

# Who Is Behind the Attempted Coup Against Brazilian Democracy?

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Global Research, February 01, 2023

Region: [Latin America & Caribbean](#)

Theme: [History](#)

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*On 8 January 2023, several thousand supporters of former president Jair Bolsonaro stormed Brazil's three main democratic institutions. The Congress, the Federal Supreme Court and the Presidential Palace in the capital's Three Power Square were ransacked for several hours in an attempted coup. The meticulously planned attack sparked worldwide outrage.*

On 30 October 2022, in the second round of the presidential election, Brazilians cast their votes for the Workers' Party candidate Lula da Silva, giving him a narrow lead over the far-right incumbent **Jair Bolsonaro**. With a total of 50.9%, Lula obtained two million more votes than his opponent out of a total of 124 million voters. After two consecutive successful terms in office between 2003 and 2010 and 80% favourable opinion, the former workers' leader returns to power for a new four-year term of office, until 2027.[1]

President Lula should have returned to the Presidential Palace in January 2019, as the favourite candidate in the 2018 elections. But following a conspiracy orchestrated by prosecutor **Sergio Moro** in the *Lava Jato* corruption case to prevent him from running, Lula was arbitrarily sentenced in 2017 to nine years and six months in prison - increased to 12 years on appeal - for passive corruption and money laundering, without any material evidence being presented to the court. The UN Human Rights Commission condemned the trial against Lula, saying it "violated his right to be tried by an impartial tribunal, his right to privacy and his political rights".[2] Lula spent 580 days in prison, from April 2018 to November 2019, which allowed Bolsonaro to seize power without difficulty. The far-right leader did not even try to keep up appearances, rushing to thank Prosecutor Moro by appointing him Minister of Justice.[3] In 2019, the Supreme Court overturned Lula's conviction, denouncing the political instrumentalization of the trial against him.[4]

Bolsonaro is an openly fascist leader. "Let's go straight to dictatorship", he has said in the past.[5] Nostalgic for the Brazilian military regime that scarred the country between 1964 and 1985, and an enemy of democratic principles, the former president thus described in 2019 as a "national hero" Colonel Carlo Alberto Ustra, condemned for acts of torture and barbarity by the Brazilian justice system. Dilma Rousseff, President of Brazil from 2011 to

2016, was tortured by Ustra's services when she was a young revolutionary activist opposed to the generals' autocracy.[6]

After four years of governance, Bolsonaro's record is singularly negative, marked by ultraconservatism, the strengthening of the power of the evangelical church, hate speech against people of colour, women, sexual diversity and the left.[7] His catastrophic management of the Covid-19 pandemic has made Brazil one of the countries with the highest lethality rate in the world. His anti-social policies have caused the poverty rate to soar, with 33 million people going hungry. Under his tenure, deforestation in the Amazon reached unprecedented levels, with a 60% increase, destroying indigenous lands and raising the concern of the world community. At the international level, his policies have led to the weakening of ties with many countries.[8]

Despite the transparency of the 2022 elections, Bolsonaro has always refused to recognise his opponent's victory, spreading rumours of fraud and heating up his electorate, which has multiplied violent actions since October 2022, notably blocking roads. Moreover, since then, hundreds of people have been camping in front of the army headquarters in Brasilia, chanting the slogan "S.O.S Armed Forces", explicitly demanding a military intervention in order to break the constitutional legality and prevent Lula's accession to power on 1 January 2023, all this with Bolsonaro's tacit agreement.[9] Moreover, Bolsonaro did not hesitate to put strong pressure on the Superior Electoral Tribunal to cancel the elections. But the SET refused to give in to the threats and validated the election, denouncing Bolsonaro's action and calling his allegations "ludicrous and illicit", saying they were "ostensibly conspiratorial toward the democratic rule of law".[10]

On 30 December 2022, two days before Lula's inauguration ceremony, Bolsonaro left the country for the United States, refusing to comply with the republican tradition of handing over the sash to his successor as a symbol of a peaceful transition. It was the first time since the advent of democracy in 1985 that an outgoing president refused to greet the new leader. That year, General Joao Figueredo, the last head of the military junta, refused to attend the inauguration ceremony of President-elect José Sarney.[11] Bolsonaro's attitude was even publicly criticised by his outgoing vice-president, General Hamilton Mourao: "Leaders who should reassure and unite the nation around a project for the country have allowed their silence or their inappropriate and harmful protagonism to create a climate of chaos and social disintegration".[12]

On 1 January 2023, the inauguration ceremony brought together many official delegations from all over the world to witness Lula's inauguration as President of the Republic, illustrating the international support for the new power. Hundreds of thousands of Brazilians travelled to the capital to welcome the advent of a different era for Brazil, marked by four difficult years. To symbolise the new stage for the Brazilian people, especially for the poorest categories, Lula chose a 33-year-old woman garbage collector, Aline Sousa, to present the presidential sash.[13]

In his inaugural speech, Lula recalled the long and difficult battle that led to his victory. He denounced the use of public funds for electoral purposes by his rival. He made an indictment of the outgoing government for "destroying public policies that promoted citizenship, essential rights, health and education". He promised Brazilians a "dignified life, without hunger, with access to employment, health and education".[14]

A week later, on 8 January 2023, thousands of far-right activists gathered in the capital

Brasilia in what was clearly a carefully planned operation. They launched an assault lasting several hours on the country's three main democratic institutions, the Congress, the Presidential Palace and the Supreme Court, three jewels of the Square of the Three Powers built by the architect Oscar Niemeyer, ransacking the premises and destroying priceless works of art, with the aim of breaking constitutional legality. Two years almost to the day after the attack on the Capitol in Washington by Donald Trump's supporters who refused to recognise the results of the elections, Brazil experienced the same dramatic episode. The international community unanimously condemned the attack on the rule of law.[15]

President Lula signed a decree delegating the security of the capital to the federal authorities until the end of January 2023.[16] No less than 1,200 people were arrested and the Supreme Court ordered the dismantling of the coup plotters' camps within 24 hours.[17]

## **The responsibilities**

Despite his denials, the main intellectual author of this coup attempt is the incumbent himself.[18] Indeed, Bolsonaro has repeatedly questioned the unanimously recognised election results, fanning the flames of resentment among his supporters and galvanising the more radical sectors tempted by illegal action. As the *New York Times* points out, the assault was "the violent culmination of incessant rhetorical attacks on the nation's electoral systems by Mr. Bolsonaro".[19] For its part, *CNN* pointed out that "Bolsonaro repeatedly sowed doubt about the legitimacy of the vote, without citing any evidence for his various claims".[20] The former head of state has thus opened the way to a violent action unprecedented in the history of democratic Brazil. Through his lawyer, he persisted in describing the events as "spontaneous social movements carried out by the population". The Supreme Court announced the opening of an investigation against him. According to the US press, "there is little question he inspired the roughly 5,000 people who were at the protest that turned violent".[21] In addition to Bolsonaro's responsibility, there is the responsibility of the groups that provided material and financial support for the organisation of such an operation.

The domestic intelligence services had, without any doubt, all the necessary information on the violent plans of the Bolsonarist militants. For example, numerous messages circulating on *Telegram* and *WhatsApp* called "to organize attacks against critical infrastructure, such as oil refineries and roadblocks". There is no doubt that the groups of protesters were infiltrated by general intelligence agents, as is the case in any country in the world. For example, according to a note from the military police in Brasilia, no less than 100 buses carrying more than 4,000 people arrived in the capital between Friday 6 January and Sunday 8 January 2023.[22] Yet no action was taken to arrest the organisers and prevent the assault.

Moreover, the army is clearly responsible, having accepted the presence of the coup camp, calling for the disruption of the constitutional order, for more than ten weeks in a national security zone. Moreover, on the day of the riots, the battalion of the presidential guard permanently stationed at the Palace of the Head of State did not see fit to intervene to prevent the invasion. These soldiers "even prevented, on several occasions, the police from arresting the rioters", according to *Le Monde*. [23]

Similarly, there is no doubt about the responsibility of the security forces that were supposed to protect the capital. The contingent of police officers present at the scene was much smaller than that required to guard the various institutions of Brazilian democracy.

Yet the risk of incidents was very high given the massive and belligerent presence of Bolsonaro's extremists. A meeting had taken place on 6 January between Flavio Dino, the new Minister of Justice, and local authorities including the governor of Brasilia, Ibaneis Rocha, and the head of Brasilia's security, Anderson Torres, and an agreement had been reached on the number of agents to be deployed to protect the institutions in anticipation of the Sunday demonstration. However, against all expectations, the contingent present was much smaller than agreed. Minister Dino denounced a last-minute change, without any explanation from the authorities in Brasilia.[24] Thus, while the esplanade was supposed to be closed to the demonstrators, Governor Rocha decided at the last moment to open it. The Minister of Justice only found out about this through the press.[25] Instead of fulfilling their mission to protect the premises, the police distinguished themselves by their inaction and even complicity with the coup plotters. The *New York Times* expressed its astonishment: "Videos circulated online of the officers who were present appearing to escort protestors on their way to the federal buildings, and pausing to snap selfies with them".[26] President Lula denounced "an explicit connivance of the police with the demonstrators". The Brazilian justice system has already begun to act by arresting the head of security in the capital.[27]

Initially, the Supreme Court suspended Governor Torres of Brasilia, a strong supporter of Bolsonaro and former Justice Minister, for 90 days.[28] But investigators discovered at his home a draft presidential decree designed to annul Lula's election by taking control of the Superior Electoral Tribunal by the federal government, causing an unprecedented scandal in Brazil. The undated document bore Bolsonaro's name at the end with a space reserved for his signature. Torres, in a clumsy attempt to defend himself, called for the document not to be judged "out of context", thus acknowledging the authorship of the project and the authenticity of the document intended to prepare a coup. He was immediately arrested by the authorities, pending trial.[29]

## **The French Penal Code**

In any Western democracy, the events of 8 January would be punished by heavy prison sentences. For example, according to Article 412-1 of the French Penal Code, "committing one or more acts of violence likely to endanger the institutions of the Republic" is "punishable by thirty years of criminal detention and a fine of 450,000 euros". In addition, the penalties are increased to life imprisonment and a fine of 750,000 euros when the acts are "committed by a person in authority". Article 412-4 imposes a penalty of "fifteen years' imprisonment and a fine of 225,000 euros for participating in an insurrectionary movement". The latter is clearly defined: "by occupying by open force or by deception or by destroying any building or installation; by ensuring the transport, subsistence or communications of the insurgents; by provoking gatherings of insurgents by any means whatsoever".[30]

The attempted coup orchestrated by Bolsonaro's supporters illustrates the true face of the far right extremists, who are incapable of respecting democratic principles when the popular vote is against them. In a country that still bears the painful scars of two decades of military dictatorship, fractured and polarised by the outgoing administration, President Lula's mission is to regain the necessary national cohesion and to remind all Brazilians, regardless of their political leanings, that the nation belongs to all and that it has a moral duty to look after the most fragile categories. "Order and Progress" is the republican motto of Brazil.

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