



**IN DEFENCE
OF FORMER
PRESIDENT LULA**

#StandWithLula



WHILE TRYING TO FIND A CRIME - ANY CRIME - TO CONVICT LULA IN THE COURTS, OPPONENTS OF BRAZIL'S MOST IMPORTANT POLITICAL LEADER ENGAGE IN A TRIAL BY MEDIA, IN THE MOST EXTRAORDINARY DEFAMATION CAMPAIGN AGAINST A PUBLIC FIGURE IN THE HISTORY OF THE COUNTRY.

For more than 40 years in public service, every aspect of former President Lula's life has been thoroughly vetted: political, fiscal, financial and even his personal life. No Brazilian politician has ever been investigated for so long: by the security agents of the dictatorship, the press, his political opponents and, by congressional committees during his two terms.

Despite the false charges that he has suffered, nothing has ever been shown to be wrong with Lula's life because he has always acted within the law - before, during and after having been president of Brazil. Only the dictatorship dared to convict and jail Lula in 1980, under the infamous National Security Law. His crime of "subversion" was fighting for democracy and the rights of workers.

Since the re-election of President Dilma Rousseff, in October 2014, Lula has become the target of a veritable judicial witch-hunt. Politicized agents of the state, the Public Prosecutors Office, the Federal Police and the Judiciary, were mobilized to try and find a crime - any crime - with which to charge Lula and try him in the courts.

Dozens of prosecutors, police in-

vestigators, Federal tax authorities and even judges have been frantically engaged in this process, in complicity with the monopolies in the media and professionals of dubious journalistic reputation.

In the absence of formal charges, since Lula has always acted within the law, they foment a trial by media that is unfair and unbalanced - without the right of response or rebuttal. Rumors, inferences and selective investigative leaks are released with great fanfare, a true moral and political lynching.

It is clear that the goal of the mass media and the most retrograde sectors of Brazil is to take the former president to Court in an obvious attempt to keep Lula from being able to participate in the Brazilian political process.

They violated Lula's banking and fiscal records, and those of his family, his public-speaking company and the Lula Institute. They electronically wiretapped Lula's calls, those of his family, his staff and even those of his attorneys. In the early morning hours they raided and searched Lula's house, the homes of his children and the Lula Institute.

They investigated all of the international travel by the former president - to discover who paid for the

travel, what aircraft was used, who accompanied him, where he stayed and with whom he spoke, including heads of state and government. They investigated the lectures and even the gifts that Lula received when he was president.

And they found absolutely nothing to link Lula to the Petrobras corruption scandal, the Lava Jato investigation or any other illegal activity. No questionable deposits no offshore accounts, no front companies, not one penny was not honestly earned and declared for the payment of taxes.

Not even the confessed defendants in the Lava Jato investigation, who made deals for reductions in criminal and financial penalties in exchange for information, dared to say that Lula participated directly or indirectly in the Petrobras corruption scandal. And this is terribly frustrating for the hunters of the former president.

In the absence of proof, evidence or reliable witnesses, Lula's persecutors submit the former president to a number of arbitrary constraints that violate not only his constitutional rights, but the principles of the democratic rule of law, threatening the entire society.

OVER THESE TWO YEARS, THESE RIGHTS OF THE FORMER PRESIDENT HAVE BEEN VIOLATED:

- the right to fair treatment and the presumption of innocence;
- the right to an impartial judge and a fair prosecutor;
- the right to examine the contents of the investigations and full access to the charges, which has been recognized by the National Council of the Public Prosecutor's Office;
- the right to confidential communications with lawyers; as recognized by Supreme Court Justice Teori Zavaski;
- the right to confidential telephone communications; also recognized by Supreme Court Justice Teori Zavaski;
- the right to preserve the confidentiality of his personal financial, fiscal and banking data entrusted to agencies of the state and the Justice system;
- the right not to be investigated indefinitely beyond legal or reasonable limits for the reporting or presentation of charges;
- the right to privacy and the preservation of his image, provided for in Article 5 of the Constitution of Brazil.
- the right to reply in the media;
- the political right to engage in public service, for which he has always been prepared, denied by Supreme Court Justice Gilmar Mendes; and even the right to come and go, without the risk of a warrant for his arrest and no legal justification for his forceful "invitation" to give a statement to the investigators on March 4, 2016.

LULA: LEGAL TARGET PRACTICE

The successive and arbitrary attacks on Lula occurred in an atmosphere of a legal and quasi-legal attack on several different fronts simultaneously, which suggests an orchestrated persecution. Over these two years, the former President, his family, the Lula Institute and his LILS speaking company have become the object of:

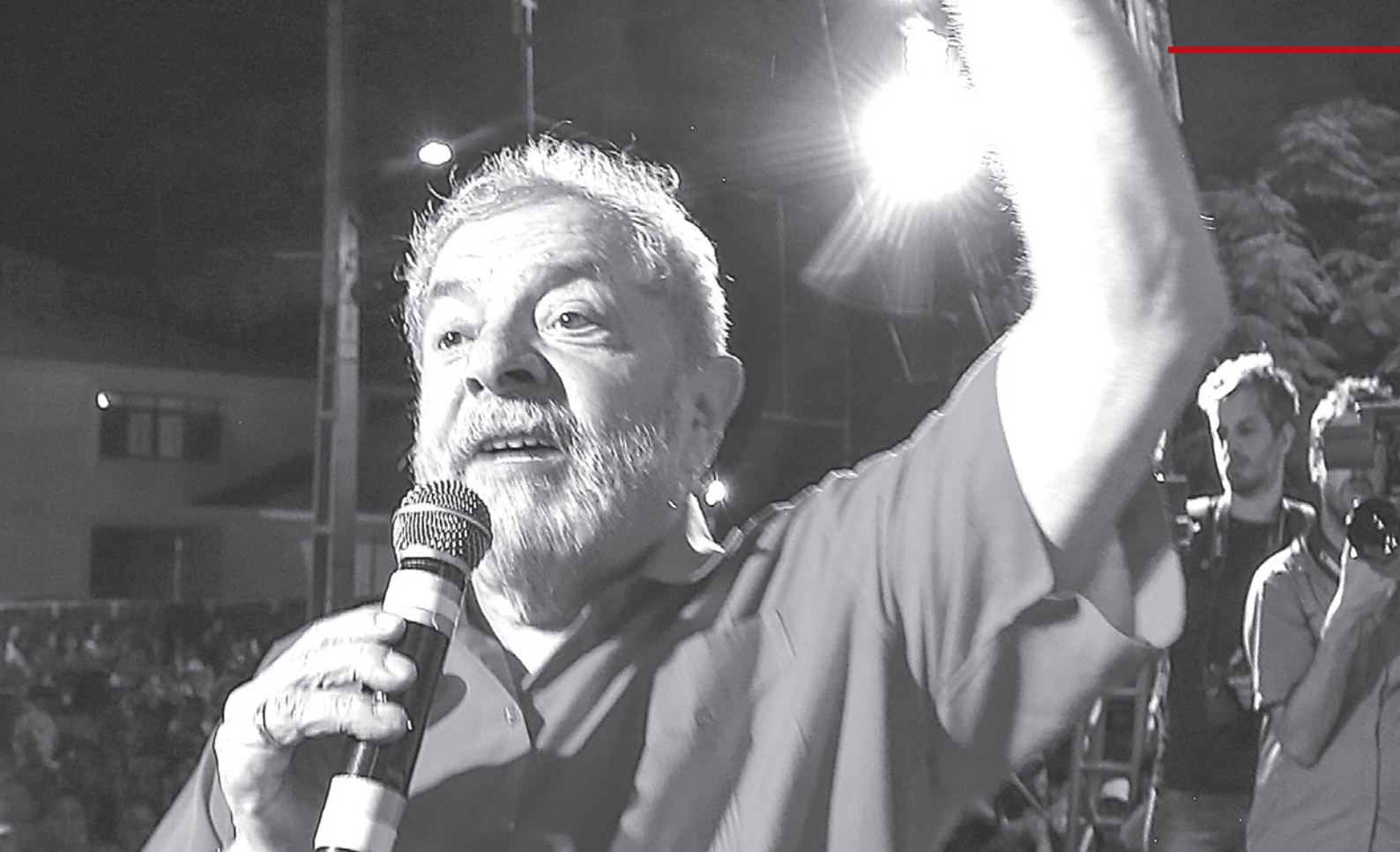
- 3 investigations opened by federal prosecutors for alleged (and nonexistent) charges concerning real estate that Lula does not own and lectures given in accordance with the law;
- 1 criminal prosecution concerning the same facts, charged by State Prosecutors of the State of São Paulo;
- 1 investigation opened by Federal Prosecutors in Brasília, concerning the international travels of the former President;
- 1 investigation by the Federal Prosecutor-General to investigate facts related to Lava Jato Operation;
- 1 criminal investigation proposed by the Federal Prosecutor General for the alleged (and nonexistent) attempts of the obstruction of Justice;
- 1 criminal investigation proposed by the Federal Prosecutors in Brasília to investigate alleged (and nonexistent) favors to one of the sons of the former president in proposing Provisional Measures for approval by the Congress
- 3 police investigations opened by the Federal Police in Brasília and in Paraná;
- 2 Federal Audits by the fiscal

authorities that found nothing irregular in the Lula Institute or the LILS company;

- Breaking the seal of the fiscal and banking accounts held by Lula, the Lula Institute, the LILS company and 12 individuals and 38 companies owned by people connected to the former President;
- Access to telephone and communications over the internet by Lula, his family, the Directors of the Lula Institute; even Lula's attorneys were affected by this illegal activity;
- 38 search and seizure warrants were executed in the homes of Lula and his family, employees and directors of the Institute, people connected to him, carried out with the abuse of authority, illegal seizures and sequester of the e-mail server of the Lula Institute;

Politically motivated agents of the State carried out a veritable target practice, attacking the Lula Institute simultaneously on several legal fronts for the same allegations, which is unconstitutional, as well as an affront to the universal principles of law, adopted by Brazil in international treaties.

For example: the Attorney General of the Republic, Rodrigo Janot, included the former President in an investigation into corruption in Petrobras by the Supreme Court. At the same time, he requested the transfer of the case to the Court of Judge Sergio Moro, for investigations that deal with the same facts, which means a double investigation of former President Lula.



ARBITRARY AND ABUSIVE PERSECUTION

Over the last 12 months, Lula has given testimony 5 times to the Federal Police and the Federal Attorney General's Office and offered written testimony to 2 investigations.

Despite having complied with all warrants and requests and having provided clarification to authorities voluntarily, on March 4 of this year Lula was subjected to an illegal, arbitrary, unjustified and coercive summons to make a statement – truly a kidnapping by the Lava Jato Operation task force.

Lula was the target of a request for pre-trial detention, an even more illegal, less justifiable and arbitrary action, by the State Prosecutors of São Paulo, which was rejected by in the Courts for being blatantly illegal.

State agencies illegally leaked and are still leaking Lula's banking and tax records to the press, as well as those of his family, the Lula Institute and the LILS Company.

Judge Sergio Moro illegally tapped and released private phone conversations between former President Lula, his wife, Marisa Leticia, and their children, along with various interlocutors that have nothing to do with the facts investigated, including a conversation with the President of the Republic, Dilma Rousseff.

This illegal leak – expressly condemned as such by Supreme Court Justice Teori Zavaski – was manipulated by the media in order to prevent Lula from assuming the post of Minister of the Civil Cabinet (Chief-of Staff), to which had been nominated a few hours before the unlawful disclosure.

No Brazilian political leader had his or her private life, their bank accounts or their movements so thoroughly searched. This constitutes a real conspiracy against a private citizen, without respect for his rights and denying him the presumption of innocence.

And after all this, there are no judicial charges against Lula: he is not even a defendant, but his accusers, in the apparatus of the State and in the media, treat

him as if he has been convicted.

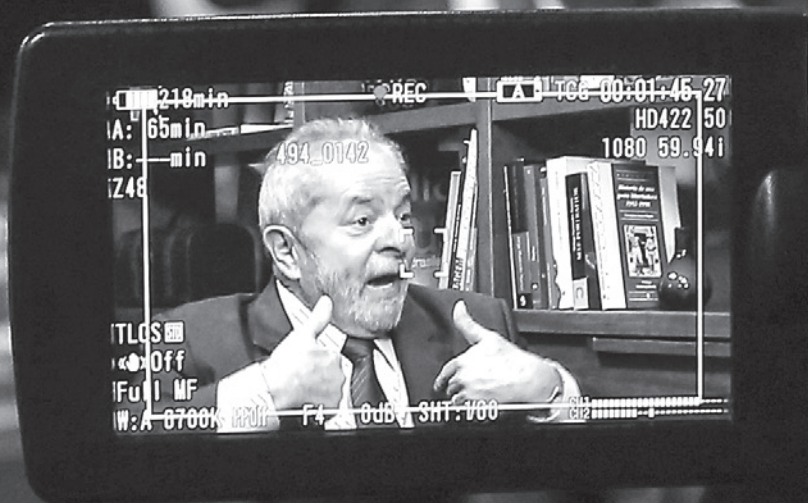
The result of the combined actions of the agencies of the State and mass media is the largest oppressive propaganda operation ever made against a public figure in Brazil. It is a lynching in the legal system and the mass media and an incitement to hatred against the greatest Brazilian political leader in modern times.

Lula is being persecuted because he cannot be beaten at the polls. And despite the systematic legal-media smear campaign, Lula is still considered in the polls as the best President Brazil has ever had, in addition to leading the opinion polls as a future presidential candidate.

LULA DOESN'T FLEE FROM JUSTICE; HE APPEALS TO JUSTICE.

The former President Lula systematically appealed the abuses and arbitrary decisions by State agencies and the media that publishes lies about him.

Lula's defense attorneys requested



and obtained a hearing on Disciplinary Procedures in the National Council of Public Prosecutors against two public prosecutors who worked in such a biased manner; He appealed to the CNMP and confirmed the illegality of the inquiry by Public Prosecutors from the state of São Paulo;

Appealed to the Supreme Court and is now waiting for a decision regarding a civil injunction to determine who is responsible for investigating the facts related to the Santa Barbara property and the Solaris Condominium;

Appealed to the Court of Justice of São Paulo and is waiting for a decision regarding the judge's decision of the 4th Court on the same jurisdictional challenge;

Presented a writ of habeas corpus to the Supreme Court against the unjust decision of Supreme Court Justice Gilmar Mendes, overturned by the Supreme Court Justice Teori Zavascki in his injunction against the

Federal Attorney General's office; Presented an appeal to the Supreme Court contesting the decision by Justice Gilmar Mendes preventing him from assuming the post of Minister and Chief of Staff, even though Lula meets all the constitutional and legal requirements for the position; Presented four requests for the return of personal property belonging to his daughters-in-law and sons to Judge Sergio Moro that was illegally seized by the Federal Police.

Presented to the Attorney General of the Republic an appeal against the abusive acts and usurpation of jurisdiction on the part of Judge Sergio Moro;

Filed an appeal with the Supreme Court against the abusive acts and usurpation of the competence of the Supreme Court on the part of Judge Sergio Moro;

And presented on July 5, an exception of suspicion in relation to judge Sergio Moro that charges a lack of impartiality in his actions involving

Lula, by having published decisions prior to having been ratified, among other reasons.

Against his detractors in the media, in Congress and in the underground networks of defamation, lawyers for the former President have presented:

- **6 criminal complaints;**
- **6 criminal appeals;**
- **9 lawsuits for moral damages;**
- **5 requests for criminal investigations;**
- **and made two requests for the right of reply, one of which was accepted and another, against TV Globo still under consideration by the court.**

The explanations to the courts and society are due not from Lula but rather from the prosecutors, Federal police and judges that abuse their powers, along with the newspapers, radio and TV stations that manipulated false news and made baseless accusations.

THE TRUTH ABOUT THE ALLEGATIONS AGAINST LULA

In depositions and arguments by the lawyers of the Lula Institute, the former President has explained all the facts, answered all of the questions and countered the claims of his detractors.

Lula began and left the Presidency of the Republic with the same real estate holdings that he had acquired through the fruits of his labor and a working life that began in his childhood.

He has not hidden or under estimated his assets, he has no offshore accounts and has not registered goods in the names of other persons or companies in tax havens.

And he never participated or benefited, directly or indirectly, from the Petrobras or any other corruption scandal or any sort, not before, not during and not after having been the President of the Republic.

A brief summary of responses to the allegations, with an indication of any documents to prove the truth is shown below:

The apartment in Guarujá: Lula does not own and has never owned apartment 164-A in the Solaris Condominium, because his family did not want the apartment, even after it had been refurnished by the true owner. Complete information at: <http://www.institutolula.org/documentos-do-guaruja-desmontando-a-farsa>

The retreat in Atibaia: Lula has never owned the Santa Barbara property. The property was purchased by friends of Lula and his family by certified check, which eliminates the possibility of money laundering and concealment of assets. The costs of any construction and/or refinishing work on the property were borne by

the owners and have nothing to do with the Lava Jato investigation. Complete information and documents about Atibaia and Lula's patrimony is shown at:

<http://www.institutolula.org/o-que-o-ex-presidente-lula-tem-e-o-que-inventam-que-ele-teria>

Lula's speeches and lectures: since he left the Presidency, Lula has made 72 lectures and been contracted by 40 different companies to speak in Brazil and abroad, with fees collected and taxes paid through the LILS Company. The fees and the contractual conditions were the same for each of the 40 companies: both the 8 under investigation under operation Lava Jato and the remaining 32, including INFOGLOBO, owned by the family of Globo owner Roberto Marinho. All lectures were held, as shown in this report with the dates, places, contractors, themes, pictures, videos and news:

<http://institutolula.org/uploads/relatorio-palestraslils20160323.pdf>

Donations to the Lula Institute: the Lula Institute receives donations from individuals and corporations, according to the law, in order to maintain its activities, and this has nothing to do with the Lava Jato investigations. The task force illegally released the names of some donors, but hid others and did not tell the public how this money is used, which can be seen in the 2011 - **2015 Activities Report of the Lula Institute:** <http://www.institutolula.org/conheca-a-historia-e-as-atividades-do-instituto-lula-de-1993-a-2015>

Presidential collection: the former President Lula did not keep any of

the objects in the presidential collection illegally, or commit any illegal act in the storage of these objects. The note explains that Brazilian law requires former Presidents to maintain and preserve their collections, but does not point to means and resources:

<http://www.institutolula.org/acervo-presidencial-querem-criminalizar-o-legado-de-lula>

The report that part of the acquisitions have been used by Lula or that he took anything from the Presidential Palace is untrue. The magazine that published this false report is the same one that took down the rumor in a story published in 2010:

<http://www.institutolula.org/epoca-faz-sensacionalismo-sobre-acervo-que-ela-mesmo-noticiou-em-2010>

Obstruction of Justice: former President Lula has never conversed with former Senator Delcídio Amaral about any activities or conspired to obstruct justice. In a deposition given to the Federal Attorney General on April 7, former President Lula stated the facts and denied the charges made by the former Senator. Senator Delcídio did not offer any evidence, proof or testimony to support his conclusions

LULA'S INTERROGATION

At this link, the full statement by Lula to the investigators and police involved in Operation Lava Jato provided when he was coerced into testifying at Congonhas airport on 4 March 2016. <http://www.institutolula.org/leia-a-integra-do-depoimento-de-lula-a-p-fem-14-03>



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