

Corruption and Democracy in Brazil

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Política

Corruption definition

- A phenomenon through which a public employee act differently from the normative pattern of the administrative system favoring particular interests in exchange for monetary reward.
- Problem: does not deal with network between public and private actors

1988 Constitution and new institutions to deal with corruption

- TCU Union Auditing Court
- Ministerio Público and
- The Federal Police

Works with serious indications of irregularities with stoppage recommendation:

- Of the 61 works with serious signs of irregularities, nine not fit in the art. 112, § 1, sections IV and V, the LDO / 2015 corresponding to serious indications of irregularities with stoppage of recommendation (IG-P) and serious indications of irregularities with partial retention values (GI-R).

Seq.	UF	Obra	Anexo da LOA
1	PI	Construção da Vila Olímpica - Parnaíba/PI	YES
2	RS	BR-448/RS - Implantação e Pavimentação	NO
3	SP	BRT - SP - Itaim Paulista / São Mateus	NO
4	SP	Corredor de ônibus – SP – Radial Leste – Trecho 1	NO
5	SP	Corredor de ônibus – SP – Radial Leste – Trecho 3	NO

The role of the Public Prosecution

- Art. 25 of Law 8625/93 In addition to the functions provided for in the Federal and State Constitutions, the Organic Law and other laws, responsibility also to the prosecutor: (...)
- IV - to institute civil investigation and public civil action, according to the law:
- b) for the annulment or declaration of invalidity of acts detrimental to public property or administrative morality of the state or municipality, its indirect administrations or foundational or private entities that participate; (...)

MPF's actions in cases of corruption:



Lava Jato



Carlinhos Cachoeira



Sanguessuga



Sudam



Mensalão



Banco Santos



Banestado



Operação Anaconda



Luiz Estevão



Scuderie Le Cocq

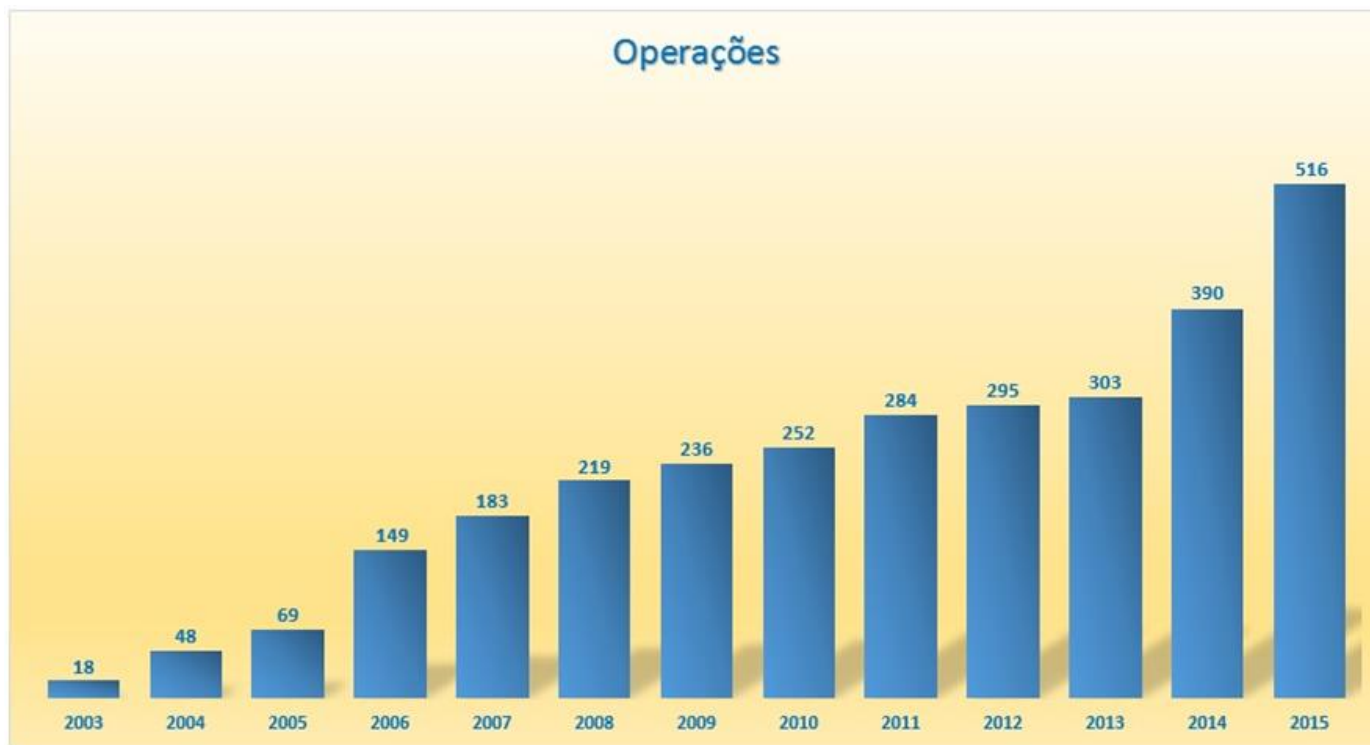


Jorgina de Freitas



Zelotes

Federal Police operations:



Fonte: <http://www.pf.gov.br/imprensa/estatistica/operacoes>

Company and Campaign Financing in Brazil:

- Candidates spending and political parties election campaigns in Brazil jumped from R\$ 798 million in the 2002 presidential elections to R\$ 4.6 billion in 2012. The increase is 471%, while inflation in the same period was 78%.
- Over the years, also decreased substantially the amount of donations made by citizens for election campaigns. While in 2004, 27% of donations were made by voters last year only 4.9% of the total donations came from individuals. In other words, companies today finance 95% of the cost of election campaigns.

Financing companies of the 2014 campaign:











DE ONDE VEM O DINHEIRO

Empreiteiras e empresas de alimentos e bebidas estão entre os maiores doadores. Valor arrecadado até agora ultrapassa os R\$ 400 milhões

em R\$ milhões





















OS 10 MAIORES DOADORES

Para candidatos

JBS (Friboi e Seara)	12,0	
Telemont Eng. de Telecom	7,0	
Const. Andrade Gutierrez	4,7	
UTC Eng.	4,2	
Const. Oas	3,7	
Vigor Alimentos	2,2	
Flora Prod. de Hig. e Lim.	2,0	
Equipav Eng.	1,6	
Cosan Lubrif.	1,1	
Impar Serv. Hosp.	0,8	
Total	39,4	

OS 20 MAIORES DOADORES

Para partidos e comitês financeiros

JBS (Friboi e Seara)	40,0	
Const. OAS	19,0	
Const. Queiroz Galvão	14,8	
Telemont Eng. de Telecom	12,0	
CRBS - Ambev	11,1	
UTC Eng.	11,0	
Cosan Lubrif.	6,9	
Arosuco Aro. e Suc.	6,8	
Carioca C. Nielsen Eng.	6,0	
Const. Andrade Gutierrez	4,8	
Impar Serv. Hosp.	3,2	
Via Eng.	3,1	
CR Almeida Eng. de Obras	3,0	
Serveng Civilsan	3,0	
Sarpav Mineradora	2,0	
Toyo Seta Emp. Ltda	2,0	
Banco Safra S. A.	1,7	
Const. e Com. Camargo Corrêa S. A.	1,5	
Locamérica - Cia. de Loc. das Américas	1,3	
Carvalho Hosken Eng.	1,2	
Total	154,2	

OS MAIORES ARRECADADORES NACIONAIS

Dilma Rousseff	Presidente		PT	9,64	
Delcídio Amaral	Governador	MS	PT	8,66	
Aécio Neves	Presidente		PSDB	8,11	
Luiz Pezão	Governador	RJ	PMDB	5,80	
Geraldo Alckmin	Governador	SP	PSDB	5,74	
Eduardo Campos	Presidente		PSB	4,07	
Cristiane Brasil	Deputado Federal	RJ	PTB	3,54	
Paulo Câmara	Governador	PE	PSB	3,31	
Henrique Eduardo Alves	Governador	RN	PMDB	3,03	
Antonio Augusto	Senador	MG	PSDB	2,73	
Glesi Hoffmann	Governador	PR	PT	2,58	
Renan Calheiros Filho	Governador	AL	PMDB	2,52	
Benito da Gama	Deputado Federal	BA	PTB	2,21	
Beto Richa	Governador	PR	PSDB	2,18	
D. Inacio Brazão	Deputado Estadual	RJ	PMDB	2,00	
Ataídes de Oliveira	Governador	TO	Pros	1,44	
Lidice da Mata	Governador	BA	PSB	1,40	
Iracema M. P. Nunes N. Lima	Deputado Federal	PI	PP	1,35	
Francisco de Assis Rodrigues	Governador	RR	PSB	1,32	
Eduardo Tavares Mendes	Governador	AL	PSDB	1,20	
Leonardo Carneiro M. Picciani	Deputado Federal	RJ	PMDB	1,20	
Rodrigo Rollemberg	Governador	DF	PSB	1,19	
Reinaldo Azambuja Silva	Governador	MS	PSDB	1,17	
Gelson Luiz Merisio	Deputado Estadual	SC	PSD	1,09	
Ronaldo Caiado	Senador	GO	DEM	1,02	
Rui Costa dos Santos	Governador	BA	PT	1,01	
Gustavo de V. Moreira	Deputado Estadual	MG	PR	0,99	
Marcelo Almeida	Senador	PR	PMDB	0,93	
Eduardo Cosentino da Cunha	Deputado Federal	RJ	PMDB	0,90	
Ricardo Vieira Coutinho	Governador	PB	PSB	0,85	

Fonte: Gazeta do Povo

Operation *Lava-jato*:

- Largest anti-corruption operation in Brazil so far.
- Lava jato has two phases:

The first one the systemic phase involved identifying sources of corruption within the company, mainly linked to long time officials

Paulo Roberto Costa, Nestor Ceveró.

They were arrested, Petrobrás money was returned and they collaborated through a device similar to plea bargain.

Lava Jato

- Lava Jato's second phase:
- Started November 2014 weeks after the elections results and involved the arrest of all important empreiteiros (a special category of bidders for
- Large public works)

Comparison of the sentence before and after plea bargain awarded under Operation *Lava-Jato*.

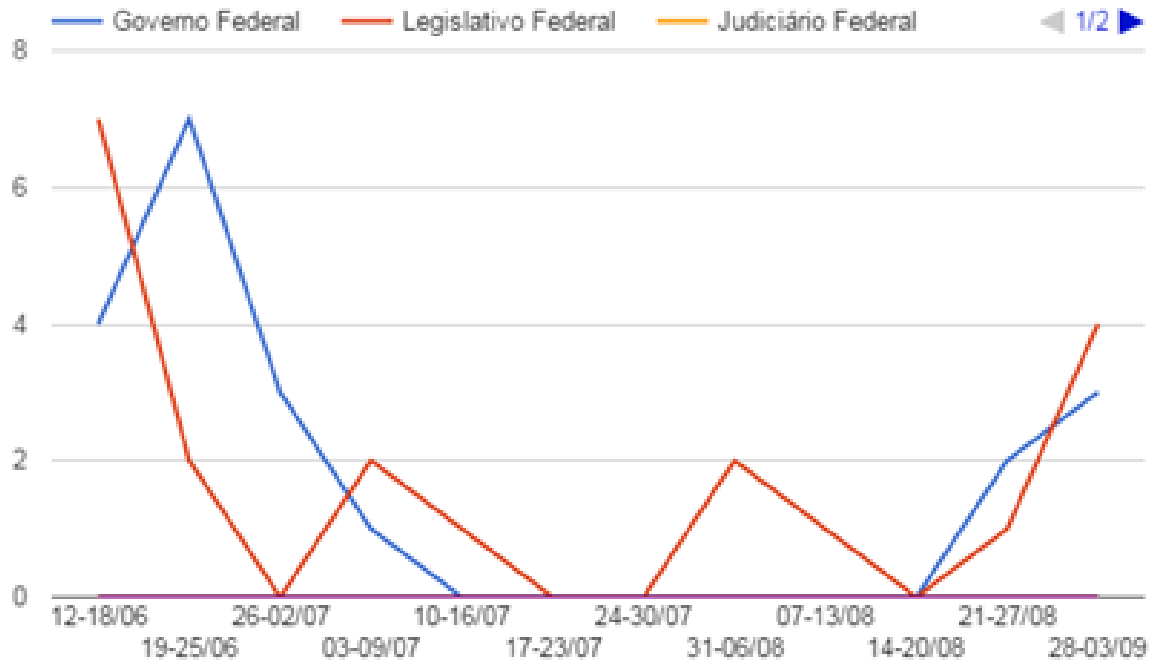
Informer	Qualification	Previous sentence (Before denunciation)	Sentence traded (After denunciation)
Alberto Youssef	Money changer	82 years and 8 months	3 years (closed system)
Augusto Mendonça	Executive (Toyo Setal)	16 years and 8 months	4 years (open system)
Dalton Avancini	Executive (Camargo Corrêa)	15 years and 10 months	3 years and 3 months (3 months in closed regime, with progression)
Eduardo Leite	Executive (Camargo Corrêa)	15 years and 10 months	3 years and 3 months (3 months in closed regime, with progression)
Fernando Baiano	Scheme Operator	16 years, 1 month and 10 days	4 years (1 year in closed regime, with progression)

Comparison of the sentence before and after denunciation agreements awarded under Operation *Lava-Jato*.

Informer	Qualification	Previous sentence (Before denunciation)	Sentence traded (After denunciation)
Julio Camargo	Lobbyist (Tovo Setal)	26 years	5 years (open system)
Mario Goes	Lobbyist	18 years and 4 months	3 years, 5 months and 25 days (25 days in a closed system, with progression)
Nestor Cerveró	Bureaucrat (Ex-diretor internacional da Petrobras)	17 years, 3 months and 10 days	3 years (Closed prison and house arrest and house arrest)
Paulo Roberto Costa	Bureaucrat (Ex-diretor de abastecimento da Petrobras)	39 years and 5 months	2 years and 6 months (6 months in closed regime, with progression)
Pedro Barusco	Bureaucrat (Ex-gerente da Petrobras)	18 years and 4 months	2 years (semi-open regime)
Rafael Ângulo	Money changer (Funcionário de Youssef)	6 years and 8 months	2 years (semi-open regime)
João Procópio	Money changer (Funcionário de Youssef)	3 years	2 years and 6 months (home prison)

Media relationship with the institutions:

- Number of materials on the operation *Lava-jato* dedicated negative valence to institutions federal government, Congress, Federal Judiciary, Federal Police and public prosecutors in JN over the past twelve weeks.



Fonte: Manchetômetro

Última atualização: 11/09/2016 às 23:00

Midia and lava jato

- Brazil virtual midia monopoly
- Different impact of the corruption charges on parties

Parties involved: PP 55

PMDB 12

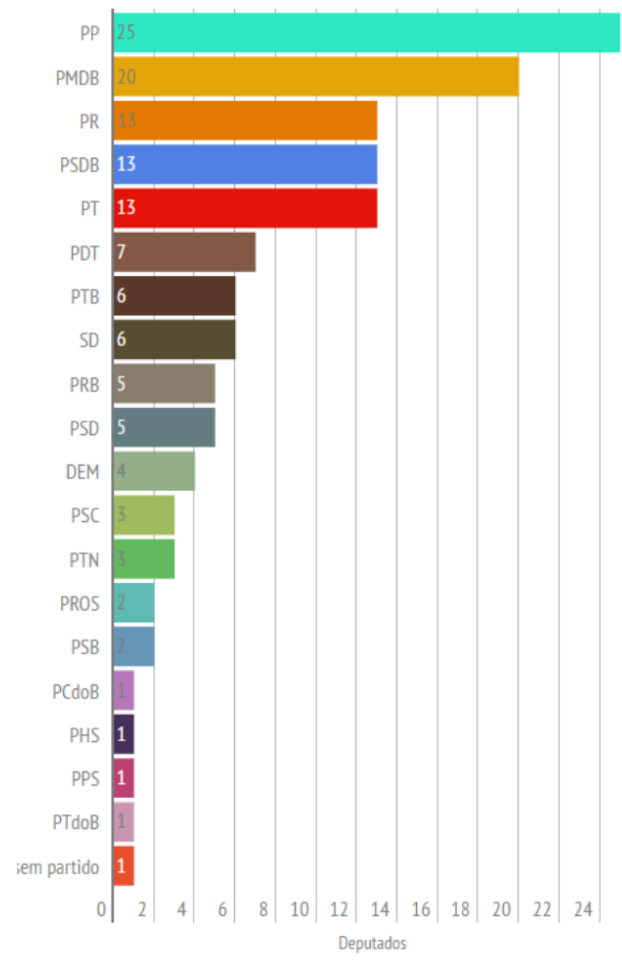
PT 12

PSDB 02

Contributions to parties by lava jato involved companies

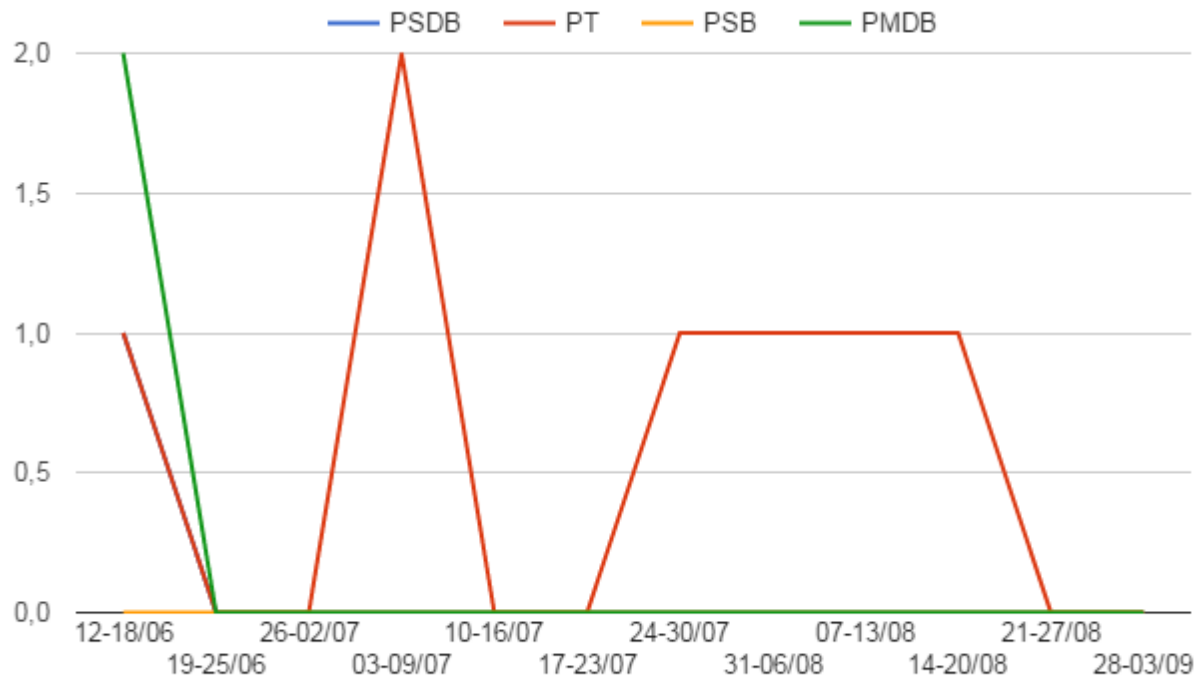
Partidos	Valores (R\$)
<u>PT</u>	131,633,500.00
<u>PSDB</u>	68,290,200.00
<u>PMDB</u>	64,760,000.00
<u>PSB</u>	21,756,181.05
<u>DEM</u>	18,588,546.08
<u>PP</u>	14,055,000.00
<u>PR</u>	14,052,500.00
<u>PSD</u>	8,769,081.00
<u>PDT</u>	5,586,245.00
<u>PTB</u>	4,378,730.00

Parties with deputies investigated or defendants in the Supreme:



Fonte: Estadão Dados

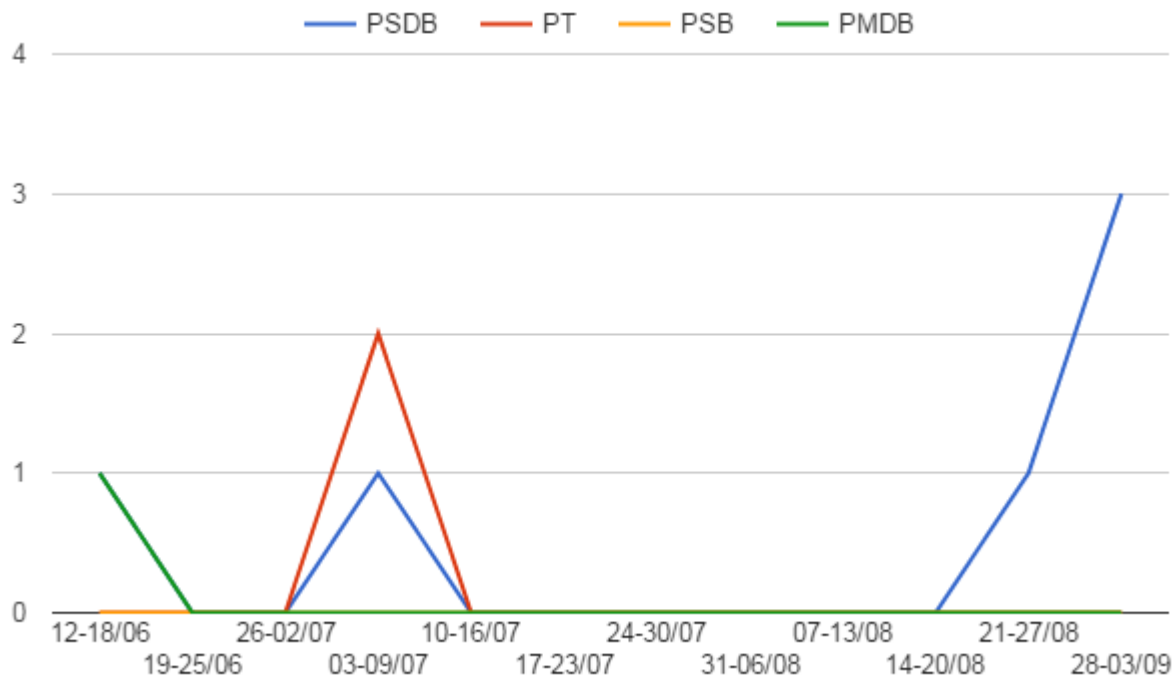
- Number of Cover Texts on the operation *Lava-jato* dedicated negative valence to parties over the past twelve weeks.



Fonte: Manchetômetro

Última atualização: 11/09/2016 às 23:00

- Number of materials on the operation *Lava-jato* conveyed in JN who dedicated neutral valence to parties over the past twelve weeks.



Fonte: Manchetômetro

Última atualização: 11/09/2016 às 23:00

Impeachment and corruption

- Change in power relations through mediatic and juridical attack on sovereign institutions.
- The break of the centrist tradition of the nova república
- Juridical and mediatic control over the political agenda

Payment of kickback to the PT for Dilma Rousseff's campaign.

Brasil

[t](#) [f](#) [o](#) [e](#) ENVIAR POR E-MAIL

03/12/2016

Propina do PT bancou aliado em El Salvador, diz delação

FSP

Ex-primeira dama de El Salvador e militante do PT desde os anos 80, intermediou, segundo a Odebrecht, o pagamento de R\$ 5,3 milhões empreiteira à campanha de Mauricio Funes, na época seu marido e c

O relato faz parte do acordo de delação de executivos da empresa n últimos dois dias.

O dinheiro, segundo delatores, foi pago em 2008 pela Odebrecht ao que comandou a comunicação da campanha que elegeu Funes em n

poder

Ex-presidente da Andrade muda versão de propina a chapa de Dilma

Ruy Baroni - 05.out.2015/Valor/Folhapress



A então presidente Dilma Rousseff (PT), com Michel Temer (PMDB), à época seu vice

Odebrecht delata slush fund cash for Geraldo Alckmin of PSDB.

Brasil

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09/12/2016

Odebrecht delata caixa 2 em dinheiro vivo para Alckmin

Folha de S.Paulo

A Odebrecht relatou no acordo de delação da Lava Jato o pagamento de caixa dois em vivo para as campanhas de 2010 e 2014 do governador de São Paulo, Geraldo Alckmin

Os executivos mencionam duas pessoas como intermediárias do tucano e dizem não ter discutido o assunto diretamente com Alckmin.

Segundo a empreiteira, em 2010, R\$ 2 milhões foram entregues em espécie ao empresário Adhemar Ribeiro, irmão da primeira-dama do Estado, Lu Alckmin, no escritório dele.

Naquele ano, o tucano foi eleito no 1º turno.

Resposta

Geraldo Alckmin afirmou, por meio de sua assessoria, que "é prematura qualquer conclusão com base em informações vazadas de delações não homologadas".

"Apenas os tesoureiros das campanhas, todos oficiais, foram autorizados pelo governador Geraldo Alckmin a arrecadar fundos dentro do que determina a legislação eleitoral", diz

O secretário de Planejamento, Marcos Monteiro, disse, também em nota, que ele é o tesoureiro do diretório estadual do PSDB há dois anos e "presta contas do fundo partidário Justiça Eleitoral com regularidade".

José Serra received 23 million through slush fund says Odebrecht.

José Serra recebeu R\$ 23 milhões via caixa dois, afirma Odebrecht

Alan Marques - 1º.ago.18/Folhapress



O ministro das Relações Exteriores, José Serra, discursa em evento

BELA MEGALE
ENVIADA ESPECIAL A CURITIBA

Violations of Judge Sergio Moro, according to minister Teori Zavascki.

- Minister Teori Zavascki of the Federal Supreme Court ruled that the 13th Federal Criminal Court of Curitiba should send all investigations involving former President Lula to the Supreme Court.
- According to Teori, Judge Sergio Moro, who tapped Lula's conversations with authorities with special forum prerogative were recorded and attached to the file. The Judge should have sent the case to the Supreme Court for the court to decide on whether or not to split process.
- According to the minister, the judge's decision on tappings was illegal and unconstitutional. First because it was the result of a first-degree decision regarding facts involving defendants with forum prerogative in the Supreme Court. Then because, in divulging the content of the clips, Moro violated the constitutional right to the guarantee of confidentiality of those involved in the conversations.

Violations of Judge Sergio Moro, according to minister Teori.

- Also according to Teori, "There is no way to conceive, therefore, the public disclosure of the conversations in the way they were operated, especially those that are not related to the subject of the criminal investigation. Contrary to this express order, which is repeated, it is based on constitutional validity, the invocation of the public interest of the disclosure or the status of public persons of the interlocutors is not possible, as if those authorities or their interlocutors were totally unprotected in their Intimacy and privacy. "

"Lava jato" does not need to follow common case rules, decide TRF-4.

SEM FREIOS

"Lava jato" não precisa seguir regras de casos comuns, decide TRF-4

23 de setembro de 2016, 18h46

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O Tribunal Regional Federal da 4ª Região decidiu, nesta quinta-feira (22/9) que a operação "lava jato" não precisa seguir as regras dos processos comuns. Advogados apontam que as investigações ignoram os limites da lei ao, por exemplo, permitir [grampos em escritório](#) de advocacia, divulgação de [interceptações telefônicas](#) envolvendo a presidente da República e a ["importação" de provas da Suíça](#) sem a autorização necessária. Mas, para a Corte Especial do TRF-4, os processos "trazem problemas inéditos e exigem soluções inéditas".

Os desembargadores da corte afirmam que as situações da "lava jato" escapam ao regramento genérico. Além disso, "uma ameaça permanente à continuidade das investigações" justificaria tratamento excepcional em normas como o sigilo das comunicações telefônicas. Com base nisso, o colegiado arquivou representação contra o juiz federal Sergio Moro por ter divulgado conversa entre os ex-presidentes Dilma Rousseff e Luiz Inácio Lula da Silva (PT). Source: <http://www.conjur.com.br/>

"Court justices contend that jet-laced situations are beyond generic rulemaking. In addition, "a permanent threat to the continuity of investigations" would **justify exceptional treatment** in rules such as the secrecy of telephone communications. Based on this, Lula defense lawyers filed a petition against federal judge Sergio Moro for having disclosed a conversation between former presidents Dilma Rousseff and Luiz Inacio Lula da Silva (PT)".

"The Federal Regional Court of the 4th Region decided on Thursday (September 22) that the "Lava jato" operation does not have to follow the rules of the common processes. Lawyers point out that the investigations ignore the limits of the law by, for example, permitting tapings in a law office, disclosure of telephone interceptions involving the president of the Republic and the "import" of evidence from Switzerland without the necessary authorization by the Ministry of Justice. But for the Special Court of TRF-4, the cases "bring unprecedented problems and require unprecedented solutions".

conclusions

- Politicization of the judicial system
- Media is not a watchdog institution but part of the change in public opinion perception
- Long term change in perception causing a change in political power