concession system to the sharing system in oil exploration contracts, to protect our wealth and use it for the benefit of the country, and not just foreign companies. Brazil went from an oil importer to an exporter. Petrobras has become one of the largest companies in the world and invested in refineries to produce here all the gasoline and diesel consumed in the country.

It was a sovereign and globally competitive Brazil that asserted itself on the world stage. And that's what explains the US government's spying on Petrobras and President Dilma's office or Shell's support for the PSDB candidate against her, to change the pre-salt rules, as revealed in 2013 by Edward Snowden, former US security officer. That is what



Lula at the G20 meeting: Brazil won the world's respect

explains the permanent blackmail by foreign risk rating agencies of the countries on the Brazilian government accounts. This explains the essential participation of the USA in Lava Jato, against Lula and the country.

Brazil was growing, competing, and bothering. For this very reason, so many powerful interests acted not only against that transformation project but to destroy its leader, Lula, so that the people and the country would never raise their heads again.

3

The preparation of the attack against Lula in the Brazilian media and the farce of Lava Jato against him

The forces opposing the project that was changing Brazil organized a strong campaign to return to govern the country, which became even more intense after the re-election of President Dilma Rousseff in 2014. Dissatisfied with the result, they asked for the annulment of the elections, which was rejected by the Superior Electoral Court, but they never gave up on contesting and delegitimizing the reelected president.

Brazil was suffering from the impacts of a global crisis and the government needed to correct important points of economic policy, but the opposition, which had a majority in Congress, sabotaged all the measures sent by the government to face the crisis. They played against the country. At the same time, they manipulated the Lava Jato operation to criminalize PT. And they opened the way to impeachment with false accusations of fiscal maneuver.

The opposition and the mainstream media also turned their attacks on the image of Lula, the leader of that political project. An old inquiry by the Public Ministry of São Paulo into the Bancoop housing cooperative, in which Ms. Marisa Letícia, Lula's wife, paid installments for the share of a

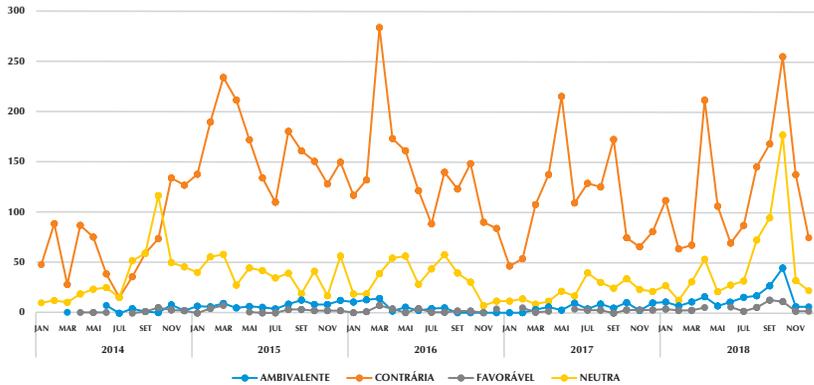
common apartment, was manipulated into a denunciation against Lula and his family, with heavy coverage by Veja and Rede Globo. Even without making any sense, that false accusation would later give rise to the famous action of the triplex.

Throughout 2015, agents from the Federal Revenue and the Public Ministry of Brasília began to break the fiscal and banking secrecy of Lula, his family, and the Lula Institute, under the pretext of investigating the lectures and other activities of the former president. Illegal leaks fed the press in a campaign that criminalized even the pedal boats of Lula's grandchildren and the family dog's veterinary clinic. Between January and August 2016, TV Globo's Jornal Nacional gave 13 hours of negative news about Lula and not even 1 minute in his favor, according to the Headline Meter of the Media Studies Laboratory of the State University of Rio de Janeiro (in Portuguese, Universidade Estadual do Rio de Janeiro - UERJ). Between January 2015, and the filing of the triplex complaint, in September 2016, the three largest newspapers in the country (Folha, Globo, and Estadão) published 693 articles against Lula's PT. Between 2014 and 2017, the three biggest magazines of the time (Veja, IstoÉ, and Época) published 55 covers against Lula.

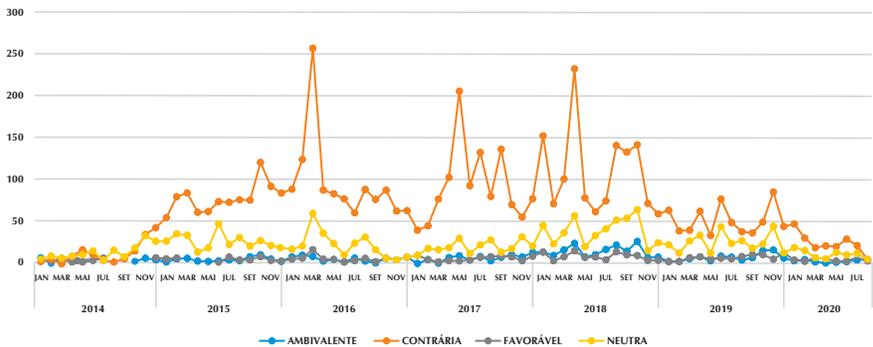


Between January and August 2016, Globo TV's Jornal Nacional gave 13 hours of coverage against Lula

COBERTURA DO PT NOS JORNAIS



LULA NOS JORNAIS IMPRESSOS (2016)



**The massacre against PT and Lula on Globo, Folha and Estadão
(Source: UERJ Media Studies Laboratory)**

It was under this intense campaign of defamation, at a time when TV networks were encouraging street demonstrations against the PT government, that, on March 4, 2016, the Federal Police fulfilled an illegal mandate of coercive conduct against Lula, under Sergio Moro's command. At that time, even without having opened a formal investigation, Moro was already wiretapping Lula, his family, and even his lawyers, but he had never called the former president to provide clarification. There was, therefore, nothing to justify the coercive driving, which was a kidnapping.

That arrest to make him testify, typical of a police state, was the media spectacle that Lava Jato prepared to humiliate its target, along with Globo, which was warned of the operation in advance. It was the first of the serious abuses and illegalities that Lula's lawyers would gather over the years, culminating in the annulment of all the processes in Curitiba and the declaration, by the Federal Supreme Court, of the suspicion and partiality of Moro against Lula for reasons politicians, on March 23, 2021.

Gross human rights violations and oppressive publicity against Lula are even the foundations of the Individual Communiqué presented by President Lula to the United Nations Human Rights Committee in Geneva (Switzerland) in July 2016. Lula was the first Brazilian citizen to file a lawsuit before the UN Committee, in a representation signed by Brazilian lawyers Valeska Martins and Cristiano Zanin and renowned British lawyer Geoffrey Robertson.

But until Justice began to triumph, there were more than five years of lies, in Lava Jato and the media; of false accusations launched in the wholesale, to confuse and weaken the defense, of financial strangulation by blocking the assets and income of Lula, his family and the Lula Institute; violations of the Code of Criminal Procedure, the Electoral Law, the Constitution and international treaties signed by Brazil, in addition to 580 days of illegal imprisonment, suffering, humiliation, and injustice.

4

The war operation: the lawfare, the accusing judge, the propaganda in the media, foreign participation

The English word lawfare can be translated as “judicial war” and means the manipulation of Justice intending to destroy a target, an enemy, which can be a person, a company, a party, or even the government of a country.

Not every unjust accusation or persecution can be called lawfare, but in Lula's case, there is no doubt that this was the way of acting, as the concept first described in Brazil in the book *Lawfare: Uma Introdução* (Cristiano Zanin, Valeska Martins, and Rafael Valim, 2016).

Lula was never truly investigated, denounced, or even tried as an ordinary citizen, who has the right to defend himself and must be found not guilty until the final sentence. Lula has always been treated as the enemy that Moro and his powerful allies wanted to destroy. Everything was planned and executed like a war operation. Check out the operation steps here:

➤ **The definition of the battlefield**

The triplex case, which was going on in the São Paulo State Court, was taken to the 13th Federal Court of Curitiba, commanded by Moro, who never had jurisdiction for the case, as it would ultimately be decided in the STF in 2021. The triplex case had nothing to do with the investigations into Petrobras, Sergio Moro took action to attack Lula in his “territory”, the 13th Court of Curitiba, where he also commanded the Task Force of the Federal Public Ministry. This illegal decision lasted for more than five years, allowing Lula to be tried and convicted by a biased judge. Lula would never have the chance of a fair trial at the 13th Federal Court of Curitiba because the judge and prosecutors were already determined to convict him.

➤ **Control of attack weapons**

The weapons chosen to target Lula were false accusations of corruption, concocted against him by the Prosecutors of the Task Force of Lava Jato. Sergio Moro has always been the commander of the prosecution, controlling and directing the denunciations signed by Deltan Dallagnol and the other prosecutors. Whenever necessary, Moro articulated actions with the Attorney General's Office and the Federal Public Ministry of Brasília. In addition to leading the prosecution and trial, Lava Jato had full control over illegal leaks and media reports against its enemy, Lula.

➤ **The lying propaganda against the enemy**

This was the crucial role played by the large Brazilian media, with Rede Globo in the lead. Hundreds of magazine covers, newspaper headlines, and "reports" on open TV news, as well as

comments on radio and cable TV stations, were produced daily to massacre Lula's image in public opinion and legitimize his media judgment and prior conviction. The massive use of negative media propaganda against the enemy was the main lesson Sergio Moro learned from Operation “Mãos Limpas”, which took place in Italy in the early 1990s, as he wrote in an article published in 2004.

13 APR 17

- **09:07:39 Moro** Tem alguma coisa mesmo seria do FHC? O que vi na TV pareceu muito fraco?

09:08:18 Caixa 2 de 96?

- **10:50:42 Deltan** Em pp sim, o que tem é mto fraco
- **11:35:19 Moro** Não estaria mais do que prescrito?
- **13:26:42 Deltan** Foi enviado pra SP sem se analisar prescrição

13:27:27 Suponho que de propósito. Talvez para passar recado de imparcialidade

- **13:52:51 Moro** Ah, não sei. Acho questionável pois melindra alguém cujo apoio é importante

**Message via Telegram:
Moro orders Deltan not to investigate FHC.
The target was always Lula**

➤ **The use of espionage against the enemy**

Even before starting any official investigation, Moro ordered the Federal Police to tap the phones used by Lula, his family, and even the former president's lawyers, which is illegal and would be one of the strongest pieces of evidence in the judgment of Moro's bias in the STF. The most notorious episode of illegal espionage was the wiring of former president Dilma's conversation with Lula on March 16, 2016. Even though he was reprimanded by Minister Teori Zavascki, who was the referendary for Lava Jato in the STF, Moro continued to spy on Lula.

➤ **Attack planning**

A secret message from Deltan Dallagnol to a group of prosecutors, on September 16, 2016, revealed the existence in Lava Jato of a "Lula Plan". In this plan, the various actions against the former president and the dates on which they would be triggered were scheduled, both in Curitiba and in other Courts in the country. Lava Jato also planned information leaks, prosecutors' manifestations, and even the dates of police operations, to anticipate the defense's movements, according to messages examined by Lula's lawyers from an official Federal Police archive (Operation Spoofing), with the authorization of the STF.

➤ **Serial lawsuits bombing**

Strictly following the attack plan, in about two years, 11 criminal actions were opened in Curitiba, São Paulo, and Brasília, and more than 200 simultaneous proceedings in different instances, against Lula and his family. Among the Lava Jato lawsuits and the others, Lula's defense participated in 154 hearings in which 380

witnesses were heard. Lula provided no fewer than 24 testimonies in criminal proceedings, inquiries, and other proceedings between 2015 and 2021. In addition to overloading the defense work and taking the focus off the most important cases, the bombardment of complaints increased Lula's negative exposure in the media, fueling the campaign of lies against him.

➤ **The speed of blitz attacks**

The processing of the lawsuits and sentences against Lula was carried out in record time, both in the Court of Curitiba and in the TRF-4, as well as the submission and acceptance of false accusations in Brasília. Between the first conviction of Lula by Sergio Moro in the triplex case, in September 2017, and the second instance confirmation by the Federal Court of the 4th Region (TRF-4), with increased sentence, in February 2018, in full judicial recess, took less than six months. This record speed was necessary to bring Lula into line with the Clean Record Law in time to prevent him from being a candidate in that year's elections. In the Atibaia country house case, Moro's substitute judge, Gabriela Hardt, sentenced a 6,000-page lawsuit in just one month, copying entire parts of Moro's decision in the triplex case.

➤ **The corruption of the judicial process**

Given the total absence of material evidence against Lula, Lava Jato opened a real market for complaints in Curitiba. With the participation of lawyers linked to Moro, the prosecutors negotiated the defendants' testimonies, always aimed at quoting and trying to involve Lula, in exchange for the reduction of sentences and financial advantages. In this way, Justice itself was corrupted. All

defendants who made a whistleblower agreement are at large, and those who were already very rich remained very rich.

➤ **Neutralizing the enemy's defense**

Lula's lawyers were openly curtailed by Sergio Moro at the Curitiba hearings. His questions were interrupted and even censored by the former judge. Moro denied most requests for expertise and reports to produce evidence of Lula's innocence and even denied the defense access to Petrobras contracts. In the mainstream media, especially Globo, Lula's defense had practically no voice. The lawyers' words were censored or mutilated within seconds at the end of the Jornal Nacional reports. Through messages seized by "Operation Spoofing", Lula's lawyers were also able to prove that Lava Jato carried out several illegal measures to try to make the defense of the former president unfeasible.

Foto: Ricardo Stuckert



Zanin and Valeska: from the PF to the UN in defense of Lula

➤ **The economic stranglehold on the enemy**

In the same sentence in which he convicted Lula without evidence for the triplex case, Sergio Moro ordered the blockade of the former president's assets. The blockade extended to the estate of Mrs. Marisa Letícia, thus affecting Lula's children, daughters-in-law, and grandchildren. At the same time, the Lula Institute received a million-dollar fine, which practically rendered its operation unfeasible, in an audit by the Federal

Revenue Service, which, despite not having found financial irregularities or fiscal crimes, concluded that there was a “deviation of purpose”.

➤ **The personal and political immobilization of the enemy**

Despite having the right to appeal in freedom against the convictions of Moro and the TRF-4, a right provided for in Article 5 of the Constitution, Lula was illegally imprisoned for 580 days at the headquarters of the Federal Police in Curitiba. Moro gave the arrest order shortly after the STF denied, by 6 votes to 5, a request for habeas corpus from Lula, in April 2018, in a trial marked by strong pressure from the media and even from the commander-in-chief of the Army. Only the following year would the STF again confirm the right of all citizens to the presumption of innocence, in a trial in which Lula was not a directly involved party. Also in 2018, the Superior Electoral Court revoked Lula's right to run for election, even in prison, contradicting the legislation and failing to comply with a determination by the UN Human Rights Committee. The TSE's illegal decision kept Lula politically immobilized and guaranteed Jair Bolsonaro's victory in October.

➤ **Actions to break the enemy's morale**

Illegal and unjust imprisonment was not the only humiliation imposed on Lula. Before that, his family's intimacy was leaked, clips of Dona Marisa's intimate conversations with her children and photographs of Lula's and his family's rooms were illegally leaked to the press. The couple's children were persecuted and defamed, their bank secrecy broken. Even the tablet of one of

Lula's grandchildren was seized. Already in prison, Lula was prohibited from receiving religious visits and from attending his brother Vavá's funeral. The judge of criminal executions in Curitiba even ordered that he be transferred to a maximum-security prison in the estate of São Paulo countryside, which was only prevented by a decision of the Supreme Court and by the reaction of leaders of 15 parties in the Chamber. For Lula to attend the funeral of his little grandson Arthur, the PF set up an unnecessary and fussy apparatus, as if they were carrying a dangerous prisoner, while the prosecutors made fun of Lula's mourning, as the defense discovered in the messages shown by Operation Spoofing.

➤ **Political articulation against the enemy**

Lava Jato and its powerful allies acted in mobilizing protests against Dilma's government, which was also a way to wall up Lula, the target of the operation. The leak of the illegal wiretapping between the president and Lula, in March of that year, was decisive in the protests, directly encouraged by the media. The impeachment commander in the Chamber, Eduardo Cunha, was spared by Lava Jato, despite the serious evidence against him, until he finished his dirty work. The famous PowerPoint denunciation against Lula was only presented after the coup. The second instance of conviction and his arrest, in April 2018, was synchronized with the presidential race, which Lula led in the polls even after his arrest. Moro had already negotiated to be a minister of Bolsonaro's government in September of that year, when he illegally publicized Antônio

Palocci's false statement against PT, with a week to go before the first round of the election.

➤ **The decisive support from foreign powers**

FBI agents, federal prosecutors, and agents from the Department of Justice (DOJ) and the United States Department of State, as well as prosecutors from Switzerland and other countries, guided and even commanded Lava Jato's actions in an illegal manner in Brazil. They helped to forge accusations against Petrobras and large Brazilian companies, used in lawsuits in the United States and other countries. Deltan Dallagnol and other Lava Jato prosecutors were corrupted by the US DOJ, which rewarded them by allocating more than R\$2 billion taken from Petrobras to create a private foundation in Brazil. Dallagnol's billionaire plan only failed because it was later denounced and annulled by the STF. At the end of the processes, Minister Ricardo Lewandowski, of the STF, would recognize the illegality of the Lava Jato partnership with foreign agencies against Lula. The fact is that, before and after becoming Bolsonaro's minister, Moro received full coverage from the CIA and the US National Security Agency (NSA), the same one that spied on Petrobras and President Dilma.

➤ **The replacement of law by force**

The use of force is what ultimately characterizes a war situation. As the evidence and the law were in favor of Lula's innocence and freedom, Lava Jato appealed to the brute force of the state against the citizen, from the beginning to the end of the processes. Since Lula's coercive conduct on March 4, 2016, which was a real kidnapping, Sergio Moro, Curitiba's

prosecutors, the Federal Police, the Federal Revenue Agency, and other public agents have committed hundreds of acts of violence against the law and Lula's rights, generating nullities that would only be corrected in the STF more than five years after the beginning of the judicial farce.

Foto: Ricardo Stuckert



In front of the PF building in Curitiba, the Lula Livre Vigil endured for 580 days and nights

5

How the defense proved that Lula is innocent and that Sergio Moro was a suspicious and biased judge

Since the beginning of the persecution, Lula defined, with lawyers Cristiano Zanin and Valeska Martins, the two main lines of defense: proving his innocence in the face of false accusations and never giving up his rights and compliance with due legal process. Most of the defendants in Lava Jato agreed to confess to a crime and negotiate charges to get out of prison, but Lula never compromised with the truth. He did not accept proposals for house arrest (“My house is not a jail”, he said), for using electronic anklets (“I am not a carrier pigeon to wear an ankle bracelet”) or for negotiated reduction of sentence, which would imply in agreeing with the illegalities of action (“I don't trade my dignity for my freedom”, he affirmed). Lula's lines of defense, therefore, are quite different from most other Lava Jato cases.

During all this time, Lula's lawyers pointed out the illegalities and abuses that were being committed by police officers, prosecutors, and judges. The first of these was the incompetence of the 13th Federal Court of Curitiba, led by Sergio Moro, to process the case of a property in the municipality of Guarujá, in São Paulo, and which had nothing to do with

the deviations at Petrobras investigated in the Lava Jato. As Moro proved to be a biased judge, curtailing the defense, instructing the prosecution, denying opinion-based expertise, and producing evidence of innocence, the defense showed that he should declare himself a suspect to try Lula. They denounced the errors of the triplex sentence, the fact that Moro himself acknowledged that there was no relationship between the property and Petrobras' contracts with OAS, the absurd conviction for "indeterminate acts".

None of these abuses were recognized by Moro nor was it considered, in fact, by the Federal Regional Court of the 4th Region (TRF-4) or by the 5th Chamber of the Superior Court of Justice (STJ), which also refused to examine the concrete nullities pointed out by the defense. Thus was born the lie, exhaustively repeated by ill-informed or malicious journalists, that Lula was a defendant convicted in three courts of justice, when, in reality, suspicion, biases, and abuses have contaminated the process from its roots.

In late October 2018, when Sergio Moro's alliance with Jair Bolsonaro to name him minister of justice became public, Lula's defense decided to take to the STF a request for habeas corpus to free Lula (who was already imprisoned for more than six months). This habeas corpus was based on evidence of Moro's lack of impartiality and his political motivation to condemn Lula. These were proofs of Moro's suspicion, described in detail in seven main episodes:

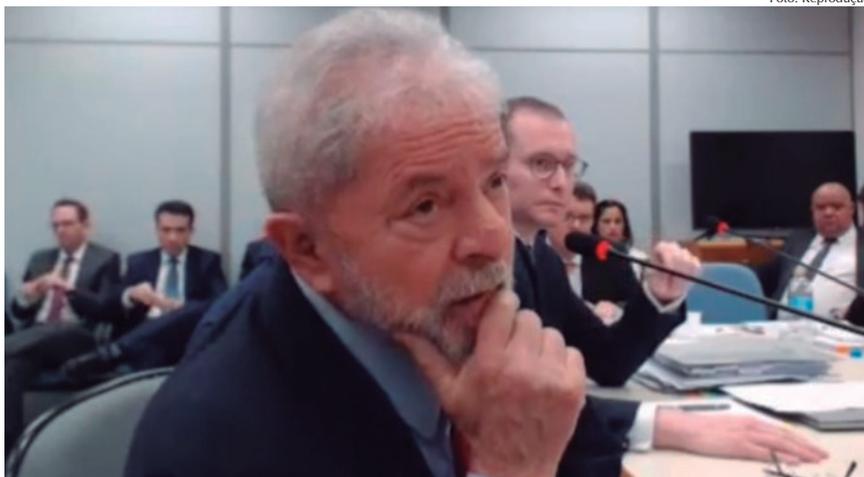
- 1) The illegal coercive conduct of a person who had not been called to testify and against whom there was not even a formal charge;
- 2) Illegal taps of Lula's conversations with attorney Roberto Teixeira and the main branch of the defense attorney's office;

- 3) The illegal leak of the equally illegal wiretap from a conversation between Lula and then-President Dilma Rousseff, followed by Moro's public demonstration in support of protests against his target;
- 4) The contradictions of the triplex sentence itself, in which Moro condemns Lula for “indeterminate acts” and then admits, in a defense appeal, that he did not relate the property to Petrobras contracts;
- 5) The illegal order that Moro gave to the Federal Police, on June 8, 2018, to disobey the decision of federal judge Rogério Favreto, who ordered the release of Lula that day for considering the arrest illegal;
- 6) Sergio Moro's decision to disclose a false statement by Antonio Palocci, without any justification for it, with one week to go before the election that Bolsonaro was running against the candidate who replaced Lula in PT, Fernando Haddad;
- 7) The news that Sergio Moro would be a minister of justice of Jair Bolsonaro's government, the candidate directly benefited by Lula's conviction and impeachment in an election in which he was leading the polls.

It is important to emphasize that all these arguments would be accepted by the STF and are included in the judgment (final report) of the judgment on the habeas corpus of suspicion, published in May 2021. However, more than two years elapsed between the request and the conclusion of the judgment who returned Lula's rights. During this period, the defense continued to denounce the arbitrariness of the Curitiba prosecutors in the National Council of the Public Ministry (in Portuguese, Conselho Nacional do Ministério Público - CNMP) and defended Lula in several instances besides the Lava Jato.

Since the moment when the habeas corpus of suspicion was presented (November 2018), Sergio Moro and the image of Lava Jato began to enter, for the first time, in a slow but constant process of weariness. At the Ministry of Justice, Moro supported Bolsonaro's illegal decrees to increase the arming of militias, in addition to having remained silent in the face of his chief president's attacks on democracy and institutions, including the STF. In early 2019, journalist Luís Nassif revealed the project of the private, billionaire, and illegal foundation that Deltan Dallagnol intended to create with resources taken from Petrobras in processes in the USA. The project was impeded by the action of the Attorney General's Office and the STF, but the stain of corruption was glued to the prosecutors. They also wore themselves out, especially in legal circles, in seeking corporate protection for CNMP members in disciplinary proceedings because of the illegalities they did against Lula.

Foto: Reprodução



**Lula at the court hearing with Moro:
“After so much lie, you're doomed to condemn me”**

As of June 9, 2019, the image of Lava Jato and Sergio Moro would be strongly shaken by the revelation of the secret messages they exchanged through the Telegram application. Part of the messages, obtained by a hacker, started to be published by The Intercept Brazil website, then directed by journalist Glenn Greenwald, in partnership with other vehicles (Veja, Folha de S. Paulo, UOL, El País, among others). In the series of reports known as Vaza Jato, the secret messages confirmed what Lula's defense had denounced since the beginning of the proceedings: Moro directly commanded the actions of prosecutors, becoming part of the prosecution, which is not allowed for a judge by the legislation of Brazil and other democratic countries.

Vaza Jato had a strong impact on public opinion and legal circles, to the point of being mentioned in a session of the Second Panel of the STF, on June 12, 2019, when the ministers discussed, but did not proceed with the judgment of Lula's habeas corpus, started in December 2018 and interrupted by a request for views from Minister Gilmar Mendes.

The series of reports stimulated criticism of Lava Jato and expressions of solidarity with Lula, who had already served more than a year of illegal imprisonment. Lava Jato maintained the support of the mainstream media and the complicity of Rede Globo, which simply censored the secret messages scandal in its news, but the prosecutors and Sergio Moro began to have to explain themselves and became defensive.

While awaiting judgment, Lula's defense was working on other fronts to prove the illegality of Lula's conviction. One of these fronts was the illegal cooperation of prosecutors with agents of foreign governments, notably from the United States and Switzerland. It was essential to clarify that

situation, among other reasons, to analyze the Odebrecht leniency agreement, which was used by the prosecution to denounce the Atibaia country house and other actions. Sergio Moro has always denied the defense access to this suspicious agreement.

One of the reports by Vaza Jato, produced in partnership with Public Agency, by independent journalists, brought messages proving the existence of dialogues, meetings, and even the clandestine exchange of data, through pen drives, between Curitiba, Switzerland, and the USA. That report directly contradicted the official information of the prosecutors, the Court of Curitiba, and the Attorney General's Office to the STF, always denying the existence of this informal and illegal cooperation. It was to clarify who was lying that Lula's defense asked the STF, in October 2019, to access messages seized from hacker Marco Delgati and inspected by the Federal Police, in the so-called Operation Spoofing, launched by Moro himself when he was a minister and responsible by the PF.

Faced with strong arguments, Minister Ricardo Lewandowski determined that the Justice and the Police should give access to the messages, exclusively to examine those related to Lula's defense. Analyzing the files, Lula's lawyers were able for the first time to link the contents of the secret messages to the illegal actions of Moro and the prosecutors in the lawsuits against Lula. They found the orders of the former judge to start operations, the "Lula Plan", the articulations for choosing judges in the case, the operations with the press to wall up members of higher courts, the illegal contacts and agreements with foreign agents, to harm Lula and Petrobras and to obtain financial advantages.

Ao Povo Brasileiro
 Não Troco minha dignidade pela minha
 Liberdade.

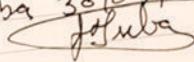
Tudo que os procuradores da Lava Jato
 realmente deveriam fazer é pedir desculpas ao
 Povo Brasileiro, aos milhões de desempregados e
 à minha família, pelo mal que fizeram à
 Democracia, a Justiça e ao país.

Quero que saibam que não aceito
 barganhar meus direitos e minha liberdade.
 Já demonstrei que são falsas as
 acusações que me fizeram. São eles e
 não eu que estão presos às mentiras que
 contaram ao Brasil e ao Mundo.

Diante das arbitrariedades cometidas
 pelos Procuradores e por Sergio Moro, cabe agora
 à Suprema Corte corrigir e que esta enade,
 para que haja Justiça Independente e impar-
 cial. Como é devido a todos cidadãos.

Tenho plena consciência das decisões
 que tomei neste processo e não desistirei
 enquanto a verdade e a Justiça não
 voltarem a prevalecer.

Curitiba 30/09/2019



In a letter from prison, Lula rejects an agreement with prosecutors:
 "I don't trade my dignity for my freedom"

The findings were officially communicated to the STF and made public through 14 petitions presented in February, March, and April. The new revelations in the messages made Sergio Moro's situation untenable, even though it was not attached to the habeas corpus of the suspicion, which still had no date for trial. It was in this environment that the referendary of Lava Jato in the STF, Minister Edson Fachin, welcomed another habeas corpus of

Lula's defense, to decide, five years later, that the 13th Court of Curitiba never had the competence to deal with the cases against the former president.

On March 8, Fachin released the decision that annulled the four criminal actions against Lula in Curitiba, including the convictions on the triplex and siege cases. In other words: in addition to acquitting Lula, the STF determined that any new action referring to those cases would have to start with a new complaint, in a competent court.

Sergio Moro's defenders and Minister Fachin himself understood that, with the annulment of the processes for lack of jurisdiction, the habeas corpus judgment of the former judge's suspicion should be abandoned and closed. But this position was defeated by 4 votes to 1 in the March 9 session of the Second Panel of the STF, which decided to proceed with the trial that was interrupted in December 2018. Justices Gilmar and Lewandowski voted for the suspicion. Due to a new request for views, by Minister Kássio Nunes Marques, the trial was only resumed on March 23. Nominated by Bolsonaro, Nunes Marques voted against the suspicion, accompanying referendary Fachin. Then, Minister Carmen Lúcia, who in 2018 had considered the habeas corpus formally unfounded, presented her vote of merit. Based solely on the seven reasons presented by the defense, it formed a majority of 3 votes to 2 to determine that Sergio Moro was not unbiased in Lula's trial.

The judgment of Moro's suspicion immediately nullified Lula's conviction in the triplex case and all acts carried out under the judge's command since before the opening of the process. On June 24, this decision would be extended to all cases in which Sergio Moro acted against Lula.

The General Attorney's Office also tried to reverse Moro's suspicion, appealing to the STF plenary to confirm whether the Second Panel's decision was valid or not. An unusual situation was created, in which the Supreme Court would judge a decision of the Supreme Court, through one of its two groups. But the maneuver did not prosper and, in two long sessions, the majority of the 11 ministers confirmed both the first decision of Fachin (which annulled the incompetence lawsuits) and that of the Second Panel (Moro's suspicion), in a judgment concluded on 23rd of June 2021.

It was a historic and unprecedented victory in the Brazilian Judiciary, with enormous international repercussions. There is also no precedent for a popular leader who has overcome a media massacre as intense as the one Lula faced. To the surprise of those who tried to destroy him, Lula won because he was never alone: he always had the support of those who believed in him, in his innocence and in his trajectory, those who understood the political and economic reasons for the persecution, those who, inside and outside of Brazil, fought for democracy and justice. He won because he dared to denounce all the violence and illegalities committed throughout the process. Lula won because he never gave up fighting for the truth and the Brazilian people.

Supremo Tribunal Federal

Inteiro Teor do Acórdão - Página 1 de 441

09/03/2021

SEGUNDA TURMA

HABEAS CORPUS 164.493 PARANÁ

RELATOR : MIN. EDSON FACHIN
REDATOR DO ACÓRDÃO : MIN. GILMAR MENDES
PACTE.(S) : LUIZ INACIO LULA DA SILVA
IMPTE.(S) : CRISTIANO ZANIN MARTINS (32190/DF, 153599/RJ, 172730/SP) E OUTRO(A/S)
COATOR(A/S)(ES) : SUPERIOR TRIBUNAL DE JUSTIÇA

6. Existência de 7 (sete) fatos que denotam a parcialidade do magistrado. As alegações suscitadas neste HC são restritas a fatos necessariamente delimitados e anteriores à sua impetração.

4. Antecedentes da biografia de um Juiz acusador. O STF já avaliou, em diversas ocasiões, alegações de que o ex-magistrado Sergio Fernando Moro teria ultrapassado os limites do sistema acusatório. No julgamento

6.7. O último fato indicativo da perda de imparcialidade do magistrado consiste no fato de haver aceitado o cargo de Ministro da Justiça após a eleição do atual Presidente da República, Jair Bolsonaro, que há muito despontava como principal adversário político do paciente. Sergio Moro decidiu fazer parte do Governo que se elegeu em oposição ao partido cujo maior representante é Luiz Inácio Lula da Silva. O ex-juiz foi diretamente beneficiado pela condenação e prisão do paciente. A extrema perplexidade com a aceitação de cargo político no Governo que o ex-magistrado ajudou a eleger não passou despercebida pela comunidade acadêmica nacional e internacional.

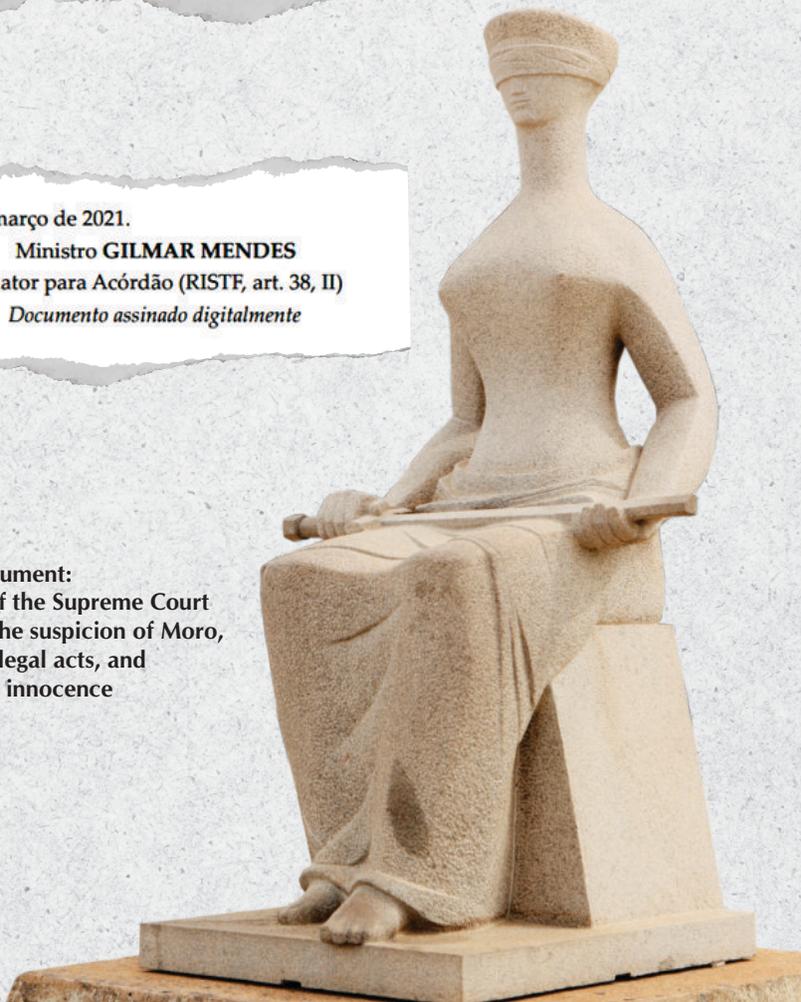
ACÓRDÃO

Vistos, relatados e discutidos estes autos, acordam os Ministros do Supremo Tribunal Federal, em Segunda Turma, sob a presidência do Senhor Ministro Gilmar Mendes, por maioria de votos, conhecer do *habeas corpus*, vencidos os Ministros Edson Fachin (Relator) e Nunes Marques que dele não conheciam. No mérito, a Turma, por maioria, concedeu a ordem em *habeas corpus*, determinando a anulação de todos os atos decisórios praticados pelo magistrado no âmbito da Ação Penal n. 5046512-94.2016.4.04.7000/PR, incluindo os atos praticados na fase pré-processual, nos termos do voto do Ministro Gilmar Mendes, redator para acórdão, vencidos os Ministros Edson Fachin (Relator) e Nunes Marques.

Brasília, 23 de março de 2021.

Ministro **GILMAR MENDES**
Redator para Acórdão (RISTF, art. 38, II)
Documento assinado digitalmente

Historical document:
the decision of the Supreme Court
that decreed the suspicion of Moro,
annulled his illegal acts, and
rescued Lula's innocence



6

Far beyond the triplex: two big lies from Lava Jato and the media that poisoned Brazil

Lava Jato has always known that the Guarujá triplex was never bought, donated, lent, or sold to Lula. It belonged to OAS, which also gave the property as a guarantee for a loan from Caixa Econômica Federal, and this is proven in the case records. Lula's lawyers also proved false that Odebrecht had earmarked R\$ 700,000 to pay for works on the Atibaia country house, which also never belonged to Lula. The money was deposited for a former director of Odebrecht itself, and this is also in the records.

Sergio Moro himself had to acknowledge, in the triplex ruling, that Lula did not receive funds diverted from Petrobras contracts. He also always knew that former president Lula never signed any illegal or corrupt act. Therefore, in the absurd sentence of the triplex, Moro condemned Lula for “indeterminate acts”, that is: he condemned him without pointing out what Lula would have done wrong.

These and other farces by Lava Jato, such as the one that the Lula Institute would have received donations and even a new headquarters (which never existed), seem even small in the face of the biggest lie of all these

processes: that PT would be a criminal organization, commanded by Lula, and that his government broke the country. On the contrary: it is the international reserves of more than 340 billion dollars left by PT governments, in addition to social policies for the poorest, such as Bolsa Família and the reinforcement of the SUS, which have avoided an even greater catastrophe in the ungoverned country of Jair Bolsonaro and his economic destroyer minister, Paulo Guedes.

The first branch of this lie has already been broken by the Justice in the judgment of the criminal action that became known as the “quadrihã do PT”. Lula, his former ministers, and President Dilma Rousseff were fully acquitted by the Federal Court of Brasília, in December 2019, because the accusation was false and was not supported by facts. In addition to this sentence, an official expert report in Brasília's Justice Department recently confirmed that, even though there was the practice of slush fund, there was no embezzlement of public money in the so-called “mensalão”, in which PT leaders were convicted and are appealing against unfair decisions.

Foto: Ricardo Stuckert



**After winning
in court, it's time to
face the lies against
Lula and PT**

The other branch of the lie is the way the story of the so-called “petrolão” was told by the media. It is true, yes, that former Petrobras directors and employees received bribes from large companies, but Lava Jato never proved that there was so-called “systemic corruption” or overpricing in the state-owned works. And it is the facts that belie this version. The biggest damage to Petrobras was the Lava Jato itself and the governments that came after PT to deliver to foreigners one of the greatest assets of the country and, the Brazilian people.

Dismantling the lie of the "Quadrilhão do PT"

In September 2017, the then-Attorney General of the Republic, Rodrigo Janot, filed a complaint about “forming a gang” against Lula, former president Dilma Rousseff, five former ministers, and former PT treasurer João Vaccari. In that false accusation, Janot stamped as if they were true and official all the “convictions” without proof that Deltan Dallagnol presented in the famous interview with PowerPoint, in September 2016. Lula was called the “commander” of a criminal organization that had the objective of assaulting the government and gaining personal advantage and political power.

This lie had been hammered out since the time of the monthly allowance and is repeated to this day in Bolsonaro's networks and by PT opponents. However, when the suit was finally judged by the 12th Federal Court of Brasília, in December 2019, the judge summarily acquitted Lula and the other defendants, because the complaint had no basis.

Judge Marcus Vinícius Reis Bastos harshly criticized the former Attorney General's complaint, stating that it presented *“an assumption as if it were the truth of the facts, not even bothering to point out the essential elements to characterize the crime”*. By fully acquitting the people accused by Janot, the judge pointed out the political character of that action: *“The complaint presented reflects an attempt to criminalize political activity,”* wrote Reis Bastos. The sentence was so clear in denouncing the complaint and its objectives that the Public Ministry did not even dare to appeal, and the case was dropped, restoring the innocence of Lula and others who had been unfairly accused.

By publishing a memory book three years after presenting the false accusation, Rodrigo Janot himself would confess that he only did that to meet a request from Deltan Dallagnol and the prosecutors who had accused Lula without evidence in Curitiba. Prosecutors needed to place the unproven complaint of the triplex in the context of a criminal organization within the federal government, or it would not be possible to accuse Lula of corruption. As there was no evidence either that Lula would have received the triplex or that there was such a criminal organization, Rodrigo Janot did the dirtiest job for them, creating the action of the *“Quadrilhão do PT”*.

The forged scenario of the *“Quadrilhão do PT”* is the backdrop for all actions and investigations against Lula. Some of them even reproduce Janot's false accusation, as if it hadn't already been tried and filed. This is also the accusation that opponents and the media always try to maintain, despite the very clear decision of the Federal Court.

Before proceeding, it is necessary to remember that PT was created in

1980, by Lula and by thousands of activists from unions, popular movements, grassroots communities, intellectuals, artists, and political leaders, to defend workers' rights, a better life for the people, freedom, and democracy in Brazil, at a time when we were still governed by generals and there were no elections for president.

12. **A denúncia apresentada, em verdade, traduz tentativa de criminalizar a atividade política.** Adota determinada suposição – a da instalação de “organização criminosa” que perdurou até o final do mandato da Ex-Presidente DILMA VANA ROUSSEFF – apresentando-a como sendo a “verdade dos fatos”, sequer se dando ao trabalho de apontar os elementos essenciais à caracterização do crime de organização criminosa (tipos objetivo e subjetivo), em aberta infringência ao art. 41, da Lei Processual Penal.

13. Por todo o exposto, **JULGO IMPROCEDENTE** a ação para o fim de **ABSOLVER SUMARIAMENTE** os réus **LUIZ INÁCIO LULA DA SILVA, DILMA VANA ROUSSEFF, ANTONIO PALOCCI FILHO, GUIDO MANTEGA e JOÃO VACCARI NETO**, tendo em vista que o fato narrado, evidentemente, não constitui crime (CPP art. 397, III).

PODER JUDICIÁRIO
SEÇÃO JUDICIÁRIA DO DISTRITO FEDERAL

12

Transitada em julgado esta sentença, arquivem-se os autos, com as devidas anotações e baixa.

Publique-se. Registre-se. Intimem-se.

Brasília, 04 de dezembro de 2019.

MARCUS VINICIUS REIS BASTOS
JUIZ FEDERAL

The sentence of the federal judge who dismantled the farce of the “Quadrilhão”: “Attempt to criminalize political activity”

PT has participated in all municipal, state, and national elections in the country since its foundation and only achieved results by vote. PT has always defended the public financing of electoral campaigns, which would only be adopted in Brazil in the 2018 elections, by decision of the STF and against the will of the powerful. Lula ran and lost three elections before reaching the presidency by popular vote. He governed in permanent dialogue with the Congress, with businessmen and workers from the city and the countryside, promoted 74 national conferences to define the most diverse public policies, listening to society.

In addition, his government created the most important instruments for controlling public expenditures in the country's history: the General Comptroller of the Union (in Portuguese, Controladoria Geral da União - CGU) and Transparency Portal. CGU oversees all contracts and transfers from the federal government to states and municipalities. And the Portal allows any citizen to know, in real-time, every penny paid to a public servant, service provider, or outsourcing company. The Brazilian Transparency Portal was recognized by the UN as one of the best instruments to fight corruption among all countries in the world. In addition, President Dilma sanctioned the Access to Information Law (in Portuguese, Lei de Acesso à Informação - LAI), which guarantees every citizen the right to know the data and official records of the federal government. LAI has proven to be one of the most important instruments of transparency and oversight of the public sector.

PT governments never hid denunciations under the rug (it is always important to remember that, in the PSDB government, the Attorney General of the Republic shelved no less than 437 denunciations against ministers and high officials). Not one minister in the Lula and Dilma administrations was “protected” from actions by the Federal Police, even the most absurd.



Foto: Ricardo Stuckert

Against deviations, Lula and Dilma created the CGU, the Transparency Portal, and the Access to Information Law

And everyone who had to answer to justice left office to defend themselves. It is also false to say that PT was lenient with affiliates and leaders accused of deviations. Even in cases of political persecution, as was the trial of the Mensalão (and today it is proven that there was no embezzlement of public money in that action), the party's Ethics Council was called into action. What PT does not give up is guaranteeing the right of defense and due process to all people, as provided for in the Constitution.

How could a party and a former president with Lula's trajectory be compared to a criminal organization? Even though there are proven cases of corruption in several parties and even though there are, today, subtitles for hire in the country, neither PT nor any other party that participated in the reconstruction of the Brazilian democratic process, whether from the right or the left, can accept the comparison with a gang set up to assault the country.

Pay attention to the sentence of the judge who filed the false accusation of the "quadrilhão": they want to make you believe that the entire Lula

government was a crime, that the creation of PT was a crime, that every political activity is a crime. It was this kind of thinking that got Bolsonaro elected. It is not by denying politics or criminalizing parties that we are going to fight corruption. On the contrary: when parties do not exist, when society does not participate in politics, that is, in dictatorships and authoritarian governments, then corruption runs rampant.

Dismantling the lies about the “petrolão”

Everyone knows that four former directors and other top Petrobras officials have confessed to having received multimillion-dollar bribes from companies that provided services to the largest state-owned company in the country. These are scandalous figures, there is no doubt, but the fact is that even from the truth it is possible to build big lies, as happened in the case known as the “petrolão” scandal.

If we look seriously and without passion at the processes, the complaints, the documents, and especially the numbers, it will be clear that Petrobras was not destroyed by political corruption, contrary to what the media has been hammering into your heads for years. It was the Lava Jato itself that caused a billionaire loss to Petrobras and destroyed an entire Brazilian economic sector linked to the company, as we will demonstrate.

The story of the “petrolão” was built on the award-winning denunciation of the former Petrobras Resources manager, Pedro Barusco, arrested by Lava Jato in 2014 because he was doing business with dollar dealer Alberto Youssef. In exchange for reducing the years in prison and keeping much of the dirty money he received, Barusco told Lava Jato prosecutors that, to

release the contracts, he charged bribes "from 1% to 3% of the value" and that this money would be shared between "operators", directors and agents of political parties. Barusco also said that he had acted like that since 1998, in the PSDB government, but Lava Jato only wanted to know how to condemn Lula and attack PT.

When Pedro Barusco was heard in an audience by Sergio Moro, a year after making the winning denunciation, Lula's lawyer asked if the percentages of that denunciation were true and in which contracts they would have been applied. Then the whistleblower's memory vanished and he was only able to say how much he received on one of the contracts examined. And the value did not correspond to 1% or 2% or 3% of the contract.

Lula's defense insistently asked that the contracts be inspected to confirm or overturn the 3% story, but Sergio Moro denied all these requests. The defense then called, as witnesses, the internal auditors of Petrobras and all the offices, national and foreign, who carried out external audits at the state-owned company in the previous ten years. And all stated in court that they never found any deviations because the contract values were under the spreadsheets and cost estimates provided for in the notices. In other words: in more than five years of investigation, it has never been proven that there was overpricing in the works and orders to harm Petrobras.

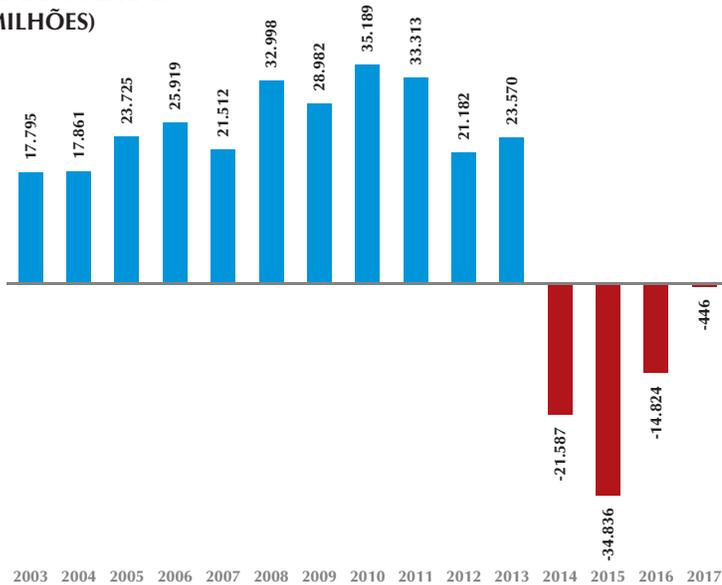
Lava Jato never wanted to confirm whether the story Barusco told was true or false, but the 3% was treated as a magic number, which the prosecutors in Curitiba demanded to be repeated by all candidates for whistleblowing. But none of them confirmed this in the way that was used in the complaints by the Lava Jato prosecutors. Nor was any proof of this lie produced in the breach of bank secrecy of the investigated companies.

But the lie was repeated by the media with such insistence that Petrobras itself was forced to record a loss of R\$ 6 billion in the 2014 balance sheet. This value would correspond to 3% of the state-owned contracts in the previous 10 years, but it was never proven. In reality, Petrobras management was forced to simulate the “loss” or the annual balance would not be approved by the foreign external auditing company, and this would bring huge losses to the company and the country at that time.

In the ten years before the start of Lava Jato, Petrobras' turnover was R\$ 2.6 trillion, which corresponds to almost 50% of Brazil's GDP in 2014. It was one of the largest companies in the world, with an investment plan of 260 billion dollars for the next five years, and had caused a real revolution in the Brazilian economy. To meet orders for ships and rigs, the Brazilian naval industry was employing more than 400,000 workers. Petrobras itself had 86,000 employees and hired 360,000 outsourced workers in 2013. The oil and gas sector, including private companies, mostly Brazilian, employed more than 2 million workers. Brazil was no longer an importer to be an oil exporter and produced around 80% of the fuel consumed in the country right here.

In a company the size of Petrobras, all investments and notices are subject to internal and external controls, through audits, by the Federal Court of Accounts and by the Board of Shareholders. Due to its large participation by private shareholders and shares traded on stock exchanges around the world, all Petrobras business is heavily inspected. And even so, no internal or external audit, national or foreign, no previous complaint or investigation, by inspection bodies or the Public Ministry, pointed out to the government that there would be deviations in the company. Why, then, did former directors receive bribes?

LUCRO LÍQUIDO DA PETROBRAS (R\$ MILHÕES)



FONTE: PETROBRAS, VÁRIOS ANOS

ELABORAÇÃO: SS DIEESE/FUP

While Lava Jato reigned, Petrobras' profits were transformed into immense losses for the company and Brazil

Today, the history of the “petrolão” is being analyzed by economists, lawyers, before and researchers with the rigor that has never been seen in Lava Jato. The doctoral thesis published in 2019 by Professor of Economic Law Maria Virgínia Mesquita Nasser, from São Paulo University (USP), examined the denunciations and testimonies of 14 of the main defendants and investigated the operation. It describes 33 payments declared by them in the processes, and classifies them into 8 modalities (donations to candidates and parties, declared or not to the TSE, payments to ensure compliance with contracts, or to have access to decision-makers, among others). Analyzing the stated motivations for the payments, the thesis concludes: “of the myriad of reported conducts, few of them would fit perfectly into the meaning of the active and passi-

ve corruption crimes provided for in the Penal Code”. And even that declared electoral donations do not fall within the crimes of the Anti-Corruption Law.

The Lava Jato itself disclosed that the 13 companies capable of handling large works and orders from Petrobras were organized in a cartel (the so-called “billion club”) to distribute the contracts among them. Now, if that's true, what's the point of bribing directors? There could be many reasons, such as avoiding late payments or signing contracts, for example. But not to overprice contracts at the expense of Petrobras.

However, all those payments, including declared and legal donations to parties and institutions, were stamped by Lava Jato as a “kick-back”. This is as perverse a word as “corruption”, but it also only makes sense if there is proof that the money was paid for someone to commit a crime. And this proof never existed, neither concerning Lula nor concerning PT. To find it, Lava Jato would have to comply with the basic rule of any diversion investigation, which is to follow the money path. Indeed, corruption does not leave receipts, but it does leave traces in bank accounts, financial transactions, signs of wealth, and others, which needs to be investigated in serious action, to prove the accusations. A winning denunciation is not enough. The law and the search for the truth require you to identify the contract, the amount of money and how it was embezzled, the account from which it was withdrawn, or another form of transfer.

In the Atibaia Case, for example, Lula's defense managed to follow the money path and demonstrated that, contrary to what the prosecutors said, a transfer of R\$ 700,000 in Odebrecht's accounts was not



Foto: Ricardo Stuckert

The Brazilian naval industry, which employed 400,000 people in PT governments, was destroyed by Lava Jato

made to pay for works on the site, but it ended up in the account of one of the construction company's directors. Likewise, no examination of bank secrecy or financial tracking proved that Petrobras' funds had been diverted for donations to PT, whether or not they were declared to the Electoral Court.

It was to get away from this issue and support its false accusations that Lava Jato invented another lie: "the general bribe fund". Spreadsheets that no one saw or that were "drawn" by whistleblowers inside the prison started to count as truth and stamped as "bribe" any payments made by an investigated company, even if it was legal. The moment when Lava Jato decided to apply this dribble in the law is recorded in one of the prosecutors' secret messages, in which they use the expression "single funds", and which was taken to the STF by Lula's lawyers.

In no exempt judicial system this image of the “general bribery funds” would be admitted. Only against Lula and PT, in a country poisoned by the media, as Brazil has been in recent years. Therefore, be wary of all the figures about “the leak in petrolão”, as there is much more political interest than mathematics and truth in these numbers.

The irresponsible assertion that Petrobras would have been a victim of “systemic corruption”, that is, of a political system that ransacked the company, had serious consequences for the state-owned company and Brazil. Any company in the world suspected of “systemic corruption” involving politicians becomes the target of US legislation called the FCPA (Foreign Corruption Practices Act). Through this law, created in 1977, the United States gives itself the right to spy on, investigate and prosecute any person or company, as if they were the police on the planet. Under the pretext of fighting corruption, US agents attack their companies' competitors in any country in the world.

A large report in the French newspaper Le Monde, from February 2021, confirmed what Lula's defense had denounced about the actions of FBI and US Department of Justice (DOJ) agents, in partnership and even in command of operations of the Lava Jato, totally outside Brazilian laws and international treaties. The illegal activities of these agents in Brazil and prosecutors from Switzerland and other countries are also registered in the secret messages exchanged between the prosecutors and between Deltan Dallagnol and Sergio Moro.

Lava Jato and former Attorney General Rodrigo Janot placed Petrobras in the lap of the DOJ, the SEC (the commission that controls the US

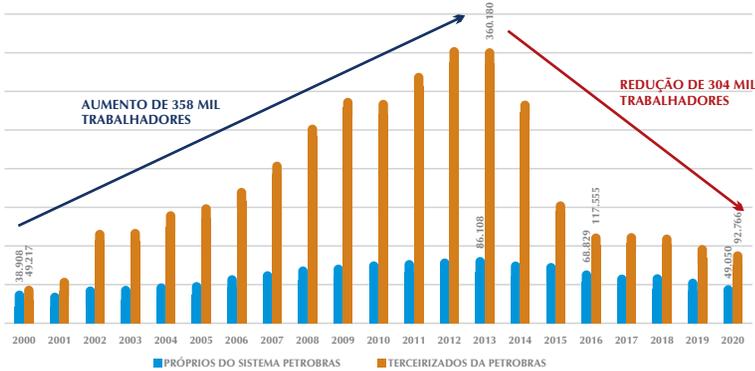
stock exchanges), and the Brazilian company's foreign shareholders. In a lawsuit in the New York Court and an agreement with the DOJ, with information, accusations, and even whistleblowers provided by Lava Jato to testify abroad, Petrobras paid around 4 billion dollars in fines. This represents five times more than Lava Jato claims to have "recovered" for the company in Brazil. A considerable part of the money that Petrobras lost in the US (about R\$ 2 billion) would be handed over to Deltan Dallagnol and its partners, through a private foundation they intended to create in Brazil, but were prevented by the Supreme Court, as it was all illegal.

In a complete reversal of roles, Petrobras, which in the lawsuits against Lula acted against him as a victim of the "quadrilhão", stated in the US that its former directors practiced deliberate acts of corruption to the detriment of the company and shareholders, justifying the shares and billionaire deals. It is important to remember that both Petrobras and the large Brazilian companies destroyed by Lava Jato were competing with foreign companies and that the US National Security Agency (NSA) was looted spying on Petrobras and even former President Dilma, as revealed to the world, in 2013, former NSA analyst Edward Snowden.

And it is very important to remember that, after the PT governments, Petrobras started to be dismantled, cut the production of fuels in Brazil to import gasoline and diesel from the USA. It stopped buying platforms, rigs, and equipment in Brazil to import from other countries. It sold (and sold it cheaply) gas pipelines, refineries, and Distribuidora BR to foreign groups. It started to deliver the pre-salt to foreign oil companies. All this was decided by the governments of Michel Temer, after the

coup of impeachment without a crime, and Jair Bolsonaro, who saluted the United States flag. And they want you to believe that it was PT that destroyed our biggest company with the “petrolão”.

NÚMERO DE TRABALHADORES PRÓPRIOS E TERCEIRIZADOS DA PETROBRAS



FONTE: PETROBRAS, ELABORAÇÃO DIEESE/FUP

While Moro was making deals to free the corrupt, the oil and gas industry laid off more than 300,000 workers

The ones who broke Brazil were these governments and Lava Jato. Because they were obsessed with destroying Lula and PT, Sergio Moro and the prosecutors made agreements to free businessmen who confessed to having committed crimes from jail but did nothing to keep the companies functioning, producing wealth in the country and generating jobs. It is exactly the opposite of what happens in other countries, including the US, who punish the corrupt but preserve companies and their workers.

Here in Brazil, in addition to not giving priority to leniency agreements that could preserve jobs, agents of the Public Ministry, TCU, CGU, and others competed for power over such agreements. Under pressure from the media, Petrobras announced that it would not make new contracts with the

investigated companies until the end of the processes, which shook the health of all of them. Also in 2015, in an action derived from Lava Jato, the Federal Court of São Paulo canceled the contracts and orders of the Sete Brasil consortium, destroying almost 400 thousand jobs in the naval industry. And one of the first measures taken by the coup government, in 2016, was to suspend financing of R\$ 4.3 billion already contracted with the BNDES for works by Brazilian companies abroad. It was a corporate death sentence.

A study by the Inter-Union Department of Statistics Socio-Economic Studies (in Portuguese, Departamento Intersindical de Estatísticas Estudos Sócio-Econômicos - DIEESE) showed that, over the five years in which it ruled in the country, Lava Jato destroyed 4.4 million jobs and made R\$ 172.2 billion in investments in the unfeasible Brazilian economy. This is the most serious legacy of the years of persecution of Lula and PT: millions of families condemned to unemployment and poverty.

Foto: Ricardo Stuckert



THE MOMENT OF TRUTH IS COMING

The lies of the “Quadrilhão”, the “petrolão scandal” and the false accusations were not built overnight. They are the result of many years of systematic persecution against Lula and his party. They were intensely repeated in the media, social networks, churches, and even universities where there should be a free debate of ideas.

In the same way that the lie was being built little by little, the truth will not triumph overnight either. It has to be spread with serious arguments, with confirmed information, and, above all, with a lot of patience.

*Do your part: read and share this **Memorial** in your family, among colleagues and friends, on your social networks, so that everyone has the opportunity to know the truth that has always been censored.*



WORKERS' PARTY
Brasília, July 2021



Foto: Ricardo Stuckert



Foto: Ricardo Stockert



Partido dos
Trabalhadores