

PETITION 12,404 FEDERAL DISTRICT

REPORTER	: MINISTER ALEXANDRE DE MORAES
REQTE.(S)	:UNDER CONFIDENTIALITY
ADV.(A/S)	:UNDER CONFIDENTIALITY
REQDO.(A/S)	:UNDER CONFIDENTIALITY
ADV.(A/S)	:UNDER CONFIDENTIALITY
REQDO.(A/S)	:UNDER CONFIDENTIALITY
ADV.(A/S)	:UNDER CONFIDENTIALITY AND OTHER(S)

DECISION

This is an investigation registered as a preventive measure under Pet 12,100/DF, based on an official letter sent to this SUPREME COURT by the police authority, communicating the opening of a Police Inquiry (IPL no. 2024.0024068-CGCINT/DIP/PF), which investigates the possible practice of crimes of obstruction of investigations into criminal organizations (art. 2, §1, of Law No. 12,850/13) and incitement to crime (art. 286, of the Penal Code).

The investigation demonstrated the criminal and organized participation of numerous people to threaten and coerce federal delegates who act or acted in the investigative procedures against digital militias and the attempted coup d'état.

Social networks – especially “X” – began to be used to expose personal data, photographs, threats and coercion of police officers and their families.

In addition to conduct directly carried out by ALLAN LOPES DOS SANTOS – a fugitive from justice – the Federal Police found evidence that showed that numerous people, some identified and others not, began to engage in criminal conduct and began to intimidate/expose law enforcement officers, especially the teenager MARIANA VOLF PEDRO EUSTÁQUIO (16 years old), daughter of the fugitive from justice OSWALDO EUSTÁQUIO FILHO – who has been acting illegally using his daughter's profiles – and of SANDRA MARA VOLF PEDRO EUSTAQUIO, EDNARDO D'AVILA MELLO RAPOSO, SENADOR MARCOS DO VAL, among others.

In a decision dated 7/8/2024, among other measures, I ordered the company

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TWITTER INC. (responsible for the social network "X") that, within 2 (two) hours, proceed to block the channels/profiles/accounts indicated, as well as any groups that are managed by its users, including blocking any monetizations in progress related to the aforementioned profiles, with the platforms having to inform the amounts that would be monetized and the recipients of the amounts, under penalty of a daily fine of R\$50,000.00 (fifty thousand reais), with the provision of their registration data to this SUPREME COURT and the full preservation of their content.

The aforementioned company was duly notified of the aforementioned determination, by email (govbrasil@twitter.com), at 9:40 am on 8/12/2024, failing to comply with the court decision. A daily fine of R\$50,000.00 (FIFTY thousand reais) was applied to the company X BRASIL INTERNET LTDA., (formerly Twitter), ordering the personal notification of the legal representative X BRASIL INTERNET LTDA.

On 8/16/2024, the court order was reiterated, as well as the amount of the daily fine increased, due to the finding of willful evasion by the legal representatives of X BRASIL to avoid being notified of the court decision.

This willful conduct was certified by the Secretariat:

"I certify that as soon as I had possession of the warrant, at approximately 10:30 a.m., I attempted, without success, to contact the legal representative of the person being summoned through the telephone number provided in the warrant (11 3054-5259). I then carried out a search on the website of the national registry of lawyers www.cna.oab.org.br, and the only relevant information was the same telephone number already available.

At the same time that I established contact with Dr. Mariana de Saboya Furtado, lawyer representing X Brasil in the Pet 12,720 proceedings, requesting support/intermediation in terms of contacting and locating Dr. Diego de Lima Gualda, at which time I was informed that Dr. Diego de Lima Gualda would be the legal representative of X and that someone from X Brasil would respond directly to

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in, passing on the necessary information which has not happened up to now.

Having reported the difficulty in complying with the order to the Judicial Secretariat, particularly given the urgency imposed on compliance, the contact details of Ms. Gabriela Salomão - Public Relations at X Brasil (61 99989 7373) were made available.

Once contact was established, he was instructed to formalize by email - govbrasil@twitter.com and gsalomão@x.com - the request for desired information and clarifications, the email being forwarded confirmed that Dr. Diego, in fact, no longer represents X Brasil, as well as that the new legal representative of X Brasil would be Dr. Rachel de Oliveira Vila Nova Conceição, RG 25868187-1 SSP DF and CPF 255. 747.418-57, informing, at the end, the address of the headquarters of X Brasil Ltda in São Paulo SP.

I reiterated my request for a telephone contact, which was not done, an email address was provided (rvilla@br4businnes.com). nonetheless

Forwarded email requesting the opening of a channel of communication I have not received any feedback to date.

Finally, there was still an attempt to build a communication/intermediation channel with Dr. Daniela Seadi Kesslesm in São Paulo, representing the Pinheiro Neto Law Firm, however, said she did not have the contact information. She also said she would get back to us, but so far nothing has been done.

Since it is not possible to proceed with the on-site investigations due to the fact that the person summoned is located in another state, I am returning this warrant WITHOUT COMPLYING WITH THE ORDER contained therein, awaiting a new determination."

On 8/17/2024, the majority shareholder and international person responsible for REDE X, ELON MUSK, expressly declared that he would continue to disregard Brazilian court decisions, as well as announcing that

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would extinguish the Brazilian subsidiary – X BRASIL, with the blatant purpose of hiding from the Brazilian legal system and the decisions of the Judiciary.

On 8/18/2024, given the continued disregard for court orders and ELON MUSK's declared intention not to be subject to the Brazilian legal system and the Judiciary, in relation to the companies TWITTER INTERNATIONAL UNLIMITED COMPANY (CNPJ No. 15,493,642/0001-47), TI BRAZIL HOLDINGS LLC (CNPJ No. 15,437,850/0001-29), X BRASIL INTERNET LTDA. (CNPJ no. 16,954,565/0001-48) and RACHEL DE OLIVEIRA VILLA NOVA CONCEIÇÃO (CPF no. 255,747,418-57) were ordered to immediately block their bank accounts/financial assets, by means of an official letter to the CENTRAL BANK OF BRAZIL, and official communication to CVM (so that the blocking can be operationalized in this case through the SOF-CEI system), including custody positions of shares, private securities, public securities and derivatives, investments in investment funds, VGBL, PGBL, investments in LCA and LCI, investments in CDB's, RDB's, COE, gold and similar, private pension plans, consortium letters; and motor vehicles through the RENAJUD System and real estate through the National Center for Unavailability of Assets (CNIB) and any registered vessels and aircraft.

To date, the following values have been blocked:

X BRASIL INTERNET LTDA. (CNPJ nº 16.954.565/0001-48)

FINANCIAL INSTITUTION ITAÚ (fl.	VALUE
842, Volume 3, Pet 102781) R\$ 2,053,209.30	ITAÚ (fl. 842,
Volume 3, Pet 102781) R\$ 6.66	

On 8/24/2024, due to the lack of sufficient financial resources found in the companies TWITTER INTERNATIONAL UNLIMITED COMPANY, TI BRAZIL HOLDINGS LLC and X BRASIL INTERNET LTDA., to pay the daily fines, as well as a decision that understood the existence of an “economic group”

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de facto" between X BRASIL INTERNET LTDA, STARLINK BRAZIL HOLDING LTDA and STARLINK BRAZIL SERVIÇOS DE INTERNET, all linked to the company SPACE X and de facto commanded by ELON MUSK, new blockings of bank accounts/financial assets were determined, by means of an official letter to the CENTRAL BANK OF BRAZIL, and official communication to the CVM (so that the blocking can be operationalized in this case through the SOF-CEI system), including custody positions of shares, private securities, public securities and derivatives, investments in investment funds, VGBL, PGBL, investments in LCA and LCI, investments in CDB's, RDB's, COE, gold and similar, private pension plans, consortium letters, motor vehicles through the RENAJUD System and real estate through the National Center for Unavailability of Assets (CNIB) and vessels and aircraft eventually registered in the name of the STARLINK companies BRAZIL HOLDING LTDA (CNPJ No. 39,523,686/0001-30) and STARLINK BRAZIL INTERNET SERVICES LTDA (CNPJ No. 40,154,884/0001-53).

To date, there is no information about the effective blocking of funds.

The illicit conduct of ELON MUSK and X BRASIL INTERNET LTDA remain, as they continue to fail to comply with ALL COURT ORDERS issued in the proceedings, and their disobedience, to date, has resulted in the amount of R\$18,350,000.00 (eighteen million, three hundred and fifty thousand reais) in fines, according to the calculation presented by the Judicial Secretariat of this SUPREME COURT, much higher than the amounts blocked to date (certificate dated 8/29/2024).

The Attorney General's Office was notified of all decisions (fls. 657 and 1,001), as well as the individual RACHEL DE OLIVEIRA VILLA NOVA CONCEIÇÃO (fls. 1,223-1,225) and the companies X BRASIL INTERNET LTDA (fls. 659, 728 and 1,222) STARLINK BRAZIL HOLDING LTDA. AND STARLINK BRAZIL SERVIÇOS DE INTERNET (fls. 1,221).

Regarding the decision to appoint a new legal representative within 24 (twenty-four hours), in addition to compliance with court decisions and

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payment of the amounts of the fines applied, likewise, all those involved were duly notified:

(a) on 8/27/2024, STARLINK BRAZIL HOLDING LTDA. and STARLINK BRAZIL SERVIÇOS DE INTERNET LTDA., represented by its legal representative VITOR JAMES URNER, by email (vitor@urner.com.br)

(Writ of Summons No. 4988/2024); (b) on

8/28/2024, X BRASIL INTERNET LTDA., TWITTER INTERNATIONAL UNLIMITED COMPANY and

TI BRAZIL HOLDINGS LLC, represented by the lawyer of company X BRASIL, MARIANA DE SABOYA FURTADO, (OAB/DF 66.284), by email (msfurtado@pn.com.br) and by message sent via the "WhatsApp" application (Summons Warrant No. 4987/2024).

Likewise, the Judicial Secretariat of this SUPREME COURT certified the INTIMATION OF ELON MUSK, in the following terms (fl. 1,281):

"I certify that, on this date, at 8:07 p.m., as per the "screenshot" attached to this certificate, the Judicial Secretariat of this SUPREME COURT proceeded to notify, by electronic means, ELON MUSK, of the decision handed down in the aforementioned proceedings on 8/18/2024, which determined the indication, within 24 (twenty-four) hours, of the name and qualification of the new legal representative of X BRASIL in national territory, duly proven with JUCESP, under penalty of IMMEDIATE SUSPENSION OF NETWORK ACTIVITIES SOCIAL X (formerly Twitter) until the court orders are effectively complied with and the daily fines paid, in accordance with article 12, item III, of Law No. 12,965/14.

Brasilia, August 28, 2024".

The posts on fls. 1284-1291 prove that ELON MUSK was effectively aware of the full content of the warrant.

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The Judicial Secretariat also certified that after the deadline for 24 (twenty-four) hours, there was no compliance with the court decision:

I certify that, as of 8:08 p.m., there has been no statement from Mr. Elon Musk, as well as from the companies TWITTER INTERNATIONAL UNLIMITED COMPANY, TI BRAZIL HOLDINGS LLC and X BRASIL INTERNET LTDA, in relation to the electronic summons on fls. 1282.

Brasilia, August 29, 2024.

Judicial Secretariat

(Document digitally signed)

It's the report.

I DECIDE.

In order to regulate the use of the internet and social networks, the National Congress enacted Law 12,965/2014, as the new regulatory framework for activities carried out in the world wide web environment.

The new legislation indicated the foundations and principles that guide the application of the entire legal diploma, establishing in its articles 2 and 3 and sole paragraph:

Art. 2º **The regulation of internet use in Brazil is based on respect for freedom of expression**, as well as as:

- I - recognition of the global scale of the network;
- II - human rights, the development of personality and the exercise of citizenship in digital media;
- III - plurality and diversity;
- IV - openness and collaboration;
- V - free initiative, free competition and the defense of consumer; and**
- VI - the social purpose of the network.**

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Art. 3º The regulation of the use of the Internet in Brazil has the following principles: **I - guarantee**

of freedom of expression, communication and manifestation of thought, in accordance with the Federal Constitution; **II - protection of privacy;**

III - protection of personal data, in accordance with the law; **IV - preservation and guarantee of network neutrality;** **V - preservation of the stability, security and functionality of the network, through technical measures compatible with international standards and by encouraging the use of good practices;** **VI - accountability of agents according to their**

activities, in accordance with the law;

VII - preservation of the participatory nature of the network; **VIII - freedom of business models promoted on the internet, as long as they do not conflict with the other principles established in this Law.**

Sole paragraph. The principles expressed in this Law do not exclude others provided for in the national legal system related to the matter or in international treaties to which the Federative Republic of Brazil is a party.

The law enshrined, alongside freedom of expression, respect for human rights and the protection of privacy and consumers, even providing for the application of consumer standards in relationships established on the internet, as revealed in the wording of its art. 7:

Art. 7º Access to the internet is essential to the exercise of citizenship, and the user is guaranteed the following rights: **XIII - application of consumer protection and defense standards in consumer relations carried out on the internet.**

The Internet Civil Rights Framework provides for the civil liability of internet application providers for damages resulting from content generated by third parties and identified as infringing, if they are not

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the measures determined by court order are carried out within the specified period and within the technical limits of the service, as stipulated in its art. 19

what:

Art. 19. In order to ensure freedom of expression and prevent censorship, the internet application provider may only be held civilly liable for damages resulting from content generated by third parties if, after a specific court order, it fails to take steps to, within the scope and technical limits of its service and within the specified period, make unavailable the content identified as infringing, except for legal provisions to the contrary.

§ 1º The court order referred to in the caput must contain, under penalty of nullity, clear and specific identification of the content identified as infringing, which allows the unequivocal location of the material.

§ 2º The application of the provisions of this article to infringements of copyright or related rights depends on a specific legal provision, which must respect freedom of expression and other guarantees provided for in art. 5º of the Federal Constitution.

§ 3º Cases involving compensation for damages resulting from content made available on the internet related to honor, reputation or personality rights, as well as the unavailability of such content by internet application providers, may be brought before the special courts. § 4º The judge, including in the procedure provided for in § 3º, may anticipate, in whole or in part, the effects of the protection sought in the initial request, if there is unequivocal proof of

the fact and considering the interest of the community in the

provision of content on the internet, provided that the requirements of plausibility of the author's claim and well-founded fear of irreparable or difficult to repair damage are met.

Law 12,965/2014 also establishes, in its art. 11, that it is possible to request information about telematic services directly from Brazilian companies that are subsidiaries of foreign companies, when

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constituted under Brazilian laws and headquartered in Brazil, since, under Brazilian legislation, all companies operating in the national territory must strictly comply with the Brazilian legal system.

Article 997, section VI of the Civil Code, establishes that the constitution of any company must mandatorily indicate the natural persons responsible for the administration of the company, and their powers and attributions, since the administrators are jointly liable before the company and third parties harmed, for fault in the performance of their functions (CC, art. 1016), since the company acquires rights, assumes obligations and proceeds in court, through administrators (CC, art. 1022).

It should be noted that, even foreign companies – which are those *“incorporated outside Brazil or which, even if incorporated in Brazil, maintain their headquarters outside the national territory”* (Annotated Civil Code: Doctrine and jurisprudence: Law No. 10,406 of 10.01.2002/ CLAUDIO LUIZ BUENO DE GODOY [et al.]; coordination by CEZAR PELUSO. – 17th ed. and updated. – Santana de Parnaíba [SP]: Manole, 2023, p. 1047) – in order to legally operate in Brazil, require prior authorization from the federal government, under the terms of art. 11, § 2º of the Introductory Law to the rules of Brazilian Law (*“they may not, however, have in Brazil: branches, agencies or establishments, before the constitutive acts are approved by the Brazilian Government, being subject to Brazilian law”*), with EXPRESS PROOF OF APPOINTMENT OF REPRESENTATIVE IN BRAZIL, with express powers to accept the conditions required for authorization (CC, art. 1,134, §1º, V).

This obligation to indicate a legal representative in national territory, as taught by ERASMO VALLADÃO A. E N. FRANÇA and MARCELO VIEIRA VON ADAMEK, has the purpose of:

“prevent foreign companies from carrying out their activities in Brazilian territory, beyond the reach of inspection and control by public authorities, under privileged and favorable conditions compared to other agents in the national market” (Free participation, as a rule, of companies

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foreign in a Brazilian company of any type, p. 5).

In the same sense, according to art. 1,138 of the Civil Code, in order to operate in national territory, it is mandatory to appoint a *“representative in Brazil, with powers to resolve any issues and receive legal summons on behalf of the company”*. Furthermore, art. 1,137 of the Civil Code provides that *“the foreign company authorized to operate will be subject to Brazilian laws and courts, with regard to acts or operations carried out in Brazil”*, since, in the lessons of ALFREDO DE ASSIS GONÇALVES NETO:

591. Permanent representative in Brazil Once

authorized to operate in Brazil, a foreign company must appoint a manager to administer its Brazilian arm. This may be done by its own foreign administrators, provided that they reside here, or by a new administrator specifically appointed for the role.

To this end, the Civil Code provides, as did the previous law (Decree-Law 2,627/1940, art. 67), that the company must appoint, on a permanent basis, a representative to be responsible for everything related to its presence in the national territory. This representative must be a natural person, Brazilian or foreign; if the representative is a foreigner, he/she must obtain a residence permit to work in Brazil. This representative is not a mere representative to perform certain acts; he/she must assume the role of a true administrator, with all the powers inherent to the function that is proper to a general manager of the company's business on Brazilian soil. He/she must therefore have the powers *ad negotia* and those that are necessary to resolve all issues involving the company and its activity in the national territory.

(...)

Among the powers of this representation, the most important of all stands out, which is to receive a summons for lawsuits that may be filed against the company. If the foreign company has someone who, in Brazil, receives a summons for

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actions related to matters of interest to it, those who sue it will not need to request the issuance of letters rogatory to cite it abroad, with the difficulties inherent in its processing that, often, make the demands unfeasible”.

(Business Law: Comments on articles 966 to 1,195 of the Civil Code. São Paulo: Revista dos Tribunais, 2008, p. 563).

Finally, Law 9,472 of July 16, 1997, which *“Regulates the organization of telecommunications services, the creation and operation of a regulatory body and other institutional aspects, pursuant to Constitutional Amendment No. 8 of 1995”*, also requires that the right to use radio frequencies will only be granted to a company incorporated under Brazilian law, with headquarters and administration in the country (art. 86). For the execution of telecommunications services that use a satellite, whether geostationary or not, regardless of whether access to it occurs from the national territory or abroad, the rule is equally explicit in requiring *“a company incorporated under Brazilian law and with headquarters and administration in the country, as the legal representative of the foreign operator”* (art. 171, § 1).

Therefore, when the company is established in Brazil, although it is part of an economic group of an internet legal entity headquartered abroad, it will be subject to Brazilian legislation regarding any operation involving the collection, storage, safekeeping and processing of records, personal data or communications by connection providers and internet applications in which at least one of these acts occurs in national territory.

As rightly highlighted by DAMÁSIO E. DE JESUS and JOSÉ ANTÔNIO MILAGRE:

Brazilian law applies to foreign providers that provide services in Brazil, provided that any phase of data processing occurs within national territory. The collection of the data will commonly occur in national territory, making it possible to apply this article to relationships involving

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Brazilian users and social networks and popular communicators in Brazil. Whenever communication occurs between a terminal (computer) located in Brazil and another outside, Brazilian legislation regarding privacy will apply, as per §1º of art. 11 of the Marco Civil (JESUS, Damásio E. de; MILAGRE, José Antônio. Marco Civil da Internet: comentários à Lei 12.965, de 23 de abril de 2014 . São Paulo: Saraiva, 2014).

Although Brazil only recently joined the Budapest Convention (Legislative Decree 37/2021, with Letter of Accession deposited with the Council of Europe in November 2022), Brazilian law will apply as long as the service is offered in Brazil.

Obviously, like any private entity that carries out its economic activity in the national territory, internet providers must respect and effectively comply with direct orders issued by the Judiciary regarding events that occurred or have lasting effects within the national territory; and it is up to them, if they deem it necessary, to demonstrate their disagreement through the resources permitted by Brazilian legislation.

The Brazilian legal system therefore provides for the need for companies that manage internet services in Brazil to have headquarters in the national territory, as well as to comply with court decisions that determine the removal of illicit content generated by third parties, under the terms of the previously indicated provisions, under penalty of personal liability.

In compliance with Brazilian law, **TWITTER BRASIL REDE DE INFORMAÇÃO LTDA., currently X BRASIL**, a limited liability company headquartered at Rua Prof. Atílio Innocenti, nº642/668, 9th floor, Vila Nova Conceição, CEP 04538-001, with entrance also at Avenida Brigadeiro Faria Lima, nº4221, Itaim Bibi, CEP 04538-133, in the City of São Paulo, State of São Paulo, registered with the CNPJ under nº 16.954.565/0001-48, was established, which became the indispensable link for the social network, developed abroad, to adequately achieve its purposes in Brazil. And, as its bylaws explicitly reveal, this

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involves the promotion of the tool, as well as aspects related to its economic objectives (commercialization and monetization).

The activities of X BRASIL, as described in the Articles of Association, reveal its unequivocal civil and criminal liability in relation to the social network X.

As a result of this, the consequences of any obstruction of justice, or disobedience of a court order, will be borne by the administrators of the aforementioned business corporation.

As stated in the Articles of Association, one of the so-called international operators of X is nothing more than the main partner of the Brazilian company, holding the absolute majority of the share capital:

By this private instrument,

(a) **TWITTER INTERNATIONAL UNLIMITED COMPANY**, a company incorporated and existing under the laws of Ireland, with registered office at The Academy, 42 Pearse Street, Dublin 2, Ireland, registered with the CNPJ under number 15.493.642/0004-47, herein represented by its attorney-in-fact, **Mr. Diego de Lima Gualda**, Brazilian, married, lawyer, resident and domiciled in the city of São Paulo, State of São Paulo, with offices at Rua Prof. Atílio Innocenti, no. 642/668, 9th floor, Vila Nova Conceição, CEP 04538-001, holder of identity card no. 283,507, issued by the OAB/SP and registered with the CPF no. 215,294,248-52, under the terms of the power of attorney dated June 22, 2023, duly registered in the 4th Registry Office of Titles and Documents of the District of São Paulo on August 4, 2023 under no. 5,446,887; and **TI BRAZIL HOLDINGS LLC**, a company organized and existing in accordance with the laws of the State of Delaware, United States of America, with headquarters at 3500 South Dupont Highway, Dover, Delaware, United States of America, registered with the CNPJ under number 15,437,850/0001-29, herein represented by its attorney-in-fact, **Mr. Diego de Lima Gualda**, above qualified, under the terms of the power of attorney dated June 22,

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2023, duly registered in the 4th Registry Office of
Titles and Documents of the District of São Paulo on 04
August 2023 under No. 5,446,888.

As partners representing the entire share capital of **TWITTER BRASIL REDE DE INFORMAÇÃO LTDA.**, a limited company with headquarters at Rua Prof. Atilio Innocenti, nº642/668, 9th floor, Vila Nova Conceição, CEP 04538-001 with entrance also via Avenida Brigadeiro Faria Lima, nº4221, Itaim Bibi, CEP 04538-133, in the City of São Paulo, State of São Paulo, registered with the CNPJ under nº 16,954,565/0001-48, with its Articles of Association registered with the Commercial Board of the State of São Paulo ("CQ") under no. 3S.226,965,189, in the meeting of September 5, 2012 and 10th and last amendment to the articles of association registered with JUCESP under no. 388,853/23-2 in the meeting of October 4, 2023 ("

Company"),

resolve to amend the Company's Articles of Association as follows:

(...)

1. CHANGE OF NAME 1.1 The partners decide, by mutual

agreement and unanimously, to change the company's corporate name from **TWITTER BRASIL REDE DE INFORMAÇÃO LTDA.** to **X BRASIL INTERNET LTDA.**

(...)

SHARE CAPITAL

2. The capital of the Company, fully subscribed and paid in national currency, is R\$509,185,000.00 (five hundred and nine million, one hundred and eighty-five thousand reais) divided into 509,185,000 (five hundred and nine million, one hundred and eighty-five thousand) identical shares of R\$1.00 (one real) each, distributed among the partners as follows:

(a) TWITTER INTERNATIONAL UNLIMITED COMPANY has 509,184,999 (five hundred and nine million, one hundred and eighty-four thousand, nine hundred and ninety-nine) shares, with a total value of R\$509,184,999 (five hundred and nine million, one hundred and eighty-four thousand, nine hundred and ninety-nine)

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nine reais);

and **(b) TI BRAZIL HOLDINGS LLC** has 1 (one) share, with a total value of R\$1.00 (one real).

In this way, the foreign partner may only continue to operate in Brazil if it maintains the legal constitution of the Brazilian company X BRASIL INTERNET LTDA., which carries out the activity of exposing and publicizing the social network, as well as the financial return it provides; that is, only through the company in question, the social network initially known as Twitter, later designated as X, fulfills its legal obligation to adapt to the Brazilian legal system, for the purpose of achieving its especially economic-financial objectives.

The statement released by X BRASIL, on its platform on 8/17/2024, informing that it will cease its activities in Brazil, if carried out, will create an insurmountable obstacle to the continuity of its services in the national territory; especially because the illicit and fraudulent purpose of this closure of the national company was confessed in the message itself made on social networks, namely:

**STAYING IN DISCOMPLIANCE WITH ORDERS FROM POWER
BRAZILIAN JUDICIARY, ESPECIALLY THIS SUPREME COURT.**

This is not the first time that this has happened, as on other occasions, the largest shareholder of TWITTER INTERNATIONAL UNLIMITED COMPANY, ELON MUSK, has demonstrated his total disrespect for Brazilian sovereignty and, in particular, for the Judiciary, positioning himself as a true supranational entity and immune to the legislation of each country.

On 4/6/2024, the foreign shareholder and majority shareholder of the social network provider X – formerly Twitter –, ELON MUSK, began a disinformation campaign about the actions of the FEDERAL SUPREME COURT and the SUPERIOR ELECTORAL COURT, which was reinforced on 4/7/2024, instigating disobedience and obstruction of justice, including in relation to criminal organizations (art. 359 of the

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Penal Code and art. 2, § 1, of Law 12,850/13), further declaring that the platform would rescind compliance with orders issued by the Brazilian Justice Department related to the blocking of criminal profiles and those that spread fraudulent news, under investigation by this SUPREME COURT.

In that hypothesis, therefore, the use of ILLEGAL mechanisms by X was characterized; as well as the presence of strong evidence of ELON MUSK'S INTENTION, IN THE CRIMINAL INSTRUMENTALIZATION investigated in several inquiries.

The flagrant conduct of obstruction of Brazilian justice, the incitement to crime, the public threat of disobedience to court orders and the future lack of cooperation from the platform are facts that disrespected Brazil's sovereignty and reinforce the connection between the INTENTIONAL CRIMINAL INSTRUMENTALIZATION OF SOCIAL MEDIA and the illicit practices investigated by the various inquiries previously mentioned, which culminated in the determination of the inclusion of ELON MUSK, as investigated in INQ. 4874, and the opening of an inquiry to investigate his conduct, in relation to the crimes of obstruction of justice, including in a criminal organization (art. 359 of the Penal Code and art. 2, § 1, of Law 12.850/13) and incitement to crime (art. 286 of the Penal Code).

Regrettably, the illicit conduct was reiterated in the present investigation, making it clear that X BRASIL failed to comply with several court orders, as well as the willful intention of exempting itself from responsibility for complying with the court orders issued, with the disappearance of its legal representatives in Brazil for the purposes of subpoena and, subsequently, with the aforementioned message about the possible closure of the Brazilian company,

**COINCIDENTALLY , ONE DAY
AFTER THE FIRST PANEL OF THE FEDERAL SUPREME COURT
TO HAVE, UNANIMOUSLY, DENIED THE APPEAL
FROM X-BRASIL IN AN ABSOLUTELY IDENTICAL SITUATION TO THAT OF
PRESENT INVESTIGATION:**

Summary: CRIMINAL AND CRIMINAL PROCEDURAL LAW.
USE OF PROFILES ON SOCIAL NETWORKS FOR THE
PROPAGATION OF SPEECHES WITH HATE CONTENT, SUBVERSION OF

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ORDER AND ENCOURAGEMENT TO BREAK INSTITUTIONAL AND DEMOCRATIC NORMALITY. ABUSE OF THE RIGHT TO FREEDOM OF EXPRESSION. NEED AND ADEQUACY IN BLOCKING PROFILES TO STOP CRIMINAL ACTIVITY. ILLEGITIMACY AD CAUSAM OF THE APPELLANT. REGIMENTAL APPEAL NOT

KNOWN.

1. The appellant's active illegitimacy ad causam is clear, and he has no subjective interest to be protected. The appellant is not entitled to oppose compliance with the blocking of channels/profiles/accounts determined in these proceedings.

2. Freedom of expression is enshrined in the Constitution and is guided by the binomial FREEDOM AND RESPONSIBILITY, that is, the exercise of this right cannot be used as a true protective shield for the practice of illicit activities. Freedom of expression should not be confused with impunity for aggression.

3. Thus, once the exercise of freedom of expression has been criminally distorted, the Federal Constitution and legislation authorize civil and criminal repressive measures, both of a precautionary and definitive nature.

4. Appeal against the Rules of Procedure not acknowledged. (Pet 10792 AgR Rel. Min. ALEXANDRE DE MORAES, Virtual Session from 8/9/2024 to 8/16/2024).

A brief history of the sequence of non-compliance with various court orders characterizes the fraud, both of the Brazilian legal representatives and of the foreign majority shareholder of company X.

BRAZIL, in total, let it be repeated, disrespect for the Federal Constitution, for National Sovereignty and the Brazilian Judiciary:

In a decision dated 7/8/2024, I determined, among other measures, the ISSUE OF AN OFFICIAL NOTICE to the company TWITTER INC. (responsible for the social network "X") so that, within 2 (two) hours, it could proceed to block the channels/profiles/accounts of EDNARDO D'AVILA MELLO RAPOSO, CLAUDIO

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ROGASANE DA LUZ, JOSIAS PEREIRA LIMA, MARCOS RIBEIRO DO VAL, PAOLA DA SILVA DANIEL, SANDRA MARA VOLF PEDRO EUSTÁQUIO, SÉRGIO FISCHER and JOÃO RICARDO MERI ALVES, as well as the teenager MARIANA VOLF PEDRO EUSTÁQUIO, as well as any groups that are managed by their users, including blocking any monetizations in progress related to the aforementioned profiles, and the platforms must inform the amounts that would be monetized and the recipients of the amounts, under penalty of a daily fine of R\$50,000.00 (fifty thousand reais), with the provision of their registration data to this SUPREME

CUT and the full preservation of its content.

The aforementioned company was duly notified of the aforementioned determination, by email (govbrasil@twitter.com), at 9:40 am on 8/12/2024, failing to comply with the court decision.

Given the non-compliance, on 08/03/2024, I applied the expected fine of R\$50,000.00 (FIFTY thousand reais) against the company X BRASIL INTERNET LTDA., (formerly Twitter), ordering the personal summons of the legal representative X BRASIL INTERNET LTDA., Diego de Lima Gualda (CPF 215.294.248-52).

The Judicial Secretariat of this SUPREME COURT certified failure to comply with the subpoena, stating the following:

I certify that as soon as I had possession of the warrant, at approximately 10:30 a.m., an attempt was made, without success, to contact the legal representative of the person being subpoenaed through the telephone number provided in the warrant (11 3054-5259). I then carried out a search on the website of the national registry of lawyers www.cna.oab.org.br, and the only relevant information was the same telephone number already available.

At the same time I established contact with Dr. Mariana de Saboya Furtado, lawyer representing X Brasil in the Pet 12,720 proceedings, requesting

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support/intermediation in terms of contact and location of Dr Diego de Lima Gualda, at which time I was informed that Dr Diego de Lima Gualda would be the legal representative of X and that someone from X Brasil would respond directly to me, providing the necessary information, which has not happened to date.

Having reported the difficulty in complying with the order to the Judicial Secretariat, particularly given the urgency imposed on compliance, the contact details of Ms. Gabriela Salomão - Public Relations of X Brasil (61 99989 7373) were made available. Once contact was established, the person was instructed to formalize by email - govbrasil@twitter.com and gsalomão@x.com - the request for information and clarifications desired. After forwarding the email, it was confirmed that Dr. Diego, in fact, no longer represents X Brasil, as well as that the new legal representative of X Brasil would be Dr. Rachel de Oliveira Vila Nova.

Conceição, RG 25868187-1 SSP DF and CPF 255. 747.418-57, informing, at the end, the address of the headquarters of X Brasil Ltda in São Paulo SP.

I reiterated my request for a telephone contact to be made available to me, which was not done, however an email address was provided (rvilla@br4businnes.com).

Forwarded email requesting the opening of a communication channel I have not received any feedback to date.

Finally, an attempt was made to create a communication/intermediation channel with Dr. Daniela Seadi Kesslesm in São Paulo, a representative of the Pinheiro Neto Law Firm, but she said she did not have the contact information. She also said she would get back to me, but nothing had been done so far.

Therefore, there is no way to progress in carrying out on-site investigations due to the fact that the company is based in

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summoned in another unit of the federation, I return this warrant WITHOUT COMPLIANCE WITH THE ORDER written therein, awaiting new determination.

On 8/16/2024, in view of the negative certificate of summons and the reported impossibility of contacting the legal representative of said company, I ordered the immediate summons of the lawyers regularly appointed by X BRASIL INTERNET LTDA., including by electronic means, so that they would adopt the necessary measures to fully comply with the order, within 24 (twenty-four) hours, under penalty of:

(1) DAILY FINE OF R\$20,000.00 (twenty thousand reais) to the company's administrator, RACHEL DE OLIVEIRA VILLA NOVA CONCEIÇÃO (CPF 255.747.418-57), CUMULATIVE TO THAT IMPOSED ON THE COMPANY, as well as DECREE OF ARREST for disobedience to the court order; (2) IMMEDIATE REMOVAL FROM THE MANAGEMENT OF THE COMPANY.

The lawyer for X BRASIL INTERNET LTDA., Dr. Mariana de Saboya Furtado (OAB/DF 66,284) was notified of the aforementioned decision at 8:00 p.m. on August 16, 2024, as recorded in the

notification certificate: I certify and attest that, on this date, at 8:00 p.m., I proceeded to the INTIMACY of X BRASIL INTERNET LTDA., represented by Attorney MARIANA DE SABOYA FURTADO (OAB/DF 66,284), by email (msfurtado@pn.com.br), preceded by contact through the WhatsApp messaging application (61 99606-1740). I sent her the electronic copy of the warrant and the confidential decision and received confirmation of its receipt.

It should be noted that up to the present moment, the illicit and disrespectful conduct towards the Brazilian Judiciary remains, as the first

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orders to block the profiles of those investigated in these proceedings were not complied with by the company X BRASIL.

It is also important to highlight that the blocking orders issued to the companies GOOGLE LCC (responsible for the social network YouTube) and META PLATFORMS INC (responsible for the social networks Instagram and Facebook), were duly complied with, WITHIN THE TIMEFRAME STATED IN THE DECISION, in strict compliance with the Brazilian legal system.

The illegality is even more serious, because even when effectively summoned to comply with the orders to block profiles, whose posts reproduce criminal content investigated in the proceedings, the aforementioned platform incurred in judicial disobedience, and criminally decided to publish a message inciting hatred against this

SUPREME COURT, as can be seen in ELON MUSK's post on 8/17, it should be repeated, one day after his appeal was unanimously rejected by the FIRST PANEL of this SUPREME COURT

FEDERAL (16/08):

“Last night, Alexandre de Moraes threatened our legal representative in Brazil with arrest if we do not comply with his censorship orders. He did so in a secret order, which we share here to expose his actions.

Despite our numerous appeals to the Brazilian Supreme Court going unheard, the Brazilian public not being informed of these orders, and our Brazilian team having no responsibility or control over the blocking of content on our platform, Moraes chose to threaten our team in Brazil rather than respect the law or due process.

As a result, to protect the safety of our team, we have made the decision to close our operations in Brazil, effective immediately.

Service X remains available to the population of Brazil.

We are deeply saddened that we have been forced to

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make this decision. The responsibility lies solely with Alexandre de Moraes.

His actions are incompatible with a democratic government. The Brazilian people have a choice to make - democracy or Alexandre de Moraes.”

Once again, ELON MUSK confuses FREEDOM OF EXPRESSION with a non-existent FREEDOM OF AGGRESSION, deliberately confuses CENSORSHIP with the CONSTITUTIONAL PROHIBITION OF HATE SPEECH AND INCITE TO ANTI-DEMOCRATIC ACTS, ignoring the teachings of one of the greatest liberals in defense of freedom of expression in history, JOHN STUART MILL.

The English philosopher JOHN STUART MILL, in his work Liberty, from 1859, and precursor of the theory of the free market of ideas, later developed by Justices HOLMES and BRANDEIS in the North American Supreme Court, warned against limiting the circulation of ideas in any society, highlighting, however, from a utilitarian view, the exceptional possibility of restricting this right, in cases that would cause unjust harm, stating that:

“The only liberty that deserves the name is that of seeking our own good in our own way, provided we do not attempt to deprive others of theirs, or to impede their efforts to obtain it. Each is the proper guardian of his own health: whether physical, mental, or spiritual. Mankind gains more by tolerating each man's life as seems good to him, than by forcing him to live as seems good to others [...] there follows the liberty, within the same limits, of combination between individuals; liberty to unite for some purpose not involving injury to others: the persons thus combined, it is supposed, have come to manhood, and have not been forced or deceived.”

To then conclude that:

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as soon as any part of the conduct of any one person influences injuriously the interests of others, the society acquires jurisdiction over such conduct, and the question whether such interference will or will not advance their welfare opens up the discussion (MILL, John Stuart. Freedom/utilitarianism. Translated by Eunice Ostrensky. New York: Routledge, p. 116).

This is the “principle of harm” or “principle of liberty” as also called by JOHN GRAY (Mill on liberty: a defense. 2nd ed. London. Routledge, 1996, p. 14), which, as described and defined by Stuart Mill,

“The sole purpose of legitimately exercising power over any member of a civilized community, against his will, is to prevent harm to others.”

Great authors, including CELSO LAFER (Liberal Essays. São Paulo: Siciliano, 1991), ISIAH BERLIN (Introduction. In: Four Essays on Freedom. Translated by Wamberto Hudson Ferreira. Brasília: Editora Universidade de Brasília, 1981, p. 1-41), IAN SHAPIRO (The Moral Foundations of Politics. Translated by Fernando Santos. São Paulo: Martins Fontes, 2006), GEORGE HOLLAND SABINE (History of Political Ideas. Vol. 2. Translated by Ruy Jugmann. Rio de Janeiro: Fundo de Cultura, 1964), have analyzed the application of the harm principle or the principle of freedom, and it is undeniable that its existence represents a significant and exceptional possibility of relativizing freedom of expression and holding accountable for hate speech, Nazi, misogynistic, racist acts, incitement to violence, anti-democratic acts, and coups d'état, even among followers of the most classical liberalism.

This possibility of liability for misuse of freedom of expression, which cannot be used as a protective shield for the practice of illicit activities, was highlighted by

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Justice OLIVER WENDELL HOLMES, in *Schenck v. United States* (249 US 47, 1919), when applying the doctrine of clear and present danger, distinguishing speech tolerated under freedom of expression from conduct whose illegality would justify its repression:

“The question in each case is whether the words used are employed in circumstances likely to create an imminent and evident danger that they will bring about the substantial evils which the Congress of the United States has a right to prevent. It is a question of proximity and degree.”

In this way, **THE ABUSE IN THE EXERCISE OF FREEDOM OF EXPRESSION FOR THE PRACTICE OF ILLEGAL CONDUCT, as intended by the majority shareholder of TWITTER INTERNATIONAL UNLIMITED COMPANY, currently REDE X, ELON MUSK, will always allow civil and criminal liability for the content disseminated, with the principle of harm or principle of freedom being fully applicable, to avoid the abuse of social networks and their instrumentalization, as highlighted by NADIA URBINATI, when relating the free market of ideas with the use of new technologies in social networks, in order to prevent the new extremist populism from eroding democratic values:**

“technological means of communication require money, and money leads to private interests and economic and political disparities. Equality ends up being substantially violated, being a great challenge to political freedom, and ends up allowing some groups to have a stronger voice than others because they can use their material wealth to achieve their agendas (Yo el Pueblo como el populismo transforma la Democracia. Libros grano: Ciudad del México, 2020. p. 228.)”.

Please note that the use of social networks, including X BRASIL, to disseminate various content is nothing new.

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hate speech, attacks on democracy and incitement to disrespect the national judiciary.

The height of this instrumentalization contributed to the attempted coup d'état and attack against democratic institutions that occurred on 1/8/2023 – SELMA PARTY – as seen in the highlighted excerpts.

constant in votes cast by me in the more than 221 (two hundred and twenty-one) convictions in criminal proceedings already judged by the PLENARY of this SUPREME COURT:

“The Public Prosecutor’s Office states that, in addition to the violent abolition of the Democratic Rule of Law, the protesters intended to overthrow, through violence or serious threats, the legitimately constituted government.

This is because from the flow of messages and materials disseminated on social media it is clear that the intention was not only to prevent the exercise of the constituted Powers, but to seize power, in an attack that would never end:

(...)

The extremists sought to create chaos to force the Armed Forces, given the distorted interpretation of article 142 of the Constitution and Decree 3,897/2001, in the issuing of a decree to guarantee law and order, with the assumption of the functions of the constituted Powers.

Therefore, the insufflation aimed both at the violent abolition of the Democratic State of Law, and at the deposition of a legitimately elected government, or coup d'état, a fact that denotes an autonomous criminal design in the same criminal enterprise” (AP 1060, Rel. Min. ALEXANDRE DE MORAES, Full Court, judged on 09-14-2023).

“In fact, the suggestion that triggered the observed mass behavior began even before the 8th of

January, as already explained above, in the form of instigation, replicated instantly, in geometric progression, through messaging applications and social networks, aiming at popular insurgency. The flow of messages and materials

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disseminated to rally the criminal group made express reference to the purposes of taking power, in an attack that would have no day to end" (AP 1505, Rel. Min.

ALEXANDRE DE MORAES, Full Court, tried on 10/3/2023).

"More shocking is the amount of videos and images posted on social media by countless criminals who boasted about this confrontation and reiterated the need for a coup d'état with military intervention and the overthrow of the democratically elected government, which has come to the attention of this Court on a daily basis in countless

representations of the Federal Police" (AP 1183, Rel. Min.

ALEXANDRE DE MORAES, Full Court, tried on 14-09-2023).

It is also important to highlight that the reiteration of the criminal instrumentalization of several social networks, especially REDE X, has also been investigated in other countries.

According to news published on the UOL platform, the aforementioned company is being investigated by the **European Union** for failing to prevent hate speech from being broadcast (<https://www.correiobraziliense.com.br/mundo/2023/03/16/1035-plataforma-x-ignora-multa-na-australia-sobre-combate-a-pedofilia.html>).

The spurious attempt by several social networks, especially TWITTER INTERNATIONAL UNLIMITED COMPANY, currently REDE X, to try to evade compliance with national legislation and its responsibilities and the need for protective regulation of Fundamental Rights and Democracy, which are the usual targets of the growing

instrumentalization of social networks by extremist digital populist groups has led the European Parliament, the legislative body of the European Union (EU), approved two normative diplomas, the Law of Digital Services and the Digital Markets Act (DSA and Digital Markets Act DMA, respectively), in order to ensure a

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a safer, fairer and more transparent digital environment, according to its creators.

The subject was introduced by the European Parliament with reference to what it calls The power of digital platforms, with the following record:

“Over the past two decades, digital platforms have become an integral part of our lives and it is hard to imagine doing anything online without Amazon, Google or Facebook. While the benefits of this transformation are clear, the dominant position gained by some of these platforms gives them a huge advantage over their competitors, but also undue influence on democracy, fundamental rights, societies and the economy.”

These legal instruments establish several transparency rules for platforms, several prohibitions on content and sanctions for non-compliance, including in relation to posts with any real or foreseeable negative effects on civic discourse and electoral processes, as well as on public safety, as can be seen in articles 34, §1º and 35 of the DSA.

In its article 35, 1, c, the DSA provides for the rapid removal of notified content or the rapid deactivation of access to it, in particular with regard to illegal speech inciting hatred or cyber violence; while in its article 36 it stipulates the mechanisms for applying measures and compliance by platforms.

In **Australia**, as reported, there is also an ongoing investigation because the aforementioned platform does not contribute to the competent authorities' investigation into child abuse practices (<https://www.correiobraziliense.com.br/mundo/2023/11/6655035-platafor-ma-x-ignora-multa-na-australia-sobre-combate-a-pedofilia.html>).

Such circumstances prove the contempt for Justice and the total lack of cooperation of platform X – and, in particular, of ELON MUSK – with the

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judicial bodies and corroborate its repeated conduct in disrespecting the sovereignty of several countries, which is not a circumstance that occurs exclusively in Brazil and has allowed this platform to be repeatedly used to commit numerous criminal offenses and attacks on Democracy.

The implementation of effective legal and, consequently, jurisdictional control over disinformation is a global reality, especially in relation to content that constitutes Nazi, racist, misogynistic discourse, terrorist practices, hate speech and suppression of the democratic order and the Rule of Law, to guarantee the defense of the effectiveness of Fundamental Rights, of an egalitarian and universal nature.

TWITTER INTERNATIONAL UNLIMITED's attempt

COMPANY, currently REDE X, to place itself outside Brazilian jurisdiction, with the extinction of the national company, will enhance the massive dissemination of illicit messages, INCLUDING DURING THE 2024 ELECTION PERIOD, causing a strong load of misinformation to the Brazilian electorate, with the characterization of several electoral crimes and enabling VERY SERIOUS ATTACKS TO DEMOCRACY.

The conduct of the majority international shareholder of TWITTER INTERNATIONAL UNLIMITED COMPANY, of terminating the activities of X BRASIL, with the declared and criminal purpose of failing to comply with Brazilian judicial determinations, placing itself in a level of OUTLAW, as if social networks were NO MAN'S LAND, a true LAWLESS LAND, represents a very serious risk to the municipal elections next October, as it demonstrates on the part of ELON MUSK, with the collaboration of legal representatives in Brazil, that they intend to reiterate their conduct of allowing massive dissemination of misinformation, hate speech and attacks on the Democratic Rule of Law, violating the free choice of the electorate, by distancing voters from real and correct information.

The effective implementation of Democracy depends, among other factors, on legitimacy, honesty, efficiency and

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transparency of the instruments placed at the service of voters for the exercise of their political rights with the carrying out of the scrutiny, counting of votes and publication of election results, guaranteeing the most basic characteristic of universal suffrage, the freedom of voters to choose their candidates.

This free choice presupposes a guarantee that each voter's manifestation will be reflected in the result of the electoral contest, but also that the conditions by which each citizen will form their convictions for choosing are healthy, equitable and free from artificialities and spurious interference, whether through abuse of economic or political power, or through illicit use of the various means of communication, including digital platforms, for the production of massive misinformation, with the dissemination of fraudulent news and hateful and antidemocratic speeches (GILMAR MENDES. Liberdade de expressão, redes sociais e Democracia. In: Justiça & Cidadania, n. 272, v. 23, p. 14-20, Apr.

2023; LUÍS ROBERTO BARROSO. Freedom of expression, press and social media: jurisprudence, comparative law and new challenges; JORGE CASTELLANOS CLARAMUNT. (org.). Artificial Intelligence and Democracy: guarantees, constitutional limits and ethical perspective in the face of digital transformation. Atelier Libros Juridicos: Barcelona, 2023; GERD LEONHARD. Technology versus humanity. Translated by Florbela Marques. Kindle eBook. Techversushuman.com, 2018).

Unfortunately, the spread of fake news is much faster than that of real news, as PATRÍCIA rightly pointed out.

CAMPOS MELLO, when pointing out that:

“Fake news circulates much faster than real news. According to a study by the Massachusetts Institute of Technology, fake news is 70% more likely to be retweeted than real news. And real news takes six times longer than fake news to reach the standard number of 1,500 people. In other words, denying fake news is like trying to mop up ice” (MELLO, Patrícia Campos. A máquina do ódio. Companhia das Letras, São Paulo:

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2020, p. 239.).

TWITTER INTERNATIONAL UNLIMITED's attempt

COMPANY, by placing itself outside Brazilian law, on the eve of the 2024 municipal elections, demonstrates its clear intention of maintaining and allowing the instrumentalization of social networks, with the massive dissemination of misinformation and with the possibility of the harmful and illicit use of technology and artificial intelligence to clandestinely direct the will of the electorate, putting Democracy at risk, as had already been attempted in Brazil previously and in several countries around the world by the new extremist digital populism.

The dangers of the lack of jurisdictional control in the fight against disinformation and the use of artificial intelligence by extremist digital populists by TWITTER INTERNATIONAL UNLIMITED COMPANY, especially during the electoral period, are extremely serious, as taught by philosopher NICK BOSTROM:

“superintelligence is a threat worth taking seriously”
(Superintelligence: paths, dangers, strategies.
Madrid: Tell, 2016).

The unlawful conduct of TWITTER INTERNATIONAL UNLIMITED

COMPANY and X BRASIL, through the statements of its main foreign shareholder ELON MUSK, clearly intends to continue to encourage the posting of extremist, hateful and anti-democratic speeches, and to try to remove them from jurisdictional control, with a real danger, including, of negatively influencing the electorate in 2024, with massive misinformation, with the aim of unbalancing the electoral result, based on hate campaigns in the digital age, to favor extremist populist groups.

When analyzing hate speeches and campaigns in the digital age, SÉRGIO ARCE GARCIA made an interesting analysis of *Cambridge Analytica* and the use of technology and artificial intelligence in political campaigns, narrating the success in the Brexit elections (2016) and in the

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US elections (2016), as well as the scandal over the disclosure of the methods used (2018).

The author emphasizes that the worldwide spread of the use of these techniques to convince voters has no return and specifically cites Steve Banon, who was an advisor to former President Donald Trump.

SÉRGIO ARCE GARCIA points to the study by the University of Oxford that detected, in 2020, cyber-troop activities in more than 81 countries, to point out the use of algorithmic studies of emotions associated with communication, since the disinformation industry mainly seeks to provoke emotions in users, especially hatred.

As the author highlights,

“the campaigns that are carried out, knowing people’s personalities through their profiles on social networks, allow us to create individualized campaigns.

They produce messages that provoke the main emotions based on what they want to provoke in the person, mainly trust and hatred, determining their intensity through an algorithm” (Speeches and hate campaigns in the digital age: their construction and social impact. In: VIRGINIA MARTÍN JIMÉNEZ. (coord). Hate speech as a political weapon From the past to the present. Comares comunicación. Granada: 2023. p. 102-103).

The new reality in the instrumentalization of social networks by extremist digital populists with the massive dissemination of hate speech and anti-democratic messages and the use of disinformation to corrode the pillars of Democracy and the Rule of Law requires an analysis in line with the principles and objectives of the Republic, defined in articles 1, 2 and 3 of the Federal Constitution, which must be respected by all national or foreign companies operating in national territory.

Disrespect for Brazilian legislation and repeated non-compliance

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of numerous judicial decisions – under the command and determination of ELON MUSK – by TWITTER INTERNATIONAL UNLIMITED COMPANY and by X BRASIL, a company that operates in Brazilian territory and, possibly, will no longer have legal representation in Brazil, are circumstances completely incompatible with the current constitutional order, in addition to expressly contravening Law 12.965/14.

THE FEDERAL SUPREME COURT made every possible effort and granted every opportunity for X BRASIL, the other companies in its “de facto economic group” and ELON MUSK to comply with the court orders and also to be able to pay the daily fines applied, in order to prevent a more serious measure.

In a decision dated 08/24/2024, I recognized the existence of a “de facto economic group” between X Brasil Internet Ltda, Starlink Brazil Holding Ltda and Starlink Brazil Serviços de Internet, under the command of ELON MUSK and SPACE-X and determined, as already reported, several measures.

It is important to remember that Twitter International Company, headquartered in the Republic of Ireland, is the majority shareholder of X Brasil Internet Ltda., having been incorporated by X Corp, whose main shareholder and director is ELON MUSK, who owns 9.2% of the shares.

In a petition (38,931/2024) filed in the INQ 4874 proceedings, BRASIL, the X INTERNET detailed its relations with the foreign parent company, demonstrating its total financial and administrative dependence:

“However, it is necessary to point out the legal, technical and physical limits of X BRASIL and, notably, of its legal representative. They do not have any capacity to interfere in the administration and operation of the platform, nor do they have the authority to make decisions regarding compliance with court orders in this regard. There is a physical impossibility for this to happen. This prerogative is exclusive to the X Operators, who are the providers and operators of the platform and who, therefore, hold full responsibility for its operational or decision-making management. These explanations are simply factual and do not

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legal".

The Brazilian company therefore acknowledged its dependence and subordination in relation to X CORP., evidencing the lack of autonomy for more relevant decisions, which could only be taken by direct determination of ELON MUSK, including with regard to respecting or disrespecting court orders.

This total subordination of X BRASIL to the largest foreign shareholder and director was clearly demonstrated by the statement released on its own platform, on 08/17/2024, when, willfully, ELON MUSK maintained his criminal conduct in disregarding Brazilian court orders, even informing the termination of his activities in Brazil, with the ostensible purpose of preventing his company from being held accountable under the Brazilian legal system, as previously narrated:

Last night, Alexandre de Moraes threatened our legal representative in Brazil with arrest if we do not comply with his censorship orders. He did so in a secret order, which we share here to expose his actions.

Despite our numerous appeals to the Brazilian Supreme Court going unheard, the Brazilian public not being informed of these orders, and our Brazilian team having no responsibility or control over the blocking of content on our platform, Moraes chose to threaten our team in Brazil rather than respect the law or due process.

As a result, to protect the safety of our team, we have made the decision to close our operations in Brazil, effective immediately.

Service X remains available to the population of Brazil.

We are deeply saddened that we have been forced to make this decision. The responsibility lies solely with Alexandre de Moraes.

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His actions are incompatible with a democratic government. The Brazilian people have a choice to make - democracy or Alexandre de Moraes.

The continued disobedience of court orders, the closure of X BRASIL's activities, as well as the insufficient financial value blocked from TWITTER INTERNATIONAL UNLIMITED COMPANY and X BRASIL INTERNET LTDA, to pay the daily fines applied, made it necessary to establish solidarity with the "de facto economic group", led by ELON MUSK, and which operates in Brazilian territory, for the purposes of effective and full compliance with the court orders of the BRAZILIAN JUSTICE, as there is no doubt that the disrespect for the court orders of this SUPREME COURT were directly determined by its majority foreign shareholder and controller of all these companies: ELON MUSK.

The economic group de facto led by ELON MUSK, operating in national territory, includes, among other companies, X BRASIL INTERNET LTDA, STARLINK BRAZIL SERVIÇOS DE INTERNET and STARLINK BRAZIL HOLDING LTDA, directly linked to SPACE EXPLORATION HOLDINGS, LLC, whose share control is held by ELON MUSK, who holds 50.5% of its shares, with 78.7% of the voting shares belonging to him, as demonstrated in the statement from the *Federal Communications Commission*, obtained at the electronic address <https://fcc.report/IBFS/SAT-MOD-20181108-00083/1569858.pdf>.

As stated in the Commercial Board of the State of São Paulo (JUCESP), STARLINK BRAZIL HOLDING LTDA has, as its sole partner, the legal entity STARLINK HOLDINGS NETHERLANDS BV, DOCUMENT: 39333518000 (HEAD OFFICE: BURGEMEESTER STRAMANWEG 122, 1101 EN, AMSTERDAM, NETHERLANDS.)

The Director of STARLINK BRAZIL HOLDING LTDA is **VITOR JAMES URNER** (Brazilian nationality, CPF: 535.966.178-04, RG/RNE: 43827317), as Administrator and Representative of STARLINK HOLDINGS NETHERLANDS BV and STARLINK HOLDINGS

NETHERLANDS BV, signing for the company.

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STARLINK BRAZIL HOLDING LTDA is the sole shareholder of STARLINK BRAZIL SERVIÇOS DE INTERNET LTDA (CNPJ 40.154.884/0001-53), whose Administrator **is also VITOR JAMES URNER**, in addition to CYNTHIA BASTOS URNER (Brazilian nationality, CPF: 299.659.958-69, RG/RNE: 32869528-2). The corporate purpose of this latter company is satellite telecommunications, specialized retail trade of telephony and communication equipment, repair and maintenance of communication equipment, providers of access to communications networks, and other telecommunications activities not previously specified.

On 10/20/2022, STARLINK BRAZIL SERVIÇOS DE INTERNET granted power of attorney to (I) - JONATHAN HOFELLER, holder of identification document (ID) no. d8723058; AND (II) - BIANCA REINHARDT, holder of identification document (ID) no. f8703266, both with offices at 1 ROCKET RD, HAWTHORNE, CA, 90250, UNITED STATES OF AMERICA, acting individually, to enter into agreements with suppliers and customers on behalf of the company, without limitation of term or amount, in accordance with clause 8 of the company's articles of association. **JONATHAN HOFELLER, at the time of the power of attorney, was the Vice President of Commercial Sales of SPACE X.**

In Brazil, Act 2,174, of February 7, 2022, of the National Telecommunications Agency, granted SPACE EXPLORATION HOLDINGS, LLC, a company incorporated under the laws of the State of Delaware, United States of America, the Right to Explore, in Brazil, the Starlink non-geostationary satellite system, composed of 4,408 (four, four hundred and eight) satellites, for the term until March 2027 and established that the legal representative of SPACE EXPLORATION HOLDINGS, LLC in Brazil, with regard to the Starlink non-geostationary satellite system, will be STARLINK BRAZIL HOLDING LTDA, CNPJ no. 39,523,686/0001-30), a company incorporated under Brazilian laws, with headquarters and administration in the Country.

In the administrative process that culminated in the publication of Act 2,174, the total connection between SPACE EXPLORATION HOLDINGS, LLC and the

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STARLINK BRAZIL HOLDING LTDA. is fully demonstrated.

In the Application for Granting and Licensing signed on 5/7/2021 by **VITOR JAMES URNER**, the form containing simplified technical information related to the satellite system is included as Annex 2. In the General Information of the Application, STARLINK indicates who will be the operator of the satellite: SPACE EXPLORATION HOLDINGS, LLC:

“General Information of the Request

The company Starlink Brazil Holding Ltda. requests the Right to Satellite Exploration, highlighting the data below.

Satellite Operator: Space Exploration Holdings, LLC

Legal representative (if the satellite is foreign):

Starlink Brazil Holding Ltda. (page 6)”.

There is also a document that contains the SPACE X stamp, where the STARLINK applies for the right to operate a foreign satellite for the SPACE X:

“Starlink Brazil Holding Ltda. (Starlink) is pleased to request the National Telecommunications Agency (ANATEL) to grant the Foreign Satellite Exploitation Right to Space Exploration Holdings, LLC (SpaceX), for the Starlink NGSO satellite system, associated with filings STEAM-1 in Ku-Band, and STEAM-2 and STEAM-2B in Ka-Band, in order to provide service in Brazil. Specifically, the SpaceX system, characterized in filing STEAM-1: CR/C/3739 MOD-5 with the International Telecommunication Union (ITU), meets the requirements for obtaining Foreign Satellite Exploitation Right in Brazil, as indicated in ANATEL Resolution 220/2000.

SpaceX is actively launching its Starlink constellation of 4,408 NGSO satellites and has deployed over 1,300 satellites to date. At our current aggressive deployment pace, we expect to have sufficient coverage to begin broadband connectivity in Brazil as early as Q3.

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of 2021.

The Starlink system is optimized to provide high-speed broadband services directly to end users, whether they are residential, small or large businesses, or institutional users such as schools or hospitals, especially those in rural and remote areas of Brazil. We have already begun beta testing of the Starlink service in the United States, Canada, the United Kingdom, Germany, Australia and New Zealand, with additional international launches planned in the coming months. The Starlink system was authorized in March 2018 by the Federal Communications Commission (FCC) of the United States, a member of the World Trade Organization (WTO), and amended in December 2019 and in April 2021. The STEAM-1 filing includes the Ku-band frequencies for both downlink and uplink end-user communications links, and are administered in the ITU by the Notifying Administrations of Norway and the United States, under a group established under item 9.6.1 of the ITU Radio Regulations. As published in IFIC 2920, the ITU Radiocommunication Bureau examined and considered favourably a modification, CR/C/3739 MOD-5, maintaining the original filing date of 27 December 2014.

(...)

With Starlink broadband services soon available in Brazil, SpaceX respectfully requests ANATEL's proper review and approval of this request for Foreign Satellite Exploration Rights Conference for the Starlink NGSO system, associated with the STEAM-1, STEAM-2 and STEAM2B filings. In the attachments to this request, we provide the requested information in accordance with the requirements established in ANATEL Resolution 220/2000.

SpaceX appreciates ANATEL's consideration of this request (FL. 3).

This document was signed on May 6, 2021 by Vitor James Urner, Director of STARLINK BRAZIL HOLDING LTDA.

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The relationship of belonging to the same economic group as X BRASIL, STARLINK BRAZIL HOLDING LTDA and STARLINK BRAZIL INTERNET SERVICES with SPACE X, **all under the command of ELON MUSK**, is proven, and is even a notorious and public knowledge fact, as widely reported by the press:

South African billionaire Elon Musk is in Brazil for a series of commitments with the Jair Bolsonaro government, including an announcement of the launch of the low-orbit satellite broadband service, Starlink, for disconnected schools, although the terms of the partnership have not yet been disclosed. The businessman, owner of SpaceX, Tesla and, potentially, Twitter, arrived this Friday, the 20th, in a private plane, in the city of Porto Feliz, in the interior of São Paulo.

Despite the location, the Minister of Communications, Fábio Faria, says that the announcement will be related to connectivity in the Amazon. According to a press release, the government is expected to announce "Federal Government actions aimed at the use of advanced technology for the preservation of the Amazon rainforest, with monitoring of deforestation and illegal fires."

Faria said on Twitter that he will also address "regulatory frameworks, regulation in the Amazon and connectivity in schools." Musk himself said on the social network that he intends to acquire that he is "super excited to be in Brazil for the launch of Starlink for 19,000 disconnected schools in rural areas and environmental monitoring in the Amazon."

There is still no mention of a contract or drafting of a public notice for the provision of the service through a public-private partnership, including the issue of forest area monitoring. It is worth remembering that the government already uses ViaSat services for the Gesac program, through Telebras' geostationary defense and communication satellite (SGDC), and with the possibility of contracting services for the future ViaSat-3, which should be launched later this year. In addition, disconnected schools

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are also a central theme of public policies for the use of Fust resources and commitments in the 26 GHz band of the 5G auction. In an institutional video in English, the MCom mentions the WiFi Brasil program, with antennas branded by Gesac and Telebras.

Starlink already has authorization to operate in Brazil, granted at an extraordinary meeting of Anatel node
end of January this year. In March, after a request for access to documents through the Access to Information Law (LAI), the website Brasil de Fato published an exchange of messages between representatives of the Ministry of Communications and SpaceX, indicating pressure from the company to speed up the authorization of the service in the country by Anatel. In the agency's electronic system, the last two processes related to Starlink are censored as "restricted access"

(<https://teletime.com.br/20/05/2022/elon-musk-e-governo-bolsonaro-anunciam-parceria-para-utilizar-a-starlink/>)

"Elon Musk's attacks against the Supreme Federal Court in recent days have publicly rekindled an old relationship between the businessman and the Brazilian far right.

The government of Jair Bolsonaro (PL) approached the billionaire and facilitated the arrival of Starlink, Musk's company that offers satellite internet, to the Brazilian market. The connection offered by the company is offered to illegal miners, as Brasil de Fato showed.

The report found that the same WhatsApp profiles that resell Starlink internet were advertising, in 2023, the purchase of gold and cassiterite illegally extracted from the Yanomami Indigenous Land, in Roraima. Those involved are therefore part of the illegal mineral trading chain.

Starlink's entry into the Brazilian market was marked for irregularities. The company arrived in the country with the promise of providing internet to 19 thousand schools in remote areas of Brazil, such as the Amazon, which was not fulfilled.

In 2022, Brasil de Fato revealed that Jair's government

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Bolsonaro interfered with the National Telecommunications Agency to authorize the operation of the company's satellites in Brazilian territory.

The approval was granted by Anatel on January 22, 2022, at the beginning of the last year of Bolsonaro's government. Months later, in a hearing in the Chamber of Deputies, then-Communications Minister Fábio Faria admitted to having acted to speed up the Agency's operations. He stated, however, that he did not only act in favor of Musk's company, but also lobbied for other companies in the sector.

In another chapter of relations between Musk and the Bolsonaro government, the former secretary of the Ministry of Communications who admitted to having made contact with Anatel was elevated to the position of member of the Board of Directors of the regulatory agency in April 2022.

At the time of its implementation in the country, Starlink's business model violated Anatel regulations and the Consumer Protection Code. The company did not inform customers of its address or corporate name, which violates the Agency's rules. The information was published in September 2022 by Folha Paulo.

of S.

<https://www.brasildefato.com.br/2024/04/08/relembre-internet-de-musk-chegou-ao-brasil-marcada-por-irregularidades-e-foi-usada-por-garimpeiros-na-ti-yanomami>

“The President of the Republic, Jair Bolsonaro, met today (20) with businessman Elon Musk, owner of Tesla and Starlink, in the interior of São Paulo. At the meeting, they discussed a partnership between the Brazilian government and the sub-orbital connectivity company Starlink.

According to Musk, the reason for the visit is to enable the connection of 19 thousand Brazilian schools using the system. internet satellites. In addition, Starlink will also assist in environmental monitoring of the Amazon.

Communications Minister Fábio Faria, who also participated in the meeting, said that the Starlink satellite could

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contribute to the preservation of the forest by monitoring deforestation. Its satellites are 550 km from Earth.

The satellite can inform us that there was a chainsaw there and the government will check whether it is a place where there is legal or illegal deforestation, said the minister in a press conference.

Bolsonaro confirmed that Musk's satellites will be able to help the federal government identify fires. This participation will help us preserve it [the Amazon], he said.

The president also said that he had made the Alcântara base available to Elon Musk for use by SpaceX, an aerospace company also controlled by the billionaire. "The Alcântara launch base is available, as discussed between him and the Air Force commander," Bolsonaro said.

In addition to monitoring the Amazon, Musk also proposes offering broadband internet in the country in rural or hard-to-reach areas. And his dream is to help education by connecting schools in rural areas, said Minister Fábio Faria.

This was the second meeting between Fábio Faria and Elon Musk. Previously, they had already discussed this topic at a meeting in the United States.

Bolsonaro also spoke with Musk about the businessman's purchase of Twitter. "I just finished talking to him. I called him the myth of freedom after he bought Twitter. This demonstrates the freedom of the press that we have always defended, wanted and desired. Total freedom," said the president.

Asked whether the satellites could not give Musk privileged information of national interest, Faria denied it.

"The satellites are there, what we want is for all the information they already have, that they possess, to be able to share with the government. They are the ones who are giving up their sovereignty to us," explained the minister.

<https://agenciabrasil.ebc.com.br/geral/noticia/2022->

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05/president-bolsonaro-meets-businessman-elon-musk-in-sao-paulo

“Among other businesses that billionaire Elon Musk has in Brazil, in addition to the social network X (formerly Twitter), is the satellite internet company Starlink. It is the second most accessed satellite broadband company in Brazil, according to data from the National Telecommunications Agency (Anatel), with 149,615 subscribers.

The total number of satellite internet subscribers in Brazil is 398 thousand, according to Anatel. In other words, Starlink has 37.6% of the total subscribers of this modality, which promises high-speed internet in remote locations.

Musk's company has contracts with the federal government and has been authorized to operate in Brazil since February 2022. Starlink's entry occurred during the government of Jair Bolsonaro (PL) and focuses on bringing internet access to the Amazon region.

Elon Musk attacked the decisions of Supreme Court Justice Alexandre de Moraes on X and threatened to disregard court orders by reactivating profiles of users blocked by the courts. He said he would do so even if it meant closing the company in Brazil and harming its profits.

On Tuesday (9), Moraes denied a request from the X network in Brazil for responsibility for the measures determined by the Brazilian courts to be placed on X International. For the minister, the request "borders on bad faith litigation".

Musk came to Brazil and met with Bolsonaro at an event in May 2022 in the interior of SP. In this
At the meeting, a project was announced to bring internet to schools in rural areas of the country and to monitor the Amazon, but no partnership came to fruition.

The information is contained in the government's responses to three letters with questions from federal deputies

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forwarded to the Planalto Palace. At the time, , the Ministry of Communications said that if g1 if any agreement is signed, it will be in a "legal and transparent", following the legislation on tenders and contracts administrative.

At the time, Musk even said that the project would connect 19 thousand schools in rural areas and monitor the Amazon, however, no explained would do <https://g1.globo.com/politica/blog/julia-duailibi/post/2024/04/09/internet-via-satelite-da-starlink-empresa-de-elon-musk-ea-segunda-mais-acessada-no-brasil.ghtml> that.

“Billionaire Elon Musk's meeting with the president of Republic, Jair Bolsonaro, scheduled for this Friday (20), in the interior of São Paulo, involves a project by Starlink, a company Musk, to operate low-orbit satellites in Brazil.

The Minister of Communications, Fábio Faria, had a meeting with Elon Musk in December last year to discuss the project.

According to the minister, the federal government wants to use low-orbit satellites to bring internet to rural areas and remote places, as well as helping to control fires and illegal deforestation in the Amazon rainforest.

On Friday morning (20), Musk said, in a Twitter post, being excited about the meeting. "Super excited to be in Brazil for the launch of Starlink for 19,000 schools disconnected in rural areas and monitoring environmental of the Amazon!" he said in the post.

Starlink internet, according to information from company, works by sending information through the vacuum of space, where it moves faster than in cables. fiber optics, which makes it more accessible to more people and places.

Satellite constellation

According to Starlink, while most services Current satellite internet is made possible by satellites

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simple geostationary satellites that orbit the planet at an altitude of about 35,000 km, Starlink is a constellation of several satellites that orbit the planet at a closer distance to Earth, at about 550 km.

Since they are in low orbit, the time it takes to send and receive data between the user and the satellite - the latency - is much lower than with satellites in geostationary orbit, the company says.

Starlink's exploration rights in Brazil should be valid until 2027." until

<https://gauchazh.clicrbs.com.br/tecnologia/noticia/2022/05/entenda-o-que-e-o-projeto-que-envolve-satelites-de-elon-musk-operando-no-brasil-cl3ehh5bm001401ghkahx626i.html>

X BRASIL, STARLINK BRAZIL HOLDING LTDA and STARLINK BRAZIL SERVIÇOS DE INTERNET constitute, in national territory, together with SPACE X (foreign), what in our legal system is called a “de facto economic group”, because, although without an express formal agreement, and even though they are autonomous and distinct business companies, they operate under the same coordination and command of ELON MUSK and with absolutely convergent objectives.

The situation of these companies is exactly what TÉRCIO points out SAMPAIO FERRAZ JUNIOR, Full Professor at the University of São Paulo Paulo, as necessary to characterize the so-called “de facto economic group”, when teaching that:

“in terms of the constitution of an economic group, the notion of dominant influence gains its due importance here.

In fact, dominant influence, the power of an economic agent to influence the economic planning of another economic agent, is, in this sense, a notion that is both broader and more restricted than the strict notion of control in corporate law, which is important for the configuration of an economic group in fact (...)” (Economic Group: Implications of Competition Law in Corporate Law and its

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Repercussion on Labor Law in Current Issues in Law,
Malheiros Editores, São Paulo, 2008, p. 355).

The joint and several liability of companies that are part of the same economic group is in fact recognized in Brazilian law in the legislation itself, with regard to labor liabilities (Consolidation of Labor Laws, art. 2, paragraph 2), as well as by the settled case law of the SUPERIOR COURT OF JUSTICE, in the context of Civil Law (AgInt in Aresp 2,344,478/SP, Rel. Min. Raul Araújo, Fourth Panel, DJe of 11/21/2023) and Tax Law (REsp n.

1,808,645/PE, Rel. Min. Herman Benjamin, Second Panel, tried on 6/13/2023, E-DJ of 6/28/2023).

It should also be noted that, under the terms of art. 50 of the Civil Code, it is possible to redirect the execution to a legal entity that is part of the same economic group as the business corporation originally executed.

This is the well-known figure of **disregard of the legal entity**, defined by the SUPERIOR COURT OF JUSTICE as an institute by which the existence of the legal entity is ignored in order to hold its members liable for the consequences of legal relationships involving it, distinguishing its nature from the contractual corporate liability of the company's partner (REsp No. 1,141,447/SP, Rel. Min. Sidnei Beneti, Third Panel, decided on 02/08/2011, DJe of 04/05/2011), being necessary to combat illicit practices, since, as explained by the CITIZENSHIP COURT, "abuses in the use of the legal personality justified, in a slow evolution of jurisprudence, later incorporated into Brazilian positive law, the classification of hypotheses in which the lifting of the veil of the legal personality is authorized to reach the assets of partners who fraudulently took advantage of it for illicit purposes", as evident in the present hypothesis (EResp No. 1,306,553/SC, Min. Rel.

Maria Isabel Gallotti, Second Section, decided on 12/10/2014, E-DJ of 12/12/2014. See also: REsp no. 1,965,982/SP, Rapporteur Min. Ricardo Villas Bôas Cueva, Third Chamber, decided on 4/5/2022, E-DJ of 4/8/2022; REsp no. 1,900,843/DF, Red. P/Judgment Min. Ricardo Villas Bôas Cueva, Third

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Class, tried on 5/23/2023, E-DJ of 5/30/2023, REsp no. 1,860,333/DF, rapporteur Minister Marco Buzzi, Fourth Chamber, tried on 10/11/2022, DJe from 10/27/2022)

In view of this, the existence of a “de facto economic group” is established. between X BRASIL INTERNET LTDA, STARLINK BRAZIL HOLDING LTDA and STARLINK BRAZIL INTERNET SERVICES, I determined the joint and several liability of all companies for the fulfillment of daily fines for disobeying court orders

Also as highlighted previously, ELON MUSK, THE TWITTER INTERNATIONAL UNLIMITED COMPANY (CNPJ nº 15.493.642/0001-47), TI BRAZIL HOLDINGS LLC (CNPJ no. 15,437,850/0001-29) and X BRASIL INTERNET LTDA. (CNPJ no. 16,954,565/0001-48) were summoned to indicate, in 24 (twenty-four) four) hours, the name and qualifications of the new legal representative of X BRAZIL in national territory, duly proven with JUCESP, under penalty of IMMEDIATE SUSPENSION OF ITS ACTIVITIES ON SOCIAL MEDIA, pursuant to article 12, section III, of Law no. 12.965/14.

As certified by the Judicial Secretariat, despite duly notified, AFTER THE PERIOD OF 24 (TWENTY-YEAR) FOUR) HOURS FIXED, again, they disrespected the order judicial, once again ignoring the Brazilian Judiciary:

I certify that, as of 8:08 p.m., there was no demonstration of Mr. Elon Musk as well as TWITTER companies INTERNATIONAL UNLIMITED COMPANY, TI BRAZIL HOLDINGS LLC and X BRASIL INTERNET LTDA, in relation to electronic summons on fls. 1282.

Brasilia, August 29, 2024.

Judicial Secretariat

(Document digitally signed)

The application of a daily fine to company X BRASIL, the decree of solidarity for the payment of the total amount between all

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companies of the “de facto economic group”, led by ELON MUSK and the summonses for the appointment of a new legal representative operating in Brazil proved to be TOTALLY USELESS, as disobedience to court orders continues to this day, making it necessary to apply the most serious measure.

In this sense, the opinion of the Honourable ATTORNEY GENERAL OF REPUBLIC, Professor PAULO GONET:

“The defendants ELON MUSK, TWITTER INTERNATIONAL UNLIMITED COMPANY, TI BRAZIL HOLDINGS LLC and X BRASIL INTERNET LTDA. have failed to comply with court decisions.

There is no doubt that the defendant received the notices addressed to him. On the very evening of August 29, he issued a statement informing, in summary, that he would not comply with the court order issued the previous day. Furthermore, the publication on X of impudent posts reproduced in the records is regrettable evidence of this.

Finally, there was a judicial order issued by the highest court in the country, which imposed sanctions for disobedience. There was no compliance; more than that, the transgression was announced.

A court order may be subject to appeal, but not to blatant disregard. Compliance with orders from the Judiciary is an essential requirement of civility and a prerequisite for the possibility of a State governed by the rule of law. The behavior of breaking basic rules of conduct in society that is evident in the records becomes even more bizarre when one takes into account the news published *online* today by UOL/Folha de São Paulo that “the businessman has complied, without complaint, with hundreds of orders to remove content from the governments of India and Turkey.”

The requirements for the full application of the measures announced as a consequence of the non-compliance with the orders issued by the Supreme Federal Court have been met. There is nothing to prevent their application.”

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IN VIEW OF ALL THE ABOVE, given the necessary legal requirements, *fumus boni iuris* – consisting of the repeated, conscious and voluntary failure to comply with court orders and failure to pay the daily fines applied, in addition to the attempt to not submit to the Brazilian legal system and Judiciary, to establish an environment of total impunity and “lawless land” on social networks as well as

Brazilians, including during the 2024 municipal elections, the *periculum in mora* – consisting of the maintenance and expansion of the instrumentalization of X BRAZIL, through the action of extremist groups and digital militias on social networks, with massive dissemination of Nazi, racist, fascist, hate speeches, anti-democratic speeches, including in the period leading up to the 2024 municipal elections,

I DETERMINE:

(1) IMMEDIATE, COMPLETE AND INTEGRAL SUSPENSION OF THE OPERATION OF “X BRASIL INTERNET LTDA” in the national territory, until all court orders issued in these proceedings are complied with, fines are duly paid and a legal or natural person representing the company in the national territory is appointed in court. In the case of a legal entity, its administrative representative must also be appointed. The President of the National Telecommunications Agency (ANATEL), CARLOS MANUEL BAIGORRI must be notified, including by electronic means, to

IMMEDIATELY take all necessary measures to implement the measure, with this COURT being notified within a maximum of 24 (twenty-four) hours.

(2) THE SUMMONS, to be complied with within 5 (five) days, and must immediately notify the court of the companies:

(2.1) APPLE and GOOGLE in Brazil to insert

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technological obstacles capable of making it impossible for users of the IOS (APPLE) and ANDROID (GOOGLE) systems to use the “X” application and remove the “X” application from the APPLE STORE and GOOGLE PLAY STORE stores and, similarly, in relation to applications that enable the use of VPN ('virtual private network'), such as, for example: Proton VPN, Express VPN, NordVPN, Surfshark, TOTALVPN, Atlas VPN, Bitdefender VPN; (2.2) Which manage backbone access services *in* Brazil, so that they insert

technological obstacles in them capable of making it impossible for users of the “X” application to use;

(2.3) Internet service providers, represented by their Presidents, for example ALGAR TELECOM, OI, SKY, LIVE TIM, VIVO, CLARO, NET VIRTUA, GVT, etc..., so that they insert technological obstacles capable of making the use of the application “X” unfeasible; and (2.4) That manage personal mobile service

and switched fixed telephone service, so that they insert technological obstacles capable of making the use of the application “X” unfeasible;

(3) THE APPLICATION OF A DAILY FINE of R\$50,000.00 (fifty thousand reais) to individuals and legal entities that engage in conduct involving the use of technological subterfuges to continue communications carried out by “X”, such as the use of VPN ('virtual private network'), without prejudice to other civil and criminal sanctions, in accordance with the law.

Intimate ELON MUSK, “TWITTER INTERNATIONAL UNLIMITED COMPANY” (CNPJ nº 15.493.642/0001-47), “TI BRAZIL HOLDINGS LLC” (CNPJ nº 15.437.850/0001-29), “X BRASIL INTERNET LTDA.” (CNPJ nº 16.954.565/0001-48), “STARLINK BRAZIL HOLDING

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LTDA.” (CNPJ No. 39,523,686/0001-30) and “STARLINK BRAZIL INTERNET SERVICES LTDA.” (CNPJ No. 40,154,884/0001-53), including by electronic means.

I hereby lift the confidentiality of this decision, making it public.

Let it be done immediately.

IMMEDIATE NOTIFICATION to the Attorney General's Office.

Brasilia, August 30, 2024.

Minister **ALEXANDRE DE MORAES**

Rapporteur

Digitally signed document