

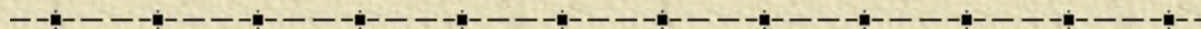


Brazilian Federal Prosecution Service

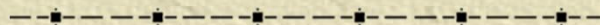
Wellington Cabral Saraiva

Federal Circuit Prosecutor – International Cooperation Unit

Tel.: +55 61 3105-5621 – wsaraiva@mpf.mp.br – Twitter: @WSarai



**International Expert Meeting on the Management and Disposal
of Recovered and Returned Stolen Assets, Including
in Support of Sustainable Development**



Addis Ababa, 15 Feb. 2017



Bad previous record (1)

-
- ✦ Very bad history in Brazil as to asset recovery, both domestic and internationally*
 - ✦ Gross estimate of less than 10% recovery rate in corruption and other crimes against the state*

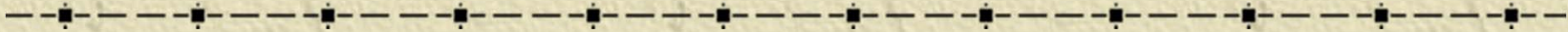


Bad previous record (2)

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- ✦ *Extremely lengthy criminal procedures*
 - ✦ *Lenient statute of limitations rules: stimulus to endless appeals*
 - ✦ *General rule of prison after criminal conviction only after four possible levels of jurisdiction*
 - ◆ *Any criminal suit may go up to the Supreme Court, by means of appeals or habeas corpus*



Turning points



- ✦ *The “Car Wash case”*
- ✦ *Law 12,850, of Aug. 2, 2013*
- ✦ *Supreme Court decision on Feb. 17, 2016 (habeas corpus no. 126,292)*



The “Car Wash case” (1)

-
- ✦ A series of criminal and civil proceedings concerning multiple crimes against Petrobras, a Brazilian state-owned oil company, and other administrative bodies*
 - ✦ Why “Car Wash”: money laundering through a gas station in Brasília (2014)*
 - ✦ The largest set of investigations and criminal suits in Brazilian history*



The "Car Wash case" (2)

-
- ✦ It involves mainly bid rigging and market division, which generated corruption, foreign bribery, money laundering, illegitimate donations to political parties and illegal capital flight*
 - ✦ Many important Petrobras officers were appointed due to political influence and worked to satisfy illegitimate party and individual purposes*



The Car Wash case results

(Feb. 2017) (1)

-
- ✦ *3,359 criminal proceedings*
 - ✦ *901 searches and seizures*
 - ✦ *197 personal appearance subpoenas*
 - ✦ *79 arrests*
 - ✦ *103 temporary arrests*
 - ✦ *6 flagrante delicto arrests*
 - ✦ *103 active MLA requests (31 countries)*
 - ✦ *28 passive MLA requests (15 countries)*



The Car Wash case results

(Feb. 2017) (2)

-
- ✦ *120 cooperation agreements
(natural persons)*
 - ✦ *9 leniency agreements (legal persons)*
 - ✦ *77 criminal suits*
 - ✦ *328 defendants*
 - ✦ *25 sentences*
 - ✦ *125 convictions (total 1,148 years,
11 months, 11 days of prison time)*
 - ✦ *7 civil suits*
 - ✦ *54 civil defendants
(38 natural persons, 16 companies)*



The Car Wash case results

(Feb. 2017) (3)

-
- ★ US\$ 4.03 billion in civil compensation claims*
 - ★ US\$ 12.3 billion in total compensation claims*
 - ★ US\$ 1.03 billion in frozen assets*
 - ★ US\$ 269.6 million in repatriated assets*



The Car Wash case results

(Feb. 2017) (4)

-
- ✦ Prison of many important politicians (representatives, including former House Speaker Mr. Eduardo Cunha, one senator, party officials) and businessmen (including Mr. Marcelo Odebrecht, former CEO of Odebrecht Organization, largest Latin American engineering group, established in 1944)*
 - ✦ Odebrecht has agreed with Brazil, US and Switzerland to pay at least US\$ 3.5 billion in fines in “largest foreign bribery case in history” (US DoJ - <http://migre.me/w3NQJ>)*



Law 12,850, of Aug. 2, 2013

★ Possibility of cooperation agreements

- ◆ Easier and faster collection of evidence*
- ◆ Faster criminal proceedings*
- ◆ More efficient location and repatriation of assets*



Habeas corpus # 126,292

-
- ✦ *Supreme Court decision on Feb. 17, 2016*
 - ✦ *Possibility of prison due to criminal conviction after confirmation by an appeals court*
 - ✦ *Weakening of old defense practices of endless appeals and uncompromising denial of facts*

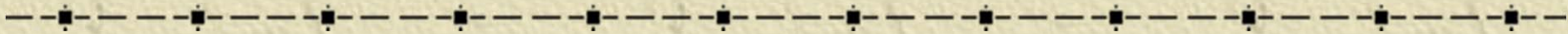


Good practices of asset recovery in the Car Wash case (1)

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- ✦ *Permanent belief that prison alone is insufficient to fight economic and other serious crimes: asset investigation and recovery is essential*
 - ✦ *Asset investigation along with criminal investigation*
 - ✦ *Wide use of cooperation agreements*
 - ◆ *A recent cooperation agreement established that the defendants would repatriate by themselves US\$ 81 million, which took less than two months*



Good practices of asset recovery in the Car Wash case (2)



- ✦ *Use of computer tools to analyze data (e.g. SIMBA, for financial data treatment, and SITTEL, for telephone data treatment)*
- ✦ *Inter-agency cooperation*



Good practices of asset recovery in the Car Wash case (3)

★ A well established international cooperation unit

- ◆ Frequent and direct contact with foreign counterparts and other relevant officials*
- ◆ Quick treatment of proceedings (131 MLAs in all, 31 countries so far)*
- ◆ Informal cooperation prior to formal requests*
- ◆ Use of international networks (Europol's CARIN; GAFILAT; RRAG; StAR; the Egmont Group; IberRed etc.)*



Thank you!

*Wellington Cabral Saraiva
International Cooperation Unit
Tel.: +55 (61) 3105-5621
Cel.: +55 (61) 99366-2410
E-mail: wsaraiva@mpf.mp.br
Twitter: @WSarai
Blog: www.wsaraiva.com*

