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Politics one, justice nil

A 12-years sentence for Brazil's ex-president Lula is based on smear, not fact, says Niels Annen

Former Brazilian president Luiz Inacio Lula da Silva could face over 12 years in jail, after an appeals court unanimously upheld his corruption conviction. If he loses his next appeal, Lula will also be barred from running for the October presidential elections. Niels Annen, a German politician, gives his take on the trial.

Lula's corruption conviction has polarised Brazilian society. Some people say the appeal court's decision shows Brazil is taking the fight against corruption seriously. Others believe the whole trial is politically motivated. What's your view?

It's very important that corruption cases are brought to trial in a constitutional democracy. But a conviction has to be based on substantive evidence. Individual animosities or sympathies shouldn't determine whether someone is punished or set free.

Unfortunately, it doesn't look like Lula's conviction is the result of a fair trial under the rule of law. Politically, Brazil is highly polarised. The ruling against Lula seems to be based on defamatory media allegations targeting the ex-president and his Workers' Party, rather than credible charges under criminal law.

For example, the prosecution has argued that the very fact Lula had influence over the fate of the state oil company Petrobras when he was president is proof he knew about, and condoned, corruption within the corporation.

I have strong doubts Lula's conviction constitutes a success in the fight against corruption.

What do you think are the motives behind Lula's trial?

Several things suggest the lead judge, public prosecution and higher courts in Brazil have not been impartial. The public prosecution deliberately courted media coverage, which biased the trial before it

had even started.

What is more, the judge reached several decisions that violated principles of the rule of law. The verdict itself generally followed the pattern: 'because the accused is guilty, his guilt does not need to be proven'.

So it's doubtful whether the courts ever intended to give Lula a fair trial. Perhaps they were just trying to undermine his reputation.

Lula stands for social progress in Brazil. Now his opponents are using the trial to get rid of him. It seems clear the justice system is being instrumentalised for political goals.

What impact will the ruling have on Brazilian politics?

We have to view the ruling against the backdrop of Dilma Rousseff's impeachment in August 2016. When President Rousseff, Lula's ally and successor, was forced to step down, neoliberals rolled back many of the projects she and Lula had set in place.

The policies now being pursued in Brazil are destroying much of the social progress achieved by the two former presidents. Under the pretext of economic reforms, the state is now serving only the rich elites.

But most Brazilians are against these policies. Despite a media smear campaign, Lula and his Workers' Party are still massively popular. He is leading all the opinion polls for October's presidential elections.

So if they want to prevent the Workers' Party gaining power, his opponents will need to win the moral argument against Lula. His criminal conviction won't cut it.

It seems that the elites in Brazil are willing to use any means possible to achieve their goal, even if it means flouting the rule of law.



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