

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 18, 2017

Ambassador Sergio Silva Do Amaral  
Embassy of Brazil  
3006 Massachusetts Avenue NW  
Washington, DC 20008

Dear Ambassador Amaral:

We write to express our deep concern regarding the current state of democracy and human rights in Brazil. As we noted during the removal proceedings of President Dilma Rousseff, those driving that process undermined Brazil's democratic institutions in order to advance their own political and economic interests at the expense of protecting democracy or national interests. In the time since, it has been demonstrated that they acted to protect corrupt political figures, to impose a series of policies that would never be supported in a national election and to harass their adversaries in social movements and opposing political parties. These revelations have sharply increased polarization in an already divided society and raised serious doubts about the current leadership's ability to steer a course out of the ongoing economic, political and social crisis.

Recent repression targeting peaceful protesters and social movements and violations of former President Lula da Silva's due process rights suggest that Brazil's democracy has not yet turned the page on its not-so-distant authoritarian past. We are particularly concerned about the persecution of former President Lula da Silva in ways that violate international treaty obligations, such as those stipulated under the International Covenant on Civil and Political Rights (ICCPR), guaranteeing basic due process rights to all individuals.

As you know, the Lula da Silva administrations (2003-2010) greatly expanded social programs that helped lift millions out of poverty. Lula remains one of the most popular political figures in Brazil today and, as such, is seen as a serious threat at the ballot box by his political opponents. For many months he has been the object of a campaign of mudslinging and unsubstantiated accusations of corruption by major private media outlets largely aligned with the country's elites.

Since the beginning of last year, Lula has been targeted by a judge – Sergio Moro – whose biased and unwarranted actions have severely jeopardized Lula's due process rights. For instance, Moro ordered the arbitrary arrest of the former president simply to serve a subpoena, although there was no indication that the former president was unwilling to provide testimony. Media outlets were on site as the arrest occurred, suggesting that the primary purpose of the detention was to create the perception that Lula was implicated in criminal activity despite the lack of charges against him at the time.

Moro has also leaked phone intercepts to media – including illegal and unauthorized intercepts – that included conversations between Lula and his lawyers, his family and then-President Rousseff. To carry out these sorts of deliberate, tendentious leaks is a violation of Brazilian law and of a recent ruling of the Inter-American Court on Human Rights (*Escher vs. Brazil*).

Moro has not even feigned impartiality, as he openly participated in political events opposing Lula and the Worker's Party, endorsed a book declaring Lula guilty, and in late September endorsed the charge that Lula had headed a major corruption scheme despite the absence of evidence supporting this charge.

Even following testimony against Lula obtained through plea bargains, there is not yet any credible evidence implicating Lula in criminal activity. We are concerned that the true goal behind the proceedings is to severely tarnish Lula's image and disable him politically by any means, as occurred with former President Rousseff. This would be a further setback for Brazil's democracy.

Lula's legal representatives have filed a petition before the United Nations Human Rights Committee outlining violations of his due process rights under the ICCPR (to which Brazil is a signatory), including the right to presumption of innocence until proven guilty, the right to protection from arbitrary arrest, the right to an impartial tribunal, and the right to protection from arbitrary interference with privacy.

We are also deeply troubled by various actions taken by Brazil's state authorities since the permanent removal of President Rousseff from office on August 31.

As we discussed in a previous letter in July 2016, that impeachment process – which was marred by procedural irregularities and driven by politicians implicated in major corruption scandals – constituted in itself a severe threat to Brazil's democratic institutions.

On September 21, Rousseff's successor – Michel Temer – publicly stated that Rousseff was removed from office due to her opposition to a severe austerity plan which he supported and which involves draconian cuts to key public services. In recent weeks, Temer's government has pushed for implementation of this plan through the passage of a constitutional amendment that binds the current and future governments to drastic spending caps over the next twenty years and suspends the constitution's minimum spending requirements for education, health and social assistance. These measures will effectively roll back years of social and economic advances that enormously benefited poor communities that are disproportionately Afro-Brazilian.

On December 9, the United Nations Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, warned that the amendment will breach Brazil's human rights obligations. Alston called it “a radical measure, lacking in all nuance and compassion,” and said that “it will hit the poorest and most vulnerable Brazilians the hardest, will increase inequality levels in an already

very unequal society, and definitively signals that social rights are a very low priority for Brazil for the next twenty years.”

These and other government measures – such as the prohibition placed on political discourse at Brazil’s public schools – have sparked widespread protests throughout the country, including in more than 1000 schools, and represent a threat to fundamental human rights of freedom of speech and association.

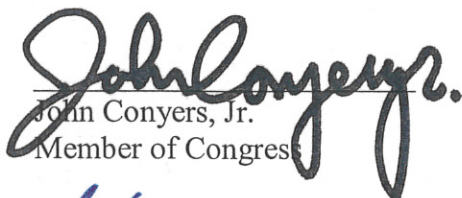
In addition, Brazilian social movements have been subjected to harsh repression and are being criminalized. Members of the internationally-renowned Landless Workers Movement (MST), which advocates for agrarian land reform mandated under Brazil’s constitution, have been jailed and charged as associates of a “criminal organization” after engaging in peaceful occupations of unproductive land plots.

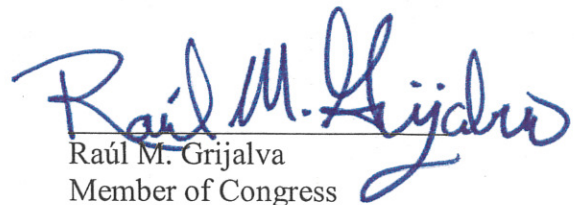
As this repression unfolds, the Temer government continues to be rocked by corruption scandals which have led to the resignation of four ministers in recent months. Corruption allegations directly implicating Temer have also led opposition members of Brazil’s congress to file for impeachment proceedings against the head of state.

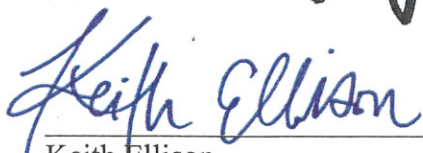
These and other developments are seriously jeopardizing the social and democratic achievements that have been made in Brazil since the end of the military dictatorship in 1985. As a first essential step towards reversing this situation, we urge Brazil’s federal authorities to do everything in their power to protect the human rights of protesters, social movement leaders, and opposition leaders such as former President Lula da Silva.


Rather than exacerbating the polarization in Brazil by persecuting political adversaries at the grass-roots and national leadership levels and imposing extreme policy measures directed against those who have historically been excluded by elites, those concerned with the restoration of stable democratic institutions and a sustainable economy should recognize their tenuous hold on executive and legislative power and act to develop an agenda of national unity.

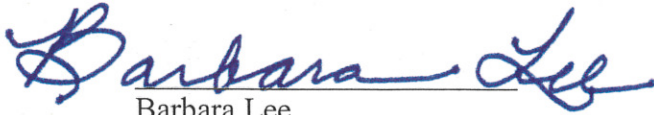
Sincerely,

  
John Conyers, Jr.  
Member of Congress

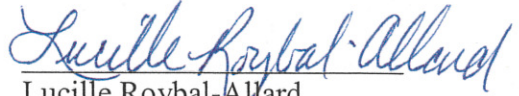
  
Raúl M. Grijalva  
Member of Congress

  
Keith Ellison  
Member of Congress

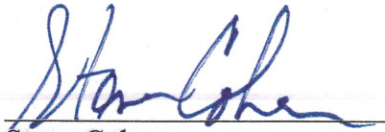
  
Mark Pocan  
Member of Congress



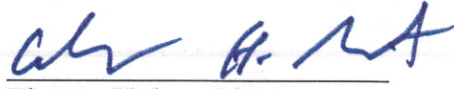
Barbara Lee  
Member of Congress



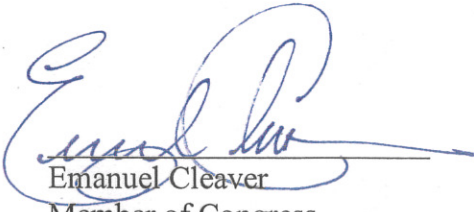
Lucille Roybal-Allard  
Member of Congress



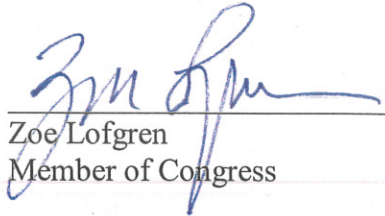
Steve Cohen  
Member of Congress



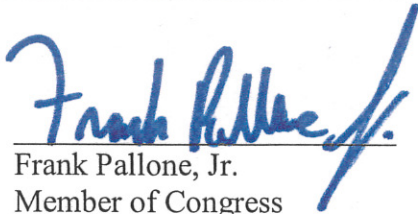
Eleanor Holmes Norton  
Member of Congress



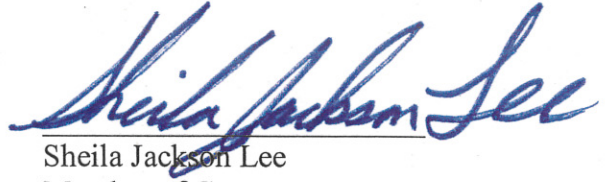
Emanuel Cleaver  
Member of Congress



Zoe Lofgren  
Member of Congress



Frank Pallone, Jr.  
Member of Congress



Sheila Jackson Lee  
Member of Congress