



## QUESTIONS AND ANSWERS ABOUT LULA DA SILVA'S CASE

**#LULALIVRE**

**#FREELULA**

### **1. How many judicial process are there against Lula?**

Hundreds!

### **2. Why are there so many judicial process against Lula?**

The enemies say that Lula “deserves it”. The truth is that, unable to defeat Lula electorally, his enemies mounted a judicial farce in order to condemn and arrest the greatest popular leadership in Brazilian history. And the more judicial proceedings they create, the stronger is the impression that “where there is smoke, there is fire”.

### **3. How many judicial process have been completed?**

None. The most advanced process is the one referring to the apartment in Guarujá, which has already been tried in Appellate court. After that comes the case concerning the ranch in the city of Atibaia, and such sentence will be released on February 6, 2019. Then there is another judicial process on the plot of land of the Lula Institute, which is about to be tried in the trial court.

### **4. If the judicial process was not yet completed, should Lula not be released from prison?**

Definitely. According to the Brazilian Constitution, Lula should be responding in freedom.

### **5. If the Constitution says that Lula should be released, for what reason is he still imprisoned?**

Lula is imprisoned because, by a majority of one vote (6 against 5), the Supreme Court has authorized Lula to be arrested, even if he has only been

convicted in one appellate court. The Court decided against the constitutional principle of presumption of innocence.

### **6. For what reason did the Supreme Court allow the arrest of Lula?**

Most of the judges of the Supreme Court were blackmailed by the media and the Army’s High Command. They were pushed to vote against former President Lula to keep him in jail.

### **7. But why was Lula condemned in the trial court?**

Because the judges who are part of the Appellate court accepted the sentence written by the trial court, although it did not bring any evidence against Lula. He was convicted of “unspecified acts”. Which in the Brazilian judiciary dictionary means “no concrete evidence”!

### **8. Who was the judge of trial court?**

At that moment, it was Sergio Moro, who is the current Minister of Justice of the Bolsonaro government! Yes, the judge who first tried and convicted Lula, the judge who decisively contributed to getting Lula out of the electoral process, this same judge accepted to be minister of the candidate who was the biggest beneficiary of the trial (and became president): Jair Bolsonaro. And Bolsonaro only won the election because Lula was prevented from running in the electoral process.

### **9. If Lula lives in São Paulo, for what reason was he tried by a judge in Paraná?**

Because a procedural fraud was committed.



Judge Sergio Moro, current Minister of Justice of the government of Jair Bolsonaro, who condemned Lula in the case of the apartment in Guarujá

### **10. What fraud was that?**

Moro was responsible for judging the cases involving Petrobrás. And Moro decided to centralize all cases under his jurisdiction in Curitiba, Paraná. In order to make Lula be tried by Moro, the Public Prosecutor's Office included, in several legal proceedings against Lula, accusations involving Petrobras.

### **11. Has this involvement existed or did not exist?**

It doesn't exist and has never existed. Who confirms this is Moro himself, who in the sentence of condemnation against Lula wrote: "This judgment has never stated, in the sentence or anywhere, that the values used by the contractor in the contracts with Petrobras were used to pay an undue advantage for the former president".



**12. But if Moro himself acknowledged that the accusation against Lula did not involve Petrobras, then he should not have transferred the case to another judge, giving up Lula's judgment?**

He should. But if he did this, the condemnation would not exist or at least would have its decision delayed. And they wanted to condemn Lula quickly, in time to prevent him from being a candidate for the Presidency of the Republic, in the 2018 elections.

**13. But after all, based on which accusation did Moro condemn Lula?**

With the accusation that he would have won an apartment in Guarujá, in exchange for favors he granted to a contractor.

**14. Did Lula win this apartment?**

No. Lula does not own any apartment in Guarujá. Lula has never lived in Guarujá. Lula does not have the keys

to any apartment in Guarujá. No one in Lula's family owns any apartment in Guarujá.

**15. But Moro said that the apartment was reformed so that Lula could live in it, didn't he?**

He did. It so happens that it is a lie from judge Moro said. This reform never existed. The Movement of the Homeless (MTST) occupied this apartment and proved, with photographs, that a reform was never made. The UOL news crew filmed the apartment and showed that the story of the reform was faked in order to politically demoralize Lula.

**16. Whose apartment is it anyway?**

According to the registry office, the apartment belongs to the contractor.

**17. But if so, based on what evidence did Moro condemn Lula?**

Based on an plea bargain from the owner the building contractor.

### **18. What is a plea bargain?**

In the plea bargain, a criminal collaborates with the police or the Public Prosecutor's Office. If the revelations he makes are in the interest of the task force of the so-called Operation Car Wash, then the informant can obtain benefits: large reduction of penalty, gain benefits of part of the money he stole etc.

### **19. But if this was used as evidence, has the contractor's owner's claim bee upheld?**

It was confirmed by another plea bargain. In other words: two criminals came together to produce evidence against an innocent man. The innocent has been convicted, the judge has become a minister and the whistleblowers are free.

### **20. But should not this have been taken into account in the trial court?**

Yes, it should. But the judges of the Appellate court had already decided that Judge Moro had the right to judge "beyond the limits of the law." That is, Moro could, in Lula's case, "interpret" the law. And when, the judges of the Appellate court had to decide they did the same. They violated a constitutional principle: The principle of impartiality.

### **21. When will Lula's case be tried in High Court Level?**

At any time, the Superior Court of Justice (STJ) may judge the appeal made by Lula's defense in the case of the apartment in Guarujá.

### **22. Is there any chance of acquittal or review of the sentence?**

There is a majority in the STJ which has a decision to maintain the conviction. However, there may be some changes in the penalty that was applied by the Federal Regional Court.

### **23. If the STJ reduces the penalty, can Lula be released?**

In theory, yes. But can only be benefited by progression of penalty the convicted who pays the fines. And Lula was sentenced not only to prison, but also to pay a huge fine. In addition, there are other lawsuits against Lula that are about to be concluded.

### **24. What was the accusation in the case of Atibaia's ranch?**

It's similar to the apartment. Lula was accused of being the beneficiary of reforms made in the ranch. The renovation would have been made by a civil contractor, in exchange for supposed favors granted by Lula.

### **25. Is Lula owner of the ranch?**

No, the ranch is not Lula's. In this case, not even Moro had the courage to say it.

### **26. Has Lula ordered the reforms?**

No. In this case, at least until now, not even the whistleblower had the courage to say it.

### **27. But if the ranch was not Lula's, nor was he the one who ordered the reforms, what is he accused of?**

He is accused of having been the final beneficiary of the reforms. That is: the

accusation is that Lula presided over Brazil for 8 years, and during his government a civil contractor made a lot of money, in exchange this contractor did a reform in a ranch that was not Lula's, but it was a place that he visited frequently.

### **28. Did Lula used to go to this place?**

Yes. The ranch belongs to a family with whom Lula has been friends since 1978.

### **29. Was Lula also condemned in this case of the ranch?**

Yes. On February 6, 2019, Judge Gabriela Hardt (substitute judge carefully chosen by Sérgio Moro, currently Minister of Justice) sentenced Lula to 12 years and 11 months in prison for crimes of passive corruption and money laundering. In this case they used the same procedures adopted in the case of the apartment in Guarujá, especially the plea bargain.

### **30. And what is the accusation in the case of the plot of land of the Lula Institute?**

It is that a contractor would have favored the Lula Institute with a plot of land, in exchange for favors granted by Lula when he was president.

### **31. Has Lula Institute ever received this plot of land?**

No, never!

### **32. Right. So, if the Lula Institute has never received this plot of land, Lula is accused of what?**

Believe it or not...he is accused of having intended to commit a crime.

### **33. Is this a joke?**

No. Who is mocking is the Public Prosecutor's Office. But it is a perverse, unfunny jest, because everything is going in a direction so that Lula will also be condemned in this case.

### **34. Based on what evidence?!?**

Again, based on plea bargains that says Lula intended to commit the crime of receiving such land from a contractor.

### **35. So in the next few weeks, will Lula be condemned again?**

Yes. He may even be condemned, in the high court, in that first case, that of the apartment in Guarujá.

### **36. In addition to the Apartment, the ranch and land lawsuits, is there any other case against Lula that is more relevant?**

There is. There is a lawsuit claiming that Lula was the head of a "criminal organization", supposedly active between 2002 and 2016, which aimed to control the federal government to commit their crimes.

### **37. What "criminal organization" was that?**

According to such lawsuit, the criminal organization led by Lula is called the Workers' Party-PT. Therefore, according to the Car Wash Task force, PT is not a party, but an "orcrim" (Portuguese abbreviation for criminal organization). The purpose of this lawsuit is very clear: not only to condemn Lula, but also to condemn the PT. And if the PT is convicted, they intend to revoke the Party's registration.

### 38. Is this why so many people claim that Lula is innocent?

Yes. Those who have the patience to read the thousands of pages of these legal cases, especially the sentence of Sérgio Moro in the first case, will realize that there is not any evidence to condemn Lula. And in the absence of evidence, no one can be convicted. As the saying goes: Everyone is innocent until proven guilty. And in the case of Lula, evidences against him did not appear. And they will never appear. That is why renowned lawyers from around the world, and even the UN Commission on Human Rights, have already protested against the way these lawsuits against Lula are being conducted.

### 39. Where are you so sure that no evidences will come?

Simple: Lula has been investigated since 1980. No evidence has ever appeared that he had committed any crime. However, when we look at his opponents, just a little investigation is

enough to find many evidences. Just look at the late scandal involving Bolsonaro's family.

### 40. But even if there is no evidence, could I not say that Lula has "some culpability"?

Anybody is free to have their own opinion. And if you are convinced, with evidences or not, that Lula has made very serious mistakes, you have the right to vote against him and his party, the PT. But without evidences no one can be convicted and imprisoned! This is the difference between politics and justice.

### 41. Explain this difference better.

In a political dispute, in the elections, I have the right to believe that someone represents hazards to the country. In that case, I can vote against this person. I do not need evidences to come to this conclusion. Just convictions. But when it comes to a judgment in a formal justice system, then it is not enough for me to have convictions. It is necessary to have real evidences.



“La vigilia «Lula libre» necesita su ayuda para continuar en lucha por la democracia y la libertad”

And in the case of Lula, there are not any evidences.

**42. Now, if there is no evidence and even so Lula was convicted, then who did not comply with the law were prosecutors and judges?**

Exactly. That's why Lula is a political prisoner. He is being persecuted and has been arrested for political reasons. As their enemies failed to defeat Lula politically (in the elections), they did it in another way: using the judiciary system government

**43. But if so, then he is suffering injustice. How to free Lula?**

As Lula is a political prisoner, his freedom and the annulment of his sentence depend on political struggle. When the majority of the people are convinced that Lula's conviction was unfair and illegal, the popular pressure will make it impossible to the system for keep Lula in jail.

**44. And do you think this is ever going to happen?**

Yes, this is going to happen. Sooner or later, justice and truth will win. Our challenge is to make this happen quickly. We want the annulment of the sentence and guarantee Lula's freedom so that he can help the Brazilian people in the struggle against the far right that is destroying our social rights, our democratic freedoms and our national sovereignty.

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