



GENERAL ATTORNEY OF THE UNION

GENERAL SECRETARIAT OF LITIGATION

Your Excellency Minister Alexandre de Moraes, Rapporteur of Inquiry No. 4,874/DF

Real news. Improper disclosure of emails with document content confidential records of organs of the Judiciary of the Union (Supreme Court Federal and Superior Electoral Court). Forwarding to the Attorney General's Office Republic for action.

THE UNIÃO, a legal entity governed by internal public law, in this act represented by the Advocate General of the Union, under the terms of Complementary Law nº 73/1993 and article 131 of the Constitution of the Republic, comes, in the presence of Your Excellency, to present **Fact News**, due to the facts set out below.

I – THE CASE OF THE AUTHORITY

On April 3, 2024, American journalist Michael Shellenberger made an series of publications on social network X, publishing a set of emails exchanged by employees of the former **Twitter** between 2020 and 2022, in which they discuss the content of confidential decisions by the Brazilian Justice on the exclusion of content, such as **fake news** about electronic voting machines and attacks on ministers of the Federal Supreme Court [1].

Indeed, in the context of this petition, the following excerpt from the publications authored by the aforementioned journalist, in which the author summarizes the data that were he published ^{it is} what they can to be accessed at the link:

<https://twitter.com/shellenberger/status/1775516415023251835?>

t-gcpcq26PqtkXQ3DI57egvfg&s=08 -, available in X:

TWITTER FILES - BRAZIL

Brazil is engaged in a sweeping crackdown on free speech led by a Supreme Court justice named Alexandre de Moraes.

De Moraes has thrown people in jail without trial for things they posted on social media. He has demanded the removal of users from social media platforms. And he has required the censorship of specific posts, without giving users any right of appeal or even the right to see the evidence presented against them.

Now, Twitter Files, released here for the first time, reveal that de Moraes and the Superior Electoral Court he controls engaged in a clear attempt to undermine democracy in Brazil. They:

— illegally demanded that Twitter reveal personal details about Twitter users who used hashtags he did not like;

— demanded access to Twitter's internal data, in violation of Twitter policy; — sought to censor, unilaterally, Twitter posts by sitting members of Brazil's Congress;

— sought to weaponize Twitter's content moderation policies against supporters of then-president [@jairbolsonaro](#)

The Files show: **the origins of the Brazilian judiciary's demand for sweeping censorship powers; the court's use of censorship for anti-democratic election interference; and the birth of the Censorship Industrial Complex in Brazil.**

TWITTER FILES - BRAZIL was written by [@david_agape_@EliVieiraJr](#)

& [@shellenberger](#)

We presented these findings to de Moraes, to the Supreme Court (STF), and to the High Electoral Court (TSE). None responded. Let's get into it... (emphasis added)

Such documents, which became known internationally as “***Twitter files***” [\[2\]](#), appear to reproduce excerpts of content from confidential judicial decisions handed down by the Brazilian Judiciary, especially the report of Minister Alexandre de Moraes, both in his work in the Federal Supreme Court and in the Superior Electoral Court.

Thus, given this scenario, in which an **attempt to destabilize the Democratic State established by the Constitution of the Federative Republic of Brazil of 1988, following the publication of confidential documents drawn up in processes that are being processed in the Federal Supreme Court and the Superior Electoral Court**, is that presents this ***news in fact***.

Pursuant to articles 2 and 92 of the Constitution of the Republic, the Supreme Court Federal and the Superior Electoral Court consist of bodies of the Judiciary of the Union and, In this way, any crimes committed to the detriment of those bodies directly affect the legal sphere of the central entity, which enjoys legal personality under public law.

In the present case, the facts outlined here indicate that they were disclosed, in to the detriment of the Judiciary of the Union, and without the respective judicial authorizations, a enormous amount of information to which judicial secrecy was attributed, compromising ongoing investigations both in this Supreme Court and in the TSE regarding conduct antidemocratic events that occurred in Brazil and culminated in the acts of vandalism on January 8th 2023.

It is possible to infer that the facts now narrated have the power to offend the sphere legal Union, considering that, **in addition to violating the duty of secrecy regarding documents that had in custody, cause unwanted interference in the regular progress of processes legal proceedings in progress before higher bodies of the Judiciary.**

The normative framework outlined above, associated with the **attempt to break democratic pillars from the spread of chaos tending to shake the reliability of the institutions that make up the Brazilian State**, give the Union unquestionable condition of **potential offended in the present feat, attracting his interest in presentation of this *factual news*.**

In this context, it is important to note that the Union, in the event of being offended, will be able to cooperate with the evidentiary investigation, in order to carry out dialogue with the various bodies involved, in order to collect information and documents about the authorship and materiality of the facts, as well as their respective consequences. Such information may intended, therefore, not only to reach the real truth in the procedural scope, but also improving the collection of essential data for criminal prosecution, as well as may also help in the search for accountability in the civil sphere.

In a preliminary examination, it is possible to deduce that the evidence of illicit acts supposedly practiced can be extracted from the fact that, out of step with

judicial determination, classified information was disclosed, within the scope of criminal and electoral matters, as confidential, **which attracts this central entity to the pretension that they be criminally punished, in accordance with the Law, those possibly responsible for the practice of possibly criminal conduct that may be investigated.**

The preventive and repressive purposes inherent to the liability imposed by Criminal justice qualify as especially relevant in the hypothesis under consideration, as in which **it is necessary not only to identify and punish the possible culprits, but also make clear the absolute aversion to the nature of the facts, the reiteration of which will not, in any case, any, admitted by the constituted Powers.**

This concern was also expressed by the Full Court of this Supreme Court Federal Court, in the judgment of a case similar to the one now presented. **In fact, this Supreme Court, in the judgment of Inquiry No. 4781, stated that “the leak of confidential information and documents, with the aim of attributing and/or insinuating the practice of acts illicit acts by members of the SUPREME COURT” often has the intention of “damaging or exposing the danger of harming the independence of the Judiciary and the Rule of Law”.** Check it out:

CRIMINAL AND CRIMINAL PROCEDURE. STRONG INDICATES OF INVESTIGATED PARTICIPATION IN A CRIMINAL ORGANIZATION (“DIGITAL MILITIAS”). USE OF PROFILES ON SOCIAL NETWORKS TO PROPAGATE SPEECHES WITH HATEFUL CONTENT, SUBVERSION OF ORDER AND ENCOURAGING A BREAK WITH INSTITUTIONAL AND DEMOCRATIC NORMALITY. ABUSE OF THE RIGHT TO FREEDOM OF EXPRESSION. NEED AND APPROPRIATENESS IN PROFILE BLOCKING TO STOP CRIMINAL ACTIVITY. REGIMENTAL APPEAL WHICH IS DISMISSED.

1. The object of this investigation is the investigation of fraudulent news (fake news), false reports of crimes, slanderous denunciations, threats and other infractions coated with animus caluniandi, diffamandi or injuriandi, which affect the honorability and security of the FEDERAL SUPREME COURT, of its members; as well as their family members, when there is a relationship with the dignity of the Ministers, including the leaking of confidential information and documents, with the aim of attributing and/or insinuating the practice of illicit acts by members of the SUPREME COURT by those who have the duty legal to preserve confidentiality; and verifying the existence of financing and mass dissemination schemes on social networks, with the aim of harming or exposing the independence of the Judiciary and the Rule of Law to the risk of harm.

2. The initial steps, described in the case file, especially in the decision dated 5/26/2020, indicate the existence of organized use of IT tools, notably social media accounts, to create, disseminate and disseminate false or harmful information the institutions of the rule of law,

notably the FEDERAL SUPREME COURT.

3. Necessity, appropriateness and urgency in interrupting speeches with hateful content, subversion of order and encouragement to break institutional and democratic normality by blocking accounts on social networks, such as Facebook, Twitter and Instagram, of those being investigated, with the aim of interrupt the injury or threat to the right (art. 5, XXXV, Federal Constitution).

4. The named investigated would, in theory, have a direct or indirect connection with the criminal association and its financing, as, evaluating the content of their statements and dissemination procedure on social networks, there are signs of alignment of their illicit messages with the alleged scheme narrated by the parliamentarians heard in these records.

5. Regime appeal dismissed.

(Inq 4781 AgR-nono, Rapporteur: ALEXANDRE DE MORAES, Full Court, judged on 03-07-2023, ELECTRONIC JUDGMENT DJe-s/n DISCLOSED 08-09- 2023 PUBLIC 11-09-2023)

It is clear that the integrity of democratic institutions is sustained, among other pillars, for the effectiveness of the judicial function based on due process and for the unrestricted adherence to judicial commands.

It is important to note that Brazilian Justice, especially this Supreme Court Federal, has the important responsibility of conducting procedures related to news fraudulent (***fake news***) that affect the security and legitimacy of the Court itself and its members; the existence of a criminal organization aimed at attacking democracy and Rule of Law in Brazil; anti-democratic attacks, including actions and speeches that potentially threaten the democratic process; actions that supposedly use means of communication and social media to influence and distort important public debates, such as bills, in a way that could compromise Democracy and the Democratic State of Right. **Therefore, these are important ongoing investigations that have in common the defense of the democratic regime itself.**

Given the current situation of leakage and/or sharing of sensitive information, related to ongoing legal proceedings in Brazilian Justice, especially in cases of confidential procedures, **there is a need to investigate the circumstances now reported.**

Therefore, **faced with this serious scenario of an apparent attack against the State Democratic Law and constitutionally established institutions**, presents itself this ***news in fact***, so that the circumstances narrated here can be analyzed by this

Federal Supreme Court and forwarded to criminal prosecution bodies, especially the Federal Public Prosecutor's Office, as holder of the criminal action and defender of order legal and democratic regime, in accordance with art. 127 of the Constitution of the Republic and the article 257 of the Code of Criminal Procedure, to investigate the actual commission of possible crimes.

IV – ORDERS

In view of the above, it is requested that this ***news be received in fact***, so that the circumstances narrated are considered by this Court and forwarded to the bodies of competent criminal prosecution, especially the Federal Public Ministry, as holder of criminal action and defender of the legal order and the democratic regime, in accordance with art. 127 of the Constitution of the Republic and article 257 of the Code of Criminal Procedure, to investigate regarding the actual commission of possible crimes.

In these terms, he requests approval.

Brasília, April 23, 2024.

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Grades

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1. <https://noticias.uol.com.br/politica/ultimas-noticias/2024/04/09/quem-e-michael-shellenberger-elon-musk-alexandre-de-moraes-twitter-x-files.htm>
- [^]
two. <https://www.poder360.com.br/midia/leia-todos-os-documentos-divulgados-do-twitter-files-brazil/>



Document signed electronically by JORGE RODRIGO ARAÚJO MESSIAS, with institutional A1 certificate (*.agu.gov.br), in accordance with the applicable legal regulations. Checking the authenticity of the document is available with code 1477873004 and access key acee8039 at address electronic <https://sapiens.agu.gov.br>. Additional information: Signatory: JORGE RODRIGO ARAÚJO MESSIAS, with institutional A1 certificate (*.agu.gov.br). Date and Time: 04/23/2024 15:39. Serial number: 65437255745187764576406211080. Issuer: Certification Authority of SERPRO SSLv1.



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54664235703156436221200423366. Issuer: Certification Authority

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