

# LIV MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING (GELAVEX)

## International Cooperation and new criminal trends associated with money laundering

## INTERNATIONAL LEGAL COOPERATION

- It is the international exchange for the extraterritorial compliance of procedural measures in another State;
- **In criminal matters**, it refers to any form of cooperation between States to achieve an objective that has legal consequences and results **related to an investigation or a criminal proceeding**;
- **Requesting authorities**: have the legitimacy to obtain data and information on requests for international cooperation. No one else can request it and, if they do, they will not have access to the information because they do not have the competence to request it.

## INTERNATIONAL LEGAL COOPERATION – OBJECTIVES

- **Procedural communication acts:** summons, summons and notifications;
- **Obtaining various evidence:** witness statements, interrogations of investigated or accused, violations of secrecy (banking, tax, telephone, telematic), documents and information;
- Exchange of evidence and any other procedural measure not prohibited by law.
- **Precautionary measures on assets:** blocking, confiscation and repatriation of assets;

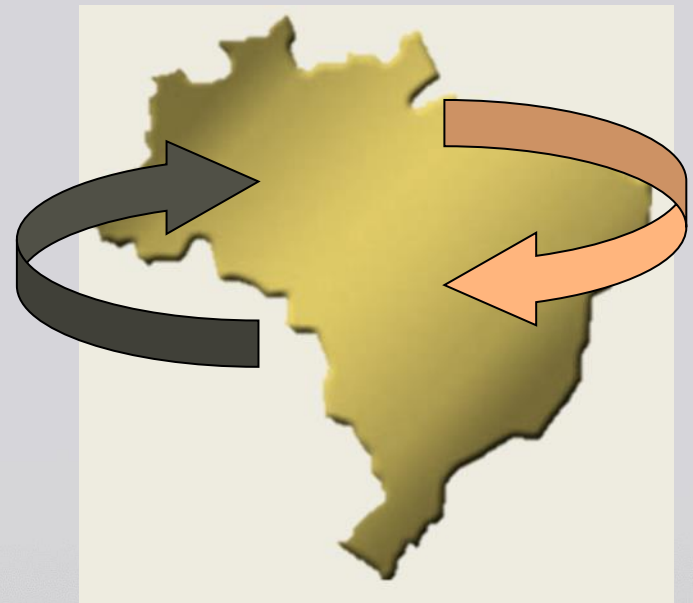
## INTERNATIONAL LEGAL COOPERATION – SOME ASPECTS

- **Legalization of documents:** the processing of cooperation requests, through the Central Authority, ensures the authenticity and legality of the documents – maintenance of the chain of custody. This aspect is very important, since the authorities can not process documents if it is not through the competent authority, under penalty of invalidation of the evidence and, consequently, of the criminal process.
- **The language used** in requests for international legal cooperation must be submitted in both the language of the requesting State and that of the requested State.
- **Applicable Law:** in compliance with cooperation requests, the law to be followed will be that of the requested State (*lex diligentiae*)

# INTERNATIONAL LEGAL COOPERATION

## Two types of international cooperation in criminal matters

- **Active** - Brazilian investigative or prosecutorial authority requests execution of measure in foreign state
- **Passive** - Foreign investigating or prosecuting authority requests execution of measure in Brazil



# INTERNATIONAL LEGAL COOPERATION

<b>DIRECT COOPERATION</b>	<b>INDIRECT LEGAL COOPERATION</b>
Informal	Formal
Directly between similar agencies (ex. Police, Public Prosecutors, Magistrates, Financial Intelligence Units).	Made through Central Authorities
Approach to the actors lato sensu of criminal prosecution; optimization of investigations (exchange of intelligence information; qualification data; criminal records; identification of assets; tracing of persons).	Production/exchange of evidence; arrest and extradition of criminals

# BILATERAL AGREEMENTS



Canadá



China



Colômbia



Coréia do Sul



Cuba



Espanha



EUA



França



Honduras



Itália



México



Nigéria



Panamá



Peru



Bélgica



Reino Unido



Suíça



Suriname



Turquia



Ucrânia



Jordânia

**We currently have more than 80 bilateral agreements under negotiation.**



# SOME MULTILATERAL AGREEMENTS



**United Nations Convention against Transnational Organized Crime  
(Palermo - 2004)**



**United Nations Convention against Illicit Traffic in Narcotic Drugs and  
Psychotropic Substances (Vienna - 1991)**



**United Nations Convention against Corruption (Merida - 2006)**



**Convention on Combating Bribery of Foreign Public Officials in  
International Business Transactions (OECD - 2000)**





## CENTRAL AUTHORITY - Origin and definition

*"It is the national technical body, exclusive or not, designated by each of the States party to a treaty to centralize communications and actions of international legal cooperation."*

*Haya Convention (1965)*

# CENTRAL AUTHORITY - Some Functions

- **Establish a central and direct channel** of communication with foreign jurisdictions;
- **Apply lessons** learned to make cooperation faster and more effective;
- **Ensure compliance and monitor** the progress of requests for international legal cooperation;
- **Receiving and transmitting** requests for legal cooperation, as well as analyzing and adapting them to foreign legislation and the treaty on which they are based.
- **Sensitize the Brazilian authorities** about international legal cooperation by answering questions and clarifying requests so that they can be fulfilled in accordance with the requirements of the countries cooperating with Brazil.



# COUNTRIES THAT ACCEPT ELECTRONIC PROCEDURES (IN CRIMINAL MATTERS)



Suíça



Marrocos



Uruguai



EUA



Peru



Reino Unido



Itália



Canadá



Portugal



Argentina



França

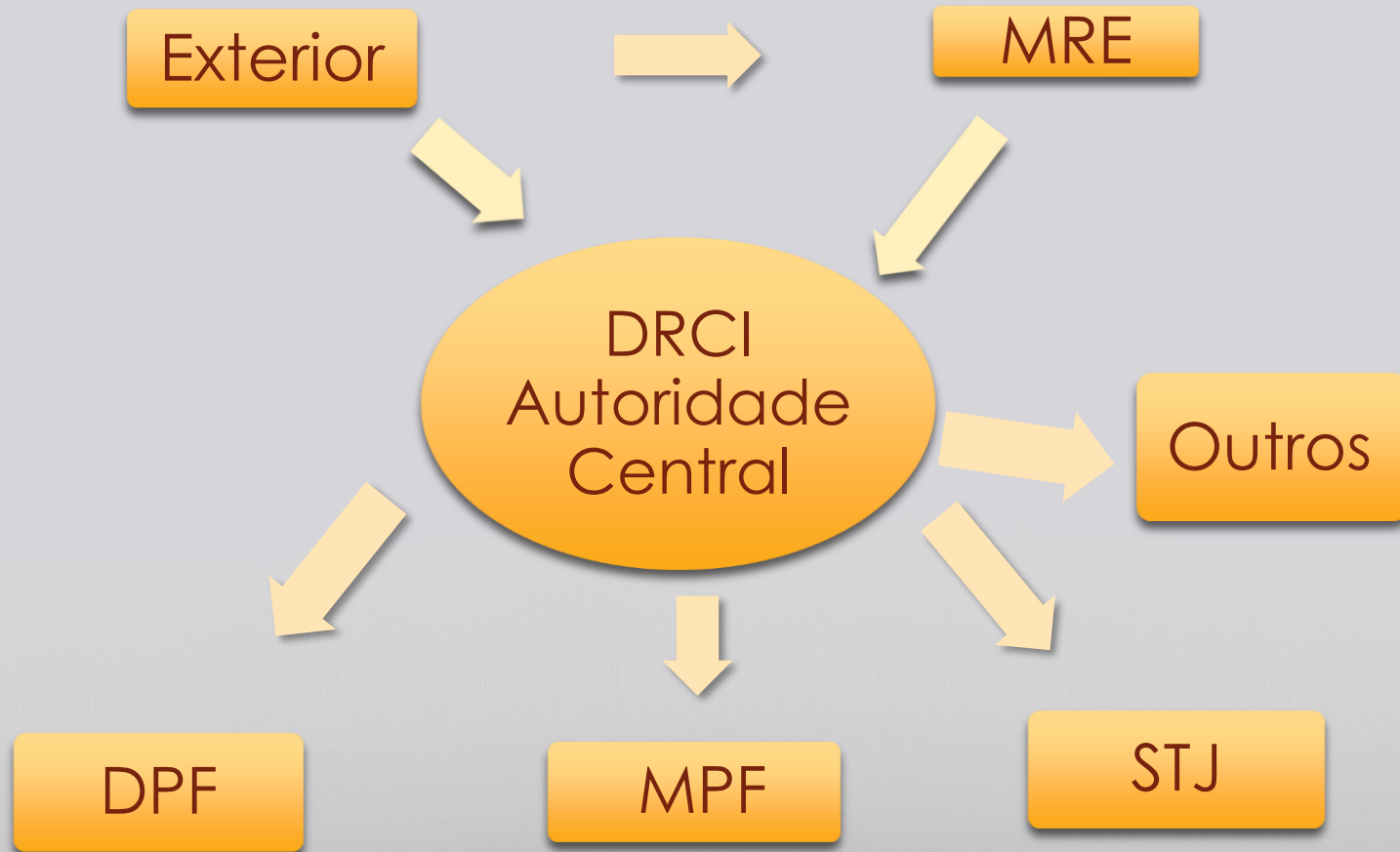


Chile

# Active Requests - Criminal



# Passive Requests - Criminal



## DRCI – Skills (Decreto 9.662/2019)

Art. 14. The Department of Asset Recovery and International Legal Cooperation is responsible for:

[...] III - structure, implement and monitor government actions, in addition to promoting the articulation of the bodies of the Executive and Judicial Branches and the Public Ministry in the following areas:

**a) international legal cooperation in civil and criminal matters**, particularly in matters of international maintenance, international transfer of children, international adoption, **extradition, transfer of sentenced persons and transfer of execution; and**

**b) asset recovery;**

IV - exercise the function of **central authority**, through the coordination and processing of active and passive requests for international legal cooperation in the fields mentioned in point III, by delegation of the Minister of State, unless there is a specific designation that provides otherwise ;

# CASES OF DENIAL OF COOPERATION

## Usual Cases

- Ne bis in idem - new accusations in a case already tried
- Discrimination - gender, race, social, nationality, religion, ideology
- Political or military crime and Exception
- Court request contrary to order, safety or public interest
- Imposition of the death penalty
- Other cases of inapplicability of the treaty in question







# Cases of RETURN of cooperation requests

## USUAL REASONS FOR DEFAULT

- Generic requests - **fishing expedition**
- A missing causal link between the facts, the defendants and the requested measure
- Failure to locate the purpose of the requested measure (person, account, etc.)
- Infeasible deadline for carrying out the measure. Example: visualizations - 90 days.
- Missing questions for the questioning of witnesses
- Missing fundamental attachments or mentioned in the request
- No signature and poor quality translation



# IDENTIFICATION AND LOCATION OF ASSETS

**Concept of patrimony:** all assets, rights and patrimonial values linked to a natural or legal person. Example: money in bank accounts, mobile values (houses, apartments), vehicles, works of art, securities, among others;

**Identification and location of assets abroad** - previous and direct cooperation between national and foreign counterparts (for example, police cooperation, Interpol channels, cooperation networks, diplomatic channels or other direct instruments, in an attempt to obtain the desired results);

**If direct cooperation fails**, such information may also be the subject of a request for international legal cooperation, by preparing a request for assistance according to the model of the form for legal assistance in criminal matters available on our website;

To this end, based on the experience acquired by the DRCI, in addition to the requirements normally required in general, we can highlight the following additional information as necessary:



# IDENTIFICATION AND LOCATION OF ASSETS

- a) **Information on the assets, rights or values subject to the measure:** it is necessary to have as much information as possible on the assets that are going to be located abroad, as well as data on their owners, such as full name, date of birth and, if possible, name of the parents, identity document, passport number, etc.
  
- b) **Description of the facts verified in the requesting State:** it is necessary to sufficiently demonstrate the causal link between the events that occurred, the crimes investigated, the persons involved and the measures requested by the requesting State, demonstrating that there are well-founded indications that the assets, rights or valuables are related to illegal activities.

# ASSET RECOVERY

**The repatriation of assets identified and located** abroad and resulting from criminal practices carried out in Brazil can, according to the good practices observed in legal cooperation and the experience acquired in specific cases, be carried out through some legal mechanisms and procedural bases that are presented as valid and possible in the criminal field for this purpose. As a general rule, in addition to those normally required, we can cite the following as the main requirements for processing requests of this nature:

Copy of the judicial resolution that decrees the definitive confiscation of assets;

**Affidavit:** This is an affidavit from the requesting authority, which must describe in detail the development of the criminal process in the specific case, the stage of the criminal process in Brazil, the existing evidence, the modus operandi of the criminals, the benefit derived of the crime and the explanation of how the assets come from such crimes and, mainly, the confirmation of the transit in res judicata of the process and that the decision is final, without the possibility of being subject to procedural resources.

**In exceptional cases**, the requested State will have the possibility to return the assets at a stage prior to the final decision in the requesting State.

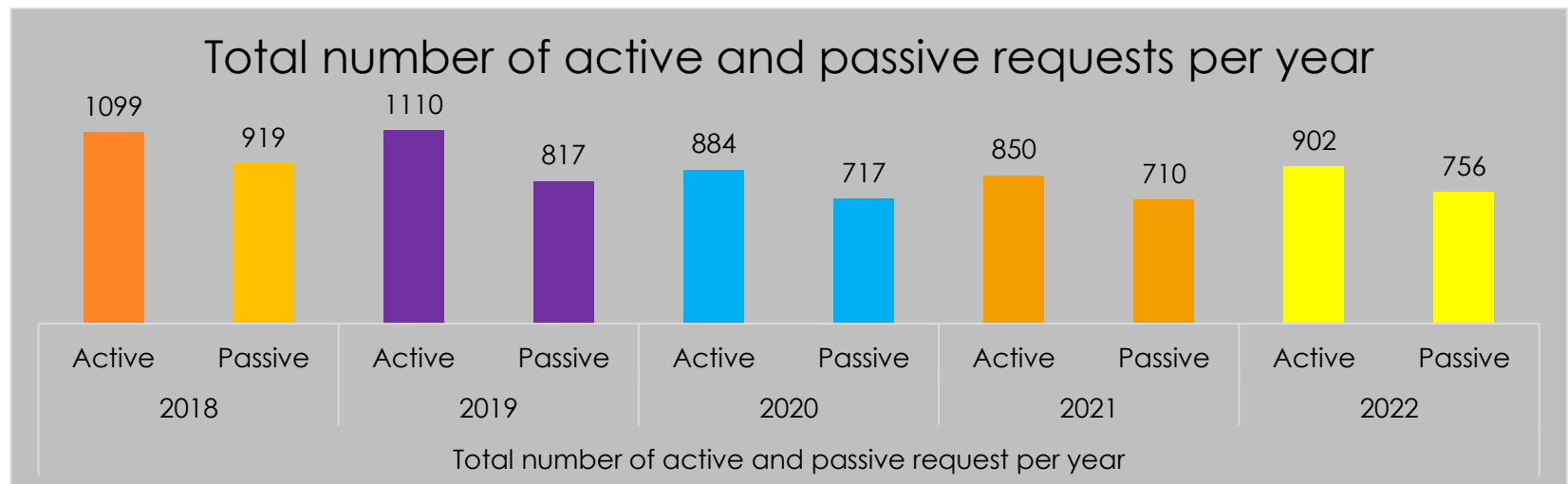
# Asset Recovery

## Statistics

- 1 – Some approximate total amounts of active and passive requests per year;
- 2 - Number of active and passive requests by type of crime;
- 3 - Some approximate numbers of blockades and repatriations in recent years.
- 4 - Amounts blocked and repatriated;
- 5 - Annual statistics of active and passive spontaneous complaints.

# Total number of active and passive requests per year

Total number of active and passive requests per year									
2018		2019		2020		2021		2022	
Active	Passive	Active	Passive	Active	Passive	Active	Passive	Active	Passive
1099	919	1110	817	884	717	850	710	902	756



## Number of active and passive requests by type of crime

### Number of active and passive requests by type of crime

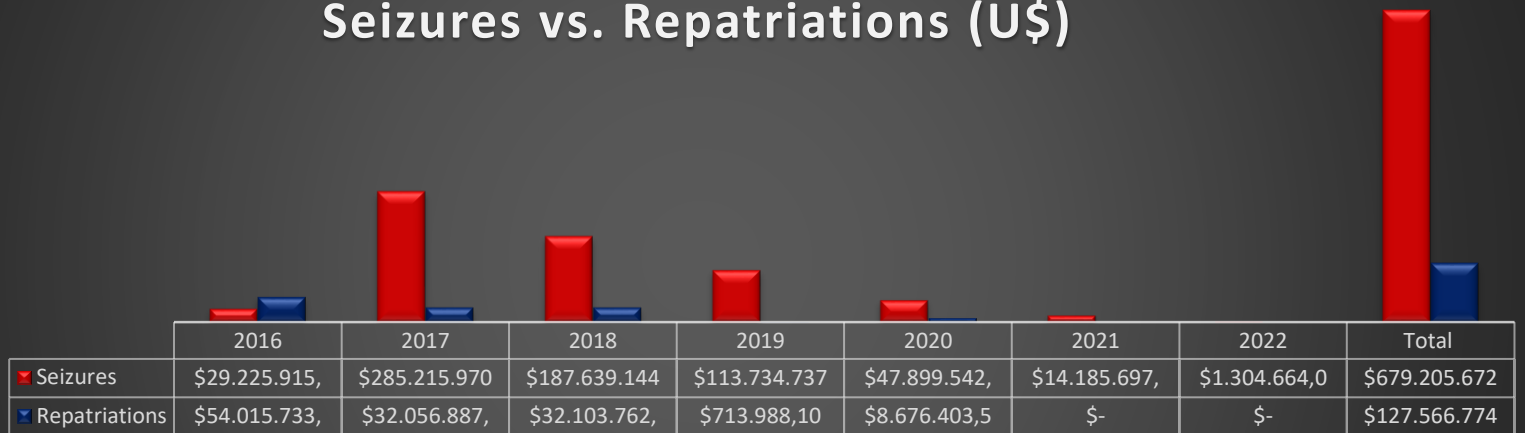
Series	Money Laundering		Corruption		Narcotrafficking		Crimes against Tax Order	
	Active	Passive	Active	Passive	Active	Passive	Active	Passive
2018	149	148	45	57	118	47	44	24
2019	138	120	44	40	69	43	43	8
2020	111	91	99	81	49	41	39	31
2021	73	60	33	27	60	50	22	18
2022	36	31	24	12	30	22	20	17
<b>Total</b>	<b>507</b>	<b>450</b>	<b>245</b>	<b>217</b>	<b>326</b>	<b>203</b>	<b>168</b>	<b>98</b>



## Asset Recovery and Value Seizures per year

Year	Seizures	Repatriations
2016	\$ 29.225.915,75	\$ 54.015.733,45
2017	\$ 285.215.970,14	\$ 32.056.887,22
2018	\$ 187.639.144,89	\$ 32.103.762,50
2019	\$ 113.734.737,97	\$ 713.988,10
2020	\$ 47.899.542,33	\$ 8.676.403,59
2021	\$ 14.185.697,07	\$ -
2022	\$ 1.304.664,03	\$ -
<b>Total</b>	<b>\$ 679.205.672,18</b>	<b>\$ 127.566.774,86</b>

### Seizures vs. Repatriations (U\$)

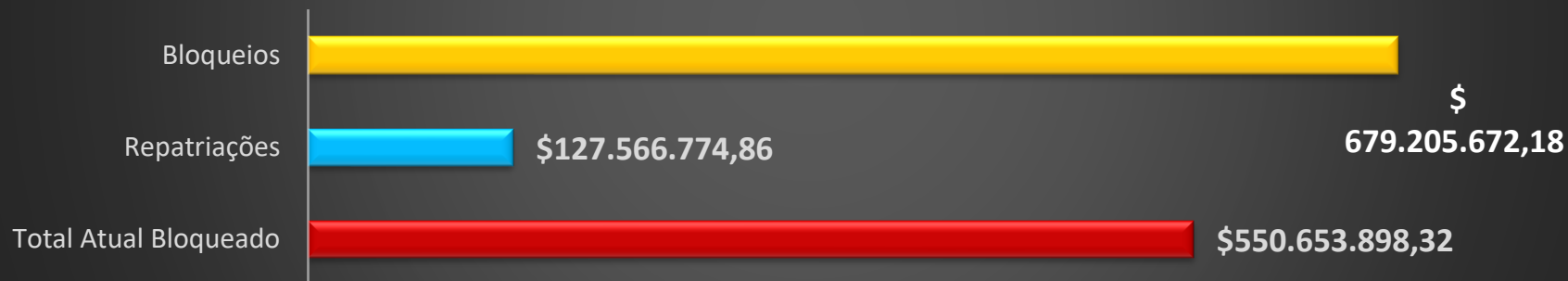


## Recovery of assets Seizures and repatriated amounts

Current Seizures total	Repatriations	Seizures
\$ 550.653.898,32	\$ 127.566.774,86	\$ 679.205.672,18

### Seizures and Repatriations

■ Total Atual Bloqueado ■ Repatriações ■ Bloqueios

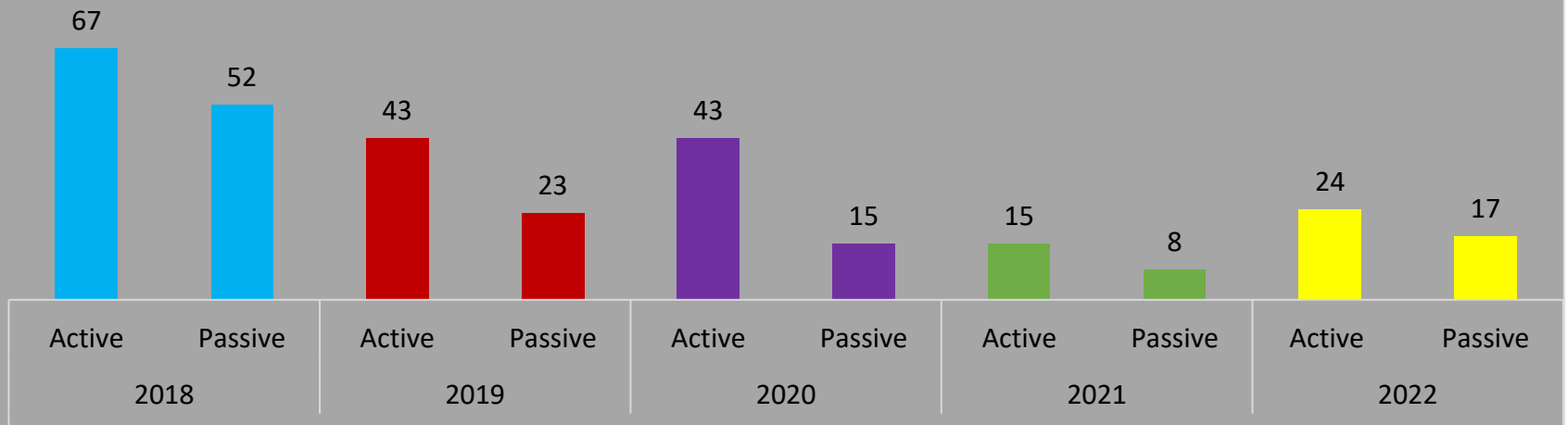


# Annual statistics of active and passive spontaneous reporting

## Annual statistics of active and passive spontaneous information

2018		2019		2020		2021		2022	
Active	Passive	Active	Passive	Active	Passive	Active	Passive	Active	Passive
67	52	43	23	43	15	15	8	24	17

## Annual statistics of active and passive spontaneous information





# Thank You!

**Renato Coimbra**

Asset Recovery Coordinator in Criminal Matters

Coordinator of Asset Recovery

[cooperacaopenal@mj.gov.br](mailto:cooperacaopenal@mj.gov.br)

[repatriacao@mj.gov.br](mailto:repatriacao@mj.gov.br)

(61) 2025.8931