

**Sra. Laura Chinchilla**

**Chefe da Missão de Observação Eleitoral da Organização dos Estados Americanos (MOE/OEA) para as Eleições Gerais do Brasil**

17th Street and Constitution Ave., N.W.

Washington, D.C., 20006-4499

Estados Unidos da América

Brazil, October 24<sup>th</sup>, 2018.

The undersigned organizations respectfully approach Your Excellency to express their deepest concern over facts that are taking place in Brazil during the election process that is underway, which, as we see it, are putting Democratic Rule of Law at risk and violating the most fundamental human rights commitments taken on internationally by the Brazilian State.

Brazil is experiencing one of the most heated and violent electoral processes of its history, with an outbreak of concrete and recurring cases of threats, aggression and even homicides arising from diverging political positions. Free and plural expression is being curtailed, generating an atmosphere of fear and intimidation. Intolerance towards that which diverges has materialized itself in countless cases of verbal and physical aggression, threats and even murders.

Violence has taken on alarming proportions which are manifest in hate speech and concrete attacks, for the most part targeting minority groups (women, LGBTTI people, Black people, indigenous peoples, quilombolas and people from Northeast Brazil).

Most of the acts of violence are related to supporters of Jair Bolsonaro, presidential candidate for the Liberal Social Party (PSL). This candidate, who is in his seventh term of office in the Brazilian House of Representatives, is known for his racist, *machista* and homophobic manifestations. Examples include the moves he made to prevent the distribution of educational material in schools regarding

LGBTI people.<sup>1</sup> Bolsonaro continually encourages violence, legitimizing and encouraging practices contrary to human rights in his public manifestations. This week the candidate received the support of a former Ku Klux Klan leader who said "He sounds like one of us".<sup>2</sup>

During the session in the House of Representatives that voted on the impeachment of former president Dilma Rousseff, Bolsonaro dedicated his vote, in favour of the impeachment of the president, to Colonel Carlos Alberto Brilhante Ustra, who was head of the DOI-CODI (the military dictatorship's intelligence system), known for his involvement in diverse cases of torture. Months later, Jair Bolsonaro further stated: "The mistake the dictatorship made was to torture rather than kill" (interview given on the Jovem Pan radio station in June 2016)<sup>3</sup>. These are examples of manifestations against human rights and incitement of violence made by the parliamentarian who is now a presidential candidate. During the current elections, these practices have taken on proportions that have stretched beyond the control of the competent Brazilian institutions, making it imperative to make international bodies aware of these facts. It is also important to inform you that candidate Jair Bolsonaro stated during a live transmission via internet, shortly after the result of the first round of the elections was made known: "We will put a full stop to all forms of activism in Brazil"<sup>4</sup>. This statement is yet another affront against human rights, in total violation of the constitutional right to freedom of association and political manifestation.

Beyond what is reported here, it is also essential to inform that even before the electoral process, Jair Bolsonaro had also compromised the legitimacy of the Brazilian elections and institutions, stating, even before the first round of the elections, that Brazilian electronic ballot boxes were subject to fraud by the other candidate and that he would not accept any result other than his victory,

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<sup>1</sup><https://congressoemfoco.uol.com.br/eleicoes/na-camara-bolsonaro-prioriza-militares-e-ignora-saude-e-educacao/>

<sup>2</sup><https://noticias.uol.com.br/ultimas-noticias/bbc/2018/10/16/ku-klux-klan-david-duke-bolsonaro.htm>

<sup>3</sup>[https://www.em.com.br/app/noticia/internacional/2018/10/19/interna\\_internacional,998510/as-frases-explosivas-e-os-exercicios-de-tolerancia-de-jair-bolsonaro.shtml](https://www.em.com.br/app/noticia/internacional/2018/10/19/interna_internacional,998510/as-frases-explosivas-e-os-exercicios-de-tolerancia-de-jair-bolsonaro.shtml)

<sup>4</sup> <https://blogdadacidanania.com.br/2018/10/bolsonaro-sugere-fim-do-ativismo-no-brasil-ou-seria-dos-ativistas/>

inciting his supporters to refuse to recognize the election results if he lost. A message was circulated on Whatsapp calling for “preparation for patriotic action and reaction” on October 28<sup>th</sup> 2018. The text said that “Bolsonaro will only not be elected if there is electoral fraud”, “Action: vote 17”, “Reaction: bring Brazil to an indefinite standstill until patriots and armed forces ignite a counter-coup to the electoral coup” circulating on social media.

Another noteworthy point is that this year’s election race is being subject above all to the spreading of fake and defamatory news about candidate Fernando Haddad and the Workers’ Party (*Partido dos Trabalhadores*). The *Folha de S. Paulo*, Brazil’s principle newspaper, reported on October 18<sup>th</sup> 2018 that a group of businessmen had entered into a contract, worth BRL 12 million, not declared to the Electoral Justice system, to spread fake news via Whatsapp<sup>5</sup>.

Notwithstanding, the competent Brazilian institutions have not responded in a diligent manner to the complaints regarding statements that violate human rights, politically motivated aggression and the spreading of fake and defamatory news. In the summary below, we present examples of statements made by Jair Bolsonaro, as well as some of the episodes of violence perpetrated by his supporters.

### **1) Reports of aggression perpetrated by Bolsonaro supporters**

A survey done by *Agência Pública*, in partnership with Open Knowledge Brazil, indicates the occurrence of at least 70 cases of aggression and threats between September 30<sup>th</sup> and October 10<sup>th</sup><sup>6</sup>. 50 of the cases have been attributed to Bolsonaro supporters, 6 were against Bolsonaro supporters and the remainder are unclear.

Journalists have also been subjected to aggression and threats, physically and verbally, for supposedly having published stories containing ideological content during the coverage of the electoral process. On October 8<sup>th</sup>, The Brazilian Association of Investigative Journalism (ABRAJI) issued a statement on

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<sup>5</sup><https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml>

<sup>6</sup><https://apublica.org/2018/10/apoiadores-de-bolsonaro-realizaram-pelo-menos-50-ataques-em-todo-o-pais/>

the occurrence of 130 cases of violence against journalists in political-electoral contexts. According to the association, 75 attacks were made via digital media (affecting 64 professionals) whilst a further 62 cases involved physical incidents (affecting 60 journalists).

As if this were not sufficient, the special edition of the newspaper *Brasil de Fato*, with the photos of the two main candidates on its front page and the headline "You decide Brazil's future", was censored during the electoral process. Last Saturday (20), the Regional Electoral Court of Rio de Janeiro (TRE-RJ) ruled the seizure of 30000 copies of the newspaper stored at the offices of the Norte Fluminense Oil Workers Trade Union (Sindipetro-NF) in the city of Macaé.<sup>7</sup>

We highlight below some cases that have become emblematic in this period:<sup>8</sup>

- In Salvador, the Master of Capoeira, Moa Katendê, was murdered by a Bolsonaro supporter who stabbed him 12 times in a bar after he stated that he supported the candidate Fernando Haddad. The assailant confessed to the police that the crime was motivated by party-political reasons.<sup>9</sup>
- In Recife, a journalist was attacked by two men who threatened to rape her on her way from voting in the first round of the elections. Her attackers, one of whom was wearing a T-shirt in support of the PSL candidate, said "When the Commander wins the election, the press will die."<sup>10</sup>
- In Curitiba, a university student was attacked for political motives simply because he was wearing an MST cap (Rural Landless Workers Movement).<sup>11</sup>
- LGBTIs: a transvestite was stabbed to death in São Paulo<sup>12</sup>; a trans woman was threatened and attacked in Rio de Janeiro, her attackers shouted transphobic remarks and words in support of PSL's presidential candidate,

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<sup>7</sup><https://www.brasildefato.com.br/2018/10/22/censura-ao-brasil-de-fato-evidencia-partidarizacao-da-justica-eleitoral/>

<sup>8</sup>[https://brasil.elpais.com/brasil/2018/10/09/politica/1539112288\\_960840.html](https://brasil.elpais.com/brasil/2018/10/09/politica/1539112288_960840.html)

<sup>9</sup><https://www.estadao.com.br/noticias/geral,policia-conclui-que-assassinato-de-capoeirista-foi-cometido-por-discussao-politica,70002551987>

<sup>10</sup><http://marcozero.org/jornalistas-viram-alvo-de-ataques-de-apoiadores-de-bolsonaro/>

<sup>11</sup><https://www1.folha.uol.com.br/poder/2018/10/em-campanha-polarizada-pais-registra-agressoes-ligadas-a-discussao-eleitoral.shtml>

<sup>12</sup><https://noticias.uol.com.br/cotidiano/ultimas-noticias/2018/10/16/policia-investiga-assassinato-de-travesti-no-centro-de-sp-testemunha-relata-motivacao-politica.htm>

Jair Bolsonaro<sup>13</sup>; a gay man was murdered in Curitiba and found dead inside his wardrobe<sup>14</sup>.

- In Rio de Janeiro, a group of students at the Federal University of the State of Rio de Janeiro (UNIRIO) were attacked when distributing material in support of Fernando Haddad by a group of six men who shouted slogans in support of Jair Bolsonaro. One of the students was hit on the face with a metal bar and was taken to hospital.<sup>15</sup>

## 2) Main declarations by Bolsonaro against Human Rights

The public life and political trajectory of Jair Bolsonaro are marked by discourses of profound disrespect for human rights, democratic institutions, historically oppressed populations. There is no shortage of excerpts of speeches, interviews and debates that provide evidence of the authoritarian and discriminatory nature of Bolsonaro's political project.

### a) Regarding slavery and Brazil's historic debt to Black people:

- If you take a look at history, the Portuguese never set foot in Africa. It was the Black people themselves who handed over the slaves. What debt is this?<sup>16</sup>
- *[Why are you against racial quotas?]* Because we are all equal before the law. I wouldn't fly in a plane piloted by a quota holder, nor would I accept being operated on by a surgeon quota holder<sup>17</sup>.
- *[Preta Gil asks: If your son fell in love with a Black girl, what would you do?]* Oh Preta, I'm not about to discuss promiscuity with anyone. I'm not running this risk. My sons have been very well brought up, and they didn't live in environments like yours lamentably is<sup>18</sup>

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<sup>13</sup><https://odia.ig.com.br/rio-de-janeiro/2018/10/5582426-ex-furacao-2000-mulher-trans-e-atacada-com-barra-de-ferro-por-apoiadores-de-bolsonaro.html>

<sup>14</sup><https://revistaladoa.com.br/2018/10/noticias/um-gay-morto-no-armario-e-um-assassino-obcecado-por-bolsonaro/>

<sup>15</sup> <https://odia.ig.com.br/eleicoes/2018/10/5585246-estudante-da-unirio-e-agredido-com-barra-de-ferro-na-cabeca-durante-panfletagem.html>

<sup>16</sup> Programa Roda Viva - TV Cultura - July 2018. Available at: <https://youtu.be/vtbXWVEWl88>

<sup>17</sup> Program CQC, TV Bandeirantes, March 2011. Available at [https://youtu.be/XHj\\_yoggvMo](https://youtu.be/XHj_yoggvMo)

<sup>18</sup> Program CQC, TV Bandeirantes, March 2011. Available at [https://youtu.be/XHj\\_yoggvMo](https://youtu.be/XHj_yoggvMo)

b) About the rights of LGBT people:

- I'm not going to combat them nor even discriminate them, but, if I see two men kissing each other in the street, I'll hit them.<sup>19</sup>
- *[About the Bill of Law to criminalize homophobia]* Do I like homosexuals? No one likes them, we put up with them. (...) It would be the last straw, passing this bill of law and being arrested because of a faggot!<sup>20</sup>
- If your son starts being sort of gayish, give him a thrashing and his behaviour will change. Got it? I've heard about some of them here: look, thank goodness I got smacked, my father taught me to be a man<sup>21</sup>.
- *[What would you do if you had a gay son?]* That's something that's never occurred to me, because I reared my children well. I was a present father, so I'm not running that risk<sup>22</sup>.
- I would be incapable of loving a homosexual son. I'm not going to be hypocritical here: I'd rather my son was killed in an accident than have him turning up with a moustached man. He would be dead anyway as far as I'm concerned if that happened (...) If a gay couple moves into the house next door to mine, my house would be devalued! If they walk holding hands and giving each other pecks on the cheek, that devalues<sup>23</sup>.

c) About indigenous peoples, quilombolas, the landless and civil society organizations:

- You can be sure, if I make it there, there will be no money for NGOs. Those useless people will have to work. If I make it there, if it depends on

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<sup>19</sup> Apoio de FHC à união gay causa protestos. Folha de S. Paulo, Caderno Cotidiano, página C5, 19/05/2002. Available at: <https://acervo.folha.com.br/leitoeitor.do?numero=15350&anchor=129630&origem=busca&pd=e490a4d4938f3c3c9e6bdaec462c21a2>

<sup>20</sup> Interview on 12/05/2011, Available at <https://congressoemfoco.uol.com.br/especial/noticias/bolsonaro-e-marinor-quase-saem-no-tapa-no-senado/> e <https://youtu.be/50NvJ4DutO0>

<sup>21</sup> Program "Participação Popular", TV Câmara, 25/11/2010. Available at <https://www.youtube.com/watch?v=HFvnlWX3txI>

<sup>22</sup> Program CQC, TV Bandeirantes, March 2011. Available at [https://youtu.be/XHj\\_yoggvMo](https://youtu.be/XHj_yoggvMo)

<sup>23</sup> Revista Playboy, June 2011. Available at: [https://www.terra.com.br/noticias/brasil/bolsonaro-prefiro-filho-morto-em-acidente-a-um-homossexual\\_cf89cc00a90ea310VgnCLD200000bbcceb0aRCRD.html](https://www.terra.com.br/noticias/brasil/bolsonaro-prefiro-filho-morto-em-acidente-a-um-homossexual_cf89cc00a90ea310VgnCLD200000bbcceb0aRCRD.html)

me, every citizen will have a firearm in their house. Not a single centimetre will be demarcated for indigenous reserves or for quilombola. Through partnerships, we're going to rescue Brazil<sup>24</sup>.

- *[During a visit to Eldorado dos Carajás, in the southwest of the state of Pará, defending policemen arrested for the massacre of 19 landless rural workers]* It's the MST (Landless Movement) people who should be in prison, lazy good-for-nothings. The police reacted in order not to die" and, speaking to rural landowners: "There will be no goddamned penpushing inspector bothering you", "Human rights is popcorn, dammit."<sup>25</sup>

d) About the military dictatorship and the democratic regime:

During the military dictatorship in Brazil (1964-1985), the government set up a huge apparatus of repression to combat political opponents, under the auspices of the doctrine of national security, which systematically committed human rights violations. The national public security policy was a legal framework created to legitimize repression against citizens opposed to the regime. The practice of torture became systematically used by the State as a method of obtaining information or confessions (interrogation technique) or as a means of spreading fear (intimidation strategy).<sup>26</sup>

Unlike countries such as Paraguay, Uruguay, Argentina and Bolivia, that suffered military coups followed by dictatorial governments during the same period in the past, Brazil has not managed to effectively reconcile its historical process of the quest for memory, truth, justice and reparation for the victims of that period. This process, which is known to be fundamental for the consolidation of democracy in a country, has not taken place in Brazil and the fact that the human rights violations committed at that time can remain unpunished, enables hate speech to come forward, contaminate social fabric and relations and reveal itself in a forceful manner which verges on fascism, in the words and statements of the candidate, such as for example:

- I'm in favour of torture, and you know that. And the people are in favour of it as well<sup>27</sup>.

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<sup>24</sup> Talk at Clube Hebraica, April 2017. Available at: <https://youtu.be/yabLVrYCvdo>

<sup>25</sup><https://noticias.uol.com.br/politica/eleicoes/2018/noticias/agencia-estado/2018/07/14/no-para-bolsonaro-defende-pm-por-massacre-em-carajas.htm>

<sup>26</sup> Inter-American Court of Human Rights. Case of Herzog and others v. Brazil, Ruling of March 15th 2018, Preliminary Objections, Merit, Reparations and Costs. par. 239 f. Available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_353\\_por.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_353_por.pdf)

<sup>27</sup> Programa Câmera Aberta - 23/05/1999. Available at: <https://youtu.be/qIDyw9QKIvw>

- [Presenter: *If you were President of the Republic, would you shut down the National Congress today?*] I wouldn't give it a second thought. I would organize a coup there and then. It doesn't work. And I'm certain that 90% of the population would applaud. The Congress is no good for anything<sup>28</sup>.
- You're not going to talk about the military dictatorship here. Only 282 went missing, mostly good-for-nothings, bank robbers, hijackers<sup>29</sup>.
- You won't change anything in this country by voting, nothing, absolutely nothing. You'll only change it, unfortunately, when civil war breaks out in our country.(...) Killing! If innocent people are going to get killed, that's OK. Whenever there's war innocent people get killed.<sup>30</sup>
- Promise to typify the actions of social movements' struggle for land as terrorism and to repress them with "the law on their backs" in a speech displayed on a large screen on Avenida Paulista: "The clean-up is going to be much more far-reaching now. This group, if it wants to stay here, will have to obey the same law as the rest of us. Either they leave Brazil or they go to prison. These red good-for-nothings will be banned from our motherland".<sup>31</sup>

In this regard, the United Nations High Commissioner's Office, through its regional Office for South America, had already manifested itself, including contrary to the candidate himself, in 2016, when at that time he was a federal congressman. The Representative for South America, Amerigo Incalcaterra, condemned his apology of torture *"We strongly repudiate all sorts of apologies of human rights violations such as torture, which is absolutely prohibited under the Brazilian constitution and the international human rights law. Such kinds of comments are unacceptable, particularly when expressed by representatives of the Brazilian institutions and elected by popular vote"*<sup>32</sup>.

### 3) Requests:

- A. Public statement condemning the violence demonstrated in the cases above;

<sup>28</sup> Programa Câmera Aberta - 23/05/1999. Available at: <https://youtu.be/qIDyw9QKIvw>

<sup>29</sup> Programa Câmera Aberta - 23/05/1999. Available at: <https://youtu.be/qIDyw9QKIvw>

<sup>30</sup> Programa Câmera Aberta - 23/05/1999. Available at: <https://youtu.be/qIDyw9QKIvw>

<sup>31</sup><https://jornalistaslivres.org/bolsonaro-ameaca-prender-todos-os-que-discordarem-dele/>

<sup>32</sup> <http://acnudh.org/en/brazil-ohchr-south-america-repudiates-anti-human-rights-rhetoric-in-congress/>

- B. Public statement to Brazilian institutions to ensure the right to freedom of association and political manifestation;
- C. Public statement in view of the threats to the democratic rule of Law and to human rights easily identifiable in the discourse of candidate Jair Bolsonaro;

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