

Brazilian Supreme Court paves way to overturn Lava Jato sentences



Brasilia, September 28 (RHC)-- Brazil's Supreme Court has determined that former judge Sergio Moro violated the right of defense in dozens of convictions, one of which could be the judicial process against former President Luiz Inacio Lula da Silva who has remained a political prisoner since April 2018.

"The Supreme Court proved Lula right. In any trial, the prosecution takes the floor first and the defense always speaks later; however, Moro did not respect such universal procedure so as to harm Lula," Workers Party (PT) lawmaker Paulo Pimenta said.

By six votes in favor and three against, the Brazilian Supreme Court established that repentant indictees cannot make their complaints after a defendant has presented his/her final plea.

In August, the Supreme Court set a precedent for this legal interpretation when it overturned a conviction against Bank of Brazil former director, precisely because Moro forced his defense to present his case without being able to know what an informer had said previously.

The decision taken by the Supreme Court on Thursday occurs months after The Intercept journalists leaked information showing that Moro and prosecutors pressured repentant indictees and forged evidence with the purpose of obtaining a conviction against Lula.

For instance, Leo Pinheiro, a businessman whose construction company had been accused of bribing, modified his testimonies several times to accuse Lula and obtain a reduction to his sentence.

While the latest Supreme Court resolution potentially benefits Lula's defense, PT lawmaker Pimenta explained that it will be necessary to wait until the magistrates' sessions resume on next Tuesday to see how their resolution will be applied concretely. "There could be some last-minute maneuver so that the fault has no retroactive effect and does not apply to Lula," he said.

In a related event, which took place at the Curitiba jail on Thursday, Spain's former judge Baltasar Garzon, who became famous for promoting criminal cases against human rights violators in Chile and Argentina, told reporters that the "Car Wash" case against Lula da Silva is a flawed process.

"Car Wash case is a process full of half truths. It is an example of what happens when politics becomes a judicial procedure and when judges get involved in politics," Garzon said.

"Lula is victim of a persecution that must cease as soon as possible... The cause was vitiated with the intention that he could not participate in last year's elections, in which he was the favorite to win. Of course, this benefited his adversary [Brazil's current president Jair Bolsonaro]."

The Spanish judge also commented that information leaked by The Intercept, which has to do with the judicial plot against Lula, will strengthen the complaint presented by his lawyers before the United Nations Human Rights Council.

"It is not trivial what is being revealed about this lawfare case. The UN Council may determine that the due process was not respected in Lula's case."

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