

Regional organizations express concern over the grave situation in Brazil

The decision of the Federal Supreme Court of Brazil to deny the ex-president Luiz Inácio Lula da Silva habeas corpus to remain out of prison while he exhausts all possible appeals against his conviction, allows for the consideration over the future of democracy and rule of law in the region, with serious consequences for Human Rights. Lula's prison was requested in the framework of questionable judicial processes both in relation with their judicial bases as their procedures, while he is the main candidate according to the polls, for the 2018 election.

The advances on the investigation and sanction of corruption is key for the correct functioning of democratic institutions. However, the "Operation Lava Jato" presents signs of non-compliance with the guarantees of impartiality and due process, as well as the right to defense and presumption of innocence of those accused. The obligation of the State to investigate corruption which also has consequences for the validity of human rights, losses legitimacy if the actions of the justice system becomes selective with the purpose of interfering in the democratic process and infringe the political rights of a sector of the population.

Central elements of international law of human rights were biased or not taken into account by the majority of the judges of the Court. This calls into question the obligation of the Supreme Court of justice of maintaining their role as guarantors of democracy and fundamental rights in the midst of Brazil's institutional crisis.

This decision is inserted in a context of institutional breakdown that removed president Dilma Rousseff on 2016 and in the context of the growing space of armed forces in public security and the conduction of internal political affairs of the country.

The General Eduardo Villas Bôas spread worrisome messages the night before the decision by the Federal Supreme Court of Brazil on the ex-president Lula. The commander affirmed that he repudiates impunity and that "the army is attentive of its institutional duties"¹. The militaries have been leading a federal intervention in Rio de Janeiro since February, when the highest military authorities claimed "guarantees to act without the risk of a new truth commission being established"². Furthermore, they lead police operations known as "The Guarantee of Law and Order". In this context of weakness of democratic institutions, in march the municipal councillor and defendant of human rights, Marielle Franco, was murdered³ and the caravans of the presidential campaign of Lula received attacks that included gunshots⁴.

In light of what these facts mean in terms of democratic controls, separation of powers, impartiality, political and civil liberties in the country and the imminent prison of the former president, we urge all the countries in the region, in the corresponding intergovernmental spaces like CELAC, UNASUR, MERCOSUR and OAS, specially during the Summit of the Americas, to be held on 13 and 14 April, as well as international organization of human rights, such as the Inter-American Commission of Human Rights, to take a stand over the grave situation in Brazil.

¹ See <https://www1.folha.uol.com.br/poder/2018/04/na-vespera-de-julgamento-sobre-lula-comandante-do-exercito-diz-repudiar-impunidade.shtml>

² See <https://g1.globo.com/politica/blog/cristiana-lobo/post/general-vilas-boas-militares-precisam-ter-garantia-para-agir-sem-o-risco-de-surgir-uma-nova-comissao-da-verdade.ghtml>

³ See communication by United Nations <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22901&LangID=E> and Inter-American Commission of Human Rights <http://www.oas.org/es/cidh/prensa/comunicados/2018/052.asp>

⁴ See <https://www1.folha.uol.com.br/poder/2018/04/tiros-que-atingiram-caravana-de-lula-vieram-do-alto.shtml>

Regional organizations

Asociación Interamericana para la Defensa del Ambiente (AIDA)
Comité de América Latina y el Caribe para la defensa de los Derechos de las Mujeres (CLADEM)
Colectivo Migraciones para las Américas
Federación Internacional de Derechos Humanos (FIDH)
Mujeres por un Desarrollo Alternativo para una Nueva Era (DAWN)
Plataforma Interamericana de Derechos Humanos Democracia y Desarrollo, PIDHDD
(Coordinación Regional Subrogante)
Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER)
Realizing Sexual and Reproductive Justice (RESURJ)
Red latinoamericana y caribeña de organizaciones que luchan por los derechos de niñas niños
y adolescentes (@REDLAMYC)
RESAMA – Rede Sul-Americana para as Migrações Ambientais
Vecinas Feministas por la Justicia Sexual y Reproductiva en América Latina y el Caribe

Argentina

Akahata Equipo de Sexualidades y Géneros
Centro de Estudios Legales y Sociales (CELS)
Coletivo Passarinho
Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres (CLADEM
– Argentina)
Colectivo para la Diversidad (Copadi)
Comisión Argentina para los Refugiados y Migrantes (CAREF)
Frente Patria Migrante
Red de Migrantes y Refugiadxs

Brazil

Articulação Justiça e Direitos Humanos – JusDh
Associação Brasileira de Reforma Agrária
Associação de Advogados de Trabalhadores Rurais (AATR)
Associação Paranaense da Parada da Diversidade – APPAD (Brasil)
Centro Dom Helder Câmara de Estudos e Ação Social (CENDHEC)
Centro de Defesa da Vida Herbert de Souza
Centro de Defesa dos Direitos Humanos da Serra
Centro Gaspar Garcia de Direitos Humanos
Coletivo Margarida Alves
Comissão Pastoral da Terra (CPT)
Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos
Comitê Latino-americano e do Caribe para a Defesa dos Direitos da Mulher (CLADEM-Brasil)
Conselho Nacional de Igrejas Cristãs do Brasil
Dom da Terra Afro LGBTI (Brasil)
Grupo Tortura Nunca Mais – Bahia
Justiça Global
Instituto DH
Instituto de Estudos Socioeconomicos – INESC
Movimento Nacional de Direitos Humanos
Movimento dos Trabalhadores Rurais Sem Terra
Plataforma de Direitos Humanos – Dhesca Brasil
Rede Nacional de Advogadas e Advogados Populares – Renap
Sociedade Maranhense de Direitos Humanos
Terra de Direitos

Canadá

Coletivo Brasil – Montreal

Chile

Centro Regional de Derechos Humanos y Justicia de Género, Corporación Humanas

Colombia

Corporación Colectivo de Abogados “José Alvear Restrepo” (CCAJAR)

Costa Rica

Dni Internacional Costa Rica

Ecuador

Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM)

Comité Permanente por la Defensa de los Derechos Humanos (CDH Guayaquil)

Comisión Ecueménica de Derechos Humanos (CEDHU)

Estados Unidos

Alianza Américas

SOA Watch

Honduras

Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)

Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH)

México

Abogadas y Abogados para la Justicia y los Derechos Humanos

Asistencia Legal por los Derechos Humanos A.C. (ASILEGAL)

Balance Promoción para el Desarrollo y Juventud

Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. (Centro Prodh)

Centro Diocesano para los Derechos Humanos Fray Juan de Larios AC

FM4 Paso Libre

FUNDAR. Centro de Análisis e Investigación

Grupo de Mujeres de San Cristóbal Las Casas, A. C

Instituto de Estudios y Divulgación sobre Migración A.C. (INEDIM)

Instituto para las Mujeres en la Migración AC (IMUMI)

Paraguay

Coordinadora de Derechos Humanos del Paraguay (Codehupy)

Peru

Asociación Pro-Derechos Humanos (APRODEH)

Centro de Políticas Públicas y Derechos Humanos – Perú EQUIDAD

Instituto Internacional de Derecho y Sociedad-IIDS

República Dominicana

Fundación Étnica Integral (LA FEI)

Venezuela

Programa Venezolano de Educación- Acción en Derechos Humanos (Provea)

