



Conference of the States Parties to the United Nations Convention against Corruption

ASSET RECOVERY TECHNIQUES

The strategies implemented by the FPS (MPF) in the Operation "Lava Jato" ("Car Wash Case") and in other relevant criminal investigations in Brazil

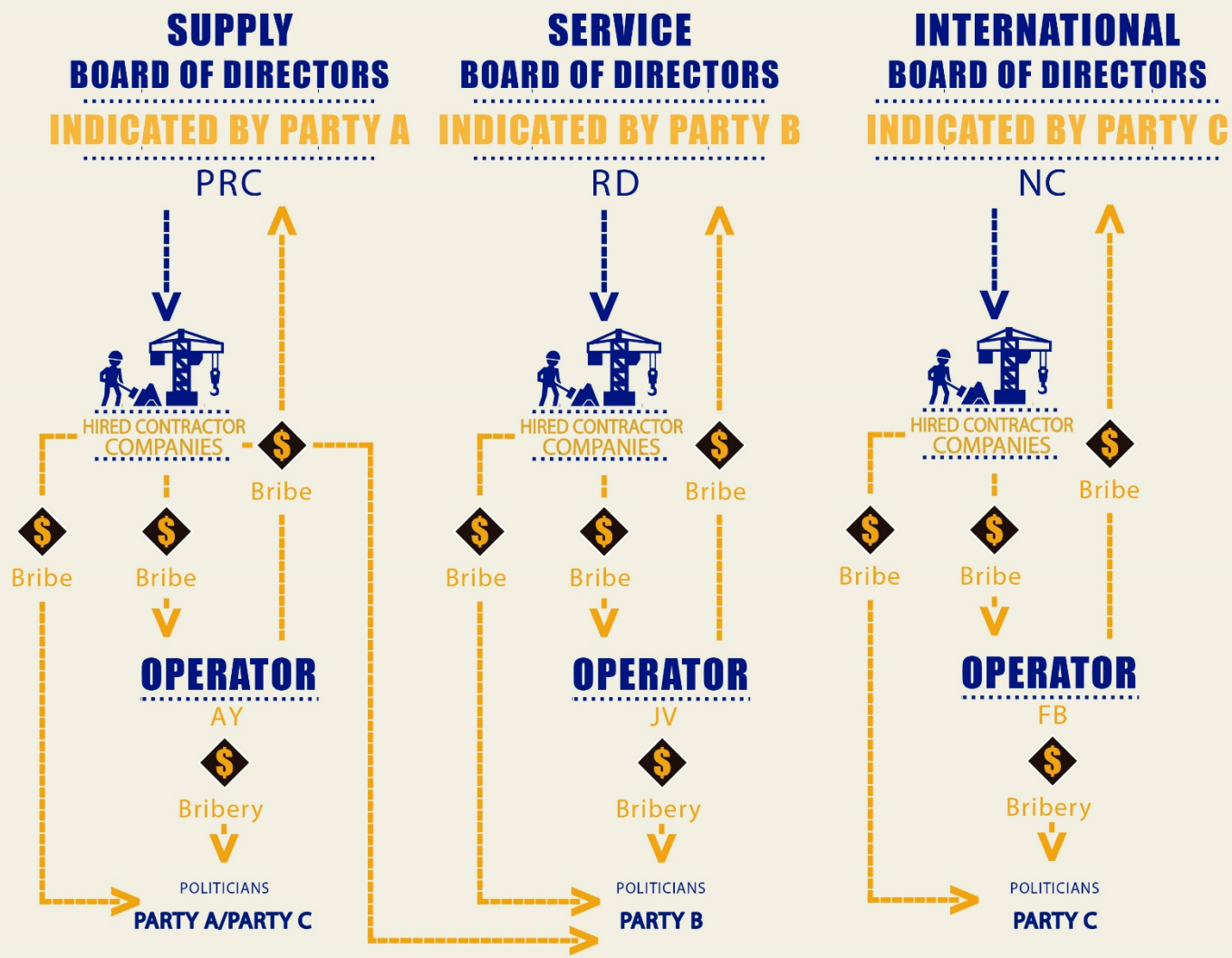
Nicolao Dino

Associate Federal Prosecutor General
Head of the Anticorruption Division

St. Petersburg – Russia 2015 November 4

CAR WASH

SCHEME OF DEVIATION OF RESOURCES OF PETROBRAS



Section 3rd. In any phase of the accusatory procedure, the following means of proof will be permitted, without any harm of other ones foreseen in law:

I – **bargaining for plea**;

II – environmental capture of electromagnetic, optical or acoustic signals;

[...] IV – **access to registers of phone calls and telematics, to registers of data in banks, public or private data and electoral or commercial information**;

V – interception of phone and telematics communication according to specific law in force;

VI – removal of financial, banking and fiscal secrecy, according to specific law in force.

Section 4th. The judge can, through request of the parties, grant the judicial mercy, reduce until 2/ 3 (two thirds) the punishment of deprivation of liberty or replace it for punishment of deprivation of rights of whom have collaborated effective and voluntarily with the investigation and with the criminal suit, **since comes out with this collaboration one or more of the following results:**

- I – the identification of other coprincipals and accessories of the criminal organization and of the criminal infringement practiced by them;
- II – the revelation of the hierarchical structure and the division of the tasks of the criminal organization.
- III – the prevention of penal infringements coming from activities of the criminal organization;
- IV – the total or partial recovering of the product or advantage of the criminal infringements practiced by the criminal organization;
- V- the localization of a casual victim with his/her physical integrity preserved.

§ 1st - In any case, the granting of the benefit is going to take into account the personality of the collaborator, the nature, the circumstances and the gravity and the social repercussion of the criminal fact and the efficacy of the collaboration. ■

- § 6st The judge will not participate of the negotiations made between the parties to formalize the agreement of collaboration, that will occur between the police, the investigated and the defensor, with the manifestation of the Public Ministry, or, according to the case in point, between the Public Ministry and the investigated or accused and his/her defensor.
- § 7th. Once made the agreement according to § 6th, the respective term with the statements of the collaborator and with the copy of the investigation will be sent to the judge to be confirmed who must check its regularity, legality and willingness, being able to this purpose, in secrecy, listen to the collaborator in the presence of his/her defensor.
- § 8th. The judge can refuse the confirmation to the proposal of not meeting the legal requirements, or adequate them to the concrete case.

Section 1st. Hide or dissemble the nature, origin, localization, disposal, move or propriety of the goods, rights or assets coming from, directly or indirectly from the criminal infringement: Penalty: 3 to 10 years and fine.

§ 1st- Incur in the same penalty who, to hide or dissemble the usage of goods, direct or indirectly coming from the criminal infringement:

I – **converts them in licit assets;**

II- buys, receives, exchanges, negotiates, gives or gets in guarantee, keeps, has in deposit or transfers;

III – imports or exports the goods with values which do not correspond to the true ones.

§ 2nd – Incurs in the same penalty who:

I – uses in the economical or financial activity, assets, rights or values coming from the criminal infraction;

II – participates of group or association or office knowing that his/her main or secondary activity is directed to the practice of crime provided in this law.



THANK YOU

Nicolao Dino

Associate Federal Prosecutor General
Head of the Anticorruption Division

nicolaodino@mpf.mp.br