

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/11, in which the Conference:

*Encourage[d] States parties to further explore and enhance their knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].*

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

### **Contact Information**

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Brazil Government

Agency: Federal Police of Brazil (Polícia Federal do Brasil)

Department: Anti-Corruption Coordination

[REDACTED]

### **Questionnaire**

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

*This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.*

### **I. Understanding the links between corruption and other forms of crime**

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of

crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa? **YES**.

a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.

2. Please list the main typologies of other crime that have interlinkages with corruption in your country.

- Drug trafficking
- Money-laundering
- Human trafficking
- Migrant smuggling
- Firearms trafficking
- Crimes that affect the environment
- Trafficking in cultural property
- Cybercrime
- Terrorism
- Other forms of economic crime, organized crime or other crime with links to corruption (**please list**)

3. Please provide examples of corruption linked to these other crimes.

Please elaborate if you have or had any cases of the following in your country:

A. Corruption as an enabler of crime

a. Cases of public officials abusing their office to facilitate criminal activity or to protect certain criminal individuals and entities – or to gain support from them – for example, by providing funding or protection or to gain and control public resources? **YES**.

b. Cases of corruption being used to facilitate other types of crime, such as trafficking in persons, illicit trade or smuggling of drugs across borders? For example, have any cases involved the following:

- the issuance of permits, licenses, visas or documents for border crossings
- the purchasing of firearms
- bribery of border agents
- falsification of data in public registries
- other

c. Cases of corruption in public procurement to advance the interests of public officials and their associates? Cases of officials giving preferred access to contracts and tenders to their associates in cases involving other crimes? **YES/YES**.

d. Cases of the protection of victims of crime and corruption being impeded by corruption involving public officials or persons in the private sector? **YES.**

**B. Corruption and crime linked to political patronage**

a. Criminal individuals and entities attempting to use corruption to obtain access to political leadership or to gain power and influence, such as through:

- ✓ political party financing
- ✓ trading in influence
- other

b. Cases of crime and corruption being used to attempt to influence or disrupt elections? **YES.**

c. Cases of criminal involvement, including through the use of corruption, to attempt to influence appointments of public officials to build dependency? **YES.**

**C. Corruption to make organized and other crime invisible**

a. Cases of criminals and their associates using proceeds of crime and corruption for personal enrichment and to conceal the origin of the crimes and for moneylaundering? In particular, cases of concealment of ownership being used to facilitate corruption and other forms of crime? **YES/YES.**

b. Cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime, such as through bribery or allocation of political and other favors to law enforcement and judicial officers? Are there cases of corruption linked to organized and other crime not being pursued by the authorities ('blind eye')? **YES/NO.**

c. Cases of individuals and entities using corruption and other crimes to generate the funds needed to buy protection from the police? Cases of corruption in law enforcement authorities used to shield organized crime? **NO/YES.**

d. Cases of law enforcement being impeded due to a lack of information and data, as well as reporting of crimes related to corruption? **NO.**

4. Has your country collected data or statistics to track and/or analyze trends related to the links between corruption and the types of crime outlined in Question 2 above? **YES.**

a. Are these data analysed and used systematically, such as in prevention and investigations or prosecutions? **YES (investigations).**

b. Please describe any methodologies used for strengthening measurement and terminological clarity, and achieving a deeper understanding of the different contexts (e.g. in times of peace or in emergencies or conflict situations) and sectors

(e.g. law enforcement, border crossing, immigration, intelligence and security, procurement), as well as any corruption or organized crime threat assessments that take into account the interlinkages between corruption and other forms of crime.

**Does not apply.**

5. Has your country collected data or statistics to track and/or analyse trends concerning international cooperation in this regard? **YES.**

a. Please elaborate and share any findings with regard to the good practices and challenges in international cooperation with regard to countering corruption as it relates to other forms of crime. Only the coordination of international cooperation can inform the data.

6. Has your country taken any steps at national, regional or local levels to better understand and study the linkages between corruption and other crimes, such as criminological research, training or awareness raising? **YES.**

7. Which aspects of corruption as it relates to other forms of crime do you consider require further research, and what are the gaps in knowledge or understanding that, if addressed, could facilitate countering these crimes? **Corruption in sport and match-fixing and the need for international cooperation.**

## **II. Measures aimed at responding to corruption linked with other forms of crime**

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at preventing corruption linked with other forms of crime? **YES.**

a. If **YES**, please elaborate. Measures may include:

safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)

development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime

establishment of dedicated institutional frameworks

specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption

systems for the disclosure of assets and private interests

control mechanisms, such as internal approval systems to avoid having one-to-one meetings

controls on issuances of visas, work permits, firearms licenses the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes

awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime

other

9. Has your government adopted or utilized any measures aimed at detecting, investigating and prosecuting corruption linked with other forms of crime? **YES.**

a. If **YES**, please elaborate. *Measures may include:*

- ✓ legislation criminalizing all forms of corruption related to other types of crime
- ✓ legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime
  - measures to identify beneficial owners of legal persons
  - ✓ specialized investigative techniques
  - ✓ strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime
  - ✓ capacity-building, including targeted training and peer-learning for relevant authorities
  - ✓ measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes
  - ✓ mechanisms to address the role of professional gatekeepers (i.e. financial, legal, accounting or other relevant professionals) in the transfer of proceeds of corruption and other crime
  - ✓ measures aimed at encouraging the protection or participation of actors outside the public sector, including:
    - ✓ reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes
    - ✓ measures to protect victims, witnesses, and cooperating offenders
    - ✓ measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes
  - other

10. Has your government adopted or utilized any measures aimed at facilitating international cooperation and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **YES**.

a. If **YES**, please elaborate. *Measures may include:*

- ✓ the implementation of mutual legal assistance through digital means
- ✓ measures aimed at enhancing the efficiency of extradition mechanisms
- ✓ the use of electronic communication channels or networks
- ✓ the use of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption offences linked with other forms of crime
  - ✓ cooperation with other countries or multilateral, international or regional bodies to address corruption linked with other forms of crime
  - ✓ accession to bilateral, regional or multilateral treaties and agreements.
  - other

## **ADDITIONAL INFORMATION PROVIDED BY THE ATTORNEY GENERAL'S OFFICE (AGU)**

For years the AGU has been pushing the agenda to foster international cooperation within the international community, under the umbrella of the UNCAC/UNODC, G20, FATF, and others, especially when related to non-criminal proceedings, direct/informal cooperation among practitioners' institutions, and direct recovery of assets in foreign jurisdictions.

Within the UNODC framework, the AGU was the Brazilian agency responsible for proposing and leading the negotiation of the first COSP Resolution entirely related to the international cooperation in civil and administrative proceedings, as well as direct recovery, the 6/4 Resolution, adopted in the COSP/UNCAC event of 2015, in St. Petersburg. Recently, as a follow up work of such Resolution in the UNCAC/UNODC, the AGU was invited to participate in the discussion of a study that will explore the use of civil and administrative cooperation around the globe, and which initiatives could foster its acceptance and use by the State-Parties.

Also related to the UNODC, the AGU is one the institutions representing Brazil in the creation and operation of GloBE, the UNCAC/UNODC initiative to foster informal cooperation among practitioners around the world in corruption cases, as foreseen in art. 48 of UNCAC. Apart from contributing and participating in the Plenaries of the initiative, the representative of the AGU was nominated to head the Thematic Working Group 2, related to the building of a One-Stop Hub to help practitioners to access information and contact participating in the GloBE.

Finally, the AGU attends annually/biannually to the regular meetings of the UNCAC/UNODC initiative, such as the Working Group of Asset Recovery and the Conference of the State Parties, last held in Vienna and Egypt, respectively.

On the other hand, the AGU regularly attends to the meetings of the Anticorruption Working Group of the G20, where it was one of the agencies responsible to conduct the study Requesting International Cooperation in Civil and Administrative Proceeding Relating to Corruption, released in 2017, at the time Brazil was co-chairing the initiative.

Finally, the AGU regularly attends to the GAFI meetings and the Working Group on Bribery of OECD, and has also been actively participating in the GAFI Project Team to update Recommendations 4 and 38.

### **Informal cooperation**

The Attorney General's Office has been using GloBe's cooperation mechanisms as a tool to expedite access to information and documents found in partner countries. In particular, two cases are currently in progress, one with the UK authorities and another with Spanish authorities. The first are related to an Administrative Dishonesty Law case filed before Brazilian courts against a natural person (former public agent working for the Brazilian embassy in the UK) for acts that resulted in damages to the treasury and illicit

enrichment. The cooperation request seeks to obtain information of assets of the defendant in the UK. The AGU has contacted their counterparts and forwarded the necessary documents, and we are now waiting for a reply with the information requested.

In the second case, after a definitive ruling in a money laundering case in Brazil that involved the seizure/restraint of three real estate properties in Spain, the AGU representative used the GlobE channels to contact Spanish authorities to request updated public information on the current status of the properties before the Notary of such country. The request was responded and the updated public information was sent to Brazil within 7 days.

AGU has a positive experience with informal cooperation related to non-criminal cases within the Latin American Association of Lawyers and State Attorneys (ALAP). ALAP is an interinstitutional mechanism for cooperation between bodies responsible for representing and defending the legal interests of Latin American States. One of the objectives of ALAP is to collaborate with investigations and procedures for the recovery of public property, the repair of damages and asset recovery arising from illicit acts committed to the detriment of the State and its citizens. Also, ALAP aims to collaborate closely to increase the effectiveness of law enforcement measures pointed at combating the phenomena of corruption and money laundering.

AGU has either requested or responded informal cooperation requests 7 times since 2018 within the ALAP framework, being those cases related to providing information and documents such as addresses, company records, and court rulings to support asset recovery cases in Brazil and abroad in a rapid and efficient manner. 3 of those cases were specifically related to corruption and money laundering cases.