



***Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva***

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URGENT

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to note verbal 340/2016, dated June 22nd, 2016, would like to provide an addition response to the joint letter of allegation submitted by the Special Rapporteur on the promotion and protection of the right to freedom of expression, David Kaye, and the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights, Edison Lanza, dated June 17th, 2016.

2. The Permanent Mission of Brazil kindly requests the Office of the High Commissioner for Human Rights to convey that response to the attention of the aforementioned Special Rapporteurs.

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, August 18th, 2016

To the Office of the High Commissioner for Human Rights

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FEDERATIVE REPUBLIC OF BRAZIL

**IN RESPONSE TO THE JOINT LETTER DATED JUNE 17TH 2016,
FROM THE SPECIAL RAPPORTEUR
ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM
OF OPINION AND EXPRESSION, MR. DAVID KAYE,
AND THE SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION
OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
MR EDISON LANZA**

The government of Brazil presents its compliments to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolution 25/2, Mr. David Kaye, and to the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Mr. Edison Lanza.

The government of Brazil takes this opportunity to clarify the issues raised in the Special Rapporteurs' joint letter of 17 June 2016 (hereinafter, the letter), regarding the alleged undermining of the work of institutions promoting the right to access to information in Brazil, which would have taken place by means of a supposed intervention in the Brazilian Broadcasting Corporation (Empresa Brasil de Comunicação, EBC) as well as the extinction of the Federal Comptroller's Office (Controladoria Geral da União, CGU); and the inclusion of its structure into the recently established Ministry of Transparency, Oversight and Control.

First of all, the government of Brazil reiterates its firm commitment to fulfilling its obligations under the International Covenant on Civil and Political Rights and the American Convention on Human Rights, especially the obligation to promote and protect the right to freedom of expression, including freedom to seek, receive and impart information and ideas.

The government of Brazil believes that, in light of the clarifications herein provided, the allegations received by the Special Rapporteurs can be dismissed as unwarranted. Under no circumstances can the acts by the government of Brazil referred to in the letter be interpreted as aiming at restricting the right to freedom of opinion and expression in Brazil. On the contrary, not only are they fully in accordance with applicable legal instruments, they also actively promote and protect these freedoms.

Hereinafter, the Brazilian government conveys information which will clarify the issues brought to the attention of the Special Rapporteurs and address the questions asked in the letter.

(A) ON THE ALLEGATIONS CONCERNING THE BRAZILIAN BROADCAST CORPORATION (EBC)

1. "Are the facts alleged in the above summary of the case accurate?"

Facts as described in the letter are either incomplete or fully inaccurate.

A comprehensive understanding of developments in the EBC would benefit from a timeline of the events leading up to the dismissal of Mr. Ricardo Melo:

- On 2 February 2016, then EBC's Director President, Américo Martins, resigned after less than six months in office. As reported at the time, his early resignation was motivated by interferences by President Dilma Rousseff's office in EBC's autonomy. One example of a news report of the time can be found in Annex I.
- For more than three months, the position was left vacant.

- On 3 May 2016, less than ten days before a decision by the National Congress that was widely predicted to suspend President Rousseff from office, the government appointed Mr. Ricardo Melo as Director President.
- On 12 May 2016, Brazil's Vice-President became acting President, in the terms of the Constitution, following a decision by both Houses of Congress, after a six-month-long process under the scrutiny of the Supreme Court.
- On 17 May 2016, Mr. Ricardo Melo was dismissed by a decision of the acting President. To replace him, Mr. Laerte Rímoli was appointed.
- Mr. Ricardo Melo filed a writ of mandamus before the Supreme Court questioning the legality of his dismissal on the basis that law 11.652/2008, which created the EBC, and the statute which regulates its functioning, Decree 6.689/2008, established a four-year mandate for the Director President.
- On 1 June 2016, Supreme Court Justice Dias Toffoli, the presiding judge in the case, provisionally decided to suspend the dismissal, ensuring Mr. Ricardo Melo his position at the EBC; a final decision by the Plenum of the Court is still pending.

This timeline shows that the facts as presented in the letter capture a partial picture of the dynamics leading to the dismissal of Mr. Ricardo Melo.

Beyond contextual characterization, the government of Brazil understands the letter contains four descriptions of facts that deserve specific clarification:

- (i) The supposed intention of the Brazilian government to extinguish the EBC.

Regarding the federal administration's supposed intention of weakening or extinguishing the EBC, the government of Brazil states that this allegation is false – there are no plans on the part of the government in this regard. Moreover, it is important to notice that the EBC could not be extinguished solely by the will of the executive branch: it would be necessary for the Congress to pass a new bill on the subject.

- (ii) The dismissal of Mr. Ricardo Melo was a form of interference in EBC's editorial autonomy.

As will be detailed in Section 2, below, the dismissal of Mr. Melo aimed at upholding editorial autonomy, not hampering it; at ensuring EBC's independence from the executive branch, not limiting it.

- (iii) The dismissal of a number of journalists was a form of political retaliation for their critical views of the government.

Section 2, below, will also describe the actual reasons for the dismissal of external journalists. It will be demonstrated that the decision was made in the name of appropriate governance standards in the corporation.

- (iv) The decision of the Brazilian government supposedly violates law 11.652/08.

The government of Brazil considers the dismissal challenged by Mr. Ricardo Melo to be fully and plainly in accordance with Brazilian legislation. Controversies over interpretations of the law are subject to judicial scrutiny in full-fledged democracies, such as Brazil. The government will, of course, abide by the decision the Supreme Court eventually makes.

2. “Please indicate the reasons for removing the chief executive officer of the EBC, the subsequent dismissal of journalists and canceling of programmes, and the compatibility of these measures with the above referred international standards.”

The reasons for removing the Director President of the EBC were twofold. First, the dismissal aimed at ensuring EBC’s compliance with the very norms and values referred to by the Special Rapporteurs: true pluralism, editorial autonomy and freedom of opinion and information. Second, it aimed at professionalizing EBC’s administration in an otherwise unsatisfactorily managed enterprise – a situation that risked the very ability of EBC to perform its functions.

As for the dismissal of journalists and the cancellation of programmes, they ought to be interpreted as efforts to rationalize EBC’s management. Any suggestion that these actions were motivated by the journalists’ or the programmes’ critical opinion of the interim government is false.

Dismissal of the Director President

As rightly underlined by the Special Rapporteurs, the service provided by the EBC must be unbiased towards any political party. The government of Brazil does not challenge that – it rather supports this assertion, which stems from international standards and from Brazilian law. According to the sole paragraph of article 3 of law 11.652/2008, any kind of proselytism is forbidden in EBC.

Unfortunately, EBC’s activities have been affected by such proselytism. The resignation of Mr. Martins referred to above (and as explained in Annex I) is but one

example. When President Dilma Rousseff was accused of impeachable offences, EBC's role as a partisan frontline defender of one political party became as evident as ever before.

Examples abound. For instance, from 5 to 11 May 2016, the period immediately preceding the congressional vote to temporarily suspend President Dilma Rousseff, radio program The Voice of Brazil ("A Voz do Brasil") dedicated 10 minutes per day on average out of its 60-minute broadcasting time to sustain the thesis of the defense of President Rousseff in the ongoing impeachment process. During this period, nobody with a political or legal view of the impeachment process other than that of the Worker's Party's was interviewed or heard. In Annex II, a list of programmes can be found with their respective links. The government of Brazil kindly invites the Special Rapporteurs to analyze those programmes and conclude for themselves whether they can be characterized as a pluralistic example of editorial autonomy in the service of freedom of opinion and expression.

The dismissal of Mr. Ricardo Melo was therefore based on the objective observation that under his leadership the mission of the EBC to convey unbiased information to the public was compromised.

At the same time, the decision by the acting President to dismiss Mr. Melo was absolutely not a matter of redressing the balance of the EBC by leaning to a new partisan position, as it might be incorrectly inferred. Mr. Laerte Rímoli's short-lived administration provides irrefutable evidence in this regard. It also serves as a useful contrast to the previous state of affairs in the EBC.

Soon after taking office, Mr. Rímoli nominated new Directors. All of them, without exceptions, were career civil servants from the EBC. Never before had a Director President of the EBC opted for one Director from EBC's professional staff – let alone all of them.

The purposes of such a policy are clear: to professionalize the EBC by privileging those who were tested in strict entrance exams to the civil service and were chosen for their merit, not for where they stood in the political spectrum.

One of Mr. Rímoli's new Directors was Mr. Lourival Macêdo, who has been working for the EBC (and its predecessor, Radiobrás) for 37 years. A civil servant who enjoys stability (and therefore cannot be fired), Mr. Macêdo wrote an illuminating article on the situation of the EBC in one of the main Brazilian newspapers, "Folha de S. Paulo" (Annex III). In the article, which contains a number of other relevant observations, Mr. Macêdo states that Director President Rímoli, upon assuming his

position at EBC, assured him he would not give in to any party-based orientation but, rather, be guided by the principles of journalism and professionalism.

This policy had a positive impact in EBC's editorial autonomy. In Annex IV, the Special Rapporteurs can find valuable examples of news coverage under Mr. Laerte Rímoli. All of them were extracted from EBC's TV Brasil, from 20 May to 2 June, the short time-span of his tenure. They show, among other aspects, that the allegation that he did not allow news coverage that was critical of the government is false. Images of protests against President Michel Temer were shown (one of them even characterizing the acting President as a "coup monger", or "golpista" in Portuguese). Extensive interviews with Senators making the case for President Rousseff were aired. Coverage of President Rousseff's attorney handing in her defense can be found. A long news report was dedicated to an attempt by the Democratic Labour Party (PDT) to prohibit the interim government from making any alterations in Cabinet – an initiative with little news coverage elsewhere and which was explained in detail by its defenders from PDT.

The list in Annex IV is longer, and yet merely illustrative. The government of Brazil kindly invites the Special Rapporteurs to navigate through these examples. It also respectfully suggests that the Rapporteurs access EBC's coverage as a whole, which is available over the Internet.

In sum, nothing suggests political interference in EBC's editorial autonomy from 20 May to 2 June, the short period of time in which Mr. Rímoli was Director President. Quite the contrary. Those who approached the Special Rapporteurs to present such allegations might be actually concerned with a different kind of interference: one that tried to restore the enterprise to its primary mission of objectively informing the public and upholding freedom of opinion and expression.

According to the jurisprudence of the Inter-American Court of Human Rights and other relevant international standards, freedom of expression should not only be guaranteed with regard to the dissemination of information and ideas that are received favorably or considered inoffensive or indifferent, but also with regard to those that offend, are unwelcome or shock the State or any sector of the population. By the same standards, States have to guarantee the widest possible circulation of, and access to, news, ideas and opinions. Conversely, blatantly proselytizing may breach international standards and severely restrict pluralism. Therefore, the rightful guarantee of freedom of expression may demand official action.

Dismissal of journalists and cancellation of programmes

Concerning the dismissal of journalists and the cancellation of programmes, adjustments after the dismissal of Mr. Ricardo Melo were also pursuant to budgetary

constraints and the highest desirable level of efficiency to be attained by the EBC. These facts do not amount to, or even resemble, political persecution.

Since its establishment in 2008, EBC has spent R\$ 3.6 billion of public money. There are currently 2,500 employees in the corporation. Nevertheless, such high investment has not translated into higher audience ratings. The government of Brazil recognizes that the number of viewers is only one of several important indicators of the performance of a media company, especially a public one. It also recognizes that public media ought to be properly funded. However, there is a minimum level of viewers that is desirable – and, yet, in the case of EBC’s TV Brasil, this minimum level remains a distant, unachieved objective.

When Mr. Rímoli took office, EBC’s financial deficit reached R\$ 94 million, according to the budgetary plan concluded in April 2016. The most expensive contract signed by TV Brasil in the past year cost EBC R\$ 2.8 million. It concerns the rights to air series C and D (third and fourth divisions) of the Brazilian football championship and the Women’s local football tournament of the state of São Paulo. Costly though this contract was, its object is of disputable public interest in light of the mandate and purpose of public media.

A news report from “O Globo” (Annex V), another important national newspaper, contains an illustration of the kind of questionable administrative decisions that were made in EBC. According to this report, as the corporation faced difficulties to pay R\$ 22 million in debts, it hired a journalist (Mr. Sidney Rezende) for the high sum of R\$ 507 thousand per year, and another journalist (Mr. Luiz Nassif) had a contract of R\$ 761 thousand per year. It is in this context that the termination of EBC’s contracts with Mr. Paulo Moreira Leite and Ms. Tereza Cruvinel should be understood.

Anyone familiar with Brazilian politics is acutely aware that some of these journalists (though certainly not all) are active supporters of President Rousseff and the Worker’s Party. This might explain the reason why they were hired in the first place, but bear no relation with their dismissal afterwards. The government of Brazil does not dispute their professional credentials, accomplished journalists as they are. It does dispute, however, the administrative wisdom of hiring external journalists at high costs when the company itself is under severe budgetary constraints and has an extensive body of competent journalists selected according to objective criteria, that enjoy stability and are less likely to give in to political pressure.

It was the government’s evaluation that there was room to improve efficiency. This meant, among other elements, cutting down personnel and finding in-house talents that could perform equally well or preferably better.

In conclusion, the official actions taken by the Brazilian government were all devoted to the promotion of freedom of expression, pluralism and editorial autonomy, to the full benefit of the Brazilian public.

(B) ON THE ALLEGATIONS CONCERNING THE FORMER FEDERAL COMPTROLLER'S OFFICE

1. "Are the facts alleged in the above summary of the case accurate?"

As the Brazilian government understands it, the fundamental description of facts contained in the letter is plainly inaccurate.

The letter conveys criticism of the fact that the former Federal Comptroller's Office was directly attached to the President's Office, which would no longer be the case. It should be underlined that all the functions exercised by the former Comptroller's Office fall now under the competence of the Ministry of Transparency, Oversight and Control, which is directly linked to the President's Office, just as the CGU was. The idea that, in the old structure, the CGU was in some way "above" the Ministries is false. What it did have was the key function of oversight and control of the administration as a whole, including individual Ministries – a function that is fully retained by the new Ministry.

The Ministry of Transparency, Oversight and Control enjoys the same levels of autonomy as those of the former Comptroller's Office. It responds to the same mandate and abides by the same general rules and standards. The initiative to create a full Ministry to assume the mission of the Controller's Office is an institutional upgrade. It signals the political preeminence the Brazilian government attaches to unfledged transparency, public oversight and government control.

It also signals the concern of the government to properly inform the public of the complete scope of the mandate of the former CGU and now of the Ministry of Transparency, Oversight and Control. The name Federal Comptroller's Office wrongly suggested that its functions were limited to auditing activities. It also omitted one of its key pillars – precisely transparency, open government and access to information. Now, the very name of the Ministry indicates that it is in charge of promoting transparency, therefore enabling every citizen to clearly understand to which instance it should address its requests on the matter.

Still concerning the facts, it should also be noted that, contrary to the information contained in the letter, no resignations followed the extinction of the CGU.

3. "Please indicate in what terms the mandate of the Ministry of Transparency, Oversight and Control will now provide for the enforcement and promotion of the right to access information in Brazil. Especially, the independent review, in appeal, of refusals of access to information by other institutions within the Federal Government structure."

The former Federal Comptroller's Office (CGU) gained ministerial status in 2001 and was responsible for assisting the President in the defense of public property and in the promotion of transparency regarding public affairs. The Ministry of Transparency, Oversight and Control has the same status (as it is a full ministry), the same mission and the same duties as those of the former Comptroller's Office, as indicated above.

The new Ministry has retained all the legal competences and prerogatives of its predecessor. There have been no changes in the functioning of this agency. All activities that were previously carried out by CGU continue to be undertaken by the Ministry of Transparency, Oversight and Control. This applies, for instance, to the legal prerogative to request information from other agencies and entities of the federal public administration, an essential element of auditing and inspection work. It also applies to the pivotal role the Ministry plays in the implementation of the Access to Information Law.

It is noteworthy that the overwhelming majority of the staff of the Ministry of Transparency, Oversight and Control are career civil servants from the Controller's Office. They are performing their duties with professionalism and independence, under the rule of law, thus contributing to promoting transparency and accountability.

The independent review, in appeal, of refusals of access to information by other institutions within the Federal Government structure is maintained, as are the advances brought about by Brazil's legislation on access to information.

The Brazilian government is committed to further promoting transparency and preserving the legacy of the Access to Information Law. The Ministry of Transparency, Oversight and Control is a key player in this effort.

On a final note, the government of Brazil finds it relevant, in this context, to underscore the trajectory of the country's acting President in the unyielding defense of democracy and human rights, including during Brazil's military rule.

The government of Brazil avails itself of this opportunity to reiterate its firm commitment to advancing human rights, especially the right to freedom of expression.

August 18th, 2016

Annex I

Veja magazine, Radar Online

Director of EBC resigns after political interference

By: Vera Magalhaes 02/02/2016 at 15:43

The general director of EBC (Brazil Communication Company), Americo Martins, resigned on Tuesday. The journalist, who was in office since August 2015, announced his departure to the Minister of Secom, Edinho Silva.

Martins' resignation background is an alleged attempt of political intervention at EBC, a company created by the Lula government to centralize public TVs, such as "TV Brazil".

The Workers Party (PT) is said to have requested to indicate managers of the company. Moreover, interventions in the schedule started taking place.

On the weekend, an aide to Minister Edinho Silva called TV Brazil and determined that the broadcaster transmit the match between Internacional de Limeira and São José, at the third division of Sao Paulo State's Football Championship.

Martins had already spoken against the transmission of matches between teams of São Paulo on national television, but still received the request.

According to Edinho Silva, Americo Martins claimed personal issues to submit the resignation. He allegedly expressed his willingness to move back to São Paulo.

The Minister told Radar that the Workers Party has never made any political appointment at EBC and stated that the TV station had signed a deal for the transmission of lower divisions of the regional championships and D series of the Brazilian Championship.

EBC sources say there is no procedure within the company aimed at regularizing these broadcasts, which would cost 6 million. The former director had expressed fear of complications with TCU and other oversight bodies.

(Updated at 17h17: Minister Edinho Silva denies the costs for transmission of games. According to him, broadcasting rights are practically transferred to the station.)

Annex II

Coverage of President Dilma Rousseff's impeachment process in the House of Representatives

Links to the material displayed on TV during the coverage of the impeachment in the House of Representatives:

15/4

<https://youtu.be/mjU3spFf9JE> - Newspapers NBR News - April 15

10h - <https://youtu.be/J9sTtL2dKlo> - Latest - Session to analyze the impeachment process is underway in the House

11h - <https://youtu.be/CpNmScWZ22k> - Latest - Health Ministry begins distributing vaccines against H1N1

12h - <https://youtu.be/O0PeVboHzss> - Latest - In the House of Representatives, discussions continue on Rousseff's impeachment process

14h - https://youtu.be/kIS_3sJo5-k - Latest - Government Leader in the House says that the society is mobilized against the coup

15h - <https://youtu.be/ubl9MSZM1Gw> - Latest - Members of the Parliament advocate for Brazilian democracy during session in the House of Representatives

16h - <https://youtu.be/sQEIJAwQzlg> - Latest - Members argue against the impeachment of Rousseff

17h - <https://youtu.be/Ty8vgvL0vds> - Latest - Members debate impeachment process of President Dilma Rousseff

17h - <https://youtu.be/hRu0dZWq3iw> - Latest - Member of the Parliament argues that the President did not commit a responsibility crime

18h - <https://youtu.be/iee2LA-EGXQ> - Maranhao's Governor claims to have confidence that impeachment will not be approved

19h - <https://youtu.be/NfWVuto52oI> - Latest - Government has enough votes to stop impeachment, says deputy

21h - https://youtu.be/7OAS8n_1-IY - Latest - Members continue debate on the impeachment process of President Dilma Rousseff

22h - <https://youtu.be/exJbfNynQE4> - Latest - Impeachment debate continues in the House

23h - <https://youtu.be/L1sS17JpnYc> - Latest - Parliamentarians express support to President Dilma Rousseff

0h - <https://youtu.be/paUjLq0-fzU> - Latest - Session analyzing president's impeachment process continues

<https://youtu.be/W5PVeRekwH0> - Union's General-Attorney delivers a speech in the House in support of President Dilma

16/4

0h - <https://youtu.be/paUjLq0-fzU> - Latest - Session analyzing president's impeachment process continues

3h - <https://youtu.be/xKjGOM4erPE> - Latest - The New York Times publishes article on Dilma Rousseff's impeachment process

6 am - <https://youtu.be/Q-qIsJ4TTDE> - Latest - Session on impeachment scheduled for Saturday morning, has 249 deputies registered

10h - <https://youtu.be/x5vD-m48RII> - Latest - The President has published an article which denounces coup and asks for support for democracy

11h - <https://youtu.be/YaSM90VNBxg> - Latest - Debates on the impeachment already exceed 26 hours duration in the House of Representatives

12h - <https://youtu.be/JF4PnFSaZNM> - Latest - President meets with parliamentarians and government members at Alvorada Palace

13h - <https://youtu.be/Fg4E8vQQ7jU> - Latest - Government believes it has the right to defense during the vote on Sunday

14h - <https://youtu.be/IorUFensvkQ> - Latest - Government will file a petition in the Supreme Court to ensure the right of defense of the President

15h - <https://youtu.be/IERIz8G1w0A> - Latest - After 30 hours of session, more than 180 parliamentarians already spoke in the House

16h - <https://youtu.be/qdVV85SZYOs> - Latest - Debate on impeachment of President Dilma Rousseff continues in the House

17h - <https://youtu.be/1NjO3MpTM3s> - Latest - Analysis session of the impeachment process has lasted 32 hours

18h - https://youtu.be/gOVxkfJuB_4 - Latest - First stage of the session that analyzes impeachment comes to an end

19h - <https://youtu.be/bmckUI0s6ZE> - Latest - Debates in the House chamber exceed 34 hours duration

20h - <https://youtu.be/obDSf1bfWM4> - Latest - First stage of analysis of Dilma impeachment process finishes in the House

21h - <https://youtu.be/rCl9skvyo4M> - Latest - Members speak out against the impeachment and the democratic rupture

22h - <https://youtu.be/SbSFtdY0Ys4> - Latest - Members argue that the impeachment process is null and antidemocratic

23h - <https://youtu.be/sLCKrsO9dds> - Latest - Parliamentarians claim that Sunday will be the day to fight the coup and celebrate democracy

0h - <https://youtu.be/VeKb6itnZog> - Latest - Parliamentarians criticize the impeachment process of Dilma Rousseff

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0h - <https://youtu.be/VeKb6itnZog> - Latest - Parliamentarians criticize the impeachment process of Dilma Rousseff

2h - <https://youtu.be/nJNFI9SrAfw> - Latest - Over 40 hours of discussion in the House on President Dilma's impeachment

4h - <https://youtu.be/Fr0LVsv9mcA> - Latest - The longest session of the House of Representatives is finished

9 am - https://youtu.be/wtJTxE MD_Xg - Latest - The activities of the House of Representatives will be resumed on Sunday afternoon

12h - https://youtu.be/wdyY-WTp_hI - Latest - House of Representatives discusses the impeachment process of Dilma Rousseff

13h - <https://youtu.be/JolZQwQynTs> - Latest - Parliamentarians vote today the impeachment process against President Dilma Rousseff

14h - <https://youtu.be/goagvr0jSQ0> - Latest - The democratic rule of law in Brazil is at stake, says Deputy José Guimarães

15h - <https://youtu.be/IWmc4LnALJg> - Latest - House of Representatives votes President Dilma Rousseff impeachment process

16h - <https://youtu.be/9cCyKAII308> - Latest - Party leaders guide members' positions in the impeachment vote

17h - <https://youtu.be/6fZkvwSeizo> - Latest - Voting in the House decides Rousseff's impeachment

18h - <https://youtu.be/YhF8fH194zw> - Latest - MPs vote impeachment of President Dilma Rousseff

23h - <https://youtu.be/LHCKRRLL7xg> - House of Representatives approves the opening of Dilma Rousseff's impeachment

<https://youtu.be/zu--3X5S0-8> - Union's General-Attorney talks to the press after defense presented at the House

<https://youtu.be/e5je8CBIndg> - Decision of the House to impeach should not weaken the President says the Union's General-Attorney

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10h - <https://youtu.be/5PQZ7KiX7ck> - Latest - After approval in the House, President's impeachment process goes to the Senate

11h - <https://youtu.be/QrIMJrU9Jlk> - Latest - Government sends condolences to families of the earthquake victims in Ecuador and Japan

Annex III

LOURIVAL MACÊDO

The kidnapping of the EBC

Folha de S. Paulo, 6/27/2016 2:00 a.m.

It amazes me to see so much emphasis put on those who speak against the "coup" and today defend vehemently a pluralism which they did not practice at EBC (Brazil Communications Company) over the past few years. There was, instead, a kidnapping of a public company by a group which represents a current of thinking.

The creation and dissemination of plural contents that contribute to the critical formation of people is a mission set out in the strategic planning of the EBC, displayed on decorative panels in the corridors of the company. It was not in force, however, through the journalism practiced throughout the government of Dilma Rousseff.

The origin of the controversy over the command of the EBC is in the assumption of its CEO, Ricardo Melo, on 10 May, on the eve of the decision on the admissibility of the president's impeachment, who has been suspended from her functions by the Senate.

One has to ask the purpose of the appointment, right before the imminent departure of the President. Certainly, it was not the pursuit of plurality of information and views which led to such indication, for a position which had been vacant for three months. The predecessor, Americo Martins, spent less than six months in the job and left due to differences regarding the Presidential Palace's interferences.

At that time, the union of journalists and the EBC workers committee issued a joint statement denouncing the "politicization" of the company and the appointment of names by the Department of Communication of the Presidential Palace for management positions and for the signing of millionaire contracts.

Coming from the old Radiobrás and being a journalist with 37 years of service, I witnessed EBC's journalism being overtaken by political militancy. For a long time, TV Brazil, snatching defenses and heated speeches in favor of independent public communication, adopted the practice of "militant journalism".

This modality, more passionate than professional, directed the coverage of specific areas of governmental interest. The space for opinion was allotted among biased commentators, defenders of the Planalto Palace and of the continuity of a Lula-Workers Party power project.

I emphasize that in these eight years at the EBC, I am the first director of journalism coming from the permanent staff of the company. Others, including Ricardo Melo, were "imported from the market." All of them "boasted" about their origins, as if there were no competent professionals, experienced and capable, among over 2,000 employees of EBC. A humiliation.

When appointed Director, I received only a guideline. The CEO Laertes Rimoli, indicated by interim President Michel Temer and then taken away by the injunction order of the Supreme Court, which ensured the return of Melo, assured me that the "petismo" would not give rise to

"peemedebismo", "tucanismo" or any other "ism", but only to journalism and professionalism. That is what convinced me to accept the mission.

LOURIVAL MACÊDO is EBC's news director (Brazil Communications Company)

Annex IV

Examples of articles produced by the EBC at the time Laertes Rímoli was the head of the company

The list presented here is merely illustrative. Special Rapporteurs are invited to watch the entire broadcast of TV Brazil through its website.

Date: 23/05/16

Article on the stepping down of the Minister of Planning of the interim government for alleged involvement in illegal acts:

Article title: Minister of Planning, Romero Juca, will be licensed from the office

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/ministro-do-planejamento-romero-juca-vai-se-licenciar-do-cargo>

Date: 24/05/16

The article includes Senator Telmario Mota, who is in opposition to the interim government, harshly criticizing the Minister of Planning of the interim government and announcing the request for cassation; Senator Lindbergh Farias, President Rousseff leader, was interviewed and stated Juca's case justifies stopping the impeachment process.

Article title: Senator and former Planning Minister Romero Juca, reinstated at Senate seat

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/senador-e-ex-ministro-do-planejamento-romero-juca-reassume-vaga-no-senado>

Date: 25/05/16

The article is about the impeachment process schedule. It contains an interview with Senator Lindbergh Farias (Rousseff's leader in the Senate), praising the decision regarding the process's schedule, taken by the President of the Impeachment Commission. No senator in favor of impeachment was interviewed.

Article title: Impeachment's rapporteur presents timetable for the second phase of the process

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/relator-do-impeachment-apresenta-cronograma-para-a-segunda-fase-do-processo>

Date: 27/05/16

Article on PDT's (an opposition party to the interim government) initiative, which tried to prevent Temer from altering ministries or carrying out structural reforms. The party's thesis is explained in detail. No one from the interim government was heard. Images of protests against Temer were circulated, including a banner that read "Temer's coup".

Article title: Interim President, Michel Temer, has until Monday to respond to the Supreme Court on the administrative reforms issue

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/presidente-interino-michel-temer-tem-ate-segunda-feira-para-responder-ao-stf>

Date: 28/05/16

Article on a fact contrary to the interim government, which includes a lengthy speech by Rousseff's leader in the Senate, Lindbergh Farias, with harsh criticism to the government.

Article title: Leaked recordings made by Sergio Machado shook the government this week

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/vazamentos-de-gravacoes-feitas-por-sergio-machado-abalaram-o-governo-esta>

Date: 06/01/16

Article on the delivery of the defense of President Dilma Rousseff by her lawyer, Jose Eduardo Cardoso.

Article title: José Eduardo Cardozo delivers defense on behalf of President Dilma Rousseff

Link: <http://tvbrasil.ebc.com.br/reporterbrasil/bloco/jose-eduardo-cardozo-entrega-defesa-da-presidente-afastada-dilma-rousseff>

Annex V

With a R\$ 22 million debt, EBC will pay a journalist R\$ 507,000

Sidney Rezende's hiring caused the reaction of the company's personnel

by O GLOBO

14.05.2016 5:00

BRASILIA - The hiring of Sidney Rezende became a controversy in Brazil Communications Company (EBC). The Official Gazette showed, on Friday, the contract of SR IDEAS LTDA, Communication Advisory, which belongs to the journalist. R\$ 507,000 will be paid over a year. The news sparked the reaction of EBC's employees. For them, the company should prioritize the payment of a debt of R\$ 22 million to suppliers and service providers.

The Union of Journalists of the Federal District filed an injunction in court against the contract, which must have the first hearing in July.

- Employees are angry. This devalues public communication - says Gesio Passos, director of the union.

According to representatives of the employees, hiring Rezende went against the guidelines of the Administrative and Trustee Councils of the company. Sidney Rezende said, however, he was very well received by colleagues at EBC.