

Brazil

Good morning,

To benefit the quality of interpretation, as asked by your email, follows the statement:

“Ladies and Gentleman,

On behalf of the Brazilian delegation, we would like to share the current scope of Joint Investigation Teams in our law and in our practice from the standpoint of the Ministry of Justice.

First of all, it is necessary to highlight that the MERCOSUR Agreement on Joint Investigation Teams, signed in San Juan, in 2010, has finally received the deposit of the fourth ratification instrument, reason why it has just come into force internationally. This is an important step forward for Brazil since it is our first regional treaty on the subject.

Brazil has been using four other instruments as legal framework for creating Joint Investigation Teams:

1. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna)
2. United Nations Convention against Transnational Organized Crime
3. United Nations Convention against Corruption
4. Brazilian Human Traffic Prevention Act (Law #13.344/2016)

Currently Brazil is working on a new Criminal Procedures Code, which will have an entire part dedicated to international legal cooperation and an entire section dedicated to Joint Investigation Teams, with approximately 17 articles. (PODERÍAMOS CITAR AQUI O QUE DE MAIS INOVADOR CONTÊM ESSES 17 ARTS.?)

Brazil has developed a Joint Investigation Team Bilateral Agreement Model. It became fast and easy to receive, analyse and sign one whenever needed.

In fact, Joint Investigation Teams are ordinarily created after some intelligence information exchange between investigation teams. It is important to say that, in Brazil, the polices are not subordinate to public prosecutors offices. Brazilian police officials are able to present cases directly before the Judiciary, in order to obtain precautionary measures. On the other hand, public prosecutors may investigate by themselves too. This circumstance is one of the reasons why it is very common in Brazil to have task forces with police officers and public prosecutors, in addition to other institutions the participation of which may be convenient to certain cases.

Whatever the configuration of our Investigation Teams and especially whenever they are Parallel, Brazilian experience has found great results with providing and receiving Spontaneous Information to and from our counterparts, through legal cooperation channels, so as to speed up investigative actions in all relevant jurisdictions. We are convinced that expanding this kind of legal cooperation, Spontaneous Information, should be to all countries beneficial.”