

How and Why The Intercept Is Reporting on a Vast Trove of Materials About Brazil's Operation Car Wash and Justice Minister

Sergio Moro

[Glenn Greenwald](#), [Leandro Demori](#), [Betsy Reed](#)

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Secret Brazil Archive

Part 1

A massive archive of previously undisclosed materials reveals systematic wrongdoing among powerful officials — and the public has a right to know.

The [Intercept Brasil](#) today published [three explosive exposés](#) showing highly controversial, politicized, and legally dubious internal discussions and secret actions by the Operation Car Wash anti-corruption task force of prosecutors, led by the chief prosecutor Deltan Dallagnol, along with then-Judge Sergio Moro, now the powerful and [internationally celebrated](#) justice minister for Brazilian President Jair Bolsonaro.

These stories are based on a massive archive of previously undisclosed materials — including private chats, audio recordings, videos, photos, court proceedings, and other documentation — provided to us by an anonymous source. They reveal serious wrongdoing, unethical behavior, and systematic deceit about which the public, both in Brazil and internationally, has the right to know.

[Read Our Complete Coverage Secret Brazil Archive](#)

These three articles were published today in The Intercept Brasil in Portuguese, and we have synthesized them into [two English-language articles for The Intercept](#). Given the size and global influence of Brazil under the new Bolsonaro government, these stories are of great significance to an international audience.

This is merely the beginning of what we intend to be an ongoing journalistic investigation, using this massive archive of material, into the Car Wash corruption probe; Moro's actions when he was a judge and those of the prosecutor Dallagnol; and the conduct of numerous individuals who continue to wield great political and economic power both inside Brazil and in other countries.

Beyond the inherent political, economic, and environmental importance of Brazil under Bolsonaro, the significance of these revelations arises from the [incomparably consequential actions](#) of the yearslong Car Wash corruption probe. That sweeping scandal implicated numerous leading political figures, oligarchs, [Bolsonaro's predecessor as president](#), and [even foreign leaders](#) in corruption prosecutions.

Most importantly, Car Wash was the investigative saga that led to the imprisonment of former President Luiz Inácio Lula da Silva last year. Lula's conviction by Moro, once it was quickly affirmed by an appellate court, [rendered him ineligible to run for president](#) at a time when [all polls showed that Lula](#) — who was twice elected president by large margins in 2002 and in 2006 before being term-limited out of office in 2010 with [an 87 percent approval rating](#) — was the frontrunner in the 2018 presidential race. Lula's exclusion from the election, based on Moro's finding of guilt, was a key episode that paved the way for Bolsonaro's election victory.

Perhaps most remarkably, after Bolsonaro won the presidency, he created a new position of unprecedented authority, referred to by Brazilians as “super justice minister,” to oversee an agency with consolidated powers over law enforcement, surveillance, and investigation previously interspersed among multiple ministries. Bolsonaro created that position for the [benefit of the very judge who found Lula guilty](#), Sergio Moro, and it is [the position Moro now occupies](#). In other words, Moro now wields immense police and surveillance powers in Brazil — courtesy of a president who was elected only after Moro, while he was a judge, rendered Bolsonaro's key adversary ineligible to run against him.

The Car Wash prosecutors and Moro have been highly controversial in Brazil and internationally — heralded by many as anti-corruption heroes and accused by others of being clandestine right-wing ideologues masquerading as apolitical law enforcers. Their critics have insisted that they have abused and exploited their law enforcement powers with the politicized goal of preventing Lula from returning to the presidency and destroying his leftist Workers' Party, or the PT. Moro and the prosecutors have, with equal vehemence, denied that they have any political allegiances or objectives and have said they are simply trying to cleanse Brazil of corruption.

But, until now, the Car Wash prosecutors and Moro have carried out their work largely in secret, preventing the public from evaluating the validity of the accusations against them and the truth of their denials. That's what makes this new archive so journalistically valuable: For the first time, the public will learn what these judges and prosecutors were saying and doing when they thought nobody was listening.

Today's articles show, among other things, that the Car Wash prosecutors spoke openly of their desire to prevent the PT from winning the election and took steps to carry out that agenda, and that Moro secretly and unethically collaborated with the Car Wash prosecutors to help design the

case against Lula despite serious internal doubts about the evidence supporting the accusations, only for him to then pretend to be its neutral adjudicator.

The Intercept's only role in obtaining these materials was to receive them from our source, who contacted us many weeks ago (long before the [recently alleged hacking of Moro's telephone](#)) and informed us that they had already obtained the full set of materials and was eager to provide them to journalists.

Informing the public of matters in the public interest and exposing wrongdoing was our guiding principle in doing this initial reporting on the archive, and it will continue to be our guiding principle as we report further on the large number of materials we have been provided.

The sheer volume of materials in this archive, as well as the fact that many documents include private conversations among public officials, requires us to make journalistic decisions about which documents should be reported on and published, and which documents should be withheld.

When making these judgments, we employ the standard used by journalists in democracies around the world: namely, that material revealing wrongdoing or deceit by powerful actors should be reported, but information that is purely private in nature and whose disclosure may infringe upon legitimate privacy interests or other social values should be withheld.

Indeed, in our reporting on this material, we are guided by the same rationale that led much of Brazilian society — including many journalists, commentators, and activists — to praise the [disclosure in 2016 by Moro and various media outlets of the private telephone calls](#) between Lula and former President Dilma Rousseff, in which the two leaders discussed the possibility of Lula becoming a minister in Dilma's government. Disclosure of those private calls was crucial in turning public opinion against the PT, helping to lay the groundwork for Dilma's 2016 impeachment and Lula's 2018 imprisonment. The principle invoked to justify that disclosure was the same one we are adhering to in our reporting on these materials: that a democracy is healthier when significant actions undertaken in secret by powerful figures are revealed to the public.

But unlike those disclosures by Moro and various media outlets of the private conversations between Lula and Dilma — which included not only matters whose disclosures were in the public interest, but also private communications of Lula that [had no public relevance](#) and that many argued were released with the intention of personally embarrassing Lula — The Intercept has resolved to withhold any private communications, audio recordings, videos, or other materials relating to Moro, Dallagnol, or any other parties that are purely private in nature and thus unrelated to matters of public interest.

We have taken measures to secure the archive and all of its component materials outside of Brazil, so that numerous journalists have access to it, ensuring that no authorities in any country will have the ability to prevent reporting based on these materials. We intend to report on and publish stories based on the archive as expeditiously as possible in accordance with our high standards of factual accuracy and journalistic responsibility.

Consistent with journalistic practice in countries where the press operates under the threat of censorship and prior restraint orders, as has been the situation recently in Bolsonaro-led Brazil, we did not seek comment from the powerful legal officials mentioned in these stories prior to publication because we did not want to give them advance notice of this reporting, and because the documents speak for themselves. We contacted them immediately upon publication and will update the stories with their comments if and when they provide them.

Given the immense power wielded by these actors, and the secrecy under which they have — until now — been able to operate, transparency is crucial for Brazil and the international community to have a clear understanding of what they have really done. A free press exists to shine a light on what the most powerful figures in society do in the dark.

Part 2

Hidden Plot

Exclusive: Brazil's Top Prosecutors Who Indicted Lula Schemed in Secret Messages to Prevent His Party From Winning 2018 Election



A massive archive exclusively provided to The Intercept confirms long-held suspicions about the politicized motives and deceit of Brazil's corruption investigators.

An enormous trove of secret documents reveals that Brazil's most powerful prosecutors, who have spent years insisting they are apolitical, instead plotted to prevent the Workers' Party, or PT, from winning the 2018 presidential election by blocking or weakening a pre-election interview with former President Luiz Inácio Lula da Silva with the explicit purpose of affecting the outcome of the election.

The massive archive, provided exclusively to The Intercept, shows multiple examples of politicized abuse of prosecutorial powers by those who led the country's sweeping Operation Car Wash corruption probe since 2014. It also reveals a long-denied political and ideological agenda. One glaring example occurred 10 days before the first round of presidential voting last year, when a Supreme Court justice granted a petition from the country's largest newspaper, Folha de São Paulo, to interview Lula, who was in prison on corruption charges brought by the Car Wash task force.

Immediately upon learning of that decision on September 28, 2018, the team of prosecutors who handled Lula's corruption case — who spent years vehemently denying that they were driven by political motives of any kind — began discussing in a private Telegram chat group how to block, subvert, or undermine the Supreme Court decision. This was based on their expressed fear that the decision would help the PT — Lula's party — win the election. Based on their stated desire to prevent the PT's return to power, they spent hours debating strategies to prevent or dilute the political impact of Lula's interview.

The Car Wash prosecutors explicitly said that their motive in stopping Lula's interview was to prevent the PT from winning. One of the prosecutors, Laura Tessler, exclaimed upon learning of the decision, "What a joke!" and then explained the urgency of preventing or undermining the decision. "A press conference before the second round of voting could help elect Haddad," she wrote in the chat group, referring to the PT's candidate Fernando Haddad. The chief of the prosecutor task force, Deltan Dallagnol, conducted a separate conversation with a longtime confidant, also a prosecutor, and they agreed that they would "pray" together that the events of that day would not usher in the PT's return to power.

Many in Brazil have long accused the Car Wash prosecutors, as well as the judge who adjudicated the corruption cases, Sérgio Moro (now the country's justice minister under President Jair Bolsonaro), of being driven by ideological and political motives. Moro and the Car Wash team have repeatedly denied these accusations, insisting that their only consideration was to expose and punish political corruption irrespective of party or political faction.

But this new archive of documents — some of which are being published today in other articles by The Intercept and The Intercept Brasil — casts considerable doubt on the denials of the prosecutors. Indeed, many of these documents show [improper and unethical plotting between Dallagnol and Moro](#) on how to best structure the corruption case against Lula — although Moro was legally required to judge the case as a neutral arbiter. Other documents include [private admissions among the prosecutors](#) that the evidence proving Lula's guilt was lacking. Overall, the documents depict a task force of prosecutors seemingly intent on exploiting its legal powers for blatantly political ends, led by its goal of preventing a return to power of the Workers' Party generally, and Lula specifically.



Sérgio Moro, Brazil's minister of justice, speaks at a news conference on Feb. 4, 2019, in Brasília, Brazil, where he announced tougher measures to overhaul crime. Photo: Andre Coelho/Bloomberg via Getty Images

The secrets unveiled by these documents are crucial for the public to know because the massive Car Wash corruption probe, which has swept through Brazil for the last five years, has been one of the most consequential events in the history of the world's fifth-most populous country — not just legally but also politically.

Until now, both the Car Wash task force and Moro have been [heralded around the world](#) with [honors, prizes, and media praise](#). But this new archive of documents shines substantial light on previously unreported motives, actions, and often deceitful maneuvering by these powerful actors.

While the Car Wash team of prosecutors has imprisoned a wide range of powerful politicians and billionaires, by far their most significant accomplishment was [the 2018 imprisonment of Lula](#). At the time of Lula's conviction, all polls showed that the former president — who had twice been elected by large margins, in 2002 and then again in 2006, and left office with a 87 percent approval rate — was [the overwhelming frontrunner](#) to once again win the presidency in 2018.

But Lula's criminal conviction last year, once it was quickly affirmed by an appellate court, [rendered him ineligible to run for the presidency](#), clearing the way for Bolsonaro, the far-right candidate, to win against Lula's chosen successor, Haddad, the former São Paulo mayor. Supporters of the PT and many others in Brazil have long insisted that these prosecutors, while masquerading as apolitical and non-ideological actors whose only agenda was fighting

corruption, were in fact right-wing ideologues whose overriding mission was to destroy the PT and prevent Lula's return to power in the 2018 election.

These documents lend obvious credibility to those accusations. They show extensive plotting in secret to block and undermine the September 28 judicial order from Supreme Court Justice Ricardo Lewandowski, which authorized one of the country's most prominent reporters, Folha's Mônica Bergamo, to interview Lula in prison. Lewandowski's decision was expressly grounded in the right of a free press, which he said entitled the newspaper to speak to Lula and report on his perspectives.

In his decision, Lewandowski also explained that the arguments that had been used all year to prevent a prison interview with Lula — namely, “security fears“ and the need to keep prisoners silent — were blatantly invalid given the numerous other prison interviews “permitted for prisoners condemned of crimes such as trafficking, murder and international organized crime.” The ruling also noted that Lula was neither in a maximum-security prison nor under a specially restrictive prison regime, further eroding the rationale for a ban on interviewing him.

Up until that point, Lula — widely regarded as one of the most effective and charismatic political communicators in the democratic world — had been held incommunicado, prevented from speaking to the public about the election. Any pre-election interview of Lula, in which he could have offered his views on Bolsonaro and the other candidates, including the PT's Haddad, would have commanded massive media attention and likely influenced a decisive bloc of voters who, to this day, remain highly loyal to the former president (which is why Lula, even once he was imprisoned, remained the poll frontrunner).

The Car Wash prosecutors learned of the judicial decision authorizing Folha's pre-election prison interview with Lula when an article about it was posted in their encrypted Telegram chat group. The panic among them was immediate. They repeatedly worried that the interview, to be conducted so close to the first round of voting, would help the PT's Haddad win the presidential election. Based explicitly on that fear, the Car Wash prosecutors spent the day working feverishly to develop strategies to either overturn the ruling, delay Lula's interview until after the election, or ensure that it was structured so as to minimize its political impact and its ability to help the PT win.

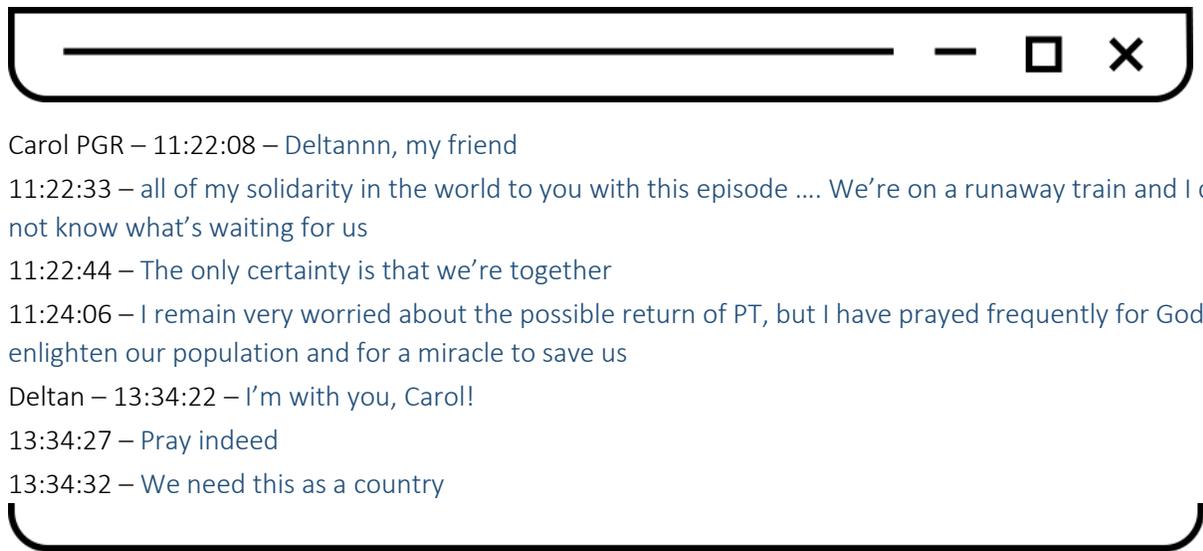
Reacting to the decision, Tessler, one of the prosecutors, exclaimed: “What a joke!!! Revolting!!! There he goes hold a rally in prison. A true circus. After Mônica Bergamo, based on the principle of equal treatment, I'm sure many other journalists will also be coming ... and we're left here, made to act like clowns with a supreme court like that ...” Another prosecutor, Athayde Ribeiro Costa, responded to the decision with one word and numerous exclamation marks: “Mafiosos!!!!!!!!!!!!!!!!!!!!!!!!!!!!”

The prosecutors, according to the time stamps on their chats, spent nearly a full day inventing strategies for how to prevent the Lula interview from taking place before the election or at least dilute its impact — from speculating whether a press conference would be less effective than a one-on-one interview, or whether they should petition to allow all other prisoners to be interviewed to distract attention from Lula. Tessler then made clear why these prosecutors were

so deeply upset that the public could be allowed to hear from the former president so soon before the election: “Who knows ... but an interview before the second round of voting could help elect Haddad.”



While these chats were taking place within the Car Wash chat group, Deltan Dallagnol, the task force’s chief, was also having his own side conversation with a close confidant, a prosecutor who does not work on the Car Wash task force. They both expressly agreed that the chief objective was preventing the return of the PT to power, and the chief prosecutor — who often boasts of his religious piety — agreed that they would “pray” that this did not happen



Carol PGR – 11:22:08 – Deltannn, my friend

11:22:33 – all of my solidarity in the world to you with this episode We're on a runaway train and I do not know what's waiting for us

11:22:44 – The only certainty is that we're together

11:24:06 – I remain very worried about the possible return of PT, but I have prayed frequently for God to enlighten our population and for a miracle to save us

Deltan – 13:34:22 – I'm with you, Carol!

13:34:27 – Pray indeed

13:34:32 – We need this as a country

These admissions of the prosecutors' true concerns — that a Lula interview could “elect Haddad” and usher in a “return of PT” to power — were hardly isolated confessions. To the contrary, the entire discussion, held over many hours, reads far less like a meeting of neutral prosecutors than a war-room session of anti-PT political operatives and strategists, focused on the goal of determining the most effective way to prevent or minimize the political impact of Lula's interview.

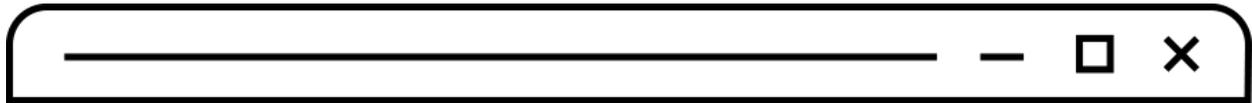
Athayde Ribeiro Costa, for instance, cynically suggested that the omission of any date in Lewandowski's decision could allow the Federal Police to purposely schedule the interview for after the election while pretending to comply with the order: “There's no date. So the Federal Police could just schedule this for after the election, and we'll still be in compliance with the decision.”

Another prosecutor, Januário Paludo, proposed a series of actions designed to prevent or minimize the Lula interview: “Plan A: we could enter an appeal on the Supreme Court itself, zero probability [of success]. Plan B: open it up for everybody to interview him on the same day. It'll be chaotic but reduces the likelihood that the interview is directed.”

At no point did Dallagnol, who actively participated in the discussion throughout the day, or any other Car Wash prosecutor, suggest that it was improper for such political considerations to drive prosecutorial strategizing. Indeed, this Telegram chat group, which was used by its participants for many months, suggests that political considerations of this kind were routinely incorporated into the task force's decision-making process.

The prosecutors lamented among themselves that they were barred from appealing the decision because an appeal in the name of the task force would make them look too political and would create the public perception that their intentions were to silence Lula and prevent him from helping the PT win — which, as these documents reveal, was indeed their actual motive. But later in the day, they learned that a right-wing party, called Novo (meaning “New”), had

appealed the decision, and that the authorization to interview Lula was stayed by the court. They boisterously celebrated this news by, among other things, mocking the conflicts that were likely to arise within the Supreme Court (STF) and heaping praise on those responsible for trying to stop the interview:



Januário Paludo – 23:41:02 – [Just heard about it...](#)

Deltan – 23:41:32 – [lol](#)

Athayde Costa – 23:42:02 – [The atmosphere at the STF must be great](#)

Januário Paludo – 23:42:11 – [it's gonna be a war of judicial decisions...](#)

Paludo added, ironically, that “we should thank our Prosecutors’ Office: the Novo Party!” meaning that this right-wing political party, which was also contesting the 2018 election, had performed what the task force themselves wanted to achieve by preventing Lula from being heard.

The appeal from that party resulted in a judicial stay of Lewandowski’s interview authorization. As a result, no pre-election interview with Lula was permitted and he was thus never heard from prior to the voting. Only once the election was concluded and Bolsonaro won did the Supreme Court begin authorizing media outlets to interview Lula in prison. Last month, Bergamo of Folha was permitted to interview Lula [jointly with El País Brasil](#), and shortly thereafter, Lewandowski granted The Intercept Brasil’s petition to interview Lula alone, the video and transcript of which [were published by The Intercept](#).

Once Bolsonaro was elected president, he quickly offered Moro — whose corruption ruling had resulted in Lula’s candidacy being barred — a newly created and unprecedentedly powerful position as what is now called the “super justice minister,” designed to reflect the massive powers vested in Moro.

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Brazil

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Bolsonaro appoints judge who helped jail Lula to lead justice ministry

Sérgio Moro, who led 'Car Wash' investigation that jailed ex-president, accepts offer from president-elect

How dangerous is Jair Bolsonaro, Brazil's new president?

Tom Phillips in São Paulo
Thu 1 Nov 2018 14:59 GMT

2,163



That the same judge who found Lula guilty was then [rewarded by Lula's victorious opponent](#) made even longtime supporters of the Car Wash corruption probe uncomfortable, due to the obvious perception (real or not) of a quid pro quo, and by the transformation of Moro, who long insisted he was apolitical, into a political official working for the most far-right president ever elected in the history of Brazil's democracy. Those concerns heightened when Bolsonaro [recently admitted](#) that he had also promised to appoint Moro to a lifelong seat on the Supreme Court as soon as there was a vacancy.

Now that the actual conversations and actions of the Car Wash team and of Moro can be revealed and seen, the public — both in Brazil and internationally — will finally have the opportunity to evaluate whether their longtime denials of being politically motivated were ever true.

These September 28 discussions are just the start of reporting by The Intercept and The Intercept Brasil on this archive.

Part 3

[Breach of Ethics](#)

[Exclusive: Leaked Chats Between Brazilian Judge and Prosecutor Who Imprisoned Lula](#)

Reveal Prohibited Collaboration and Doubts Over Evidence



Judge Sergio Moro repeatedly counseled prosecutor Deltan Dallagnol via Telegram during more than two years of Operation Car Wash.

A large trove of documents furnished exclusively to The Intercept Brasil reveals serious ethical violations and legally prohibited collaboration between the judge and prosecutors who last year [convicted](#) and [imprisoned](#) former Brazilian President Luiz Inácio Lula da Silva on corruption charges — a conviction that resulted in Lula being barred from the 2018 presidential election. These materials also contain evidence that the prosecution had serious doubts about whether there was sufficient evidence to establish Lula’s guilt.

The archive, provided to The Intercept by an anonymous source, includes years of internal files and private conversations from the prosecutorial team behind Brazil’s sprawling Operation Car Wash, an ongoing corruption investigation that has yielded dozens of major convictions, including those of top corporate executives and powerful politicians.

In the files, conversations between lead prosecutor Deltan Dallagnol and then-presiding Judge Sergio Moro reveal that Moro offered strategic advice to prosecutors and passed on tips for new avenues of investigation. With these actions, Moro grossly overstepped the ethical lines that define the role of a judge. In Brazil, as in the United States, judges are required to be impartial and neutral, and are barred from secretly collaborating with one side in a case.

Other chats in the archive raise fundamental questions about the quality of the charges that ultimately sent Lula to prison. He was accused of having received a beachfront triplex apartment

from a contractor as a kickback for facilitating multimillion-dollar contracts with the state-controlled oil firm Petrobras. In group chats among members of the prosecutorial team just days before filing the indictment, Dallagnol expressed his increasing doubts over two key elements of the prosecution's case: whether the triplex was in fact Lula's and whether it had anything to do with Petrobras.

These two questions were critical to their ability to prosecute Lula. Without the Petrobras link, the task force running the Car Wash investigation would have no legal basis for prosecuting this case, as it would fall outside of their jurisdiction. Even more seriously, without proving that the triplex belonged to Lula, the case itself would fall apart, since Lula's alleged receipt of the triplex was the key ingredient to prove he acted corruptly.

Operation Car Wash is one of the most consequential political forces in the history of Brazilian democracy and also one of the most controversial. It has taken down powerful actors once thought to be untouchable and revealed massive corruption schemes that sucked billions out of public coffers.

The probe, however, has also been accused of political bias, repeated violations of constitutional guarantees, and illegal leaks of information to the press. (A separate article [published today](#) by The Intercept reveals that the Car Wash prosecutors, who long insisted that they were apolitical and concerned solely with fighting corruption, were in fact internally plotting how to prevent the return to power by Lula and his Workers' Party).

The successful prosecution of Lula rendered him ineligible to run in the 2018 presidential election at a time when all polls showed that the former president was the clear frontrunner. As a result, Operation Car Wash was scorned by Lula's supporters, who considered it a politically motivated scheme, driven by right-wing ideologues masquerading as apolitical anti-corruption prosecutors, in order to prevent Lula from running for president and to destroy the Workers' Party.

But on the Brazilian right, there was widespread popular support for the corruption probe, the team of prosecutors, and Moro. The yearslong corruption probe transformed Moro into a hero both in Brazil and around the world, a status that was only strengthened once he became the man who finally brought down Lula.

After the guilty verdict from Moro was quickly affirmed by an appellate court, Lula's candidacy was barred by law. With Lula out of the running, the [far-right](#) candidate Jair Bolsonaro shot up in the polls and then [handily won the presidency](#) by defeating Lula's chosen replacement, former São Paulo Mayor Fernando Haddad.

Bolsonaro then named Moro, the judge who had presided over the case against Lula, to be his justice minister. Jurists and scholars will continue to debate the role of Car Wash for decades, but these archives offer an unprecedented window into this crucial moment in recent Brazilian history.



*A truck with a portrait of Sergio Moro reading, “Long live Lava Jato (Car Wash),” from April 6, 2018.
Photo: Mauro Pimentel/AFP/Getty Images*

Sergio Moro Crosses the Line

Telegram messages between Sergio Moro and Deltan Dallagnol reveal that Moro repeatedly stepped far outside the permissible bounds of his position as a judge while working on Car Wash cases. Over the course of more than two years, Moro suggested to the prosecutor that his team change the sequence of who they would investigate; insisted on less downtime between raids; gave strategic advice and informal tips; provided the prosecutors with advance knowledge of his decisions; offered constructive criticism of prosecutorial filings; and even scolded Dallagnol as if the prosecutor worked for the judge. Such conduct is unethical for a judge, who is responsible for maintaining neutrality to guarantee a fair trial, and it violates the Judiciary’s Code of Ethics for Brazil.

In one illustrative chat, Moro, referring to new rounds of search warrants and interrogations, suggested to Dallagnol that it might be preferable to “reverse the order of the two planned [phases].”

Numerous other instances in this archive reveal Moro — then a judge, and now Bolsonaro’s justice minister — actively collaborating with the prosecutors to strengthen their case. After a month of silence from the Car Wash task force, Moro asked: “Hasn’t it been a long time without an operation?” In another instance, Moro said, “You cannot make that kind of mistake now” — a reference to what he considered to be an error by the Federal Police. “But think hard whether that’s a good idea... the facts would have to be serious,” he counseled after Dallagnol told him of a motion he planned to file. “What do you think of these crazy statements from the PT national

board? Should we officially rebut?” he asked, using the plural — “we” — in response to criticisms of the Car Wash investigation by Lula’s Workers’ Party, showing that he viewed himself and the Car Wash prosecutors as united in the same cause.

As in the United States, Brazil’s criminal justice system employs the accusatory model, which requires separation between the accuser and judge. Under this model, the judge must analyze the allegations of both sides in an impartial, disinterested manner. But the chats between Moro and Dallagnol show that, when he was a judge, the current justice minister improperly interfered in the Car Wash task force’s work, acting informally as an aid and advisor to the prosecution. In secret, he was helping design and construct the very criminal case that he would then “neutrally” adjudicate.

Such coordination between the judge and the Public Prosecutor’s Office outside of official proceedings squarely contradicts the public narrative that Car Wash prosecutors, Moro, and their supporters have presented and vigorously defended over the years. Moro and Dallagnol have been accused of secret collaboration since the early days of Car Wash, but these suspicions — until now — were not backed by concrete evidence.

Another example of Moro crossing the line separating prosecutor and judge is in a conversation with Dallagnol on December 7, 2015, when he informally passed on a tip about Lula’s case to the prosecutors. “So. The following. Source informed me that the contact person is annoyed at having been asked to issue draft property transfer deeds for one of the ex-president’s children. Apparently the person would be willing to provide the information. I’m therefore passing it along. The source is serious,” wrote Moro.

“Thank you!! We’ll make contact,” Dallagnol promptly replied. Moro added, “And it would be dozens of properties.” Dallagnol later advised Moro that he called the source, but she would not talk: “I’m thinking of drafting a subpoena, based on apocryphal news,” the prosecutor said. While it is not entirely clear what this means, it appears that Dallagnol was floating the idea of inventing an anonymous complaint that could be used to compel the source to testify. Moro, rather than chastise the prosecutor or remain silent, appears to endorse the proposal: “Better to formalize then,” the judge replied.

Moro has publicly and vehemently denied on several occasions that he ever worked in partnership with the team of prosecutors. In a March 2016 [speech](#), Moro denied these suspicions explicitly:

Let’s make something very clear. You hear a lot about Judge Moro’s investigative strategy. [...] I do not have any investigative strategy at all. The people who investigate or who decide what to do and such is the Public Prosecutor and the [Federal] Police. The judge is reactive. We say that a judge should normally cultivate these passive virtues. And I even get irritated at times, I see somewhat unfounded criticism of my work, saying that I am a judge-investigator.

In his [2017 book](#), “The Fight Against Corruption,” Dallagnol wrote that Moro “always evaluated the Public Prosecutor’s requests in an impartial and technical manner.” Last year, in response to a complaint from Lula’s lawyers, Brazil’s prosecutor general — the presidentially-appointed

chief prosecutor who runs the Car Wash investigation — [wrote](#) that Moro “remained impartial during the entire process” of Lula’s conviction.



Doubts, Misinterpretations, and a Triplex

Beyond Moro’s interjections, the documents obtained by The Intercept Brasil reveal that, while publicly boasting about the strength of the evidence against Lula, prosecutors were internally admitting major doubts. They also knew that their claimed jurisdictional entitlement to prosecute Lula was shaky at best, if not entirely baseless.

In the documents, Dallagnol, the Operation Car Wash lead prosecutor, expressed concerns regarding the two most important elements of the prosecution’s case. Their indictment accused Lula of receiving a beachfront triplex apartment from the construction firm Grupo OAS as a bribe in exchange for facilitating millions of dollars in contracts with Petrobras, but they lacked solid documentary evidence to prove that the apartment was Lula’s or that he ever facilitated any contracts. Without the apartment, there was no case, and without the Petrobras link, the case would fall out of their jurisdiction and into that of the São Paulo division of the Public Prosecutor’s office, which had argued that it, rather than Operation Car Wash prosecutors, had jurisdiction over the case against Lula.

“They will say that we are accusing based on newspaper articles and fragile evidence ... so it’d be good if this item is wrapped up tight. Apart from this item, so far I am apprehensive about the connection between Petrobras and enrichment, and after they told me I am apprehensive about

the apartment story,” wrote Dallagnol in a group Telegram chat with his colleagues on September 9, 2016, four days before filing their indictment against Lula. “These are points in which we have to have solid answers and on the tips of our tongues.”

None of Dallagnol’s subordinates responded to his messages in the materials examined for this article.

Prosecutors in São Paulo had [publicly questioned](#) the Petrobras connection in an official court filing, noting, “In 2009-2010 there was no talk of scandal at Petrobras. In 2005, when the presidential couple, in theory, began to pay installments on the property, there was no indication of an ‘oil scandal’.”

The Curitiba-based Car Wash team eventually prevailed over their São Paulo counterparts and were able to maintain the high-profile, politically explosive case in their jurisdiction. But private chats reveal that their argument was a bluff — they weren’t actually sure of the Petrobras link that was the key to maintaining their jurisdiction.

On Saturday night at 10:45 p.m., a day after expressing his original doubts, Dallagnol messaged the group again: “I’m so horny for this O GLOBO article from 2010. I’m going to kiss whichever one of you found this.” The [article](#), headlined “Bancoop Case: Lula Couple’s Triplex Is Delayed,” was the first to publicly mention Lula owning an apartment in Guarujá, a coastal town in São Paulo state. The 645-word article, published years before the Car Wash investigation began, does not mention OAS or Petrobras and instead covers the bankruptcy of the construction cooperative behind the development and how it could negatively impact the delivery date of Lula’s new vacation apartment.

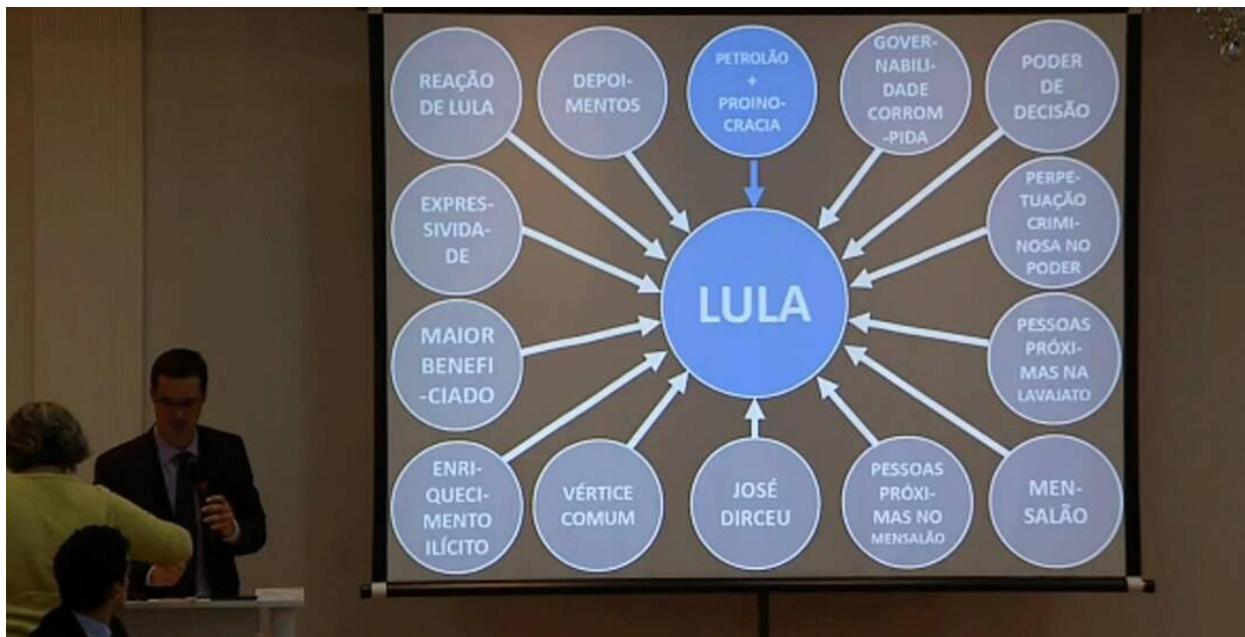
The article was submitted as evidence and, in his decision to convict Lula, Moro wrote that the O Globo article “is quite relevant from a probative point of view.” But Lula’s defense attorneys dispute that he was the owner of a triplex, claiming instead that he purchased a smaller, single level apartment on a lower floor, and the O Globo article presented no documentation proving otherwise.

Moreover, there is a small but telling inconsistency between the O Globo article and the claims of the prosecution regarding the triplex. The article itself puts Lula’s penthouse in Tower B, and even notes that Tower A is yet to be built at the time the article was written: “The second tower, if constructed according to the project blueprints, finalized in the early 2000s, may end part of Lula’s joy: the building will be in front of the president’s property, obstructing his ocean view at Guarujá.” But the prosecutors alleged that Lula owned the beachfront triplex in Tower A. Without noting this contradiction, Item 191 of the indictment cites the O Globo article: “This article explained that the then President LULA and [his wife] MARISA LETÍCIA would receive a triplex penthouse, with a view to the sea, in the said venture.” That is the apartment that would eventually be seized by authorities and that Lula would be convicted of receiving.

Car Wash prosecutors used the article as evidence that the triplex belonged to the presidential family, but indicted and convicted Lula on a triplex in a different building — demonstrating that

the investigation was imprecise on the central point of their case: identifying the bribe that Lula allegedly received from the contractor.

When the indictment was revealed during a press conference on September 14, the triplex and its provenance as a bribe from OAS were the key pieces of evidence on the charges of passive corruption and money laundering. In a now infamous moment, Dallagnol presented a typo-laden PowerPoint presentation that showed “Lula” written in a blue bubble surrounded by 14 other bubbles containing everything from “Lula’s reaction” and “expressiveness” to “illicit enrichment” and “bribeocracy.” All arrows pointed back to Lula, whom they characterized as the mastermind behind a sprawling criminal enterprise. The presentation was widely spoofed and criticized by critics as evidence of the weakness of the Car Wash prosecutors’ case.



O PowerPoint de Deltan Dallagnol foi corroborado no TRF-4.

<https://www.oantagonista.com/brasil/o-powerpoint-estava-certo/...>

[9:11 AM - Jan 24, 2018](#)

Two days later, Dallagnol messaged Moro and, in private, explained that they went to great lengths to characterize Lula as the “maximum leader” of the corruption scheme as a way to link the politician to the R\$87 million (US\$26.7 million, at the time) paid in bribes by OAS for contracts at two Petrobras refineries — a charge without material evidence, he admitted, but one that was essential so that the case could be tried under Moro’s jurisdiction in Curitiba.

“The indictment is based on a lot of indirect evidence of authorship, but it wouldn’t fit to say that in the indictment and in our communications we avoided that point,” Dallagnol wrote. “It was not understood that the long exposition on command of the scheme was necessary to impute

corruption to the former president. A lot of people did not understand why we put him as the leader to gain 3,7MM in money laundering, when it was not for that, but to impute 87MM of corruption.”

Moro responded two days later: “Definitely, the criticisms of your presentation are disproportionate. Stand firm.” Less than a year later, the judge sentenced the former president to nine years and six months in prison. The ruling was [quickly upheld](#) unanimously by an appeals court and the sentence was extended to 12 years and one month. In an interview, the president of the appeals court [characterized](#) Moro’s decision as “just and impartial” before later admitting that he had not yet obtained access to the underlying evidence in the case. One of the three judges on the panel was an [old friend and classmate](#) of Moro’s.

Even Lula’s most vehement critics, including those who believe him to be corrupt, have expressed doubts about the strength of this particular conviction. Many have argued that it was chosen as the first case because it was simple enough to process quickly, in time to fulfill the real goal: to bar Lula from being re-elected.

Until now, most of the evidence necessary to evaluate the motives and internal beliefs of the Car Wash task force and Moro remained secret. Reporting on this archive now finally enables the public — in Brazil and internationally — to evaluate both the validity of Lula’s conviction and the propriety of those who worked so tirelessly to bring it about.

The Intercept contacted the offices of the Car Wash task force and Sergio Moro immediately upon publication and will update the stories with their comments if and when they provide them. [Read the editors’ statement here.](#)

Update: June 9, 2019, 8:13 p.m. ET

The Car Wash task force did not refute the authenticity of the information published by The Intercept. In a press release published Sunday evening, they wrote, “possibly among the illegally copied information are documents and data on ongoing strategies and investigations and on the personal and security routines of task force members and their families. There is peace of mind that any data obtained reflects activities developed with full respect for legality and in a technical and impartial manner, over more than five years of the operation.”

Update: June 9, 2019, 9:53 p.m. ET

Justice Minister Sergio Moro also published a note in response to our reporting: “About alleged messages that would involve me, posted by The Intercept website this Sunday, June 9, I lament the lack of indication of the source of the person responsible for the criminal invasion of the prosecutors’ cell phones. As well as the position of the site that did not contact me before the publication, contrary to basic rule of journalism.

As for the content of the messages they mention, there is no sign of any abnormality or providing directions as a magistrate, despite being taken out of context and the sensationalism of the articles, they ignore the gigantic corruption scheme revealed by Operation Car Wash.”