



**General Assembly
Human Rights Council
40th Session**

Item 4 - Human rights situations that require the Council's attention

General debate

Mr. President,

The American Association of Jurists and International Association of Democratic Lawyers call on the Council's attention on the serious attacks against the rule of law in Brazil.

Since March 2016, former President Lula has undergone intense political persecution. He is being arbitrarily kept in prison due to a procedure marked by gross human rights violations and many illegal and unconstitutional acts; there is no appeal system capable of stopping these violations.

Several fundamental rights and guarantees were violated in the course of the criminal proceedings against Lula, among which: protection from arbitrary arrest and detention; entitlement to an independent and impartial tribunal; right to be presumed innocent until proven guilty by law; protection from arbitrary and unlawful interference with privacy and from unlawful attacks on honor and reputation.

He was also barred from running in the presidential elections of Brazil in 2018 on the basis of the same procedures, in manifest noncompliance with the interim measure granted by the United Nations Human Rights Committee.

In this context, in July 2016, it was filed before the UN Human Rights Committee an individual communication reporting that he was victim of an illegitimate judicial crusade aimed at suppressing his political rights.

On 27 July 2018, Lula's defense filed a request for interim measures before the United Nations Human Rights Committee aiming at demonstrating that the actions of the authorities had and continued to have a severe adverse impact on Lula's campaign for the 2018 presidential elections, on his health, and on his reputation.

On 17 August 2018, the Committee granted Lula's request, and ordered Brazil to take "all necessary measures to ensure that Lula can enjoy and exercise his political rights while in prison, as candidate in the 2018 presidential elections," including "having appropriate access to the media and members of his political party" and "not to prevent him from standing in the 2018 presidential elections, until his appeals before the courts have been completed in fair judicial proceedings."

Even after the Committee's decision, Brazil didn't allow Lula to campaign for President, due to the fact that he is being kept in prison almost in solitary confinement and with media access to him denied, in addition to having expressly declared him ineligible.

Even though Brazil reinforced its commitment to the UN System and to the Committee in its statements, it did nothing to execute the interim measures Lula was granted.

If today the abuses are being committed against former President Lula, in a typical example of law fare, tomorrow they may become a precedent against the entire population.

I thank you for your attention.

12th - 13th March 2019