

---

Lula's Lawyers: Unthinkable to Disrespect UN Decision

23/08/2018



Defense lawyers of Luiz Inácio Lula da Silva challenged the possibility that the Brazilian state evades the decision of the UN's Human Rights Committee about his right to be presidential candidate.

It is 'unthinkable and incompatible with good faith' to breach such resolution after Brazil confirmed in 2009 its commitment to respect the decisions of that international organ, valued lawyers Cristiano Zanin Martins and Valeska Teixeira Zanin Martins.

In an article published the eve in the daily *Brasil do Fato*, the jurists said they didn't believe that Brazil 'let to be contaminated by the old temptation of countries that deny protection to fundamental guarantees through the invocation of regulations of domestic Law'.

We hope Brazilian authorities and also the non-state agents involved in any way in the issue comply with the decisions of such Committee, because an eventual international responsibility will survive governments, mandates, nominations or concessions, they warned.

According to the lawyers, in the Lula case 'we look to overcome the distance between theory and the real validity of human rights'.

Last Friday, that UN organ established through a measure that Lula, political prisoner for 139 days, be guaranteed his political rights, including those pertaining to his presidential candidacy 'until all pending resources of revisión against his sentence be completed in a just procedure'.

However, both the minister of Justice Torquato Jardim, as the Ministry of Foreign Relations and the minister of the Federal Supreme Court (STF) Alexandre de Moraes, publicly assumed opposed positions to the mandate of the international organization.

In that sense, the lawyers alerted that 'other voices', generally those interested in preventing for some motive Lula's presidential nomination, attempt to turn the decision and the obligation to be complied by the country in simple 'recommendation' or in a situation of less juridical relevance.

Nothing more ridiculous, they stressed before repeating that in 2009, in a sovereign and juridically valid way, Brazil recognized the jurisdiction of the UN Committee of Human Rights when it approved the Facultative Protocol to the International Pact on Civil and Political Rights through the Legislative Decree 311/2009.

'It is right to say that it was not compulsory -the approval of the protocol and the jurisdiction of the committee -turned obligatory and linking from the edition of that normative act', they stressed.

Besides the existence of that decree, they added, Brazil was notified about Lula's case and, since then, presented three demands before that organ, in none of which, the country recused the jurisdiction of the Committee to analyze the violations committed against Lula or the linking nature of the decisions made by that instance.

---