

Congress of the United States
Washington, DC 20515

The Honorable Ambassador Amaral
Embassy of Brazil
3006 Massachusetts Avenue NW
Washington, D.C. 20008

January 19, 2018

Dear Ambassador Sergio Silva Do Amaral:

We respectfully call on Brazil's authorities to ensure that the basic rights of former president Luiz Inácio "Lula" da Silva – in particular his right to free, fair and impartial treatment before the law – are fully protected, in accordance with Brazil's international treaty obligations. We are deeply concerned by mounting evidence of egregious violations of Lula's due process rights and what appears to be a campaign of politically-motivated judicial persecution.

In July of 2017, Lula was sentenced to a nearly 10-year prison sentence by a low level federal judge named Sergio Moro who, under Brazil's atypical legal framework, also played the role of chief prosecutor in Lula's case. The core charge upon which the conviction rests is based on highly questionable "evidence" that would be rejected out of hand by most courts around the world.

Lula is alleged to have received a bribe in the form of renovations to a beachfront property paid for by a Brazilian construction company OAS Group. There is, however, no evidence that Lula or his late wife owned the property or used it in any way. The only "evidence" produced by Moro was the deposition of a convicted OAS manager who, in return for his testimony against Lula, saw his sentence drastically reduced.

Prior to this conviction, Judge Moro engaged in unethical and, at times, illegal actions targeting Lula that clearly demonstrated that he was unfit to perform the duties of an impartial judge in Lula's case. On one occasion, Moro ordered the detention of Lula and had him transported under heavy guard to depose testimony, despite the fact that Lula had shown no unwillingness to testify.

Moro has – in violation of Brazilian law – leaked phone intercepts to the media that included private conversations between Lula, his lawyers and family members, as well as an illegally obtained recording of a conversation with then President Dilma Rousseff.

These and other contentious actions by Moro made it clear that Lula had no hope of seeing his basic due process rights – e.g., the right to a fair and equitable trial and the right to a presumption of innocence – respected by the judge.

Despite the challenging odds that Lula faces, there remains an opportunity for justice and due process to prevail in Lula's case. Under Brazilian law, a conviction and sentence pronounced by a lower court judge isn't fully valid until confirmed by a higher court. On January 24, the three-member Federal Appeals Court for the Southern District will hold a hearing to confirm or reject Lula's conviction.

Unfortunately, there are already signs that call into question the impartiality of the Appeals Court. Among other things, the presiding judge has publicly stated that he believes Moro's case file against Lula to be "impeccable" and his chief of staff recently posted a Facebook petition demanding that Lula be imprisoned.

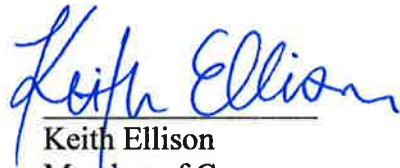
In light of these troubling circumstances, we strongly urge the Brazilian's authorities to exercise the utmost diligence in ensuring the protection of Lula's due process rights going forward. The clearly politicized nature of the judicial proceedings against Lula thus far has placed vital democratic institutions and citizens' faith in them at risk. The upcoming presidential election and subsequent administration will be tainted if the judicial system is viewed as having failed to act with impartiality and respect for fundamental rights.

It is our hope and expectation that the judicial authorities reviewing Lula's conviction won't allow themselves to be pressured by political sectors or the media and will be guided by the basic principles that are the foundation of any free society.

Sincerely,



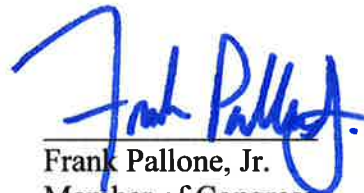
Mark Pocan
Member of Congress



Keith Ellison
Member of Congress



Ro Khanna
Member of Congress



Frank Pallone, Jr.
Member of Congress



Steve Cohen
Member of Congress



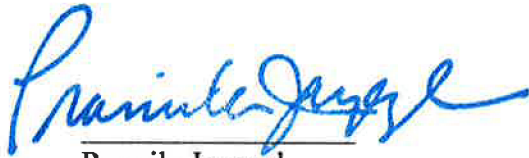
Barbara Lee
Member of Congress



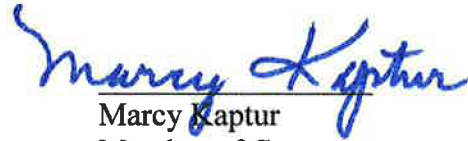
Raúl M. Grijalva
Member of Congress



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Member of Congress



Pramila Jayapal
Member of Congress



Marcy Kaptur
Member of Congress



Karen Bass
Member of Congress



Jan Schakowsky
Member of Congress



Maxine Waters
Member of Congress

CC: Members of the Supreme Federal Tribunal of Brazil