



Brazil, June 2018

**THE  
ORGANIZATION OF AMERICAN STATES  
ATT .: MR. LUIS ALMAGRO LEMES  
MD GENERAL SECRETARY**

**SUBJECT: INDEPENDENT CANDIDATURES IN BRAZIL**

Dear Mr. Secretary General:

As an independent candidate for the Presidency of the Federative Republic of Brazil, I am going to inform the OAS of what is happening in our country:

1. Brazil is a signatory of the Pact of San José of Costa Rica, signed in September 1992 and ratified in the same month by the National Congress, incorporating all the text, therefore, to the legal system of the Country, according to:

*Decree 678/1992 formally welcomed the Treaty in focus: THE VICE PRESIDENT OF THE REPUBLIC, in the exercise of the office of PRESIDENT OF THE REPUBLIC, in the use of the attribution conferred by art. 84, VIII, of the Constitution, and Considering that the American Convention on Human Rights (Pact of San Jose of Costa Rica), adopted in the framework of the Organization of American States in San Jose, Costa Rica, on November 22, 1969, came into force on July 18, 1978, in the form of the second paragraph of its art. 74; (gr.ns) Whereas the Brazilian Government deposited the letter of accession to the Convention on September 25, 1992; Considering that the American Convention on Human Rights (Pact of San Jose of Costa Rica) entered into force for Brazil on September 25, 1992, in accordance with the second paragraph of its art. 74; Article 1 The American Convention on Human Rights (Pact of San Jose, Costa Rica), signed in San Jose, Costa Rica, on November 22, 1969, appended to the present decree, shall be complied with as fully as contained therein.*

2. In this treaty, Article 23 of the Pact of San Jose of Costa Rica is reached:

#### **Political rights**

*All citizens should enjoy the following rights and opportunities:*

- a. to participate in the conduct of public affairs, directly or through freely elected representatives;*
- b. to vote and to be elected in authentic periodical elections held by universal and equal suffrage and by secret ballot which guarantees the free expression of the will of the electors; and*
- c. to have access, under general conditions of equality, to the public functions of his country.*

3. In 2004, the National Congress approved a Constitutional Amendment No. 45, with a large set of issues incorporated into the Federal Constitution, including the full legal validity of all international treaties already signed by Brazil.

4. The Federal Constitution, granted in 1988, consolidated the rights of equality of all before the Law (article 5), the exercise of political rights (article 1), the release of association with any entity that is (Article 5 - XX), and article 14, paragraph 3, V, which contradictorily requires partisan membership to participate in elections.

5. No president of the Republic, nor the National Congress, has been concerned with this important and expensive subject of democracy, human and political rights. Only in 2016, a lawyer in the city of Rio de Janeiro, decided to claim his candidacy to the City Hall, denying his claim, which led him to file judicial appeals until he reached the Federal Supreme Court (STF), in 2017; There, was dismissed the appeals as a result of the fact that more than a year had elapsed from the municipal elections (2016), but left the scope of the action for discussion of merit for general repercussions.

The petitioner, who now subscribes to the Organization of American States, proposed to the Federal Supreme Court a different legal route, a **writ of injunction**, which, under our constitutional and legal system, requires that any person may request the enforcement of an existing right and guaranteed, unquestionable, independent of the existence of regulatory rule.

*Art. 5º - CF. LXXI - an injunction will be granted whenever the lack of a regulatory rule the exercise of constitutional rights and freedoms and the prerogatives inherent in the nationality, sovereignty and citizenship;*

*LAW. 13.300 / 2.016 Art. 2 - An injunction will be issued whenever the total or partial lack of the constitutional rights and freedoms and the prerogatives inherent in nationality, sovereignty and citizenship.*

The injunction can be seen in the subject "KNOW WHAT THE ACTION THAT REQUIRES KORONTAI INDEPENDENT CANDIDATURE" at [www.mf.org.br](http://www.mf.org.br) (in Portuguese: "SAIBA O QUE DIZ A AÇÃO QUE EXIGE CANDIDATURA INDEPENDENTE DE KORONTAI", including all)

Given these considerations, Mr. Secretary-General, I would like to inform you that none of the international treaties signed by Brazil regarding the free exercise of political rights is being complied with, obliging citizens who wish to participate in public life and be elected, submit themselves to political parties, which in Brazil are just "political enterprises" controlled by oligarchies, as revealed in the text of the juridical piece proposed to the Brazilian Supreme Court, violating even individual ethical and moral principles, imposed by spurious and indecent agreements so that a place among those who will present themselves to the public with their ideas can be obtained. The independent candidacies can mean a break the monopoly of such oligarchies, even because the People are tired of parties and the old politics. It is frightened that no party is doing anything to have honest elections with a public vote count, that is, they accept, for "some strange reason", that the system of secret ballot, done in the electronic ballot box without the emission of any even in defiance of the constitutional requirement of public vote counting (article 37) and of the printed vote law approved in September/2015, by the National Congress - a paradox, since parliamentarians have approved such a law, but few are those that are demanding its fulfillment. Sad conclusion: the conduct of the process that has nothing democratic, associating with the gangs that are installed in the Three Powers, are leading the Country to the same hell experienced by Venezuela, Bolivia and Ecuador.

I, as an independent candidate, propose a refoundation of the country, with more than 27 years of studies on Full Federalism, three books writhed, including a constitutional essay that is under discussion with the People itself ([www.constitucionalfederalista.org.br](http://www.constitucionalfederalista.org.br)).

In this sense, Mr. Secretary, I would like to request that the topic now brought to light in this House of Democracy and Human Rights of the Americas be the subject of a motion to charge the Brazilian authorities to comply with the signed treaties, putting an end to the legal uncertainty that this affront to the respective terms promotes within the Americas, especially for the economic, political and social importance of Brazil. It is no longer possible for our country to be conducted that way.

I would like to extend my compliments to the Secretary-General, wishing full success in the work of the 48th General Assembly, as well as in its management.

With my respects,



Thomas Korontai  
Independent Candidate for the Presidency of the Republic