

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**.

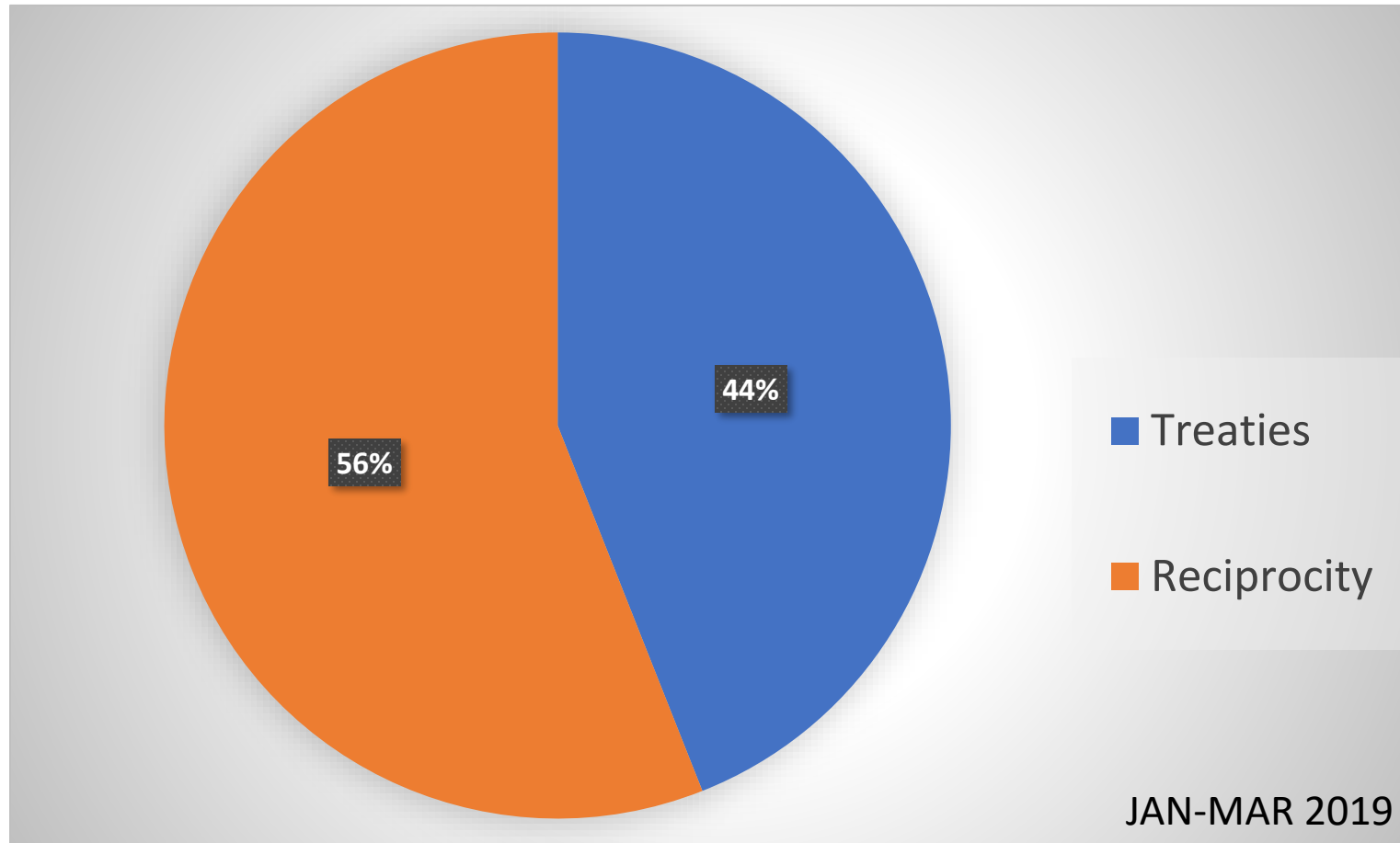
The DRCI also
negotiates
international treaties





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)

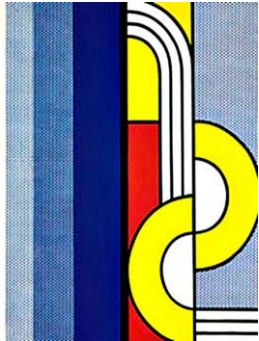
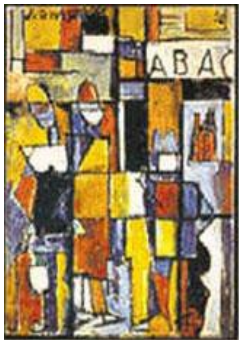


Practical
experiences

Practical experience



Recovery of seven hatchlings of Albino Boa Constrictors (USA) US\$ 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

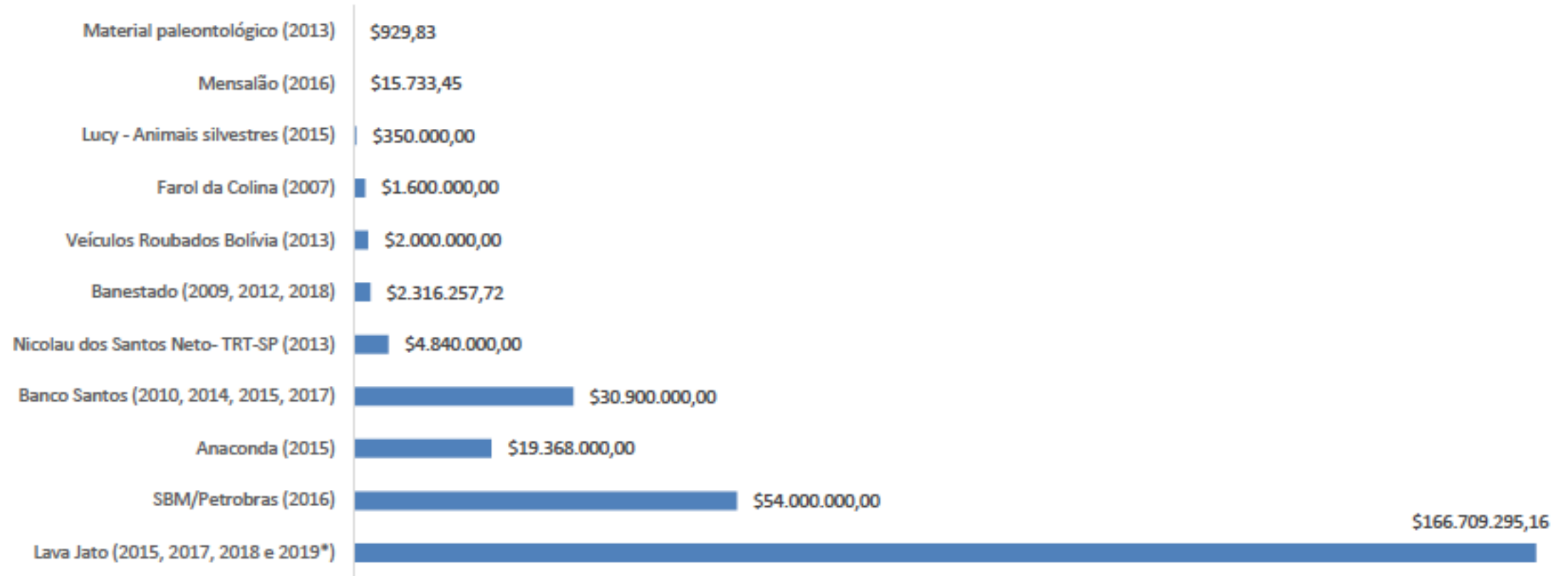
Regional Labour Court - Switzerland
US\$ 4.700.000,00 – Corruption

Practical experience



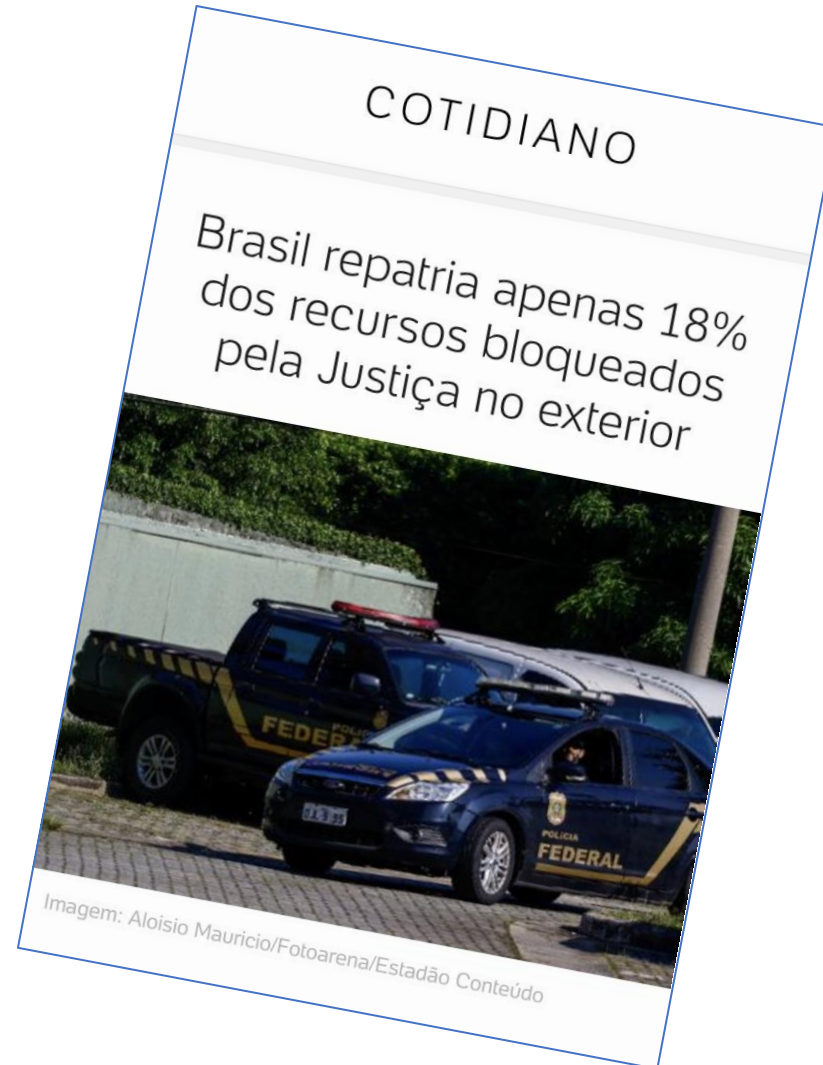
Brazil's 'Operation Car Wash'

Return of assets (USD)



Car Wash investigation

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!

Priscila de Castro Busnello

Head of the Division for Fight Against Corruption

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