International Expert Meeting on the return of stolen assets

“Case examples and practical experiences”
"The recovery of assets requires prompt and efficient cooperation"

- The Brazilian framework
- Legal challenges
- Practical challenges and good practices
- Practical experiences
The Brazilian framework on assets recovery
The Department of Assets Recovery and International Legal Cooperation (DRCI) of the Ministry of Justice

- acting as Brazilian central authority for the international legal cooperation and;

- articulating with the government bodies and civil society: the combat to corruption, money laundering, transnational organized crime and assets recovery.
The DRCI also negotiates international treaties
Legal challenges and good practices
International cooperation in criminal matters

MLA regime is based on treaties and reciprocity.
Treaties currently in force (criminal matters):

- 22 bilateral treaties;
- Multilateral treaties (UN, Inter-American, MERCOSUL, CPLP...).
Good practice 1: increase of the international negotiations

- NOV/2018 – MERCOSUL
Good practice 2: the establishment of specialized unity to deal with financial crimes and corruption in relation to both domestic investigations and international cooperation.
Good practice 3: encourage investigating money laundering cases during ongoing investigations into another crime.
Practical challenges
Practical challenges

• The lack of legislation concerning assets recovery in the requested jurisdiction;
• The different national approaches to confiscation issues;
• The inability to identify bank accounts and the spontaneous transmission of information.
Practical challenges

The main challenge is to obtain a **final conviction**. (final decision)
Practical experiences
Practical experience

Recovery of seven hatchlings of Albino Boa Constrictors (USA) U$ 1 million in the black Market

Santos Bank – Works of Art (USA) 
US$ 12.000.000,00

Operation Anaconda – Switzerland
US$ 19.500.000,00 – Corruption

Regional Labour Court - Switzerland
US$ 4.700.000,00 – Corruption
Practical experience

Brazil’s ‘Operation Car Wash’
## Return of assets (USD)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Material paleontológico (2013)</td>
<td>$929,83</td>
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<tr>
<td>Mensalão (2016)</td>
<td>$15,733,45</td>
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<tr>
<td>Lucy - Animais silvestres (2015)</td>
<td>$350,000,00</td>
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<td>Farol da Colina (2007)</td>
<td>$1,600,000,00</td>
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<td>Veículos Roubados Bolívia (2013)</td>
<td>$2,000,000,00</td>
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<td>Nicolau dos Santos Neto- TRT-SP (2013)</td>
<td>$4,840,000,00</td>
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<td>Anaconda (2015)</td>
<td>$19,368,000,00</td>
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<tr>
<td>SBM/Petrobras (2016)</td>
<td>$54,000,000,00</td>
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The Brazilian policy of negotiating plea bargains with suspects has helped recover assets.

Last week’s newspaper: Brazil recovered only 18% of the assets blocked by Justice abroad.
Thank you!

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