

## DUE PROCESS: A CONVERSATION WITH MARIA AUGUSTA RAMOS

Nilo Couret

In August 2016, President Dilma Rousseff of Brazil was formally removed from office by the Brazilian Senate following a protracted legal process that began with a petition in the lower Chamber of Deputies the preceding winter. The petition accused President Rousseff of *pedaladas fiscais*—an accounting practice that transfers fiscal obligations into the future to pump up the economy and disguise public deficits. More particularly, opponents alleged that the president used state-run banks to temporarily fund the government's regular expenses, in violation of the country's Fiscal Responsibility Law.

This accusation reflected a power grab that must be understood in the context of the era, including the contested elections of 2014 in which Rousseff eked out a win, and the toxic climate around *Operação Lava Jato* ("Operation Car Wash"), an ongoing criminal investigation into the largest corruption scandal in Latin America. To date, it has implicated forty-eight current and former legislators, including former president Luiz Inácio Lula da Silva and the former president of the Chamber of Deputies, Eduardo Cunha. Before being suspended for allegedly taking bribes himself, Cunha led the movement to impeach Rousseff and presided over the session at which a two-thirds majority in the Chamber of Deputies voted to allow the impeachment proceedings to move to the next stage: a trial and a final decision in the Senate.

The recent documentary by Brazilian filmmaker Maria Augusta Ramos, *O Processo* (*The Trial*, 2018), opens on that fateful day, April 11, 2016, when the Chamber of Deputies voted in favor of impeachment. Along with drone shots of the Palácio do Congresso, Ramos uses footage broadcast on public television to piece together some of the theatrics of the deputies. Her prologue ends with now-president Jair Bolsonaro's notorious peroration dedicating his vote to the



Maria Augusta Ramos.

memory of Colonel Carlos Brilhante Ustra, who was a notorious torturer under the dictatorship during which Dilma Rousseff was a political prisoner. *O Processo* then delves into the next step in the impeachment process: the trial in the Senate. In the spirit of Robert Drew's *Primary* (1960), and using an observational approach, Ramos follows the senators through a veritable courtroom drama. After its festival premiere in Berlin in February 2018, the film opened to much acclaim and commercial success in Brazil. *O Processo* debuted in the top ten at the domestic box office in May 2018 and has been one of the highest-grossing national films of the year.

In *O Processo*, the filmmaker engages with enduring themes and subjects from her twenty-year career. Ramos returns to Brasília, the site of her first documentary feature, *Brasília, Um Dia em Fevereiro* (*Brasília, One Day in February*, 1995). *O Processo* cannot help but recall her earlier film, because they share a soundscape: the voices echoing inside the city's famous concrete buildings and, outside, the signature droning of *cigarrais* (cicadas) of Brasília.

In the spirit of the traditional city symphony, *Brasília* depicted a day in the life in the capital city through the rhythmic montage of its landscape and its residents' itineraries. *O Processo* shares this concern for the everyday; some of its

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Crowds gather outside Brasília's Palácio do Congresso Nacional, the location of Rousseff's trial, in *O Processo*.

more remarkable moments occur outside the courtroom, when defense attorney José Eduardo Cardozo stands for a photograph or prosecutor Janaína Paschoal drinks from a carton of chocolate milk. Both films slowly populate the landmarks with their characters as Ramos uses ambient sound and stolen snippets of conversation to make spectators into eavesdroppers.

Beyond sharing a setting, both films show the influence of Ramos's training at the Netherlands Film and Television Academy. However, unlike her Brazilian documentary contemporaries, from João Moreira Salles to Carlos Nader and Eduardo Coutinho, Ramos avoids nondiegetic music, voice-over narration, interviews, and testimonies. She also

departs from the autobiographical and archival turn of contemporary Brazilian documentary, as in the works of Eryk Rocha and Lúcia Murat, preferring a reflective study of the present that recalls the immediacy of the vintage Cinema Novo work of such luminaries as Leon Hirszman and Vladimir Carvalho.

The meticulous account of judicial proceedings in *O Processo* resonates with Ramos's well-known "Justice Trilogy," which delved into the criminal justice system through the uncompromising observation of its institutions. Notably, *Justiça* (Justice, 2004) follows a very different sort of trial—that of accused car thief Carlos Eduardo. Each segment in *Justiça* follows a different character in the drama—the accused, the





A worker in Ramos's 2013 documentary *Futuro Junho*.

judge, the prosecutor, the defense attorney—to slowly expose an overextended criminal justice system.

Like Frederick Wiseman, Ramos uses institutions to reveal the workings of power behind the surfaces of everyday life. The second film in the trilogy, *Juízo* (*Behave*, 2007), reenacts juvenile criminal proceedings in order to survey the juvenile justice system. Although the staged reenactments were partly a function of necessity—Brazilian law protects the identity of juveniles—the director uses the conceit to explore what she calls the “theater of justice.” *O Processo* shares this interest in the performative dimensions of institutional power, although in Rousseff’s case the theater of justice cannot be disarticulated from the theater of politics.

In recent years, Ramos left the courtroom but retained her focus, visiting the communities most affected by the criminal justice system, especially during the years of preparation for the World Cup and the Olympic Games. For the final film in the “Justice Trilogy,” *Morro dos Prazeres* (*Hill of Pleasures*, 2013), she examines how the eponymous favela coped with the introduction of what was called the Pacifying Police Unit, a cadre of police officers that sought to reclaim territories controlled by the drug trade. This controversial community policing program was a cornerstone of the city’s Olympics bid, but its early successes were short-lived. The looming economic crisis and the disappearance and torture

of Amarildo de Souza from the Rocinha favela exposed the police brutality and underfunded social programs that contributed to the so-called Brazilian Spring—an unprecedented wave of street protests that erupted in June 2013. More than one million Brazilians protested a variety of grievances, including rising public-transportation costs, crumbling infrastructure, corruption scandals, and government spending on the upcoming mega-events, setting off the chain of events that contributed to Rousseff’s impeachment and perhaps even the results of the 2018 presidential election.

These political developments led Ramos to depart from her analyses of institutions. Her follow-up to the trilogy, *Futuro Junho* (*Future June*, 2013), follows four residents of São Paulo from different socioeconomic classes during the weeks leading up to the World Cup in order to explore the lasting impact of the Brazilian commodities boom of the 2000s. *Futuro Junho* thus anticipates *O Processo*, since both films delve into the consequences of the country’s economic boom, the thwarted promise of the Brazilian Spring, and the subsequent decline of Brazilian economics and democracy.

*O Processo* chronicles the “parliamentary coup” against a sitting president and provides a historical account in the same vein as Patricio Guzman’s *La batalla de Chile* (*The Battle of Chile*, 1975–78), which documented in real time the military coup that overthrew Salvador Allende in 1973. Unlike the

militancy of her New Latin American Cinema precursor, however, Ramos's political engagement combines an observational approach with institutional analyses in order to meditate on the forms of power that have shaped Brazil since its return to democracy in the 1980s and the implementation of the *Plano Real* in 1994.

"A atividade do processo penal é uma atividade de busca da verdade." ("The work of the judicial process is the pursuit of truth.") Ramos's documentary ethos seems guided by this imperative, spoken by a progressive judge in *Justiça*. Documentary shares an affinity with forensic discourse when its purpose is truth-telling in the service of justice. In a contemporary moment when fake news affects political campaigns, *O Processo* feels all the more urgent. (Mere days before the second round of the presidential elections in Brazil, *Folha de São Paulo* published a special report on business leaders who paid large sums to digital marketing agencies to send misleading messages on social media in support of Bolsonaro.) Her film was released in Brazil on the eve of the 2018 presidential election, which brought the far-right candidate and apologist for the military dictatorship, Jair Bolsonaro, to power. *O Processo* thus serves as a prescient reminder of the vulnerability of the world's democratic institutions as well as a *cri de coeur* for accountability and justice.

**NILO COURET: You open *O Processo* on the day of the vote in the lower Chamber of Deputies, and yet the film follows the process in the Senate. What was the genesis of the film, and why follow the process through the Senate?**

MARIA AUGUSTA RAMOS: The first part of the film takes place in the Chamber of Deputies because I got to Brasília and started filming only seven or eight days before the vote in the Chamber. I hadn't shot that much material to really elaborate this first step of the impeachment process. It was natural then to focus on the second step of the process—the trial in the Senate.

I felt an urgency to document the impeachment process to understand what was going on, what the charges were, and why she [Rousseff] was being accused of a *crime de responsabilidade* (that is, violating the Fiscal Responsibility Law). I thought it was a very confusing situation. Since then, I've learned it was meant to be confusing because there was no real crime.

I was very much interested in the judicial political process as a type of courtroom drama, and through that courtroom drama, I wanted to reflect on that historical moment in Brazil. Through the impeachment process, new figures like Bolsonaro and Janaína [Paschoal] have entered Brazilian

politics. They have caused such a deep change in Brazilian politics, but their emergence has its origins in the impeachment process. I wanted to look at these political transformations and what these new players had to say—not only their language and rhetoric, but also their gestures and appeals. Theirs is a fascist appeal, a nationalistic patriotic appeal, a xenophobic appeal, and I was trying to understand how they rework these old ideologies.

**COURET: The concept of theater, be it the theater of justice or the theater of politics, is something that you explore in many of your documentaries. In *O Processo*, how did you go about discovering and building the players in this courtroom drama?**

RAMOS: The films are very much based on their personalities, what happens to them in their everyday lives, how they interact with their families, their environments, and their social institutions. I use them as guides for the viewers so they can discover a certain reality or certain universe. . . . I reveal the character both as individual and as social and political agent.

In my previous films, I did research by going into each space without the camera and speaking with the different parties because I really wanted to get to know them and they needed to get to know me. It's a give-and-take relationship. I have to listen to them and give them something so they can trust me. I have to establish some sort of friendship. In the case of *Justiça* and *Juízo*, I visited several courtrooms before production. The courtrooms are public, so I could go whenever I needed. After several visits, I approached the judges and defense attorneys I thought were more interesting and asked whether they would be interested in participating in a documentary.

*O Processo* was very difficult because I didn't know anybody. I didn't know the senators, the ministers, or the president. I just decided to go to Brasília. Instead of finding the characters through my research, I had to discover the characters as I was filming. Fortunately, I had some friends in the judiciary that I had met through my earlier films, and they helped me get in touch with representatives from the Worker's Party [PT].

**COURET: The courtroom-drama genre also dictates who the characters will be. How did you get access to these *bastidores* [backstage spaces]? Were there other spaces to which you didn't have access or where you were restricted in what you could do?**

RAMOS: In terms of the *bastidores* and closed-door meetings, there were no spaces where I was restricted. I had made three films within the justice system, and those films were quite





Courtroom drama: Rousseff on trial in *O Processo*.

well known in Brazil, particularly by legal advisers and by law professors who use my films in law school with their students. The legal advisers to the senators thought it was important to have a portrait of the impeachment process from the point of view of the left. They felt the narrative against impeachment was not being talked about in the mainstream media. Those advisers spoke to the senators on my behalf.

On the “main stage” in the courtroom, we had authorization to film everything that had to do with impeachment: namely, the committees and the plenary. Sometimes I couldn’t get a good shot of the senator who was speaking so I used the coverage from TV Senado [Brazil’s C-SPAN]. Most of the footage I used, however, I filmed with one small Sony camera. In the committee rooms, we had certain constraints. We couldn’t use a tripod and had to use a monopod. We had to remain at the very end of the room in the media pool with other photographers and cameramen, and were allowed to approach the bench from the side to move closer to the senators by taking turns with other representatives from the media.

**COURT:** You had 450 hours of material. What was the editing process like? You’ve been working with your editor, Karen Akerman, since *Morro dos Prazeres*. Did *O Processo* present any new challenges?

RAMOS: Karen is a great editor and somebody who really understands me and my work and thinks very similarly about cinema. To a certain extent, she and I have the same approach to editing and filming, particularly the questions of rhythm and the ethics of documentary. For *O Processo*, we worked for seven hours a day, every day, for six months. Before we started editing, it took me a while to process everything that had happened and to think about the material and characters I had.

After Dilma’s impeachment in August 2016, I began editing as soon as I could, in March 2017. At the end of May 2017, when we were still in the early stages of the editing process, [President Michel] Temer was denounced by the attorney general. I decided to go to Brasília to follow up because I thought something would happen and that Temer would be compelled to resign. Of course, he didn’t resign,



Former President Lula attending Rousseff's trial.

and Congress neither forced his resignation nor allowed the Supreme Court to bring him to trial. I included that footage in the epilogue, when it became clear how a bunch of corrupt people had wrested power from an honest president.

When Temer's case was not forwarded to the Supreme Court, it became clear that there had been a coup and Rousseff's removal had little to do with fighting corruption. I filmed the protests in 2017 and went back to editing. We made an additional set of changes to the film after its premiere in Berlin because former President Lula was then sentenced to prison by [Sérgio] Moro.

**COURET: How would you characterize your approach to cinema and rhythm? *O Processo* is longer than any of your earlier films. How did you and Karen Ackerman approach the footage and sustain the film's pace?**

RAMOS: I like to give my audiences space to infer, to think, to reflect. Giving viewers space also means giving them the time to look at people and their gestures, to really pay attention to their body language, how they speak and what they say, to get involved with the characters. I always try to dedramatize the events. They are already dramatic enough, and I try to create a distance which promotes reflection. It's a paradox because the form of film—the camerawork, the editing, the sound—promotes a distance at the same time that the events draw viewers in, and they start getting closer to the characters. In terms of rhythm, the events occur faster than many of my previous films because those hearings were very chaotic. It was also important to get a feeling for the atmosphere in the courtroom and how conflicts would emerge during the hearing. Karen and I were both concerned with showing how arguments would develop over time.

**COURET: I want to ask about your observational approach, which I think recalls that of Frederick Wiseman. What do you think is the value of the observational approach versus an approach that incorporates interviews and *depoimentos* [testimonies]?**

RAMOS: The interview is not my thing. I find it completely uninteresting. I think certain filmmakers are able to make interesting films with interviews, but I am not interested in people telling me what they think of themselves because I think we don't really know ourselves or each other that well. I'm not going to interview you. I prefer to make a film where you come up to me afterward and say, "I didn't know that about myself but that's also me." During the filming, I pay attention, but there are many things I only discover at the editing table or perhaps even in the theater.

I find it more exciting to film people arguing for or against impeachment than to sit them down and ask, "Tell me why you don't think she [Rousseff] should be impeached." Of course, my approach opens onto larger questions about how to structure the events and how to communicate something that is quite complex without [voice-over] narration and without interviews. My editor and I suffered for six months until we finished assembling the puzzle. *O Processo* is a demanding film. Viewers have to pay attention and listen. But that's what I want in my films.

I won't give audiences something ready-made. I'm interested in life as it unfolds, in how people interact with each other on a daily basis. I'm interested in the small dramas of everyday life, which are always the starting point for my films. *Brasília* and *Desi* (2000) both depict quotidian scenes. *Justiça* is about institutions of criminal justice, but it's also about the private dramas of normal people and their interactions with different parts of the criminal justice system. My work is interested in these mundane interactions as they intersect with the official discourses that determine what can be said and how people can behave. For instance, in *Morro* I wanted to understand the situation in the favela by looking at how these communities were going to interact with a new police force.

**COURET: *Morro* is the last act of your "Justice Trilogy." *O Processo* follows a trial of a different sort, yet it feels like a continuation of your long interest in the administration (and miscarriage) of justice. You've taken your title from the words of Senator Lindbergh Farias when he invokes the Kafka novel *O Processo* [*The Trial*] to characterize the**



**impeachment proceedings. Do you think the way you think about justice has now changed?**

RAMOS: I think the recent developments of the *Lava Jato* investigation have had a huge impact on the justice system in Brazil and have weakened the country's democratic institutions. Judge Moro is making decisions that affect how people look at the justice system in the long term. He's become a sort of a hero, a Robin Hood, who will put corrupt officials in jail, but he's created an atmosphere of paranoia, of suspicion, of witch-hunting. There is a discrediting of politicians and judges, but also a discrediting of the justice system itself.

**COURT: You mentioned that people on the left wanted someone to show the argument against impeachment because it was not being represented in the mainstream media. You seem to have an implicit commentary about the media running through the film, which invites reflection on how to communicate, how to inform, and how to persuade people. What do you think is the relationship of documentary—and especially *O Processo*—to journalism and the mainstream media?**

RAMOS: The media have their function, which is to inform. Documentary has a different function. Documentary gives its viewers the space and time to reflect on something, and this is a completely different function from the media because they do not have the necessary distance to study something, reflect on its implications, and arrive at a finished product. The media cannot begin to understand all the different sides or elements of a particular situation. They can't do that, and a documentary can. The documentary can delve into a situation, a character, or an incident, and start looking at what really happened from different perspectives, and produce a more complex and less reductive picture, a subtle understanding of the whole thing. This is not explaining. Explaining is saying, "This happened because of that." My documentary looks at something not with the intent to explain but to understand.

**COURT: Nonfiction is increasingly available through streaming platforms such as Netflix, which I know you considered as a possible distributor for *O Processo* as a long-form series. In Brazil, most**

**people get their news from television and increasingly from social media. Is there still a place today for the feature-length documentary? What is the value of the theatrical space versus television or streaming?**

RAMOS: I'm a filmmaker, so I like to watch my films on a big screen with lots of people together. Especially this film. When it was released in Brazil, it was really interesting: a lot of people went to see it and they interacted with the film during the screening. Audiences booed Janaína, cheered for Cardozo, or cried for Dilma. The trial was such a painful experience for Brazilians that when they saw it happening again, they couldn't help but make noise during the screening, and in the end, it was a kind of catharsis. Seeing it in the theater was cathartic for me, too. It's interesting to watch it together when you know the other people around you are all feeling the same thing.

**COURT: What has been your experience of screening the film in Europe and the United States? I imagine the film resonates with spectators who don't necessarily know Senator Gleisi [Hoffman, Rousseff's chief of staff] or the Worker's Party.**

RAMOS: Absolutely. Undermining the power of democratic institutions—that's what Trump is trying to do now. In Brazil, when you impeach a president who hasn't committed a crime, that is unconstitutional. You make this process appear pseudolegitimate when it is in fact a farce playing out in a theater of politics.

The trial was a sham that has caused a certain crisis of legitimacy. They weakened democratic institutions in ways that have had unintended consequences; to eliminate an opponent, they undermined the very institutions that were legitimizing them. The recent elections in Brazil are a sign of how these institutions have stopped working. When they talk about upholding the Constitution . . . it's empty performance. It's an emotional, sensationalist gesture that feeds a nationalist and pseudopatriotic feeling, which is fascist. The trial was not about justice, it was not a search for truth. It was designed to make everything confusing and distorted. It's just a downright lie. It's exactly what Bolsonaro does, it's what Trump does.