

UPHOLDING THE CONSTITUTION, DEMOCRACY, AND JUSTICE

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On July 9th, a longstanding trade partner announced sanctions against Brazil, based on a misunderstanding of recent events in the country. It was the responsibility of the Executive Branch—particularly its diplomatic arm, not the Judiciary—to provide an immediate political response in the heat of the moment. Now that the initial reaction has passed, I believe it is my duty, as head of the Judiciary, to offer a calm and factual account of key developments in Brazil’s recent history and, above all, the role played by the Federal Supreme Court (STF).

In open and democratic societies, the coexistence of different worldviews is natural and, indeed, desirable. However, this does not entitle anyone to distort the truth or deny facts that have been publicly witnessed and experienced. Democracy accommodates conservatives, liberals, and progressives alike. Political opposition and the alternation of power are essential features of the system. But ethical life must be guided by values, good faith, and a genuine search for truth. To enable everyone to form their own judgments about what is right, just, and legitimate, I offer below a factual and objective account of recent events.

Since 1985, Brazil has experienced nearly four decades of institutional stability, successive free and fair elections, and the full exercise of individual liberties. Only actions defined as criminal have been subject to legal sanction. This achievement should not be underestimated in a country with a history marked by recurrent constitutional ruptures.

Over the past 90 years alone, Brazil has witnessed numerous episodes of disruption or attempted disruption of institutional order: the Communist Uprising of 1935; the Estado Novo coup in 1937; the ousting of Getúlio Vargas in 1945; Marshal Lott’s preventive counter-coup in 1955; the military coup d’état and the removal of President João Goulart in 1964; Institutional Act No. 5 in 1968, which intensified civil liberty restrictions; the obstruction of Vice

President Pedro Aleixo's succession and the imposition of a new Constitution in 1969; the "years of lead" through 1973—the dictatorship's most repressive phase; and the closure of Congress by President Geisel in 1977. It took us a long time to overcome these cycles of regression. The preservation of democratic rule of law has become one of the most valued achievements of our generation. But the threats have been far from scarce.

Since 2019, Brazil has faced a series of troubling events: an attempted terrorist bombing at Brasília's airport; an attempted invasion of Federal Police headquarters; an attempted bombing of the Federal Supreme Court; false allegations of electoral fraud; the alteration of an Armed Forces report that had initially found no evidence of fraud in the electronic voting system; threats to the safety of STF Justices and calls for their impeachment; encampments outside military barracks demanding the removal of the elected president; and—according to an indictment by the Prosecutor General—a coup plot that included plans to assassinate the President, the Vice President, and a Supreme Court Justice.

An independent and active Supreme Court proved essential in preventing the collapse of democratic institutions, a fate that has befallen several countries across Eastern Europe and Latin America. The current criminal proceedings—concerning offenses against the democratic rule of law—have been conducted in strict adherence to due process and with full transparency. All hearings are public, broadcast live, and closely followed by defense attorneys, the press, and civil society.

These trials remain ongoing. As is standard practice, the Supreme Court admitted the indictment filed by the Prosecutor General based on credible evidence of criminal conduct. Skilled defense attorneys have fully exercised the right to adversarial proceedings. The case records include confessions, audio recordings, videos, written messages, and other relevant evidence. The Supreme Court will judge the case independently and based solely on the facts. If there is proof, those responsible will be held accountable. If not, they will be acquitted. That is how the rule of law works in a democracy.

For those who did not live through Brazil's dictatorship—or who do not remember its reality—it is important to recall what it meant: the absence of civil liberties, the use of torture, forced disappearances, the dissolution of Congress, and the persecution of judges. Today, no one is persecuted in democratic Brazil. Justice is administered based on evidence and due process. In a democratic society, the Judiciary—like the other branches of government—is open to divergent views and criticism, which occur freely and without repression. Alongside the National Congress and the Executive, the Supreme Court has faithfully fulfilled its three core responsibilities: upholding majority rule, preserving democracy, and protecting fundamental rights.

All forms of media—whether physical or digital—circulate freely in Brazil, without censorship. The Supreme Court has consistently defended freedom of expression. Among its landmark rulings: it declared the military-era Press Law unconstitutional (*ADPF 130*); struck down electoral rules that restricted satire and criticism during campaigns (*ADI 4145*); and invalidated rules prohibiting the publication of unauthorized biographies (*ADI 4815*). More recently, the Court enhanced protections for journalists against judicial harassment (*ADI 6792*).

In cases involving digital platforms, the Court has adopted a moderate stance—less restrictive than that of the European Union—while protecting freedom of expression, press freedom, economic liberty, and other constitutional values. Avoiding extremes, we adopted what is now one of the most advanced approaches worldwide: content involving general criminal activity must be removed upon private notice; content related to serious crimes—such as child pornography or terrorism—must be proactively filtered by platform algorithms; and all other content, including alleged offenses against personal honor, may only be removed by judicial order.

In difficult times, we must hold fast to the values and principles that unite us: sovereignty, democracy, freedom, and justice. Like other national institutions, the Judiciary stands with those committed to advancing Brazil and remains steadfast in its duty to defend the Republic.

