

# OPEN-ENDED INTERGOVERNMENTAL EXPERT MEETING TO ENHANCE INTERNATIONAL COOPERATION

The use of civil and administrative proceedings  
against corruption and asset recovery and the need  
to facilitate international cooperation

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## Introduction: the Brazilian approach on effective measures for asset recovery

Article 51 UNCAC - The return of assets is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

.Car Wash Case (“Lava Jato”): one of the largest corruption investigations in Latin-American history came to demonstrate that coordinating civil and criminal investigations and using international co-operation requests produces excellent results

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## Article 53 - Measures for direct recovery of property

Each State Party shall, in accordance with its domestic law:

- (a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;
- (b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and
- (c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

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Crucial points that contributed to the transformation on fighting corruption in Brazil:

- a) maturity of the institutions after the 1988 democratic constitution (strengthening of the Public Prosecution in a unique way)
- b) Working outside of the criminal field, before civil courts: Administrative Misconduct Act and Clean Company Act
- c) Plea Agreements (2013) and Leniency Programs (2013)
- d) International Cooperation

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- Results of the new approach of the Car Wash task force:
- .more than three hundred incoming and outgoing MLA requests
  - .40 different countries and territories spread throughout the world, in the Americas, Africa, Europe and Asia
  - . the major transnational probe in the Brazilian history.

TODAY: US\$ 730 MILLION

## Valores e bens bloqueados no exterior



Obs.: Valores mostrados em Reais (R\$) com base nas cotações de 7/2/2019.

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THANK YOU!!

