

(English version)

Question for written answer E-002641/18
to the Commission (Vice-President/High Representative)
Javier Couso Permuy (GUE/NGL)
(17 May 2018)

Subject: VP/HR — Imprisonment of Luiz Inácio Lula da Silva

On 7 April, the former President of Brazil Luiz Inácio Lula da Silva, who is leading in the polls for the next presidential elections, was imprisoned over accusations of corruption. Even though it is gradually becoming clear that there is no objective evidence to support the accusations, Judge Moro decided to imprison Lula.

Major media outlets did everything they could to back demonstrations in support of a decision against Lula by the court. Some analysts claim that the judges involved in this case, Operation Car Wash, led by Sérgio Moro, are in fact part of a campaign of legal war, or *lawfare*.

In 2016, a very similar judicial move was used against President Dilma Rousseff to remove her from office through an impeachment process. Now, Eduardo Cunha, one of the leaders of the political prosecution of former President Rousseff, has been sentenced to 15 years' imprisonment after being found guilty on several counts of corruption.

The Workers' Party (PT) insists that it will still nominate Lula as its candidate for the next elections.

Does the EU believe that the minimum safeguards have been met and that former President Lula's right to a defence has been respected in this case?

Does the EU believe that the rule of law is being respected in Brazil?

Answer given by High Representative/Vice-President Mogherini
(11 July 2018)

In January 2018, the fourth Federal District Court (TRF-4) voted unanimously to reject ex-President Lula da Silva's appeal of his conviction for corruption and money laundering. The judges also increased the prison sentence from 9 and a half to 12 years and one month.

Furthermore, Brazil's Federal Supreme Court (STF) decided on 4 April to deny habeas corpus for the former President, who is also facing another six indictments in corruption cases and will have more court appearances in the coming months.

The STF's ruling does not prevent Mr Lula da Silva to continue to take part in the presidential race. Only after 15 August, when the deadline expires for the candidates to register for the elections, will the Federal Electoral Court decide on which candidates qualify to stand for President at the upcoming elections. In case the former President's candidacy is denied, he will still be able to appeal this ruling to the Federal Supreme Court.

The EU trusts that Brazil's judiciary will do whatever is needed to handle this and other cases involving politicians in an objective and independent manner.
