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[Main page](#)  
[Contents](#)  
[Featured content](#)  
[Current events](#)  
[Random article](#)  
[Donate to Wikipedia](#)  
[Wikimedia Shop](#)

Interaction

[Help](#)  
[About Wikipedia](#)  
[Community portal](#)  
[Recent changes](#)  
[Contact page](#)

Tools

[What links here](#)  
[Related changes](#)  
[Upload file](#)  
[Special pages](#)  
[Permanent link](#)  
[Page information](#)  
[Wikidata item](#)  
[Cite this page](#)

Print/export

[Create a book](#)  
[Download as PDF](#)  
[Printable version](#)

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[Deutsch](#)  
[Español](#)  
[Esperanto](#)  
[Français](#)  
[Italiano](#)  
[Nederlands](#)  
[Norsk bokmål](#)  
[Português](#)

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# Mensalão scandal

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The **Mensalão scandal** (**Portuguese:** *Escândalo do Mensalão*, IPA: [is 'kẽdelu du mẽse 'lẽw]) was a vote-buying case of corruption that threatened to bring down the government of **Luiz Inácio Lula da Silva** in 2005.<sup>[1]</sup> *Mensalão* is a neologism and variant of the word for "big monthly payment" (*salário mensal* or *mensalidade*).

The scandal broke on June 6, 2005 when Brazilian Congressional Deputy **Roberto Jefferson** told the Brazilian newspaper *Folha de São Paulo* that the ruling **Partido dos Trabalhadores** (PT) had paid a number of Congressional deputies 30,000 *reais* (around US\$12,000 at the time) every month in order to vote for legislation favored by the ruling party. The funds were said to originate from state-owned companies' advertising budgets, funneled through an advertising agency owned by **Marcos Valério**.

Many key advisers to president Lula resigned, while several deputies were faced with the choice of resignation or expulsion from congress, though the president himself went on to be re-elected in 2006.



**Roberto Jefferson** was the **whistleblower** of the corruption scheme.

## Contents [hide]

- Origins
- The scandal emerges
- The scandal's development
- First joint preliminary CPI report
- Congressional Committees of Investigation (CPIs)
- Ethics' Council
- Supreme Court Indictment
- Supreme Court Trial
- Timing of key withdrawals and votes
- Principal figures in the scandal
  - Workers Party
  - Allied figures
  - Others
- Major businesses involved
  - Brazil
    - State companies
    - Private companies
    - Financial institutions
    - United States
- Timeline of key events
- Figures losing their posts as a result of the scandal
- References
- External links

## Origins [edit]

On September 18, 2004, the Brazilian weekly magazine *Veja* printed a cover story entitled, "Scandal: The PT's buyout of the PTB". The article described the development of an alliance between the Workers Party (PT) and the **Brazilian Labour Party** (PTB). According to the magazine, the Workers' Party had promised that it would pay R\$150,000 to each PTB congressional deputy if they would give their support to the Executive. It is alleged that because these promises were not fulfilled, a storm of allegations of corruption against the PT began to appear in May 2005.



On September 24, 2004, the **Rio de Janeiro** newspaper *Jornal do Brasil* published the story: "Miro denounces bribery in Congress". The article cited *Veja* and claimed that the former Minister of Communications **Miro Teixeira** had revealed the existence of the monthly payments to the Ministry of Public Prosecution.

On September 25, 2004, *Jornal do Brasil* published another story claiming that the President of the Brazilian Chamber of Deputies **João Paulo Cunha** (PT) had promised that he would fully investigate the claims. According to the newspaper, the President of **PPS Roberto Freire** commented: "This subject has been circulating for months in Congress but nobody has the courage to approach it."



**José Dirceu** was the **Chief of Staff of Brazil** when the scandal broke. He was dropped after Jefferson described Dirceu as the ringleader of a plot to hand out illegal monthly payments to congressmen.

## The scandal emerges [edit]

On May 14, 2005, *Veja* published a new story describing an apparent corruption scheme in the Brazilian Postal Service. The magazine described the content of a 110-minute video tape recording, made with a hidden camera, which showed former Post Office Chief **Maurício Marinho** apparently receiving a bribe from a businessman. The full bribery scheme involving government contracts would be administered by the Post Office's administrative director **Antônio Osório Batista** and by the Post Office manager and Congressional deputy **Roberto Jefferson** (PTB).

On the tape, Marinho receives and then pockets R\$3,000 (about 1,259 USD) in cash. The recording was aired by the major Brazilian television stations.

Agents from the **Brazilian Intelligence Agency** (ABIN) took part in investigating the Post Office case. As the scandal developed, it was argued that this was linked to an attempt to destroy the PT's former allies without the scandal exploding upon the government.

However, a major political battle began when the government tried to systematically obstruct the creation of a Parliamentary Commission of Investigation (CPI) to investigate the growing corruption scandal.

On June 3, 2005 the newspaper *Folha de São Paulo* published a story claiming that the government was tying funds to various projects to support the creation of the CPI.

Because of these claims, part of the government's base joined the opposition to support the creation of a Parliamentary Commission of Investigation. Abandoned by his allies, Jefferson began to counterattack. On June 6, *Folha de São Paulo* published an interview with Jefferson. Jefferson claimed that **Delúbio Soares**, the treasurer of the Workers' Party, was administering a monthly payment of R\$ 30,000 to certain Congressional deputies, in order to influence them to vote with the government.

Roberto Jefferson claimed that those who received the monthly payment called it **mensalão**, a derivation of the word in Portuguese for monthly payment. The word "mensalão" quickly became the adopted popular label for the scandal, now identified as the "escândalo do mensalão."

According to Jefferson, the operator of the payment scheme was the businessman **Marcos Valério de Souza**, one of the owners of the advertising agencies SMP&B and DNA, which had large contracts with the government.

After the creation of the Investigative Commission, the government allegedly tried to control the commission by installing pro-government allies Senator **Delcídio Amaral** (PT) as President and Deputy **Osmar Serraglio** (PMDB) as the key rapporteur.

Although the Congressional Commission of Investigation for the Post Office Scandal was officially restricted to investigating irregularities in the Post Office's administration, it began to investigate the expanding monthly payment claims because of the apparent connections between the cases.

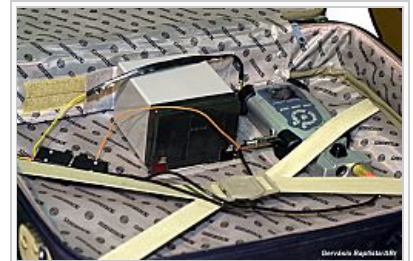
An additional commission for the broader scandal was created on July 20. Allies of the government occupied the key posts. The President of the CPI was Senator **Amir Lando** and the Rapporteur (responsible for writing the final report) was Deputy **Ibrahim Abi-Ackel**. Abi-Ackel was minister of justice in the government of **João Baptista Figueiredo**, and he was also accused of being involved in a corruption scandal.

José Dirceu was once a leftist student leader who organized against the right-wing military dictatorship after it took power in 1964. Arrested in 1968, he was one of the political prisoners who were released at the request of the kidnappers of the Ambassador of the United States. He was exiled to Cuba. Later, he secretly returned to Brazil, taking on a false identity and having undergone plastic surgery to disguise his face. He hid in the state of Paraná and opened a shop. During this time, he got involved as a student union leader. He got married but did not reveal his true identity even after having a son with his wife. Only after 1979, when political amnesty was declared, did he openly return to political life, campaigning for democratic elections and the end of the dictatorship regime.

As a consequence of the mensalão scandal, Dirceu resigned as Chief of Staff to President Lula in 2005.

## The scandal's development [edit]

In early July 2005, an advisor to Congressional deputy and brother of Workers' Party President **José Genoíno**, was seized at an airport with \$100,000 in his underwear and additional funds in his luggage. The wives and secretaries of key figures testified in the numerous and overlapping Congressional panels, including Valério's secretary, **Fernanda Karina Somaggio**, and the ex-wife of **Valdemar Costa Neto**, **Maria Christina Mendes Caldeira**. The Congressional hearings were often marked by fiery rhetoric and emotional outbursts, including numerous incidents of crying by witnesses and Workers' Party deputies. Although still murky and unclear, reported links between the scandal, its key figures, and the murder of **Santo André's** mayor **Celso Daniel** and various mafia and criminal figures have only intensified its sensational tone and societal impact.



The equipment used in the recording of the bribery negotiation in a **Correios** post office .

One key event that broadened the scandal into more of a general investigation of the Workers' Party history as whole was the sudden testimony of **Duda Mendonça**, public relations specialist and campaign manager for Lula's 2002 campaign, on August 11. He claimed that he was paid using off-shore bank accounts and possibly illegal funds connected to Valério.

The scandal, which had at that time not yet involved Brazil's finance minister who is often claimed to be popular with the international finance community, threatened **Antonio Palocci's** standing after lawyer and former advisor **Rogério Tadeu Buratti** testified that Palocci was involved in corrupt activities while mayor of **Ribeirão Preto** in the mid-90's.

Although Lula's popularity waxed and waned, no definite proof emerged that he orchestrated or had knowledge of any monthly payments. Most of the PT's leadership was affected in some way, with many resigning or failing to win re-election. Brazil's economy was widely perceived as not having been substantially impacted by the scandal.

Roberto Jefferson, who initially sparked the scandal, was expelled from the Chamber of Deputies on September 14, 2005 for ethical violations determined by the Congressional Council of Ethics. Despite continued resignations from figure involved, in October the scandal died down somewhat as Brazil had a referendum on gun sales that resulted in a loss for the government's position. At the end of October, *Veja* published a new story claiming that the Workers' Party had received illegal campaign funds from Cuba—threatening to re-intensify the scandal once again, though that was not ultimately the case.

## First joint preliminary CPI report [edit]

The Post Office and Vote Buying parliamentary commissions of investigation unanimously approved their first joint preliminary report on September 1, 2005.

The report accused 18 Brazilian deputies of involvement in the corruption scandal:

- **Carlos Rodrigues** (PL-Rio de Janeiro)
- **José Janene** (PP-Paraná)
- **Pedro Corrêa** (PP-Pernambuco)
- **Pedro Henry** (PP-Mato Grosso do Sul)
- **Sandro Mabel** (PL-Goiás)
- **João Magno** (PT-Minas Gerais)
- **João Paulo Cunha** (PT-São Paulo)
- **José Borba** (PMDB-Paraná)
- **Josias Gomes da Silva** (PT-Bahia)
- **Paulo Rocha** (PT-Bahia)
- **Professor Luizinho** (PT-São Paulo)
- **Vadão Gomes** (PP-São Paulo)
- **Vanderval Santos** (PL-São Paulo)
- **José Mentor** (PT-São Paulo)
- **Roberto Brant** (PFL-Minas Gerais)
- **José Dirceu** (PT-São Paulo)
- **Roberto Jefferson** (PTB-Rio de Janeiro)

In the report they are accused of misdeeds including illegal campaign finance activities, placing cronies in strategic positions in government enterprises and receiving kickbacks in return, and receiving cash payments in exchange for voting with the government in the Brazilian Congress.

In regard to the claims initially made by deputy Roberto Jefferson (PTB) the report states:



**José Genoíno** was found guilty of bribery by the **Supreme Federal Court** for his involvement in the Mensalão scandal.

- Everything he said that could be investigated was revealed to appear to be valid, including his own confessions.
- Everything he said when compared to other testimonies showed a great degree of validity.

The report stated that several documents were identified and validated proving that large sums of money were withdrawn from agencies of the Rural Bank in **Brasilia** and **Belo Horizonte**, as well as from the bank accounts of the enterprises SMPB and DNA. According to the documents, the beneficiaries were federal deputies who received funds in person or through relatives, advisers, or individuals chosen by **Marcos Valério**.

The report affirmed that it was possible that some payments were made on a monthly basis and others more or less frequently. The presence of the scheme at all, however, was deemed to be of greater importance than the timing of the payments.

The editors of the CPI report called the defense made by some parliamentarians that the funds were used to settle debts from electoral campaigns a "lame excuse".

## Congressional Committees of Investigation (CPIs) [edit]

The following CPIs are involved in the investigation of issues that are related to the overall Cash-for-Vote scandal. [5]

- **Post Office CPI**: Created June 9, 2005 to investigate alleged irregularities and corruption in the Brazilian Post Office. After the claims by Deputy Roberto Jefferson, this CPI began investigation into the alleged payments made to Brazilian deputies by the ruling party. The termination of the committee's work is scheduled for February 21, 2006.
- **Bingo CPI**: Created on June 19, 2005 to investigate the use of houses of Bingo gambling for money laundering and the relationship between these houses and organized crime. The CPI was proposed after a tape revealed that the **Waldomiro Diniz** (an advisor to the Minister José Dirceu) was apparently extorting the gambling mafia of Rio de Janeiro to gain funds for Workers' Party political campaigns. The termination of the committee's work is scheduled for October 26, 2005.
- **Vote Buying CPI**: Created July 20, 2005 to investigate the alleged monthly payments to deputies. The Workers' Party requests a parallel investigation of the electoral reform to allow a second term for ex-President **Fernando Henrique Cardoso** (PSDB). The termination of the committee's work is scheduled for November 16, 2005.

Also there was a movement instigated by members of opposition in order to create a fourth CPI to investigate off-book accounts in all parties' during the most recent elections. Due to serial allegations of the occurring of this kind of operation in many politicians' campaigns in 2002, including President Lula's, many believed this CPI could result in a legal and concrete reason to start his impeachment process. However this process was aborted.

## Ethics' Council [edit]

The council of Ethics and Parliamentary Decorum of the House is the organ responsible for processing and disciplining members for behavior not in concordance with Parliamentary Decorum.

In order to expel a deputy, 257 votes out of 513 are needed. If expelled, in addition to losing his seat in the Congress and parliamentary privileges and immunity, the member can be barred from holding any public office for eight years. Jefferson will be prohibited from running for office again until 2015. [6] [7]

## Supreme Court Indictment [edit]

On August 24, 2007, the Supreme Federal Court, responsible for judging criminal proceedings against parliamentarians due to **parliamentary immunity**, accepted the indictments of 40 individuals related to the Mensalão scandal, most which are former or current federal deputies, and all of whom were or are allies of former Brazilian president **Luiz Inácio Lula da Silva**.[2]

## Supreme Court Trial [edit]

The trial began on August 2012.

In the first 23 sessions of the trial, the Supreme Court ruled that there was misuse of public money, mixed with bank loans, to fund the scheme. Ten of the 37 defendants have already received sentences. Most of them were convicted, including one of the main leaders of the scheme, Marcos Valério, while three were acquitted.[3]

On September 15, 2012, *Veja* published a new story alleging that Marcos Valério had told friends that former president Lula da Silva was the mastermind of the corruption scheme. José Dirceu's allies said that it was a lie and Marcos Valério was out of his head and desperate because he was convicted and facing prison.[4]

On September 17, the court began to examine the main accusations, which include allegations that José Dirceu was the leader of the vote-buying scheme, which laundered and then disbursed millions in public and private money to secure votes in the National Congress from 2003 to 2005.[5] The rapporteur of the case argued that there is clear

evidence that such activities occurred, saying that "there is no doubt that this scheme existed."<sup>[6]</sup>

On October 9, 2012, the court ruled José Dirceu, José Genoíno and Delúbio Soares guilty of the crime of bribery (*Corrupção Ativa*).

On November 15, 2013. The STF president ordered the prison of José Dirceu, José Genoíno and Delúbio Soares. As the date in question coincides with the holiday of the Republic's proclamation, there was much debate about Barbosa's reasons for waiting for said date to declare the prison and some days later, Genoíno was transferred to house arrest out of concerns with his health.

## Timing of key withdrawals and votes  [edit]

Documents from the Council for Control of Financial Activities (Conselho de Controle de Atividades Financeiras [Coaf]) indicate that between July and May 2003, withdrawals of 27 million reais were made from the accounts of businessman [Marcos Valério](#).

According to deputy [Roberto Jefferson](#), the money for the mensalão came from [Banco Rural](#) and the [Banco do Brasil](#). Documents from Coaf validate the withdrawals from Banco Rural; the withdrawals from the Banco do Brasil have not yet been traced.

The table below shows a side-by-side description of some of the withdrawals and connected votes in the Chamber of Deputies and Senate of Brazil.

**Withdrawals that Possibly Connected Votes in the Legislative**

Vote	Withdrawal
Tax reform approved, September 24, 2003	R\$ 1.212 million between September 23, 25, and 26, 2003
Modified Tax reform bill in Senate, December 17, 2003	R\$ 470 thousand between December 17 and 19, 2003
Provisional measure for the minimum wage approved in the House, June 2, 2004	R\$ 500 thousand
Provisional measure for minimum wage approved June 23 in the House after being passed in the Senate	R\$ 200 thousand
Status of the Central Bank President, December 1, 2004 (House)	R\$ 480 thousand on November 29 and 30, 2004
Bingo reform approved, March 30, 2004 (House)	R\$ 200 thousand on March 29, 2004
Social Security reform approved (first round, House), August 5, 2003	R\$ 200 thousand on August 6, 2003
Social Security reform approved (second round, House), August 27, 2003	R\$ 200 thousand between August 25 and 26
Social Security reform approved (Senate), November 26, 2003	R\$ 400 thousand November 26 and 26, 2003
Social Security reform approved (Senate, second round), December 11, 2003	R\$ 120 thousand, December 10, 2003

Source:*Reuters* .

## Principal figures in the scandal  [edit]

### Workers Party  [edit]

- [José Dirceu](#), accused by Jefferson as being the leader of the scheme
- [José Genoíno](#), President of the PT, suspect in connection to his brother Deputy [José Nobre Guimarães](#), whose political advisor was caught trying to pass airport security with wads of cash in his underwear.
- [Delúbio Soares](#), Treasurer of the PT
- [Luiz Inácio Lula da Silva](#), former President of Brazil. As the scandal occurred during his term, there is much debate about his role on it, or if he has a role at all. Later he is nominally accused by Jefferson of being aware of the scheme but so far there is no charges against him.

5. **Marcelo Sereno**, National leader of PT
6. **Silvio Pereira**, National leader PT, received a **Land Rover** from a supplier to **Petrobras**
7. **João Paulo Cunha** (PT-São Paulo) - Ex-Speaker of the House. Witnesses testified seeing his wife visiting Banco Rural in Brasília
8. Paulo Rocha (PT-Pará) - Ex-leader of the PT in the House. An adviser of his was seen outside the Banco Rural.
9. Professor Luizinho (PT-São Paulo) - Ex-leader of the government in the House, had an adviser who received R\$ 20,000 from Marcos Valério.
10. **José Mentor** (PT-São Paulo) - His office received R\$ 60,000.00 from a Banco Rural account belonging to Marcos Valério
11. **José Nobre Guimarães** (PT-Ceará) - Brother of party chief José Genuíno. His adviser was found with US\$ 100,000.00 in his underwear and R\$ 200,000.00 in a suitcase while trying to pass through airport security. Guimarães was also accused of receiving R\$ 250,000.00 from the accounts of Marcos Valério.
12. **José Adalberto Vieira da Silva** (PT-Ceará) adviser to José Nobre Guimarães, found with hidden money in his underpants.
13. **Josias Gomes** (PT-Bahia) - suspected of personally withdrawing R\$ 100,000 from the accounts of Marcos Valério.
14. **Luiz Gushiken**, ex-communication secretary, accused of issues relating to his former firms. He was cleared of all charges during the trial, but died of cancer a few months later.

### Allied figures [edit]

These figures are members of other parties that gave political support to the Workers' Party before the scandal: PTB, PP, PL, and the PMDB.

1. **Roberto Jefferson** (PTB-Rio de Janeiro) - Deputy who sparked the scandal with his initial allegations. Accused of operating a corruption scheme using state enterprises and the Post Office. Also accused of receiving millions of dollars from Marcos Valério to assist the PTB without declaring it to the electoral authorities.
2. **José Carlos Martinez** (PTB-Paraná) - Deputy who has already died. Accused of receiving R\$ 1,000,000.00
3. **José Janene** (PP-Paraná) - Cited by Jefferson since the start of the scandal. Accused of distributing the Mensalão to the parliamentary group of the PP. His involvement was confirmed in testimony by his advisor João Cláudio Genu to the Federal Police, who confessed to making the withdrawals and delivering the money to the treasury of the PP.
4. **Pedro Corrêa** (PP-Pernambuco) - President of the PP, also accused by Jefferson and incriminated by Genu.
5. **Pedro Henry** (PP-Mato Grosso) - Ex-leader of the House, also implicated in the testimony of Genu.
6. **José Borba** (PMDB-Paraná) - Ex-leader of the PMDB in the House. Is accused of receiving R\$ 2.1 million by the financial director of Valério's firm SMPB, but of refusing to sign the receipt for the withdrawal (forcing an employee of SMPB to go to the bank branch to release the payment)
7. **Valdemar Costa Neto** (PL-São Paulo) - Accused of being the distributor of the Mensalão to the bench of the PL. His ex-treasurer, Jacinto Lamas, is accused of being the main beneficiary listed in the withdrawals from the accounts of Marcos Valério in Banco Rural, receiving R\$ 10,837,500. To avoid the process of removal from Congress, on August 1 he resigned before an inquiry could be opened.
8. **Bishop Rodrigues** (PL-Rio de Janeiro) - Coordinated the grouping of members of the **Universal Church of the Kingdom of God** in the House. Accused of receiving R\$ 150,000. Was afterwards expelled from the church.
9. **Anderson Aduino** (PL-Minas Gerais) - Ex-Minister of Transportation, accused of receiving, through the intermediary of his cabinet chief, one million reais from Marcos Valério.

### Others [edit]

1. **Marcos Valério** - Businessman. Accused of being the operator of the "mensalão", he supposedly operated several public relations firms and advertising agencies whose bank accounts were used to distribute funds to members of the Workers' Party and other allied Brazilian parties. He is also accused of participating of Eduardo Azeredo's off-book accounting.
2. **Duda Mendonça** - Campaign manager and public relations specialist who led Lula Presidential campaign. His partner, Zilmar da Silveira, appears as a recipient of funds from Marcos Valério (R\$ 15,500,000.00).
3. **Fernanda Karina Somaggio** - Secretary of Marcos Valério. Her datebook was seized by the Federal Police. She confirmed the Valério's connection to Delúbio Soares and with other deputies accused of involvement in the corruption scheme. Also charged that payments were made with suitcases filled with money.
4. **Renilda Soares** - Valério's wife. Accused José Dirceu of having full knowledge of the corruption scheme.
5. **Toninho da Barcelona** - also known as Antonio Oliveira Claramunt. One of the principal Brazil foreign exchange specialists. Arrested for illegal financial activities, he alleged that he did various exchanges for the PT and other parties. He claimed the PT maintained a secret foreign bank account.
6. **Rogério Buratti** - ex-advisor to **Antonio Palocci**. Arrested by police on August 16, 2005. He is accused of participating in fraud in contracts between the local district of Ribeirão Preto and garbage collection firms,

money laundering, and extortion. Claimed that during the administration of Antonio Palocci there was a corruption scheme to divert funds to the Workers' Party.

- Sérgio Gomes da Silva**, "the Shadow" - Businessman and ex-body guard for the mayor of Santo André **Celso Daniel**. He is accused of having ordered the assassination of the mayor.
- Maria Christina Mendes Caldeira** - ex-wife of the deputy Valdemar Costa Neto. Accused her former husband of receiving the mensalão and of receiving an irregular donation from Taiwanese businessmen.

## Major businesses involved [edit]

### Brazil [edit]

#### State companies [edit]

- Furnas**
- Eletronuclear**
- Petrobras**
- Instituto de Resseguros do Brasil** (IRB)
- Empresa Brasileira de Correios e Telégrafos** (EBCT)
- Previ**

#### Private companies [edit]

- Guaranhuns (front company)
- DNA (business of Marcos Valério)
- SMP&B (business of Marcos Valério, **Cristiano Paz** and **Ramon Cardoso**)

#### Financial institutions [edit]

- Banco Rural**: used by Marcos Valério for his operations
- Banco do Brasil**: used by Marcos Valério for his operations

#### United States [edit]

- Bank of Beacon Hill**: used by Marcos Valério for his operations

## Timeline of key events [edit]

*Main article: [Timeline of Mensalão Scandal](#)*

## Figures losing their posts as a result of the scandal [edit]

- Mauricio Marinho**, Post Office Chief, May 14
- The director of the Post Office Administration, **Antonio Osório Batista** and his immediately assistant **Fernando Godoy**, May 16
- Luiz Appolonio Neto**, President of the **IRB**, May 21
- The leadership of the **Correios** and of the **IRB**, June 7
- The directors of electrical firms: Dimas Fabiano Toledo, Rodrigo Botelho Campos e José Roberto Cesaroni Cury, June 30
- José Dirceu**, **Presidential Chief of Staff**, June 14
- Roberto Jefferson**, President of PTB, June 17
- Silvio Pereira**, Secretary-General of the PT, July 4
- Delúbio Soares**, Treasurer of PT, July 5
- Glenio Guedes**, Directory of the **Conselho de Recursos do Sistema Financeiro**, July 6
- José Adalberto Vieira da Silva**, Aide to the deputy **José Nobre Guimarães**, July 8
- José Nobre Guimarães**, Manager of the state directory of the PT-CE, July 9
- José Genoino**, President of the Workers' Party (PT), July 9
- Marcelo Sereno**, Communication Secretary of the PT, July 9
- Henrique Pizzolato**, Director of marketing of the **Banco do Brasil**, July 10
- Luiz Gushiken**, Ministério da Comunicação e Gestão Estratégica was relegated downwards, July 12.
- Luiz Gushiken** was downgraded again. Left position as at Secretary of Communication to become an adviser to President **Lula**, July 21
- Valdemar Costa Neto**, Federal deputy and president of the Liberal Party (PL), resigned his mandate, August 1
- Marcio Lacerda**, Executive Secretary in the Ministry of National Integration, August 2
- Manoel Severino**, President of the Casa da Moeda do Brasil, tendered resignation, August 3
- Daniilo de Camargo**, Coordinator of the Commission of Ethics in the PT, August 6
- Juscelino Antonio Dourado**, Cabinet chief of Finance Minister, September 1

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