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### EFFECTIVE METHODS TO COMBAT TRANSNATIONAL ORGANIZED CRIME IN CRIMINAL JUSTICE PROCESSES

*Ruy Gomes Silva \**

#### **I. OVERVIEW OF THE SITUATION OF TRANSNATIONAL ORGANIZED CRIME**

##### **A. Illicit Drug Trafficking**

The current situation of the illicit drug trafficking in Brazil in relation to transnational organized crime has presented itself in two different aspects. Firstly by the export of relatively small quantities of drugs by criminal organizations via the international airports of Brazil. The drugs are taken out in several different forms, by one or more persons. The second aspect, the export of large quantities of drugs by these criminal organizations generally by sea, in medium or large ships. Sometimes these large quantities are moved by air.

In the trade of illicit drugs traffic in small amounts, there are two groups of transnational organized crime that constantly sponsor this illegal commerce in Brazil. The mafia from Nigeria is a group that develops ample and routine like activity in the illicit traffic of drugs from Brazil (export of substances, basically cocaine). Their methodology consists of several phases. Initially there is one group of about ten thousand Nigerians established in the largest city of the country, São Paulo. They are involved in several common activities, but really render any type of service to this organization.

Several leaders of the organization in São Paulo acquire the cocaine in the frontier areas, by land or by air. Many Africans are trained in good manners, attire, etc and are sent to Brazil to serve as “mules” for the group. Sometimes, these people enter Brazil as tourists and spend some time working in simple services to get used to the people and the Portuguese language. In a few cases, the organization uses Brazilians for the traffic of the drugs.

For the transportation of cocaine, drug dealers use several forms of camouflage, from carrying the drug in the internal organs of the body (as well as below their clothes); inside utilities; in false compartments in their suitcases, etc. The quantities always vary between half a kilo to three kilos. The routes used by the drug dealers vary depending on the activities of the police rediscovering them. When the “mules” are arrested, the organization provides them assistance with a lawyer until the last interrogation by the judge.

Other criminal organizations, such as the Italian mafia, deal with the illicit traffic of small amounts of drugs in Brazil by purchasing cocaine in neighboring countries. They adopt simple measures for the export of the drug from international airports. The drugs are then transported in a distilled form by the “mules”. The majority of the “mules” are Europeans.

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\* Officer of Interpol at Bahia State, Federal Police Agent, Federal Police Department, Brazil

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In relation to the illicit traffic of drugs in large amounts in Brazil, done by groups of transnational organized criminals, we have noticed a change in relation to the action of the South-American mafia in the drug traffic trade within Brazilian territory. This is due to the fact that national organized groups are starting to act in a very specific form, in certain stages of the trafficking.

Brazil has always been a passageway for drugs, especially cocaine and heroine, coming from Colombia, Peru, Bolivia and destined primarily to European and North-American consumer markets. Brazilian criminal organizations are responsible for the transportation, storing, packaging and export of the drug to its destination, even though these organizations are not the owners of these drugs.

We also have the occurrence of the plantation refining laboratories for cocaine in the Brazilian Amazon. Able to hide in the demographically empty areas of that region, they avoid the problem of exporting the chemical products that are necessary for the processing of coca paste into hydrochloride.

### **B. Illegal Firearms Trafficking**

The illicit traffic of firearms is, at the moment, one of the main activities of some frontier smugglers of Brazil. Firearms are the main product and their introduction into the national territory serves to supply the black market or to give support to any illegal activity that exists in the country.

Organized crime, that is acting nowadays in the country, uses firearms to arm their members. These members are in charge of the security of the organization and use the firearms to commit crimes of threat and murder. These activities are inherent to the criminal organizations. During the last few months, organized

crime groups that traffic in illegal drugs in Brazil, have exchanged firearms for cocaine with terrorist groups from neighboring countries. There have also been investigations regarding the importation of illicit arms in the country through the ports of Rio de Janeiro and Santos in São Paulo. The Russian mafia, has sponsored these activities.

In the frontier region of Brazil (with Paraguay) there are families that began smuggling activities. With the growth of their activities, they gained structures like the international mafia, keeping due proportion. These families began to acquire political power and influence in certain regions of Paraguay. They can easily develop any type of commercial activity between the two countries.

These families have started to act in other illicit activities such as the illegal traffic of firearms at the transnational level, only from that area. They mainly participate in relation to the illegal traffic of firearms because of the opportunity they have as buyers. Their most constant deliveries are for the groups of drug dealers in the slums of Rio de Janeiro.

In summary, referring to illicit firearms traffic, we can say that in Brazil there is only one focal area in the frontier region of the southwest. We do not currently have data regarding the existence of groups of other transnational organized crime groups with illegal arms trafficking as their basic operation or with any large volume of activity in this regard.

### **C. Human (Women and Children) Trafficking**

The traffic of women in Brazil has intensified in the last years motivated by the socio-economic difficulties of the country. Unemployment has very high indices. Misery has become so widespread

in the Brazilian population that the pathway to prostitution for women and adolescents is a fact. As a result, the criminal organizations acting in Brazil take women to Europe and Asia, many times under the guise of giving them good jobs and with promises of a life with more security.

The most usual practice used by women traffickers in Brazilian territory is that of the selection of women with different proposals. These proposals may be of three different types: that of a good job in a regular company; that of work in a dance group or show house; or an explicit one of working in a prostitution house or striptease show. After the women are chosen the contractor pays all their travel expenses. They receive information about any questions they may have to answer to the immigration authorities of the countries of destination.

Many denunciations are made to the Police from the parents, relatives or friends of the women. They themselves propose to leave the country in such an adventure. The police can hardly prohibit this type of action due to the demands of the Brazilian criminal law that it be proven that the objective of leaving the country, by the woman, is for the practice of prostitution. This is a fact that these women never admit or it is difficult to prove. Several times the police have tried to use the testimony of many women who return to Brazil after having been obliged to work as prostitutes. Their aim has been to identify the person or criminal group that practised this action. These women, when they are in Brazilian territory, do not want to admit what has occurred because of the situation with their families and society. We cannot state with concrete evidence, but due to the incidence of cases where women leave the country to go to Europe, the Spanish mafia must be acting in the illicit traffic of women.

In relation to the traffic of children in Brazil, we have noticed the action of several groups of people who work for legal adoption by couples in Europe, mainly Italy. Nevertheless it is difficult to state that there is participation of organized crime in this activity in Brazil.

Some years ago people involved with facilitating adoptions acted in a way that necessary legal procedure and the legalization of the act would not be followed. In this way, the European couples took Brazilian children abroad with legal adoptions but with consent full of irregularities. These irregularities include the non-obeyance of the period of adoption by the adopting couple with the child to be adopted. All of the irregularities were originating from acts practiced by officers of the judiciary being covered up by the judges of the district who sign the final order for the adoption.

Another routine action from the people involved in facilitating adoptions was to give money or goods to the parents of the needy children for them to give away their children to be adopted by foreign couples and provide them a way to live in a developed country. After the dissemination of information about these adoptions by the media, showing some situations of children taken for adoption, but against the will of their parents, the judiciary started to demand that the specific laws should be obeyed for the adoption of Brazilian children by foreign couples. These laws were specially based on the Haia Convention, which is in force. At present, children that are adopted are chosen in institutions that are formally registered for adoption, which are under the control of the government.

At this time, we cannot be certain about the existence of the traffic of children in Brazil. We must take into account the fact

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that many Brazilian children are leaving the country and being adopted by people from other countries without a formal process.

**D. Trafficking in Stolen Vehicles**

The vehicles that are stolen in Brazil have been done with two motivations: to commit other crimes, such as robbery, kidnapping, etc.; or to remove their parts and components. In the first case, generally the vehicles are recovered. A minority suffer some type of adulteration of documents to continue in circulation. In the second case, the majority have no possibility of being found, as a result of the dismantling process.

The organizations that are stealing vehicles in Brazil aim at meeting the needs of the domestic market. The majority of vehicles made in Brazil are not well accepted in neighboring countries due to the lack of spare parts. This creates dangers and difficulties for them to cross borders. Still there are occurrences of the delivery of stolen vehicles in Paraguay and Bolivia, mainly to exchange them for illicit drugs, with a much smaller number in relation to those that stay in the country.

In Brazil the presence of the transnational organized crime is not defined in the traffic of stolen vehicles. This crime is under the jurisdiction of the state police.

**E. Card Fraud**

A major problem that currently exists in Brazil is credit card fraud. The fraud is perpetrated by the cloning of credit cards, both at the national and international level. The cloning of these cards is done more easily abroad, where the machines that are used to do it, are sold without restrictions in specialized shops. In Brazil, the sale of these machines is forbidden in the open market.

Credit card fraud in Brazil is classified by the Penal Code as the crime of taking illicit advantage of another person by means of fraud. In this particular case, the fraud causes losses to a common person, and therefore falls under the jurisdiction of the state police.

**F. Money Laundering**

In the last few years it has become obvious in Brazil that there isn't a sufficient structure by which the public and the legislative branches can combat organized crime. The occurrence of large-scale cases of public corruption, the illicit movement of capital, improper usage of public monies and funds from campaigns has become frequent.

The insufficiency of norms, represented by the lack of specific types of penalty, favor impunity. It was because of this that Law 9613 was passed in 1998, aiming at specific punishment for the activity of "laundering money". Along with this legislation came the inauguration of a whole system to control the financial operations and the fiscalization of the movement of capital.

With this new law, criminal investigations began to detect the methods for laundering money in Brazil. Processes to verify this crime are ongoing in the country, without having gotten to their final stage for decision by a Justice. In some Brazilian states, the investigations are making it evident that there is the presence of money from international mafias on behalf of 'ghosts', false beneficiaries, front companies, fictitious companies, etc for the purpose of acquiring goods and valuables, and for the movement of money in the Exchange Bureau.

According to the public authorities involved in the processes of verification of the laundering of money in Brazil, it is still

too early to talk about the results of this special legislation and of the prevention agencies that were created i.e, The Council for the Control of Financial Activities, the Division of Organized Crime and Special Enquiries of the Federal Police Department and the Department of Combat to Financial and Exchange Illicit Acts of the Central Bank of Brazil.

### **G. The Traffic of Wild Animals**

Nowadays, according to the Environmental Investigation Agency, the smuggling of wild animals runs to 10 billion dollars per year. Our country, with its incommensurable natural resources, is undoubtedly one of the most plundered by this profitable criminal activity. According to an estimation of the Brazilian Environmental National Council - 12 million wild animal are taken away from our forests, and 30% of them (3,6 million) are destined overseas.

It must be registered that the traffic of endangered species frequently occurs in connection with the illegal trade of others products or substances such as drugs, weapons, alcohol, precious stones and others. Sometimes the animals are used as a hiding place for these merchandise. For instance: a Boa Constrictor was discovered with plastic bags of cocaine hidden inside its stomach; and an automatic rifles' load was detected inside wooden boxes containing poisonous snakes.

Some kinds of wild animals, by virtue of their exuberance and consequent demand, are subject to intense traffic, such as *psittacidae* (parrots and macaws), eagles, toucans, turtles, crocodiles (for leather), primates and *Felidae* (felines). We must observe that the main buyers of live wild animals are laboratories, collectors, zoos, animal shops and circuses.

Wild animal traffic has similarities with its "cousin", drugs and weapons traffic. In the same manner, it is born in the interior, in the forest, where modest and poor people happen to be used to capture birds and wild animals in exchange for scraps. The catcher, a modest simple minded person, earns little or almost nothing for the service, just like the backwoodsmen during the planting of *EPADU*. In the end of this chain, toucans, macaws, pumas and spotted leopard are sold for thousands of dollars in consumption markets of the first world.

From the Amazon jungle to a golden cage in New York, from the *Pantanal* (a kind of Brazilian savanna) in Mato Grosso do Sul State to a madam's coat in Paris, the traffic of animals has particularities which we will analyze. Just as others illicit activities, the traffic of animals can certainly be countered by a net of inspectors and employees in strategic positions, in ports, airports and frontiers, regimented to facilitate embarking/disembarking legal channels for exportation. We will also find airline companies' employees involved in the perpetration of these offenses; the ones responsible for air cargoes and crew members as well.

Another singular detail, already observed in the international wildlife traffic, is the "laundry". Such activity is operated by the international traffickers, when there is a frontier country with "flabby" environmental legislation, in comparison to the others.

A real example would be the case of animals captured in Brazil (which has rigid legislation concerning fauna exportation) and smuggled, via land, to Argentina, whose legislation is considered complaisant. In Argentina the animals suffer the "laundry", i.e., they have their documentation altered, as if they were

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captured in that country and, this way, are “legally” exported to the USA and Europe. The animal is not returned to Brazil, modality known as “re-enter”, where documentation fraud occurs with the help of nurseries placed in foreign lands.

Another traffic modality presently used is the transport of tropical birds' eggs. The criminals are smugglings the eggs of macaws, parrots and toucans, concealed in executive suitcases which are portable incubators. Up to sixty eggs can be placed inside these suitcases.

We know that some rare *Psittacidae* are worth up to a hundred thousand dollars in European and North America markets. It is not difficult to conclude that inside only one suitcase can be transporting “merchandise” that can reach, in those market, a total of six millions dollars.

According to this explanation, the traffic of wildlife is as profitable an activity as the illegal trafficking of drugs and firearms. Thus we must say that it is a transnational organized crime activity, though we have not proven any links to organized groups for a while.

#### **H. Major Transnational Organized Criminal Groups**

Without a shadow of doubt, in Brazil, organized crime is evolving. Until a few years ago, Brazil was only a route for the traffic of drugs, and even continuing to be so, other criminal activities have expanded: groups are involved in stealing and robbing cars, stealing loads from trucks; large intensive drug traffic; public corruption, fiscal frauds, etc. Still, in relation to the issue of transnational organized crime, it is still too early to speak about the existence in Brazil with important national organizations. In spite of the existence of small groups that are active in the area of the frontier with Paraguay and Bolivia -

just as a matter of opportunity - the Nigerian, Italian, and Colombian mafia, which are the main groups of represented in transnational organized crime, operate in Brazil, but without headquarters here.

Finally, according what was stated. It is time for a question: Will Brazil be prepared to face this menace? The Brazilian strategy against organized crime supports itself in four important points: legislative modernization; cooperation between police organizations; the strengthening of the Federal Police Department and the Highway Federal Police; and increase in international cooperation.

## **II. TOOLS FACILITATING THE INVESTIGATION OF TRANSNATIONAL ORGANIZED CRIME**

### **A. Current Situation, and Problems in the Utilization of and Solutions for Controlled Delivery**

In spite of the principles of the Constitution of Brazil (1988) and the Brazilian process and penal laws, in effect for sixty years, with provisions that avoid the usage of controlled delivery due to what is established as: the duty of the police to arrest any person caught in the act of committing a crime or who is found attempting to commit; committing or right after committing the crime; and, if it is not done immediately, the police will commit a crime for not practicing an act in the fulfillment of their obligation, controlled delivery was admitted in Brazil only to combat organized crime according to the new Law 9034 from 1995.

With juridical justification of this new law, to stop unconstitutionality, criminal association in cases of macro-criminality would be a permanent passive offense, and those persons would be subject to

imprisonment at any moment, as long as the police are permanently following their criminal actions.

Still, this new law does not make it possible to make use of controlled delivery in Brazil by the police departments, due to the lack of detailed norms relating to some aspects, such as:

- (i) establishment of which authority is in charge of this control: the judge, the prosecuting attorney, or the police itself;
- (ii) modernization of the procedures of the police proceedings, to be adequate for controlled delivery;
- (iii) regulation of the procedures of controlled delivery in secretive normative instructions;
- (iv) to begin to use controlled delivery within the norms for its functioning and the modernization of the judiciary and procedures to be adequate to facilitate investigations of the transnational organized crime.

#### **B. Electronic Surveillance (Wire-Tapping, Communications Interception etc)**

Presently in Brazil, Law 9296 is in effect and since 1996, it authorizes, based on the Federal Constitution of Brazil, only the telephone interception of communications. So, this tool for electronic control is being used by the Brazilian police for criminal investigation and penal process instruction, on request from the police authority or prosecuting attorney to the judge in charge, whenever there is reasonable evidence of authorship, the fact that is being investigated constituting crime of high relevance - illicit traffic of drugs, kidnapping, laundering of money, etc - and the proof cannot be provided by another means available. According to this law, the judge must decide on the request for the telephone interception in a period

of twenty four hours and, in case it is authorized, the period will be for fifteen days (that can be extended for fifteen more days).

The Brazilian police and prosecuting attorneys have used telephone interception to solve many cases, when authorized. Mainly, due to dissemination (by the media) of the usage of this tool by the authorities, the criminal organizations have become more and more organized in order to avoid it. As well, some programs and systems for mobile phones nowadays make it difficult to breach the secrecy of their telephone calls. The Brazilian police agencies also have several difficulties in using the telephone listening device. The most constant problems are the following:

- (i) resistance on part of the judges to grant authorization for the telephone interception, because these judges think that the police are able to get the proof they need by means of old methods, and are not accustomed yet to the technological developments in the world;
- (ii) interrupted service in the telephone companies to attend to the judicial authorization for telephone interception during the weekends, holidays and night shifts; and
- (iii) the legal term for the period of eavesdropping of fifteen days, which can be extended for fifteen more days, is not sufficient in most of the cases, mainly when it has to do with transnational organized crime.

It would be a great achievement for the solution of these problems in telephone interception if the Brazilian judges (who are (at present) starting their careers being less than thirty years old) had more life experience and more factual participation in police work. The government could also establish norms obliging the telephone

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companies to attend quickly to these types of authorization, when it is related to transnational organized crime. Another solution would be the on-line connection of the data from the telephone companies with the police terminals, with the activation of the system being under judicial order.

With the difficulties already found by the Brazilian police and prosecuting attorneys in the instruction of criminal investigations using telephone interception, it is evident that room listening devices or hidden microphones would be very valuable to combat transnational organized crime. Under the Brazilian Constitution this is considered illegal at present.

### **C. Undercover Operations**

Operations of infiltration of police in criminal organizations in Brazil are not possible yet because there is no exception to the rules of the Brazilian Penal Code which establishes: "whoever may contribute to a crime is subject to the sanctions established". Brazilian law lists as basic principles of the role of the police the prevention of crime before the repression of crime.

Therefore participation of the police in any stage of the crime, whether it is in the preparation or execution, makes it impossible to commit the crime, and the author will be exempt of sanction. Certainly the solution for this problem would be the reformulation of our sixty-year-old Penal Code. There is already a Committee which has been working for some years to present a bill to this effect.

### **D. Best Practice in and Weak Points of Conventional Investigative Techniques**

In the investigation of transnational organized crime in Brazil traditional techniques are extensively used and

constitute proof in the criminal process (with equal value, depending on the context). The gathering of material proof in a search and seizure which occurred during police investigation (by judicial order), with indications of authorship, combined with declarations from witnesses and police reports from surveillance/observations, are the best points of conventional investigation. The questioning of suspects will either confirm all the proof already evident, or will lead to formal contradiction in the process.

In the questioning of suspects and interviews with witnesses, there is difficulty as to the hearing, because in Brazil the statements of these people must be formal (at a predetermined place and time), by delivery of written information or notification at least two days before. Suspects also have the right to appear with their lawyers. As a result, these hearings generally take a long time to occur, as these suspects and witnesses must receive the document personally by going to police headquarters. Sometimes it takes long time for the police to find their addresses. Additionally, there is the fact that only after the third legal notice or invitation, formally delivered and not attended, can the suspect or witness be taken as soon as he/she is found to the police station to provide information about the case under investigation.

Regarding search and seizure, problems originate in obtaining orders and in the delay (on the part of the judges) in issuing the judicial order. The judges always send a requisition for an order of search and seizure, to be done by the police, to verify the position of the Department of Justice. Another problem occurs at the moment of search in the houses, companies, etc. of the suspect, when it is necessary (due to an act of law) to have the presence of two witnesses that are preferably not



police officers. People refuse to collaborate under several pretexts, above all, due to fear of reprisal in the future, as they have no guarantee that the police will provide effective and lasting security.

In shadowing and observations, the most common problems are generated by the lack of integration and trust between the different police groups in Brazil - Federal Police, Federal Highways Police, Military Police and Civil Police. Due to the fact that there is no hierarchy and because of problems of internal corruption, they do not receive communications from each other about ongoing work.

Thus, in the development of surveillance operations, the population always denounces the presence of suspicious people to the Military Police, which approach the suspect, i.e. the police at work in the area, as if they were criminals. This is commonplace due to the high rate of urban violence that exists in the country, and many times they compromise the secrecy of the operation.

### **III. METHODS FOR OBTAINING COOPERATION WITH WITNESSES TO PUNISH ORGANIZED CRIMINALS**

#### **A. Immunity**

According to Brazilian law for combating organized crime, there is only the potential that the penalty will be reduced to one or two thirds, when the spontaneous collaboration of the author will lead to clarifying the penal infractions and their authorship. There is not any precept of immunity.

In relation to this spontaneous collaboration, it can be said that it does not have practical effect in Brazil, as this benefit was created ten years ago in the Law of Violent Crimes and, up to the

moment, in practice has had no effect, rarely being applied. Delinquents know that when they betray their accomplices they will not have a long life in jail. And the Brazilian State is in such a bad financial situation that it will not build special prisons for criminals who collaborate with justice officials. The horizon is not a very promising one, unless the State can search for more encompassing solutions for the problem than the simple legislative insertion of such measures.

The Programme for the Protection of Victims and Witnesses constitutes the only existing method in Brazil to obtain the cooperation of people, aimed at the punishment of individuals connected to organized crime. Nevertheless, it is impossible to assure the security of people in Brazil.

#### **B. Witness and Victim Protection Programmes**

The national programme for the protection of victims and witnesses who have been threatened, was created by Federal law in July 1999. The programme came into effect in August of that year, and the people who are entitled to the protection programme are those without decreed imprisonment and their relatives who have lived with them habitually. The protection can be requested by the witness him/herself, or by the victim, the Department of Justice, the police, the judge who is responsible for the criminal process, or by public agencies and entities for the defense of the human rights.

The programs are funded with money from the State and Federal governments and executed by non-governmental organizations (NGOs). They have the following measures:

- (i) Transference of residence;
- (ii) Monthly financial aid per person;

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- (iii) The supply of food and clothing;
- (iv) Safety when they go from one place to another;
- (v) Help to find a job in the work market;
- (vi) Removal of public employees without any loss of remuneration;
- (vii) Social, psychological and medical assistance;
- (viii) Change of identity.

**IV. COMPONENTS AND LEGAL FRAMEWORKS FOR COMBATING TRANSNATIONAL ORGANIZED CRIME**

**A. Criminalization of Participation in an Organized Criminal Group**

According to the Brazilian legislation, the punishment of criminals from groups of organized crime is done according to the sanctions foreseen for each crime. No special circumstance exists due to the fact that the offender has committed a crime or crimes when he/she was participating in a organized crime group.

The criterion for the punishment of those participating in groups of organized crime, according to what is established in the Brazilian Penal Code, are the examples below:

- (i) when the accusation is for only one crime, the suspect will be condemned to the sanctions of that penal type;
- (ii) when the charge is for two or more crimes, by means of more than one action, that is, more than one act or omission, the sanction will be applied in a cumulative way, that is, they are arithmetically added; and
- (iii) when the accusation is for committing two or more crimes by means of only one action, then there is the application of the most severe sanction that is applicable, but increased from one sixth to one half.

**B. Anti- Money Laundering Systems**

According to what is demonstrated by international experience, one of the most important aspects for the prevention of the offense of money laundering is perfection of the administrative system and financial controls.

As a result, the law for the prevention and combat of money laundering in Brazil was created in 1998, along with a criminal policy aimed at this objective. This gave rise to a system against money laundering which initially appears in the law itself, with the criminalization of the behavior of money laundering. From then on we had a special law considering the laundering of money as a crime, beyond our old Penal Code. Also came the creation of the Council of Financial Activities (COAF), which aimed at discipline, applying administrative sanctions, receiving, examining and identifying suspect occurrences of illicit activities related to the laundering of money. It's aim was also to coordinate and propose mechanisms for the cooperation and exchange of information that could provide quick and efficient actions in the combat, cover-up or dissimulation of goods, rights and values. The COAF is comprised of public employees from several federal agencies, such as the police, auditors, etc. We also created, at the Central Bank of Brazil, the Department for the Combat of Financial and Exchange Illicit Acts. This department was designated to be in charge of the general monitoring of the financial market, and is the main agency to receive allegations made by the COAF in relation to the financial system.

At the Federal Police Department was created the Division for the Repression of International Organized Crime, with headquarters in the capital of the country, but with police trained for investigations throughout Brazil. This department is in

charge of the ascertaining information on transnational organized crime activities.

to let them go free (after they receive some bribe).

**C. Asset Forfeiture System (for Assets Derived from Organized Crimes)**

For goods and merchandise or real property acquired as product of crime, even if these have already been registered in the name of person or persons without any connection with the crime, the Brazilian procedural law has only one institute available, which is for the seizure of goods. For seizure it is necessary that there are strong indications of the illicit origin of the goods. Brazil does not have an asset forfeiture system that is specifically applied in cases of organized crime.

In our country, in order to perform the extradition correctly, after the identification and confirmation of the place where the person, who is searched for is staying, and after the extradition by the Central National Office of the Interpol and the issuing of a Warrant of Arrest by the highest court of Brazil, the Federal Supreme Court, the person who is searched is generally arrested by the Brazilian Federal Police. The Supreme Court of Brazil has determined that people arrested for extradition remain under custody in the jail of the Federal Police Department, in order to avoid escape, as this always occurs when these people remain in common prisons.

**V. BEST PRACTICE IN EXERCISING INTERNATIONAL COOPERATION IN CRIMINAL MATTERS (EXTRADITION AND MUTUAL LEGAL ASSISTANCE) TO TACKLE TRANSNATIONAL ORGANIZED CRIME**

In the case of existing treaties or the formalization of reciprocity agreements for extradition, the best way to practice international cooperation in relation to transnational organized crime is the guarantee of the imprisonment and hand-over of the person to be extradicted to the country that is making the request, after the adoption of the appropriate legal orders.

Due to its large extension, Brazil has always received a large number of members from international organized crime groups, which have remained in the country by using several tactics which include the corruption of public authorities and police for safe and incognito permanence. Regularly these criminals use their financial powers to convince some poorly paid civil, military and state police