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Bolsonaro and Cronies Charged for Coup Plot



Generals Augusto Heleno (l) and Walter Braga Netto (r) have become two of the first army generals to be indicted since the end of Brazil's military dictatorship.

Former Brazilian President Jair Bolsonaro and 32 of his accomplices are now formally charged with leading a systematic and elaborate coup plot that played out over the course of nearly two years between 2021 to 2023. The charges were levied by Brazil's Attorney General's Office on February 18, 2024, and represent the final bureaucratic step before the Supreme Court approves or rejects them – something viewed as a mere bureaucratic formality – and sets the trial dates, which is expected to take place some time in March. Along with Bolsonaro, some of Brazil's most powerful Generals have been charged, including his former intelligence chief Augusto Heleno, who commanded the UN's Minustah troops during the Cité Soleil massacre in Haiti, and Walter Braga Netto, Bolsonaro's former Defense Minister and Vice Presidential running mate in 2022.

This indictment represents the conclusion of the 3rd and final investigation of the coup attempt, which started with a parliamentary report that was thousands of pages long followed

by a Federal Police investigation, which rendered an 884 page report and recommendation for indictment. With the Attorney General's indictment slimmed down to 274 pages, it's finally at a readable length. I skimmed it last night and decided to translate the introduction, which serves as a good primer for the case against Bolsonaro, who, if convicted will face a minimum, 11-year prison sentence.

A Necessary Introduction

A democracy that does not protect itself cannot withstand the violent impulses that dissatisfaction with its methods, purpose, and way of being may generate among its discontented citizens. The defense of democracy takes place at various levels of institutional intensity. All branches of government receive, from the original constituent power, portions of responsibility to safeguard the legal, political and social system chosen by a sovereign constituent assembly. For the Attorney General's Office, this responsibility is even greater, as the Constitution designates it as the defender of the democratic regime (Article 127, *caput*). Within the scope of its competencies, it is imperative to act in accordance with the legal order to promote and preserve the political model. One of the mechanisms for doing this is the prosecution of crimes against the democratic order.

Any affront to the most fundamental democratic principles, especially through brute force or its threat thereof, strikes at essential elements of the political community's structure. If respect for human dignity is the ultimate goal of the society envisioned by the current Constitution, then the democratic model is its essential foundation. This is why its protection is of the highest importance, subject to criminal sanctions.

In the Brazilian model established in 1988, the harmonious and autonomous functioning of the branches of government is inseparable from the essence of the democratic regime. The Supreme Federal Court recognized this principle as early as the first years of the 1990s. There are, of course, varying degrees of friction that the network of connections and checks and balances between the branches may endure, as well as different levels of response. However, there is no institutional offense more severe to democracy than the disruption of the very process of adjustments inherent to the system—especially when this occurs through the obstruction of any branch's operations, particularly by means of force not authorized by the Constitution. The gravity of such an act is so profound that, unlike other forms of constitutional discord, in this case, the legislator classifies the conduct as a crime. The same applies when any attack, based on violence, is directed at the democratic regime itself.

Another crucial factor must be considered as a premise for understanding the following pages.

In a republican system, everyone can be held accountable for conduct that is criminally defined. The President of the Republic is no exception to this rule. However, a criminal accusation against the Head of State, even after they have left office, must not be trivialized as a mere continuation of political disputes, no matter how heated the partisan environment has become.

This indictment presents events of the utmost relevance that must be brought before the highest court in the country. It details facts involving a President of the Republic who, alongside other civilian and military figures, built a criminal organization designed to prevent the fulfillment of the popular will expressed in the 2022 presidential elections. This scheme sought to ensure the continuation of power without the proper authorization of universal suffrage.

The leaders of this organization were the President of the Republic himself and his running mate for Vice President, General Braga Netto. Both accepted, encouraged, and carried out actions classified as crimes under the penal code, directly attacking the legal right to the existence and independence of the branches of government and the democratic rule of law.

The indictment meticulously details the conspiratorial plot orchestrated and executed against democratic institutions. The conspiracy had identifiable antecedents that explain its development, progressing through distinct phases, moments, and actions over a considerable period. The described crimes were not instantaneous events; rather, they unfolded in a sequence of connected occurrences—some more visible than others—all aimed at the same objective: preventing the loss of or forcibly reclaiming power for the organization led by then-President Jair Bolsonaro, in defiance of the electoral outcome. The investigation reveals an attack against the existence of the three branches of government and the fundamental principles of the democratic rule of law.

To fully grasp the narrated events, it is essential to recall that, starting in 2021, the President of the Republic increasingly adopted a rhetoric of institutional rupture in his repeated public statements, expressing dissatisfaction with decisions from higher courts and the electronic voting system in place. This escalation intensified when Luiz Inácio Lula da Silva, regarded as the strongest contender in the 2022 electoral race, became eligible after his criminal convictions were annulled.

On March 22, 2021, just days after Lula's ineligibility was overturned, Bolsonaro's support group—comprising the core of the criminal organization—began considering the open defiance of Supreme Court rulings. They even devised a contingency and escape plan for Bolsonaro, should the military not tolerate his defiance.

The electoral polls increasingly favored Bolsonaro's main opponent, whom his inner circle viewed with deep aversion, often referring to him with disdain and derogatory language. This group recognized the urgent need for coordinated actions to counteract the looming political shift. Thus began the execution of an orchestrated plan to maintain Bolsonaro in power, regardless of the next year's election outcome.

The first identifiable steps in this effort were recorded by the criminal organization itself, which carefully documented its plan to remain in power. Investigators uncovered handwritten notes, digital files, spreadsheets, and message exchanges revealing the trajectory toward democratic rupture.

The group documented the idea of "*establishing a discourse on electronic voting machines and elections*" and of repeating this narrative "*again and again,*" with the aim of delegitimizing any unfavorable electoral result and creating conditions conducive to overturning the elected government. The organization also explicitly outlined its intent to defy judicial decisions that conflicted with its goals. According to the written plan, public officials executing judicial orders unfavorable to the group would be arrested—an unmistakable attack on the free exercise of constitutional powers.

On July 29, 2021, Bolsonaro put the insurrection plan into action by broadcasting a live transmission from the Planalto Palace, reiterating debunked criticisms of the electronic voting system and praising the military's role. From that point forward, his public statements grew increasingly aggressive, directly attacking constitutional powers, inciting indignation and revolt among his supporters, and conditioning them to accept—or even expect—the use of force against an unfavorable electoral outcome.

The coordinated strategy involved fostering hatred, particularly online, against institutional figures identified as adversaries, especially those responsible for overseeing elections and ensuring the integrity of the process. High-ranking public officials were targeted with false information and persecution, undermining democratic stability.

Despite Congress rejecting Bolsonaro's proposal to change the electoral system, the attacks on electronic voting persisted. In the Chamber of Deputies session on August 10, 2021, the proposal to alter the system failed to reach the required 308 votes, receiving 218 votes in favor and 229 against.

Several key events marked the confrontations with democratic institutions. For example, during the September 7, 2021, civic celebrations in São Paulo, Bolsonaro publicly attacked Supreme Court Justice Alexandre de Moraes, declaring his intent to defy Supreme Court rulings, trusting in military support. Federal Police investigations later confirmed that this

statement was not mere rhetoric but part of a calculated strategy—including plans for Bolsonaro’s escape abroad should he lose military backing.

As the elections neared, the organization focused its efforts on discrediting the electronic voting system. Ignoring overwhelming evidence of the system’s security, they relentlessly sought any type of pretext to challenge it. However, the narratives that they insisted on couldn’t hold up to any minimal level of scrutiny. One example, made to free themselves from the paradox of President Bolsonaro having won the 2018 elections using the same voting system that he was now discrediting, was to repeat a mantra that he had won the election in the first round, with the election only going to the run-off due to computer fraud. The idea was disseminated, even if it was met with the question of why the second round had not also been rigged in favor of the opponent.

The attacks on the legitimacy of the electoral system were always officially responded to by judicial authorities using technical arguments. However, all of them were systematically ignored, while social media and communication channels were flooded with false, extravagant accusations, often blatantly manipulated in their factual premises.

President Bolsonaro convened a ministerial meeting in July 2022 to coordinate attacks on the voting system and spread falsehoods about his opponent, who was leading in polls. During the meeting he spoke unequivocally about the “use of force” as an alternative to be used, if necessary. At that moment, one of the accused generals, who was held in high esteem within the military, uttered an incendiary phrase that revealed the mindset driving the actions: *“Whatever needs to be done must be done before the elections. If we have to slam our fists on the table, it must be before the elections. If we have to overturn the table, it must be before the elections.”*

Next, a meeting of July 18, 2022, took place between the President of the Republic and ambassadors and diplomatic representatives accredited in the country. It was conducted to propagate the well-known and refuted accusations about fraud, allegedly to be committed through computer tricks in the upcoming election.

What seemed, at the time, like an electoral maneuver—itsself illicit and likely to incur electoral sanctions—revealed itself, through the plot uncovered in the police investigation, to be a further step in the execution of a plan to undermine the predicted and feared outcome of the upcoming election.

The discrediting of the electoral system and the acrimonious words casting suspicion on Ministers of the Supreme Federal Court (STF) and the Superior Electoral Court (TSE), themes of the President of the Republic’s speech to diplomatic representatives in Brasília,

represented an additional step in a plan to remain in power regardless of the election results. The following statements made by the President of the Republic at the event gain striking significance: *“We are trying to anticipate a problem that concerns everyone. The entire world wants democratic stability in Brazil.”* The international community was being prepared for the disregard of the popular will that was to be determined by the October elections.

The group was aware of the importance of other countries’ tolerance toward the coup. Evidence of this is found in a seized document that recommended, “the exploitation of the legal basis in both domestic and international scenarios and the global exploitation of signs of electoral fraud.”

During the second round of the elections, the organization once again put into practice its plan to prolong its leader’s stay in power. Within the scope of the Ministry of Justice, security apparatuses were illicitly mobilized to map areas where the opposition candidate had achieved more significant votes in the first round. The Federal Highway Police was directed to conduct operations in these areas, aiming to hinder timely access of registered voters to these electoral zones. Three of the individuals involved in this task reappeared in the forefront of the coup on January 8, 2023, when they were working in the Federal District’s Public Security Secretariat and facilitated the violent insurrectionist movement that vandalized the headquarters of the three branches of government.

Even before this final act on January 8, however, other events marked the trajectory of crimes against democratic institutions, as detailed in this complaint. The months of November and December 2022, following the election results, were tumultuous.

After the first round of voting concluded, the authorities of the Armed Forces and the President of the Republic knew that, despite all efforts to uncover any flaw in the electronic voting system, nothing had been found. A report from the Ministry of Defense itself, which inspected the voting machines, confirmed this. The elections had been impeccable from a technical execution standpoint.

Despite this, accusations of fraud persisted. This was a way to keep the President of the Republic’s supporters energized, calling for military intervention in notorious camps set up in front of Army barracks in various state capitals across the country. What was being demanded was nothing less than a military coup, which would allow the election results to be nullified through defiance of the democratic rules of power transition. In reality, if losing power was unacceptable to the criminal organization, losing specifically to the candidate who emerged victorious was even more so.

The false narrative of voting machine fraud was fueled by members of the organization, who disseminated material to digital influencers. The goal now was to maintain popular mobilization, with the aim of swaying the Armed Forces, particularly the Army, and its highest-ranking authorities, to impose a regime of exception. This regime would disregard the results of the election and enforce the continued rule of a President who had not been reelected.

The search for a pretext to disregard the popular will expressed at the polls intensified, even in the face of the ministry of the military's report that had found no irregularities in the election. Malicious narratives were generated, based on distorted data or outright falsehoods. The aim was to keep the passionate base mobilized and willing to accept solutions involving violence against the constitutional order.

Staggering facts were uncovered in the investigation of the events that followed the election results.

The investigation reveals that in November 2022, Army officers, aides to Regional Commanders and strategic sector leaders, who shared ties with the Special Forces of the Army, met to find a way to persuade the top brass of the Army to join the coup they were orchestrating.

The Army's Special Forces are a group of military personnel trained in tactics for intelligence missions, exploration and reconnaissance of clandestine communications, operations in unconventional armed conflicts, prevention and combat of terrorism, infiltration into enemy territory, personnel rescue, and crisis management in hostile environments. Their members are also known as *kids pretos*.

This group within the criminal organization worked to pressure the Army Commander and the High Command, drafting letters and rallying colleagues in support of forceful actions in the political arena, all to prevent the elected candidate, Lula da Silva, from assuming the presidency at the Planalto Palace. The goal was to keep then-President Bolsonaro in power. The group collaborated with social media influencers to attack, in virtual environments influential within military circles, the officers who opposed a rupture from the democratic rule of law. The complaint reports in one of its chapters that a certain general of exceptional prestige in the Army, who commanded a battalion of *kids pretos*, even assured the President of the Republic that if he signed a formal act of rebellion against the constitutional order, he would support him, signaling his willingness to position the Army to carry out the coup.

Notes were prepared for acts that would formalize the rupture of the constitutional order. The then-President of the Republic even presented one of these drafts, which contemplated the

arrest of two Supreme Federal Court Justices and the President of the Federal Senate. Later, in a revision, the focus shifted to the President of the Superior Electoral Court. The Minister of Defense also convened the military Commanders to propose an act consummating the coup, securing the support of the Navy Commander but facing refusal from the Commanders of the other two branches of the armed forces.

The resistance of the Commanders of the Army and Airforce led to intensified hate campaigns by the criminal organization through virtual means, always aimed at dissuading legalists from their stance against the coup and encouraging other officers to join the disastrous initiative.

If all of the other evidence was not enough, the attempt to garner support for the insurrection from the highest military authorities of each branch of the Armed Forces provides indisputable proof of an attempted coup. When a President of the Republic, who is the supreme authority of the Armed Forces (Article 142, *caput*) of the Constitution), convenes the leadership of these Armed Forces to present a meticulously conceived plan to break with the constitutional order, it constitutes an act of insurrection in progress, albeit not yet fully realized in its harmful potential. The same applies when, as happened, the Minister of Defense presents a coup plan to the three highest military authorities of the Armed Forces, not to take immediate measures to repress the proposer of the crime, but to secure their support. The situation worsened further when one of the military Commanders, the Navy Commander, agreed to heed the call.

The execution of acts with a coup-like essence, and therefore inherently criminal, is also evident in another set of shocking episodes uncovered in the police investigation. The investigations revealed a terrifying operation to execute the coup, which even contemplated the death of the elected President and Vice President of the Republic, as well as a Justice of the Supreme Federal Court.

Members of the criminal organization structured, within the Planalto Palace, a plan to attack institutions, aiming to dismantle the functioning system of the branches of government and the democratic order. This plan was ominously named "*Green-Yellow Dagger*." It was designed and brought to the attention of the President of the Republic, who approved it, even as a report from the Ministry of Defense acknowledged the absence of any detected fraud in the elections.

The plan involved meticulous activities, sophisticated in their pernicious potential. It targeted the Supreme Federal Court as the institution to be "neutralized." It considered the use of weapons against Justice Alexandre de Moraes and the poisoning of Luiz Inácio Lula da Silva.

Other plans found in the possession of the accused were added to this one. They sought total control over the three branches of government; they outlined a central cabinet, which would serve to organize the new order they intended to impose; one of them concluded with the striking phrase: “*Lula will not walk up the ramp.*”

The plans culminated in what the criminal organization called *Operation Copa 2022*, itself divided into several stages. The expectation was that the Operation would create social upheaval capable of dragging the Army’s High Command into the coup adventure. In the initial execution of the operation, actions were carried out to monitor the targets of neutralization: Justice Alexandre de Moraes and President-elect Lula da Silva. The plan contemplated the death of those involved, considering means such as explosives, weapons, or poisoning. On December 15, 2022, the operatives of the plan, with all preparations complete, only failed to carry out the final step because they were unable, at the last moment, to co-opt the Army Commander.

Frustration dominated the members of the criminal organization, who, however, did not abandon their violent seizure of power even after the inauguration of the elected President. The campaigns for military intervention continued with the encouragement and guidance of the organization.

The organization’s last hope lay in the January 8 demonstration. Its members exchanged messages, indicating that they were still waiting for good news. The organization encouraged the mobilization of a group of people in front of the Army Headquarters in Brasília, calling for military intervention in politics. The participants of that event marched down the avenue connecting the urban military sector to the National Congress, accompanied and escorted by Military Police of the Federal District.

Further ahead, the crowd, which had been held at a cautious distance from the Praça dos Três Poderes (Three Powers Plaza), found itself free of any police obstruction to reach and storm the area. The police presence was diverted from the checkpoint. The invasions of the buildings housing the Republic’s branches of government began, with the destruction of public property, accompanied by hateful rhetoric and savage calls to seize power.

The cases of invasion, destruction, and brutality that occurred on January 8, 2023, have been analyzed and judged by the Supreme Federal Court in various criminal proceedings. The Supreme Court identified the occurrence of crimes against the democratic order, repeatedly affirming the attempted coup.

The episode was incited and facilitated by the accused organization, which, for this additional reason, must be held accountable for promoting acts that attack the democratic order, aiming

to break the constitutional order, disrupt the functioning of the branches of government, and rebel against the Democratic Rule of Law. The violence committed caused extensive damage, estimated at over 20 million reais.

It should be noted that the Army itself was a victim of the conspiracy. Its participation in the coup was constantly sought and provoked by the accused. The general officers who resisted the seditious instigations suffered systematic and insidious public campaigns of personal attacks, which were even directed at their families. The continuous moral aggression was always intended to push them toward the rebel movement, also serving to induce other military personnel, swayed by the degenerate sense of patriotism exploited by the criminal organization, to join the insurgents.

The decision of the generals, especially those commanding Regions, and the Army Commander to remain faithful to their constitutional role was decisive in ensuring that the coup, though attempted and set in motion, did not succeed.

However, a crime was committed. Both Article 359-L and Article 359-M of the Penal Code define attacks against democratic institutions as crimes, and therefore, the attempt—especially given the undeniable truth that successful coups do not lead to the punishment of the victors—is the punishable act described in the law.

In the end, there is no justification for the behavior of the seditious individuals. Under the current Constitution, it is the responsibility of the electoral judiciary to administer and judicially oversee elections. Military personnel or other Executive agents do not have the authority to review, scrutinize, validate, or annul elections. This authority, within the constitutional framework, lies solely with the Judiciary.

It is worth noting that, in any case, the electoral judiciary, through its highest court, went to great lengths to publicly demonstrate the integrity and reliability of the voting and vote-counting system. It responded to all objections arising from the obstinate search for pretexts to discredit it with technical reasons, which remained irrefutable. This demonstration of the system's legitimacy was not, strictly speaking, necessary. Regardless of the merits of the electronic voting and counting system, this is the model imposed by legislation, which all, and especially authorities, must follow. Moreover, examinations carried out by the Armed Forces themselves, despite being heavily encouraged by the President of the Republic's desire to find flaws and suspicions, found no evidence of fraud.

Given this, the obligation to conform to the population's choice, which opposed the continuation in power of the then-President of the Republic, became even more pronounced. Nothing justified him and his supporters continuing to rail against the system and plotting

solutions that profaned the constitutional structure of democracy. That this happened nonetheless certainly increases the criminal liability.

The Full Attorney General's indictment can be [downloaded in Portuguese here](#).

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This first appeared on [De-Linking Brazil](#).

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