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Brazil: A Crisis of Democracy, Freedom & Rule of Law?"

*Excerpts of opening remarks by Chairman Chris Smith (R-NJ)
Washington, DC—May 7, 2024*

Since late 2022 Brazilians have been subject to grave human rights violations committed by Brazilian officials on a vast scale.

Documented rights violations in Brazil include the political abuse of legal procedures to persecute political opposition, including jailing opposition figures on spurious charges; violations of freedom of speech and media freedom, including persecution of journalists, the silencing of opposition media, banning individuals from social media; thinly veiled censorship laws claiming to fight “disinformation”, and many violations of rule of law and judicial malfeasance.

The Government of Brazil has pursued Brazilian journalists and people it takes to be political opponents in the United States of America – it has used Interpol Red Notices, social intimidation, threats of legal action and extradition, and according to one credible victim of its transnational repression, has sought to use the FBI as a carrier or conduit of its intimidation.

In December 2022, Mary O’Grady, who writes a weekly column on Latin America for the *Wall Street Journal*, [noted](#) that the crackdown is ordered not by the executive but the judicial branch.

“A greater threat is the 11-member Supreme Court, which is overstepping its jurisdiction and flouting the rule of law for political reasons without consequences... when the highest court becomes an ally of ideological and corrupt politicians, democracy is in grave danger. Brazil has arrived at such a moment... [the court] censored other political speech from business leaders, elected members of Congress and news-and-entertainment platforms on the right. This has been carried out with [assistance](#) from the electoral tribunal’s ‘special advisory to combat disinformation.’ It acts as a ministry of truth.”

In fact, the crackdown is largely in the name of one man, Brazilian Supreme Court Justice Alexandre de Moraes. In late January 2023 the *New York Times* [reported](#), referring to de Moraes:

“Using a broad interpretation of the court’s powers, he has pushed to investigate and prosecute, as well as to silence on social media, anyone he deems a menace to Brazil’s institutions..... He has jailed people without trial for posting threats on social media; helped sentence a sitting congressman to nearly nine years in prison for threatening the court; ordered raids on businessmen with little evidence of wrongdoing; suspended an elected

governor from his job; and unilaterally blocked dozens of accounts and thousands of posts on social media, with virtually no transparency or room for appeal.”

Since January 2023 the abuses have grown and spread, in expanding waves of persecution – yet almost all of the major media outlets that broke the story ***have almost completely dropped it.***

But although the Western media and most prominent human rights groups have said little, others have stepped in and gathered a vast amount of additional evidence about an expanding wave of grave human rights abuses in Brazil - social media bans, political prosecutions, jailing opposition on spurious charges, thinly veiled censorship laws (claiming to fight “disinformation”).

We’ll hear from some of these people today.

The testimony of Michael Shellenberger is all the more fascinating because, long ago, he was drawn to Lula. He interviewed Lula in 1994, and asked him whether his socialism would lead to censorship. “He said, emphatically, ‘No.’ The Brazilian people love freedom too much... as did he.”

Shellenberger is now a renowned investigative journalist. He documents the systematic, far-reaching efforts of Supreme Court Justice Alexandre de Moraes to ban and punish political opponents of the Lula government, to do so in secrecy, to

further pursue anyone who reveals or discusses what he is doing, and the fear he has inspired.

We'll also hear the harrowing personal story of Paulo Figueiredo. Paulo is a prominent Brazilian journalist living in Miami. He opposed riots but also in many points opposed or questioned the government – Brazilian government blocked him from all social network platforms, including YouTube and Twitter, froze his assets, and subject him to exorbitant fines. Pursuing Paulo to Rumble, the government eventually forced the closure of Rumble in Brazil, and moved on to additional measures of intimidation. Paulo will cite a long list of other journalists who have suffered similarly – with many of these he is in personal contact, and many of them now live in exile abroad.

Paulo and other Brazilians fighting for human rights have found their greatest ally in Elon Musk. On April 6 and 7, in a series of tweets and retweets heard round the world, Musk, the owner of X, formerly Twitter, described the secretive, sweeping, and regime of censorship, the attempt to prevent him from even talking about the censorship orders and threats his company was receiving. Musk announced that “this aggressive censorship appears to violate the law & will of the people of Brazil.” Musk announced that he would defy the court’s order, and lifted all restrictions. He went on to say that “X will publish everything demanded by @alexandre and how those requests violate Brazilian law. This judge has brazenly and repeatedly betrayed the constitution and people of Brazil.”

Confirming everything Paulo, and Michael Shellenberger have been saying about Brazil, de Moraes added Musk to his “fake news” investigation, and opened an inquiry on Musk for what he called an obstruction of justice.

Free speech, media freedom, censorship – these are becoming some of the most important human rights issues of our time. Because without freedoms of expression, we are unable to defend against any other human rights abuses.

In 2006, I chaired an historic [hearing](#) on the complicity of Yahoo! Google, Microsoft, and Cisco in China’s regime of internet censorship and surveillance. At that time, free speech/ media freedom was a bipartisan issue. Members disagreed about *how* to respond to Chinese censorship – but nobody *supported* it.

How times have changed. In recent years we have had wave after wave of revelations of our own government’s activities in pressuring companies to censor, limit, manipulate and control information. Today many elected officials, as well as leading newspapers and media organizations, openly support and call for widespread censorship of people they don’t agree with. Of course they call it fighting “disinformation” or “fake news” – but the contemporary Newspeak is not particularly new – this is pretty much what dictators and totalitarian governments have always said to justify censorship.

We are going to hear today from star witnesses who have assembled a galaxy of evidence of widespread politically motivated censorship and persecution in Brazil.

Furthermore, I will be submitting questions to the Biden administration about its relationship and interactions with the government of Brazil on the issues that we are raising in this hearing today.

Finally, I am also working on legislation, a Brazil Freedom and Democracy Act, that will require the U.S. government to engage more vigorously with Brazil – on the side of freedom and human rights.

As Mary O’Grady wrote last month in the *Wall Street Journal*, “the grim reality” in Brazil “is that its democracy is dying in broad daylight.”

I want to thank the many Brazilians and Brazilian-Americans who have contacted my office and this Human Rights Subcommittee, to urge action in defense of human rights in their country.