TRANSPARÊNCIA INTERNACIONAL
Brasil

BRAZIL: SETBACKS IN THE LEGAL AND INSTITUTIONAL ANTI-CORRUPTION FRAMEWORKS

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EXECUTIVE SUMMARY

Corruption remains one of the biggest impediments to economic development in Brazil. It threatens recent strides made towards equality and social justice, and it has exposed the fragility of Brazil's 30-year-old democracy. Over the last few years, Operation Carwash (Operação Lava Jato, in Portuguese) has uncovered one of the largest corruption schemes in history, involving billions of dollars, as well as politicians and businesses from several countries. The mega-operation is the direct result of Brazil's legal and institutional development, and its success has spurred anti-corruption efforts across Latin America. However, the difficulties in advancing wide-ranging reforms of the country's political system and a recent wave of legal and institutional setbacks pose serious threats to this transformation. There are now risks that the progress might be short-lived and that impunity might experience renewed growth in the country and the region.

The setbacks include a Supreme Court injunction that virtually paralysed Brazil's anti-money laundering system; an illegal[1] inquiry, also conducted by the Supreme Court, that is secretly investigating law-enforcement agents; and growing political interference by the president in anti-corruption institutions. Brazil's anti-corruption legal framework is also being weakened, by the approval, in Congress, of legislation detrimental to the independence of law-enforcement agents and the accountability of political parties, among others.

KEY FINDINGS

- Several setbacks are currently affecting Brazil's anti-corruption legal and institutional frameworks. These include growing political interference in law-enforcement institutions, the weakening of the country's anti-corruption legislation, and misguided judicial decisions that have systemic impact, as well as the shrinking of civil society space and increasing press harassment.

- In recent years, Brazil had become an inspiration for many countries as a successful example of confronting systemic corruption and impunity. The reversal of this progress will therefore have an impact beyond its borders, particularly in Latin America. The consequences also go beyond the fight against corruption, affecting international security and the region's democratic stability.

RECOMMENDATIONS

Transparency International presents a list of recommendations for Brazilian authorities and calls for the international community to support the many representatives of Brazilian public institutions, politics, businesses and civil society who are engaged in the country's fight against corruption and impunity (see the "Recommendations" section below).

1. INTRODUCTION

Corruption has always been among the top concerns for Brazilians. It became even more central with the revelations from Operation Carwash, starting from 2014, which exposed high-level political figures and powerful businesspeople. The operation's success in uncovering the largest corruption scheme in Brazil's history is closely linked to positive developments in the country's legal and institutional framework in recent years. The adoption of key anti-corruption laws and the strengthening of law enforcement and other bodies at the federal level – from guaranteeing their de facto autonomy and independence, to investment in resources – provided some of the necessary conditions for more and enhanced investigations and prosecutions against corruption schemes. However, extensive investigations and prosecutions resulting from the operation have not led to the reforms still much needed in Brazil's political and judicial systems.

On the contrary, recent decisions by the government, parliament and the judiciary also threaten Operation Carwash, as well as the country's overall anti-corruption legislative and institutional frameworks, putting all the advances made in recent years at risk.

Brazil had become an inspiration for many countries as a successful case of confronting systemic corruption and impunity. The reversal of this progress will therefore have an impact beyond its borders, particularly in Latin America. The consequences also go beyond the fight against corruption, affecting international security and the region's democratic stability.

Operation Carwash was launched in March 2014 to investigate allegations that the country's biggest construction firms overcharged state oil company Petrobras for building contracts. It has, since then, uncovered some of the largest corruption schemes in history, involving billions of dollars, politicians and businesses from several countries. Procurement fraud, illicit campaign financing, money laundering and influence peddling were common features in these schemes.

Despite its initial focus on Petrobras, investigations have branched out into other parts of the Brazilian federal government, including other major state-owned enterprises, as well as several state governments. Beyond the original Carwash Taskforce, based in Curitiba, there is now a number of groups of investigators working on different aspects of corruption cases across the country.

Some essential investigative tools frequently used by investigators were also the by-product of recent legislative reforms. Leniency agreements and plea agreements, for example, were essential to uncovering evidence of the corruption schemes. International cooperation has also been instrumental in not only discovering the extent of these schemes, but also for allowing different countries to conduct their investigations independently.

2. FEDERAL GOVERNMENT

President Jair Bolsonaro campaigned heavily on an anti-corruption platform. However, the first 10 months of his recently elected government show no progress in the implementation of an anti-corruption agenda. On the contrary, a series of decisions made by the Executive show signs of political interference in key corruption-fighting bodies, such as the Federal Police, the Federal Revenue Service and the Public Prosecutor's Office. Corruption allegations have already tainted some of Mr. Bolsonaro's close allies and family members. The most serious cases involve his eldest son, Senator Flavio Bolsonaro[2], his minister of tourism, Marcelo Álvaro Antônio[3] and the government's leader in the Senate, Fernando Bezerra[4].

FEDERAL POLICE

The Federal Police plays a key role in attempts to counter corruption in Brazil. Although the institution is subordinated to the Ministry of Justice, the country's constitution has strengthened its independence. Firstly, the federal police is a permanent body, meaning that although it is a part of the executive branch, it cannot be dissolved by the government. Secondly, the organisation is meritocratic, with rules regarding entry into its ranks and the appointment of individuals to higher positions being traditionally based on technical expertise.

During the last two decades in particular, the Federal Police has also gained budgetary, administrative and financial autonomy. Its budget was repeatedly increased and the number of police officers on its roll also grew. Specialised units[5] dedicated to fighting corruption were created across Brazil.

In recent months, however, political interference in the police body has grown, provoking unrest in its upper echelons. Federal police chiefs threatened to resign en masse[6] following President Bolsonaro's replacement of Ricardo Saadi, the head of its regional office in Rio de Janeiro.

Mr. Bolsonaro declared that the move was motivated by "performance issues"[7]. However, internal assessments by the Federal Police revealed that during Mr. Saadi's administration, the state of Rio de Janeiro moved from the 24th to the fourth best-performing unit among Brazilian states[8]. He was responsible for leading grand corruption related investigations, arresting 10 members of the State Parliament[9], three former governors and former president Michel Temer, as well as several businessmen. He also tackled internal corruption[10], suspending and arresting federal police officers from the Rio de Janeiro office.

During Mr. Saadi's time as head of the Federal Police regional office in Rio de Janeiro, investigations were opened into Senator Flávio Bolsonaro[11] and the murder of Rio de Janeiro's City Councilwoman Marielle Franco, which has been linked to militia groups with [12] ties to the Bolsonaro family's political allies.

Recently, President Bolsonaro attempted to choose Mr. Saadi's replacement, even though it has been a long-established practice for the Director-General of the Federal Police to have wide discretion in selecting regional chiefs from among career employees. He has also threatened[13] to fire Mauricio Valeixo, the Federal Police's Director-General, who was chosen by Minister of Justice Sérgio Moro.

FEDERAL REVENUE SERVICE

The Federal Revenue Service (Receita Federal do Brasil, RFB) is responsible for the federal

government's tax collection. It is also responsible for combating tax evasion and, in that capacity, collaborates intensively with other law-enforcement agencies in the fight against corruption and money laundering.

Recently, there have been three changes in its upper hierarchy. Marcos Cintra[14], the Secretary-General, and João Paulo Ramos Fachada Martins da Silva[15], the Deputy Secretary-General, have both been removed in the last two months. President Bolsonaro has also fired[16] Ricardo Pereira Feitosa, Head of Fiscal Intelligence of the RFB, in charge of cooperating with and sharing information with other law-enforcement agencies.

While the changes may have had different motivations, including divergences on policy decisions, Mr. Bolsonaro's dissatisfaction with the RFB has been notorious. He has publicly expressed[17] his displeasure, accusing the RFB of targeting his family's businesses with excessive scrutiny. Even a fine imposed[18] on a small tax irregularity committed by his brother has been brought up as justification for such disgruntlement.

There have also been reports of more politically motivated interference[19] in key posts. Efforts have been made to replace the customs official in charge of Itaguaí Port – one of the country's busiest points of entry and exit for imports and exports, including drugs and illegal arms – as well as the head of Rio de Janeiro's RFB Office. The potential assignment of political appointees to these posts has aggravated the tensions[20] between RFB civil servants[21] and the president.

However, the most serious setback concerning the RFB was a ruling by the Supreme Court (Supremo Tribunal Federal) that paralysed a special audit programme focused on 133 politically exposed persons (PEPs) and suspended the auditors involved.

Pressure also came from the Federal Court of Accounts (Tribunal de Contas da União, TCU), with a request[22] by Minister Bruno Dantas for the RFB to submit details about all auditing activities on PEPs in the last five years, including the identification of all civil servants who had access to the information. This request was considered[23] to be beyond the Court of Accounts' competence and an effort to intimidate the auditors.

While there have been cases of wrongdoings within the RFB[24] (including extortion perpetrated by auditors), the request by the Court of Accounts and the ruling by the Supreme Court have been widely deemed illegal, disproportionate and subject to conflict of interests[25] (there are reports[26] about wives of two of the Supreme Court judges which are supposedly among the PEPs being audited[27]). For more details, see the "Judiciary" section below.

Congress has also tried[28], so far unsuccessfully, to limit the ability of tax auditors to investigate non-tax-related crimes and to share information with other law-enforcement agencies.

FINANCIAL INTELLIGENCE UNIT

The Conselho de Controle de Atividades Financeiras (COAF), Brazil's Financial Intelligence Unit, is tasked with three core functions: (i) to collect (receive and request) (ii) to analyse, and (iii) to disseminate financial information relating to potential financial crimes, such as general money laundering and associated offences (for example, corruption and financing terrorism).

One of President Bolsonaro's first acts in office was to implement a change to the institutional framework on which the COAF rests. It had been, since its founding in 1998, part of the Ministry of the Economy, where it played an important role in providing financial intelligence related to recent corruption cases. Provisional Measure No. 870[29], however, transferred the COAF to the structure of the Ministry of Justice.

Provisional Measures are immediately enacted, but are subject to confirmation by Congress. The COAF was therefore transferred to the Ministry of Justice in January, where it remained until May, when Congress revoked its transfer and reinstated the previous framework, with the

COAF returning to the Ministry of the Economy. Press reports[30] associated Congress's decision against the placement of COAF in the Ministry of Justice with the strong opposition shared by Congress members towards Minister Sérgio Moro, the former Carwash judge at the helm of the transfer.

Following the defeat in Congress, President Bolsonaro enacted another Provisional Measure (893)[31], which brought deeper changes to the COAF, placing it under the purview of Brazil's Central Bank (BACEN) and replacing its president, Roberto Leonel de Oliveira Lima. Mr. Oliveira Lima was an experienced tax auditor who specialised in money laundering investigations, having acted for four years in the Operation Carwash Taskforce. There have been reports[32] that his removal was motivated by his criticism[33] of a Supreme Court ruling (see below).

The argument for the transfer of the COAF – renamed Unidade de Inteligência Financeira (UIF) – to the Central Bank was that it would reduce political interference in the organ. However, the bill of law that would[34] grant autonomy to the Central Bank (and a fixed four-year term to its president) is currently being discussed in Congress, with little indication that it will be approved. A recent comparative study of best practices[35] by Transparency International also shows that this arrangement is a highly unusual and problematic choice of institutional design.

Some aspects of the UIF's new normative structure also raised concerns[36], including the staffing regulations for its plenary, which determines the UIF's strategy and makes final judgements in administrative proceedings. The previous legislation limited the composition of the body's plenary to public civil servants drawn from other state bodies, such as the Prosecutor's Office and the Federal Revenue Service. This formed what was considered an effective multi-disciplinary team[37], while reducing political influence by restricting the appointment of non-civil servants. The new regulation, however, removed this restriction, allowing for the appointment of non-civil servants to the UIF's Plenary[38]. Although the current head of the Central Bank has committed[39] to preserving the UIF's autonomy, these reforms may create more room for political interference in the future.

The most serious setback concerning this oversight body, however, came from a highly controversial injunction by the President of the Supreme Court, José Antonio Dias Toffoli[40], which virtually paralysed the UIF in its essential duties. The restraining order forbids the UIF from sharing detailed information on suspicious financial transactions[41]. It also halted all ongoing criminal investigations that were using such information without previous judicial permission.

This ruling goes against common practices by Financial Intelligence Units worldwide and is having serious consequences, as virtually all money laundering investigations in Brazil – as elsewhere – use this type of financial intelligence reporting (see more in the "Judiciary" section below).

COUNCIL ON THE DEFENCE OF ECONOMIC ACTIVITIES

The Council on the Defence of Economic Activities (Conselho Administrativo de Defesa Econômica, CADE) is Brazil's main antitrust body, in charge of investigating and deciding on competition issues, as well as responsible for fostering and promoting the conditions for fair competition. It also analyses merger and acquisition proposals. The CADE played a key role in Operation Carwash, as cartels featured frequently in the uncovered corruption schemes.

Starting in July 2019, however, the CADE has been emptied and remained unable to fulfil its legal role. Composed of seven seats, the Council had only three active Commissioners, making it impossible for it to conduct proceedings. The political interference became evident when President Bolsonaro withdrew[42] the nominations of the two new councillors selected by the Ministers of the Economy and of Justice, both with technical backgrounds.

The president instead appointed other candidates, negotiated with senators in what was reported[43] to be a political bargain to obtain support for the nomination of one of his sons, Congressman Eduardo Bolsonaro, as Brazil's Ambassador to the United States.

3. NATIONAL CONGRESS

The 2018 national elections were strongly influenced by the ground-breaking Operation Carwash revelations of corruption schemes involving all major Brazilian political parties. Citizens responded by voting out traditional political leaders and electing a high number of newcomers, most of whom had campaigned on an anti-corruption platform. This renewal is proving to be ineffective, as anti-corruption reforms have not gained momentum, and recently enacted legislation has – contrary to its stated aims – caused serious setbacks to the country's anti-corruption legal framework.

ABUSE OF AUTHORITY LAW

An abuse of authority law[44] was approved in September 2019 after a rushed legislative process, which allowed for little discussion or participation from specialists and affected authorities. Although the law is generally aimed at public officials who abuse their powers, its provisions clearly focus on law-enforcement agents, allowing for the criminalisation of their regular activities.

There are several vague and undefined provisions, most of which leave ample room for judges, investigators and prosecutors to suffer retaliation from powerful individuals who are under investigation for corruption. For example, the law threatens any official who prosecutes a case "without just cause" with 1-4 years' detention (art. 30).

The OECD Working Group on Bribery has already advised on the risks[45] such legislation poses to the independence of prosecutors and judges.

While the country does need to address a severe problem of systemic abuse of authority, the vague legal text and the rushed legislative process produced an inadequate remedy that will better serve the impunity of powerful defendants and retaliation against law-enforcement agents.

ELECTIONS

With a view to the 2020 municipal elections, comprehensive reform was also approved by Congress of legislation applicable to political parties and electoral campaigns. However, instead of improving on the current system, the new law[46] further reduced transparency and accountability requirements for political parties, multiplying the loopholes for illicit campaign financing.

This legislation also determined that political parties should not be treated by financial institutions as PEPs. It represents an effort to protect political parties from scrutiny and additional transparency requirements.

ANTI-CORRUPTION PACKAGE

Beyond these serious setbacks, there has been a noticeable lack of progress in the passing of legislation that could have a positive impact on Brazil's anti-corruption efforts. A bill reforming public procurement rules was approved by the House of Representatives in June 2019[47], but its final passing is still pending. Anti-corruption measures presented by Minister Sérgio Moro have been stalled [48] in a House of Representatives' working group since February.

Transparency International led the development of a comprehensive package of reforms, the New Measures against Corruption[49], which have become an important reference in the country's anti-corruption debate, but so far only a few proposals have been approved – or even extensively discussed – by Congress. Key measures on campaign finance reforms, whistleblowers protection, and lobbying regulation remain largely ignored by lawmakers.

4. PUBLIC PROSECUTORS'OFFICE

Brazil's Public Prosecutors' Office (Ministério Público, MP) was granted a high level of functional and financial autonomy in the 1988 Constitution. The process for appointing its leadership, however, remained highly political. It is an exclusive responsibility of the president to appoint the prosecutor-general, from career prosecutors, subject to the Senate's approval.

Since 2003, however, an important tradition has gained ground. The president would appoint the prosecutor-general from a shortlist of names selected through an election process organised by the National Association of Federal Prosecutors (ANPR). This practice became an efficient way to select names that were well regarded internally and to increase the institution's independence. President Bolsonaro, however, broke this tradition[50] and chose Augusto Aras as prosecutor-general, a prosecutor who had not even competed in the internal elections. Mr. Aras has since been confirmed by the Senate and has taken office as head of the Prosecutor's Office[51].

The institution had already suffered a strong blow in the first half of the year with the publication[52] of hacked cell phone messages from the Operation Carwash taskforce of prosecutors. The content of the messages revealed a problematic level of proximity between Judge Moro and the prosecutors, as well as instances of unethical or questionable behaviour. There have not been any reports of more serious breaches during the investigations or trial procedures, such as production of false evidence or coercion of witnesses. However, the scandal has affected Operation Carwash's image and has aggravated divisions within the Public Prosecutors' Office.

More recently, the Operation Carwash's taskforce of prosecutors in Brasilia[53] collectively resigned[54] in protest against former Prosecutor General Raquel Dodge's refusal to investigate a Supreme Court judge[55] and the speaker of the House of Representatives, despite what they considered to be substantial evidence against them.

5. JUDICIARY

Although the judiciary has played an important role in the advancement of Brazil's fight against corruption in recent years, it is now at the Supreme Court that the most extreme setbacks are taking place, with systemic impacts and a lack of accountability in its judicial decisions.

ANTI-MONEY LAUNDERING

In July, an injunction[56] by the Supreme Court President Dias Toffoli virtually paralysed Brazil's anti-money laundering (AML) system, prohibiting the Financial Intelligence Unit from sharing intelligence reports on suspicious transactions with investigators in the police and prosecution service, without previous judicial authorisation. It also suspended all criminal investigations and judicial proceedings, in the entire country, that used this type of intelligence. The decision goes against international best practice and threatens the most important investigative tool against corruption[57], resulting in Brazil's failure to comply with basic international requirements against illicit financial flows.

The decision was issued in response to a request by the defence of President Jair Bolsonaro's eldest son, Senator Flavio Bolsonaro. He is being investigated for allegedly hiring, while he was a parliamentarian at the State of Rio de Janeiro, "ghost" (no-show) employees and pocketing large shares of their salaries. The investigation was initiated by financial intelligence reports on suspicious activities[58], such as sequenced cash deposits into Flavio Bolsonaro's bank account. After an appeal by the defence, Supreme Court President Dias Toffoli considered it to be illegal to share this type of financial intelligence without a court order, extending the reach of his decision to all criminal investigations in similar circumstances. In practice, this has virtually halted the anti-money laundering system in Brazil until his injunction, issued in July, is reviewed by the plenary of the court in November. The decision, which goes against international standards, has a huge impact in the fight against corruption and organised crime in Brazil.

ELECTIONS

In March, the Supreme Court decided[59] that it was the responsibility of the electoral courts to analyse and decide on criminal cases involving fraudulent campaign financing (campaign slush funds). In Brazil, the electoral courts perform both administrative and jurisdictional roles – organising elections and judging cases concerning the electoral process. However, their structure is mostly precarious – available human resources are limited, as judges do not work exclusively on electoral cases –, and already overburdened. By contrast, in the previous arrangement, specialised courts dedicated to financial crimes, money laundering and criminal organisations were in charge of dealing with such cases.

There is therefore a risk that the electoral courts will be unable to properly carry out investigations[60] and criminal proceedings regarding complex corruption and money laundering schemes. Their insufficient resources and lack of technical expertise, combined with the statute of limitations, make a recipe for impunity for high-level public officials and business executives.

PLEA AGREEMENTS

More recently, the Supreme Court, for the first time, overturned[61] a conviction against a defendant from Operation Carwash, marking

a significant setback for the operation. The reason for the Supreme Court's ruling was that the period designated for defendants to present their final arguments before the court was the same for both "regular" defendants and defendants who had made plea bargains. The Supreme Court's understanding was that defendants should have the opportunity to respond to claims presented in plea bargains and, therefore, the final argument.
However, Brazil's criminal procedures code and the legislation on which plea bargains are based – the Law against Criminal Organisations – do not mandate the separation of deadlines for the presentation of final arguments by collaborating and non-collaborating defendants. If the Supreme Court were to follow this understanding in its analysis of other cases from Operation Carwash, more than 30 sentences, concerning more than 140 convicted individuals, would be overturned[62].

While the Supreme Court has confirmed that criminal court proceedings in which plea bargains were made should follow this new approach, it has so far not decided[63] whether it will be applicable retroactively, to affect previous judgements. If this is the case, it will allow most Operation Carwash convictions to be overturned.

FAKE NEWS INQUIRY

In March 2019, the president of the Supreme Court, José Antonio Dias Toffoli, opened an inquiry[64] into alleged threats and fake news against the court and its members. To act as presiding judge of the inquiry, Minister Toffoli appointed Minister Alexandre de Moraes, a fellow Supreme Court justice.

There are several unique and unconstitutional features of this inquiry:

- Its object does not define a specific fact or person; rather, it has been used to deal with a number of different circumstances, individuals and perceived threats.

- It was opened directly by Minister Dias Toffoli, not as a response to a prosecutor's request as is standard practice.

- The presiding judge was appointed directly, not randomly selected.

- It is secret and not even the prosecutor-general has been able to access its files.

- It is based on a provision of the internal statute of the Supreme Court[65] which refers to crimes committed in the building of the court.

- Minister Alexandre de Moraes has been acting both as the prosecutor and the judge of the inquiry, meaning impartiality is impossible.

The inquiry has been instrumental for the Supreme Court to interfere in a number of circumstances – from censuring a magazine publication[66] to investigating controversial statements[67] made by a former prosecutor-general. It was also used as justification for the Supreme Court to request and access the records[68] of messages and conversations hacked from the cell phones of upper-echelon authorities.

Within the scope of this inquiry, the Supreme Court decided[69] to suspend the activities of tax auditors in charge of auditing a group of PEPs, as discussed above. There were reports[70] that the wives of two Supreme Court justices, including Mr. Toffoli, were included among the 133 PEPs.

Besides suspending the Federal Revenue Service's auditing programme on PEPs, Judge Moraes also suspended two of the tax auditors involved and opened disciplinary proceedings against them.

6. CIVIL SOCIETY AND THE PRESS

A vibrant civil society and a free press are both fundamental pillars of a democratic society and are essential for sustained efforts to fight corruption[71].

Aggressive rhetoric[72] against civil society organisations and the press was a main feature of President Bolsonaro's campaign. Since taking office, his rhetoric has been turned into action.

In one of his first acts as president, he attempted to provide his administration with sweeping monitoring powers over civil society organisations[73]. The effort ultimately failed, but subsequent unfounded allegations[74] against non-governmental organisations have continued to stream from the president and high-level officials.

Another controversial act by President Bolsonaro was the barring of civil society participation[75] in public policy councils. The Supreme Court[76] has since limited the scope of such barring, preserving some of the councils.

Brazilian journalists are also under frequent harassment. President Bolsonaro has repeatedly attacked[77] and threatened[78] traditional news media outlets. Recent legislative changes have been decried as retaliatory measures[79] against the press.

7. RECOMMENDATIONS

CONSIDERING THESE FACTS AND CIRCUMSTANCES, TRANSPARENCY INTERNATIONAL RECOMMENDS:

(I) FOR INTERNATIONAL ORGANISATIONS:

- The Working Group on Bribery of the Organisation for Economic Cooperation and Development (WGB-OECD) should send a High-Level Mission to Brazil in order to fully assess the setbacks to the country's anti-corruption legislative and institutional frameworks and the impact they may have on its compliance with the OECD Anti-Bribery Convention.

- The Financial Action Task Force (FATF) should consider the issues mentioned in this report, along with the matters highlighted in the June 2019 Public Statement[80], and consider sending a High-Level Mission to Brazil to fully assess the impacts of recent setbacks on the country's anti-money laundering regime.

- The International Monetary Fund should consider the facts and circumstances mentioned in this report while drafting the IMF Article IV Review[81] within the new framework for engaging with countries on governance and corruption issues.

- The Implementation Review Mechanism of the United Nations Convention against Corruption (UNCAC) should consider the aforementioned setbacks in the ongoing review process of Brazil's obligations under the UNCAC framework and engage with Brazilian officials for the implementation of its recommendations.

- The Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) should consider the facts stated in this report in the review process of Brazil's obligations under the Inter-American Convention against Corruption and engage with Brazilian officials for the implementation of its recommendations.

(II) FOR THE BRAZILIAN GOVERNMENT:

- Remove from high office government officials who are under investigation for corruption and related offences.

- Foster the autonomy of the Federal Police and the Federal Revenue Service and protect them from political interference.

- Fully secure the constitutional rights of the press and refrain from harassing journalists.

- Secure civic participation and refrain from harassing activists.

(III) FOR THE NATIONAL CONGRESS:

- Deliberate on and approve anti-corruption reforms, based on proposals by Brazilian experts and civil society groups gathered in the legislative package New Measures Against Corruption[82].

- Conclude deliberations on and finalise the Public Procurement Reform.

(IV) FOR THE PROSECUTOR'S OFFICE AND THE JUDICIARY:

- Present the files of Inquiry No. 4,781 to the Prosecutor-General's Office and the Supreme Court Plenary, for thorough evaluation of the legality of the measures authorised in its scope.

- Close Inquiry No. 4,781, following the prosecutor general's statement[83] on its unconstitutionality.

- Perform a judicial review of violations to the Constitution in dispositions of the recently enacted Law on Abuse of Authority.

- Restore the AML system's ability to produce, share and act on financial intelligence, in accordance with international standards and recommendations by the Financial Action Task Force.

- Duly appraise the dialogues from the Operation Carwash prosecutors leaked from the hacked cell phones, in order to identify any irregularity in the investigations and proceedings, and allow for remediation of any unfair decisions throughout the procedures. The condition of illegally obtained evidence (hacking of private communications) should be observed, in order to prevent attempts to use the material for illegal retaliation against law-enforcement agents.

NOTES

1 Inquiry No. 4,781 was officially considered illegal by Prosecutor General Raquel Dodge.
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11 Mr. Flávio Bolsonaro, President Jair Bolsonaro's eldest son, before being elected Senator in 2018, served as a member of the Rio de Janeiro State Assembly. He is being investigated for allegedly hiring "ghost" (no-show) employees and pocketing large shares of their salaries.
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