

## Brazil: Defense Tells Supreme Court Mensalão Corruption Scheme Never Existed

Written by Débora Zampier

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José Luis de Oliveira Lima, the defense lawyer for José Dirceu, the former presidential Chief of Staff, a cabinet-level position, declared that his client did not know of the existence of vote buying or details of the administration of the PT while he held office in the Luiz Inácio Lula da Silva government.

Specifically, Oliveira Lima refuted the charge that Dirceu was the mentor of the mensalão scheme. He made a point of emphasizing that Dirceu was innocent not because the prosecution's case was weak, but because the mensalão scheme did not exist.

Oliveira Lima went on to admit that Dirceu wielded enormous influence in the government, as the prosecution charged, but he pointed out that having influence was not a crime.

The defense lawyer said that although Dirceu had long been an important member of the PT that changed when he took over the Casa Civil. According to Oliveira Lima, Dirceu stopped active participation in the affairs of the party when he took an important post in the administration.

One tactic used by Oliveira Lima was to attack Dirceu's accusers. He called former deputy Roberto Jefferson, the mensalão whistleblower, as "an eloquent speaker who is good at acting."

### Lesser Crime

The Brazilian Supreme Court is presently hearing a corruption case known as the mensalão (Penal Case 470) in which 36 defendants are charged with running a vote-buying ring.

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The sessions in the STF for the mensalão follow a rigid sequence. First, a justice ("redator") appointed by the court presents an oral summary of the case; then another justice ("revisor") reviews the summary.

After that the prosecution presents its case. With so many defendants, so many criminal charges (hundreds of counts, seven different crimes), the country's chief federal prosecutor took five hours to present his case.

Then, the defense lawyers begin making their cases (each defendant's defense lawyer's arguments are limited to an hour).

The defense phase began on Monday, August 6, and, running about five hours a day, will end around August 15.

All this is done orally. Most being read from prepared notes.

Adman Marcos Valério, who is accused of being the main operator of the mensalão scheme that funneled money to members of Congress in return for their votes in favor of the government, was presented by his lawyer, Marcelo Leonardo, as someone who did operate with money that was off-the-books ("não contabilizado").

However, Leonardo claimed his client's money was raised legally. Valério's lawyer admitted his client did give money to members of Congress, but not to buy votes; the money was to pay off campaign debts.

Valério's lawyer then went on to refute all the charges made by the prosecution: conspiracy, malfeasance, money laundering, active and/or passive corruption and illegal remittance of funds out of the country.

The defense strategy, in the case of Valério, and the other defendants, is to admit that the PT

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committed an electoral crime (used off-the-books funds to pay campaign debts), because it is a lesser crime (compared to vote-buying) and the statute of limitations on electoral crimes committed during the first Lula administration has long passed.

**ABr**