

Lula livre! Struggle wins freedom of former Brazilian president

written by Jefferson Azevedo
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Lula greeted by supporters outside the Metal Workers Union in São Bernardo do Campo, Brazil, on Nov. 9.

After 580 days, one of the most famous political prisoners on the planet, former Brazilian President Luis Inácio Lula Da Silva, was finally released on Nov. 8. But his struggle for justice and freedom continues.

In a controversial ruling decided by one vote, Brazil's Supreme Federal Tribunal (STF) voted to deny the imprisonment of defendants who are found guilty until all appeals are exhausted. This was the case with Lula, who was sentenced to prison after being found guilty of corruption and money laundering. Six out of 11 ministers — as Brazilian Supreme Court judges are called — voted to uphold what is written in the constitution.

Although it is stipulated in the Brazilian Constitution that no person who is accused of a crime, if found guilty, shall be imprisoned until all appeals are exhausted, the former president, union head and leader for the Workers Party (PT) was sent to jail by a first stance judge (a lower court with no jury trial). It is important to point out that this law does not apply to repeat offenders and to crimes deemed to be violent.

The weaponization of the law in Brazil, or “lawfare” as it is commonly known there, is a mechanism that has been used often in the last decade. With the help of corrupt judges and the use of false accusations, or accusations of activities that are commonly done by many politicians and members of society in general, and thus not considered a crime, the ruling class targets politicians that do not acquiesce to its demands. By the same token, it acquits or refuses to indict those who are on their side, even when there is a lot of material evidence of wrongdoings and crimes.

Such was the case of a helicopter that was caught carrying 500 kilos of cocaine in 2013. It belonged to a federal senator who was never indicted or investigated. The pilot of the helicopter is now a member of Congress. More politicians and plutocrats

are linked to this case, but not a single one has been indicted.

'Lawfare' against Workers Party leaders

Before Lula, the most famous victim of this tactic was Dilma Rousseff, another former president from the PT who was ousted in a judicial-parliamentary coup in 2014. Lawfare has grown substantially since Rousseff's ousting. Her impeachment was only possible with the help of some of the STF ministers.

The successful coup against Dilma made the Brazilian oligarchs even more powerful — for now they had the means to manipulate the laws to finally defeat the PT and put its leaders in jail. Lula was the main prize!

On trumped-up charges, with no evidence of wrongdoing, Federal Judge Sergio Moro sentenced Lula to 9 years, 6 months, in prison in first stance. After appealing on second stance (higher court), the former president had his sentence increased to 12 years, 11 months, by a judge who plagiarized other judges, including Moro, to write her opinion.

Lula was immediately called to serve his sentence. After two days of resistance inside the headquarters of the Metalworkers Union in the city of São Bernardo Do Campo, he was sent to a federal prison in the mostly white and reactionary state of Parana, where Judge Moro was based. All this was timed so that Lula would be unable to run in the 2018 presidential election or support any candidate.

Lula was denied interviews, visits and any type of public comment until it was safe enough to guarantee the victory of the candidate supported by the Brazilian elites. The 2018 election was won by ultrarightist Jair Bolsonaro, and his victory opened the doors to the full implementation of neoliberal policies and the privatization of what is left of nationalized industry. Judge Moro was nominated as minister of justice as payback for his help in Bolsonaro's election.

Meanwhile, people throughout Brazil and around the world continued to protest loudly for the former president's freedom with the "Lula Livre" campaign.

Oligarchs' infighting creates opening

After thinking that they could easily control Bolsonaro, some sectors of the oligarchy and some STF ministers are now being attacked by their own Frankenstein monster.

The largest media conglomerate in Brazil, Globo Organizations, and the largest newspaper, Folha De São Paulo, are in a battle with Bolsonaro. Threatened with no renewal of their licenses and by the alliance formed between Bolsonaro and other media conglomerate owners, they need something else to keep their creature busy with, and the best option is Lula.

Lula will divert Bolsonaro's attention and, at least, divide the attention of his supporters, who angrily demand the shutdown of the Supreme Court, these media outlets, and the return of the military dictatorship, among other reactionary measures.

The "Bolsominions," as Bolsonaro's followers are called by the resistance, are in their vast majority white petty-bourgeois people who still have not accepted that dark-skinned and poor people be treated with dignity and have access to the same areas that they have.

They see in Lula and the PT the reason why they no longer have the right to call Black people slurs or pay almost nothing to their maids. They hate them for putting dark-skinned people in universities instead of prisons, and for being forced to treat LGBTQ2S people with the respect that they deserve.

As an Internet commentator said, "How do we expect people who refuse to accept the law that abolished slavery to understand the Federal Constitution?"

The road ahead for Lula is long. He will still have to face trial on other trumped-up accusations, but for now he can speak and his voice is being heard clearly by the part of the Brazilian population that refuses to allow that neofascists, racists, homophobes, sexists, bigots and religious zealots take control of their country.

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