

ATTORNEY GENERAL'S OFFICE FOR BRAZIL

PRESENTATION ON THE EXPERT MEETING FOR CORRUPTION INVOLVING VAST QUANTITIES OF ASSETS – OSLO, June, 12 to 14 2019.

Good evening panelists, good evening experts and everyone in the organization of the event,

It is a pleasure to be here to talk about the developments and the work done (and to be done) by the Attorney General's Office for Brazil regarding corruption involving vast quantities of assets, such as the Car Wash operation.

In this short presentation, I would like to address you some of the newest developments of this case and some of the questions our institution believe are of very much importance at this point of the investigation.

As to the regular work within the Car Wash case, 15 days ago the Attorney General's Office for Brazil, working with the Comptroller General Office, signed a leniency agreement with Braskem (the major subsidiary of Odebrecht) to the return of 2.8 million reais (approximately 700 hundred million dollars) for the Republic and Petrobras. The Federal Prosecution Service, five days ago, has informed that only in this year has already recovered more than 150 million dollars, expecting to get to more than 250 at the end of the year.

The numbers said above, and the work done till now, prove that the two main pillars of the Car Wash Operation (that is, close and effective international cooperation and the use of non-trial resolutions) are well established within the work of the institutions in Brazil. We firmly believe that there is no turning back from this point.

The second issue I would like to bring here may be summed up in one (rather simple) question: what is next?

Actually, I should not make a mistake here: there is still much work to be done in the Car Wash Operation in Brazil. Many investigations and proceedings to initiate (and many of them pending, waiting for Courts resolutions), many leniency agreements to be negotiated and signed, and more international cooperation to be requested.

However, the meaning of "next" in the question presented before, the idea of future that I would like to bring in this brief presentation, is more of what is new (in terms of tools and strategy), and not more of the work already done (that is, the strategy already implemented in the case).

As to the Attorney General's Office perspective, we must stress that one of the main pillars of the future should be to strengthen article 53 of UNCAC Convention.

As you already know, this provision foresees that one State Party should allow another State Party to entry in a judicial proceeding overseas (that is, to bring an action, to file a suit) having as cause of action the offenses described in the UNCAC Convention.

Actually, to file a suit in a jurisdiction overseas is not something new. After all, the Convention foresees it since the beginning of this century, and much before that countries have engaged in proceedings to recover assets in foreign countries (we can mention here the Fujimori-Montesinos case, from Peru, and the Abacha case, from Nigeria).

What we believe is new in our work is the systematic approach towards this subject, and that comes by introducing a concept in the decision making of an asset recovery case named, in the Attorney General's Office, as *forum shopping*.

The forum shopping approach means to act, to perform our duties in the most suitable jurisdiction in the world; that is, the jurisdiction that will provide the most effective result in terms of asset recovery.

With respect to the Car Wash case, the continued investigation showed and is showing that much more is to be done outside our territory. Many assets unknown till now; many shell (and also real) companies involved in the offenses, located only overseas and that have acted only outside our territory; many proceedings involving Brazil's interests as a third party in foreign jurisdictions, and so on. We need to gain access to all this information.

With this new approach comes the exploration of new tools for asset recovery. These new tools are the ones provided by the foreign jurisdiction, which can improve and turn more effective the proceeding of recovering the assets located abroad. For example, in the past months we have been studying civil proceedings for liability of legal persons in a foreign jurisdiction (such as the liability of financial intermediaries); or the use of bankruptcy proceedings in shell companies; and these are only the primary examples in this venue.

In addition, I must add that, to the extent of what we have studied and worked so far, this new systematic approach seems to be promising especially in cases of corruption that involves vast quantity of assets. That because, I must stress, simply there is no case of corruption of this nature that does not necessarily involves many foreign jurisdictions. To act thinking on the forum shopping approach, as we have been approaching, is to broaden the number of tools and results expected in a case of asset recovery.

To sum up my brief presentation, I tried to explain here to you all a new path that the Attorney General's Office for Brazil is exploring and studying in order to foster asset

recovery in cases of corruption involving vast quantities of assets, such as the Car Wash operation.

I thank you all for your attention and I remain open for all questions of the experts.