

### BRAZIL'S COUNTERMEASURES AGAINST TRANSNATIONAL ORGANIZED CRIMES: AN ANALYSIS OF THE CATRAPO (DRUG TRAFFICKING), MENSALINHO (BRIBERY) AND DIAMONDS EXPORT CASES

*Vinicius Alexandre Fortes de Barros\**

#### I. INTRODUCTION: TRANSNATIONAL CRIMINAL GROUPS IN BRAZIL

At the national level, Brazil has developed and strengthened some institutions to combat those criminal factions. Despite its global economic position and interest in becoming a developed country, Brazil still struggles to fight transnational organized groups. Brazil's current criminality records show this tug-of-war between development and criminality. For example, the Global Organized Crime Index recently placed Brazil with a 6.50 criminality score and 22nd place of 193 countries.<sup>1</sup> Hence, this demonstrates that Brazil has progressed in combating criminal groups but has a long path to run.

Brazil has two large domestic criminal gangs: The First Capital Command and the Red Command.<sup>2</sup> Nevertheless, the vastness of Brazil's territory and the impossibility of constant state surveillance due to economic reasons facilitate Brazilian criminals to form transnational criminal organizations. As an example of this, the United Nations Office on Drugs and Crime (UNODC)'s most recent Global Report on Cocaine 2023 illustrated that there had been an "increased use of aircraft for incoming and internal movement of cocaine" in Brazil.<sup>3</sup>

Because of its position amidst the Latin Countries and Europe, Brazil has become a *route* for many other transnational criminal groups to export drugs to Europe or to convert illegal assets into legal ones in tax-haven countries. Moreover, the Global Report on Cocaine 2023 shows that "Brazilian crime groups seem to be increasingly targeting Portuguese-speaking countries like Mozambique, Angola and Cabo Verde. And airports in Kenya and Ethiopia are also believed to have been targeted as 'stopovers' *en route* from Brazil to Europe".<sup>4</sup>

Regarding transnational criminal groups, another context is that they are not limited to committing a specific crime. On the contrary, the UNODC demonstrates that this type of criminality is flexible and fluid – also called intertwined transnational threats.<sup>5</sup> More and more of those groups use cybertools to commit cybercrimes or facilitate the commission of other crimes.<sup>6</sup> For example, they are hiring members from online

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\* Federal Prosecutor at Brazil's Federal Prosecution Service. Master of International Law at the University of Cambridge, receiving the *Jennings Award* from Wolfson College. Specialist in International Criminal Law at the Siracusa International Institute for Criminal Justice and Human Rights (Italy). The opinions expressed herein are the author's and do not necessarily reflect the views of Brazil's Federal Prosecution Service.

<sup>1</sup> Global Initiative Against Transnational Organized Crime, "Global Organized Crime Index 2021" (2021) <<https://ocindex.net/assets/downloads/global-ocindex-report.pdf>> accessed 19 April 2023.

<sup>2</sup> Insight Crime, "Brazil in Insight Crime" (9 March 2020) <<https://insightcrime.org/brazil-organized-crime-news/>>.

<sup>3</sup> United Nations Office on Drugs and Crime, "Global Report on Cocaine 2023. Local Dynamics, Global Challenges." (UNODC 2023) <[https://www.unodc.org/documents/data-and-analysis/cocaine/Global\\_cocaine\\_report\\_2023.pdf](https://www.unodc.org/documents/data-and-analysis/cocaine/Global_cocaine_report_2023.pdf)> accessed 17 April 2023.

<sup>4</sup> *Ibid.* 22.

<sup>5</sup> Masif Rusi, "Intertwined Transnational Threats: Corruption and Organised Crime" (*Illicit Flows*, 9 December 2022) <<https://illicitflows.eu/intertwined-transnational-threats-corruption-and-organised-crime/>> accessed 16 April 2023.

<sup>6</sup> RFAI Red de Fiscales Antidrogas de la Asociación Iberoamericana de Ministerios Públicos, "Guía de Buenas Prácticas en Materia de Drogas" (AIAMP - Asociación Iberoamericana de Ministerios Públicos 2022) <<https://www.mpf.gob.ar/procurar/files/2022/12/AIAMP-RFAI-Gu%C3%ADa-de-Buenas-Pr%C3%A1cticas-en-Materia-de-Drogas.pdf>> accessed 17 April 2023.

forums or buying cryptocurrency to convert illicit money into licit money.

The fluidity is also seen in the immediate substitution of peoples, assets or instruments of crimes. This article will analyse how transnational criminal groups can easily substitute low-level criminal agents to achieve their criminal results. Also, it is astonishing how those criminal groups can buy and discharge highly expensive products, such as airplanes.

This article will first analyse the international and Brazilian national norms that provide leeway to combat macro criminality. Furthermore, it will scrutinize three criminal cases: the Catrapo, Mensalinho and Diamonds Export cases, and register which countermeasures were applied in each of them. The third part of this article will pinpoint the outcomes and challenges that Brazil has to overcome to apply the 2030 Agenda for Sustainable Development, the Kyoto Declaration and the UNODC's strategy for 2021–2025.<sup>7</sup>

## II. INTERNATIONAL AND NATIONAL LEGAL NORMS TO COMBAT TRANSNATIONAL CRIMINAL GROUPS IN BRAZIL

### A. International Conventions

Brazil is a signatory of the following conventions: i. United Nations Convention against Transnational Organized Crime (UNTOC) and its three protocols; ii. Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961 (Brazil has signed but not yet ratified it); iii. United Nations Convention Against Corruption; iv. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and v. United Nations Convention against Corruption. Also, Brazil attended the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice held in Kyoto from 7 to 12 March 2021.<sup>8</sup>

### B. National Legislation

In Brazil's domestic jurisdiction, the laws concerning transnational criminal organizations are the National Drug Policy,<sup>9</sup> the Law of Combating Criminal Organizations,<sup>10</sup> the Law for Criminal Offences of Interstate or International Repercussions That Require Uniform Repression,<sup>11</sup> the Law of Money Laundering,<sup>12</sup> the Law of Illegal Drug Trafficking<sup>13</sup> and some others.<sup>14</sup> When one compares the countermeasures that exist in the United Nations Convention against Transnational Organized Crime, all of them are either present in Brazil's national legislation or in the Brazilian Criminal Procedure Code.

For prosecution purposes, a criminal organization in Brazil is the "association of 4 (four) or more persons, organized in a structured manner and characterized by the distribution of tasks, even if informally, aimed to obtain advantages through the commission of criminal offences, whether directly or indirectly, whose maximum penalty exceeds 4 (four) years, or present a transnational nature".<sup>15</sup> Therefore, this categorization partially follows the one in Article 2 (a) of the United Nations Convention Against Transnational Organized Crime. For the latter, three persons can constitute an organized criminal group, while Brazilian legislation requires at least four persons.

There is a wide possibility of adopting countermeasures against criminal organizations. The Brazilian

<sup>7</sup> <https://www.unodc.org/documents/lpo-brazil//strategy-summary.pdf>

<sup>8</sup> United Nations, "Report of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice" (2021) <[https://www.unodc.org/documents/commissions/Congress/documents/ACONF234\\_16\\_V2102028.pdf](https://www.unodc.org/documents/commissions/Congress/documents/ACONF234_16_V2102028.pdf)> accessed 17 April 2023.

<sup>9</sup> Brazil, Brazil's National Drug Policy 2019 [9,761].

<sup>10</sup> Brazil, Law of Combating Criminal Organisations 2013 [12850].

<sup>11</sup> Brazil, Law of criminal offenses of interstate or international repercussions that require uniform repression 2002 [10,446].

<sup>12</sup> Brazil, Law of Money Laundering 1998 [9,613].

<sup>13</sup> Brazil, Law of Illegal Drug Trafficking 2006 [11,343].

<sup>14</sup> The International Cooperation Unit of the Brazilian Federal Prosecution Service elaborated the translation of important legislations in Brazil. One can access them here: <https://www.mpf.mp.br/atuacao-tematica/sci/dados-da-atuacao/assessoria-juridica/legislacao-pertinente-a-cooperacao-juridica-internacional/legislacao-traduzida>.

<sup>15</sup> Brazil Law of Combating Criminal Organisations (n 10).

Criminal Procedure Code has adopted some since 1941, such as seizing and arresting persons, seizure of assets and imprisonment. However, the Law of Combating Criminal Organizations of 2013 was highly influenced by the United Nations Convention Against Transnational Organized Crime. In Article 3 of the Brazilian norm, one can see that a different array of countermeasures is available for the Prosecution Service:

Article 3. At any stage of the criminal prosecution, the following methods of collecting evidence shall be allowed, notwithstanding others already provided by Law:

I – plea bargain agreements;

II – recording of electromagnetic, optical or acoustic signals;

III – controlled action;

IV – access to the register of telephonic and telematic calls, to personal data from both public and private databases and to commercial or electoral information;

V – interception of telephone and telematic communications, pursuant to specific Law;

VI – lifting of bank, financial and fiscal secrecy, pursuant to specific Law;

VII – infiltration by police officers performing activities of investigation, pursuant to Article 11;

VIII – cooperation among institutions and federal, district, state, and municipal bodies in search of evidence and information of interest to the investigation or the evidentiary stage.<sup>16</sup>

Finally, some of the cited convention's countermeasures that involve international cooperation, such as extradition (Article 16), mutual legal assistance (Article 18), joint investigations (Article 19), special investigative techniques (Article 20) and the enhancement of cooperation with law enforcement authorities (Article 26) are also available in a criminal investigation. Yet, they are dispersed in other national legislation, such as the Migration Law for extradition<sup>17</sup> and the Brazilian Civil Procedure Code for international cooperation.<sup>18</sup>

From now on, the three following criminal cases will investigate the application of those countermeasures empirically.

### **III. ANALYSIS OF THE CATRAPO, MENSALINHO (LITTLE BRIBERY) AND DIAMOND IMPORTS CASES**

#### **A. The Catrapo Case: International Drug Trafficking**

##### **1. Factual Context**

Catrapo is an international criminal case in Brazil about international drug trafficking of cocaine. The transnational criminal organization was based in Brazil and composed of eighteen members in the state of Mato Grosso, a state in Brazil – not considering members in other states. The main leader was a retired police officer who could operate both from Bolivia and Europe. The organization hired airplane pilots to export the drugs from Bolivia to Brazil using irregular and undercover airstrips amidst the forests in Brazil. Using this form of landing, the criminal group could fill the airplanes with cocaine in Bolivia. In Mato Grosso, the group changed airplanes to fly to Pernambuco, another state in Brazil, next to the Atlantic Ocean. In this state, they changed aircraft once again and flew to Europe.

Due to the usage of clandestine airstrips, all without any type of lighting and in the middle of the forest, the group hired pilots with long expertise in flying small aeroplanes (most aeroplanes were those that could fit only four to six persons) in those harsh conditions. One must also understand that the state of Mato Grosso has two ecosystems, the Cerrado and the Amazon. The latter has a feature of increased humidity and rain for at least six months, from October to April. Therefore, only pilots with long hours of experience were hired. In total, at least five pilots were contacted by the two principal delegates of the criminal group.

Furthermore, one could observe a chain of command with hierarchy and structure that fit the description of Article 2 (a) of the United Nations Convention Against Transnational Organized Crime. On the top of the hierarchy was the retired officer, who had a deep trust in two delegates. These two members were the ones

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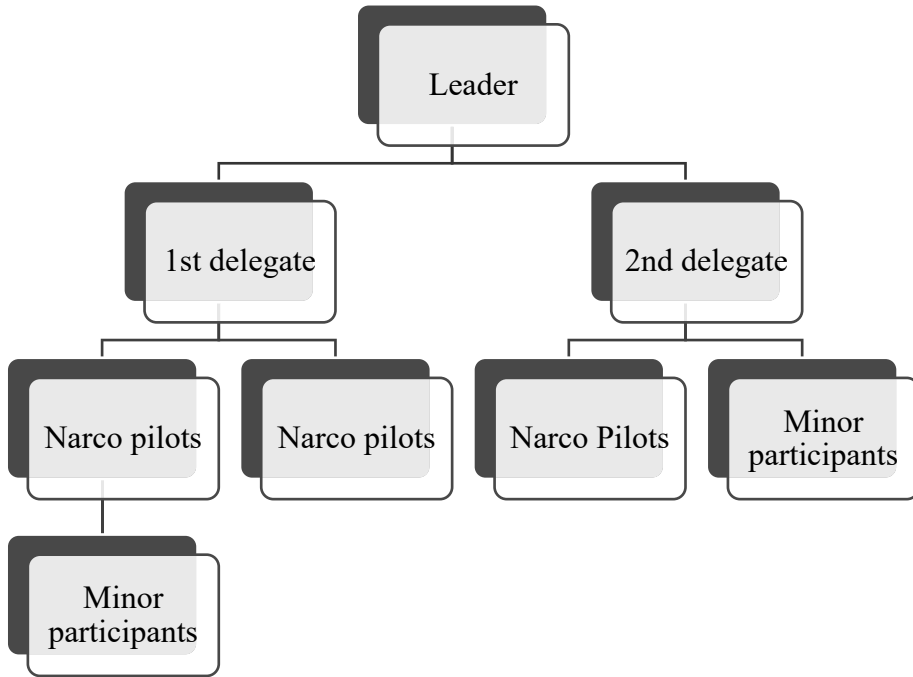
<sup>16</sup> Ibid.

<sup>17</sup> Brazil, Migration Law 2017 [Law 13,445].

<sup>18</sup> Brazil, Civil Procedure Code – Law 13,105 2015 [Law 13,105].

that hired the narco pilots. However, there was a need not only for pilots but also persons who put the drugs inside the aeroplanes, those who extracted them and drove them to other airstrips and other aeroplanes and so on. During the investigation, one could observe that most of those external persons with minor duties were also hired by those two main delegates right below the organization's leader.

An example of the structure of the group is as follows:



Nonetheless, one question arose during the investigation: was it possible for the leader to control different parts of the drug exportation by hiring only people in one state, namely the Mato Grosso state? And the answer was no. After the charges were filed, the Federal Prosecution Service determined that two other investigations in different states in Brazil focused on some of the same members of the criminal group. Hence, the Federal Prosecutors of Paraná and Pernambuco, states of Brazil, were contacted to inform them of the investigation and charges produced in Mato Grosso. Consequently, this demonstrated that the leader had control of members in at least three states in Brazil.

Right after the first countermeasures were solicited by the Federal Prosecution Service, the organization's leader moved within Europe to Hungary in a strategic move because Hungary still has not signed a bilateral criminal international cooperation treaty with Brazil.<sup>19</sup> The leader's extradition is still pending (Article 16 of UNTOC).

2. Countermeasures

The first countermeasure applied in this case was the controlled delivery (Article 2(i) of UNTOC) of cocaine in the state of Mato Grosso. The Federal Police in Brazil contacted the Federal Prosecution Service, enabling information exchange and mutual assistance from the USA's Drug Enforcement Administration (Article 18 of UNTOC). When the first aeroplane containing cocaine was intercepted by the Brazilian Air Force, the leader of the organization determined it to be destroyed, and it resulted in the death of its pilot. Because of this and the immediate gathering of proof of drugs inside the airplane, the Federal Prosecution Service required the confiscation and seizure of at least five Cessna airplanes (Article 12 (1)(b) of UNTOC).

Additionally, the imprisonment of all leaders and participants, including the minor ones (Article 5(1)(b) of UNTOC), was requested and deferred at the judicial level. A novel feature implemented in this case is that

<sup>19</sup> Hungary has signed and ratified UNTOC. [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en) Accessed on 17 April 2023.

many aeroplanes were registered in the name of legal persons, but those were also seized nonetheless (Article 10(1) of UNTOC). The participants' bank accounts were frozen because the money was evidence of laundering of proceeds of crimes (Article 6 of UNTOC).

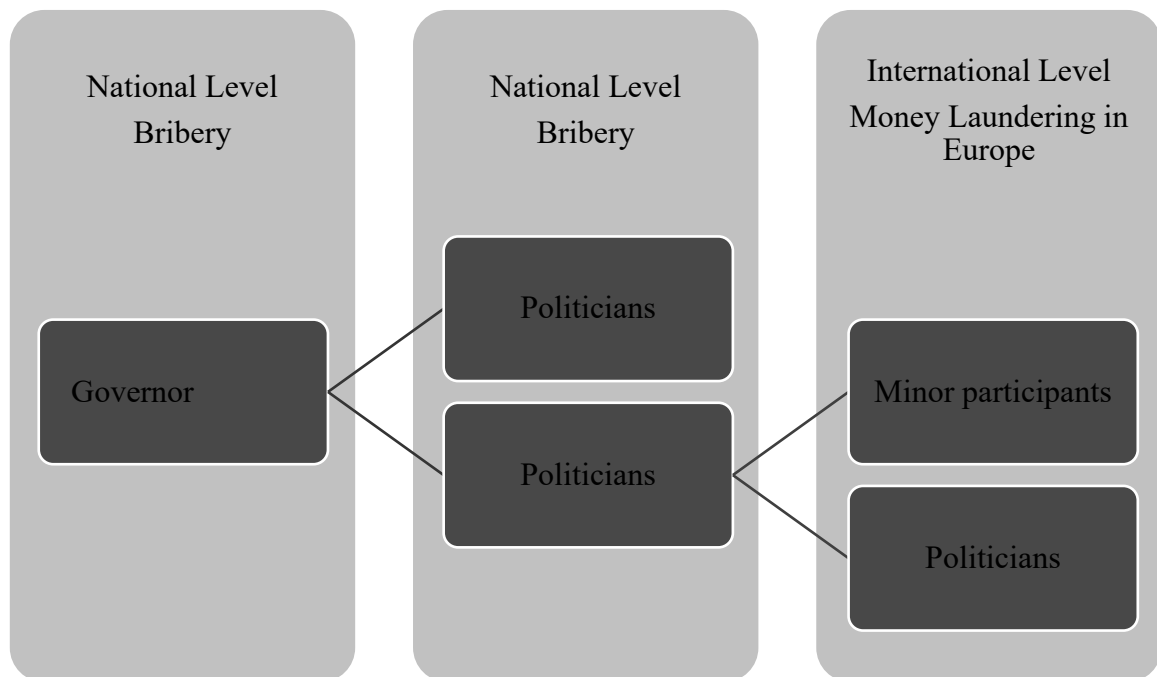
The main challenge is still the leader's extradition and obtaining information from Hungary. At the financial level, difficulties arose when countries did not share information about whether there were assets from the transnational criminal group in their territories. Finally, because Brazil focused on receiving information from the USA, it did not request enough cooperation from Bolivia so that the Latin countries could create among themselves a joint investigation group (Article 19 of UNTOC).

**B. The Mensalinho (Little Bribery) Case**

1. Factual Context

The Mensalinho (little bribery in English) is a corruption case in which several politicians of the Mato Grosso state received bribes to maintain the Governor's political agenda. A video obtained by the Federal Prosecution Service showed that the state deputies received huge sums of money and placed them inside their suits and backpacks or even brought other persons to place the money in their purses. One of the criminal agents made a plea bargain with the Federal Prosecution Service, and he was the one that delivered the video and enabled the imprisonment and impeachment of other politicians. At the national level, the criminal organization had an almost equanimous hierarchy, but only some of their agents committed money-laundering outside of Brazil.

An example of the structure of the group is as follows:



From this structure, one can observe that some politicians hired minor participants to commit money-laundering in Europe, while others themselves created their own bank accounts in Europe. A difficulty faced in this case is that the criminal that delivered the video to the Federal Prosecution Service faced threats from other criminals. It was hard to position him either as a victim or as a member of the organized group.

2. Countermeasures

Because of the legal nature of someone who enters into a plea bargain, that person is not juridically considered a victim or a witness (Articles 24 and 25 of UNTOC). However, because the evidence gathered from that person enabled the arrest of several other criminals, the Brazilian legislation permits that that person should be safeguarded accordingly to Article 26 (4) of UNTOC. This article was the main basis for the Brazilian Federal Service to enhance plea bargains and extend them to minor crimes. Recently, the

Brazilian Criminal Procedure Code created a new form of plea bargain named “non-persecution criminal agreement” for crimes with a penalty of less than four years of imprisonment.

Despite the main crime being corruption within Brazilian territory, when the group also sends money elsewhere, Brazil considers it within the scope of both UNTOC and the United Nations Convention Against Corruption (UNCAC). Thus, the laundering of proceeds of the crimes of bribery and corruption fell both within Article 23 of the United Nations Convention on Corruption and Article 6 of UNTOC.

In this case, mutual legal assistance was requested (Article 18 (3)(g) of UNTOC) to obtain evidence of the politician’s bank accounts in Europe, but this has not been effective. This countermeasure of “identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes” is one of the hardest to implement empirically because countries often have different norms about what they consider private information that is protected against international cooperation requests.

Another challenge that this case presented is the chain of custody of the laundering of proceeds of crimes. For example, the proceeds of corruption are used to buy some gemstones. Then, these gemstones are sold in Europe. With the money from the sale, one deposits it in a European bank account. Is this final transfer still linked with the original crime of corruption? This is the main controversy faced nowadays by Brazilian and European prosecutors. UNTOC’s norms do not solve this problem because UNTOC’s *mens legis* is based on *bona fides*, so it requires that countries should negotiate between themselves to achieve a solution. The next case demonstrates a failure in international cooperation because of the internationalization of money-laundering proceeds in Europe.

### C. Diamond Exports Case

#### 1. Factual Context

In August 2010, the Brazilian Financial Activities Control Council informed the Federal Prosecution Service that a Portuguese citizen living in Brazil sent 18 transfers of USD 5,000, via *Western Union*, to two other Portuguese citizens in one month. In the previous year, 2009, the Portuguese leader had declared to the Brazilian Federal Revenue Office that he earned a monthly salary of less than USD 400. Hence, those atypical bank transfers triggered the Federal Prosecution Service to investigate, and this organ discovered that those two other Portuguese were partners in a legal person situated in a city in the state of Mato Grosso entrenched in indigenous reserves that were known to have diamond reserves.<sup>20</sup> Examining this legal entity, one of its partners was a woman that was also an associate in another company, Diamond Export Ltd.<sup>21</sup> This company had no permit either to extract or export minerals, especially diamonds.

Furthermore, the National Department of Mineral Production informed that this company had never requested any type of permit. Diamond Export Ltd. had two other European partners, and they had no tourist visa to be in Brazil. Nevertheless, the Federal Prosecution Service discovered that they frequently departed from the cities of Brasilia (the Capital of Brazil) and Rio de Janeiro with destinations to cities in Switzerland.

In sum, at least fifty rocks of rough diamonds were apprehended in one flight with these two European citizens. Because of the proximity to the indigenous reserves, it was evident that environmental crimes were also committed to illegally extract the diamonds.

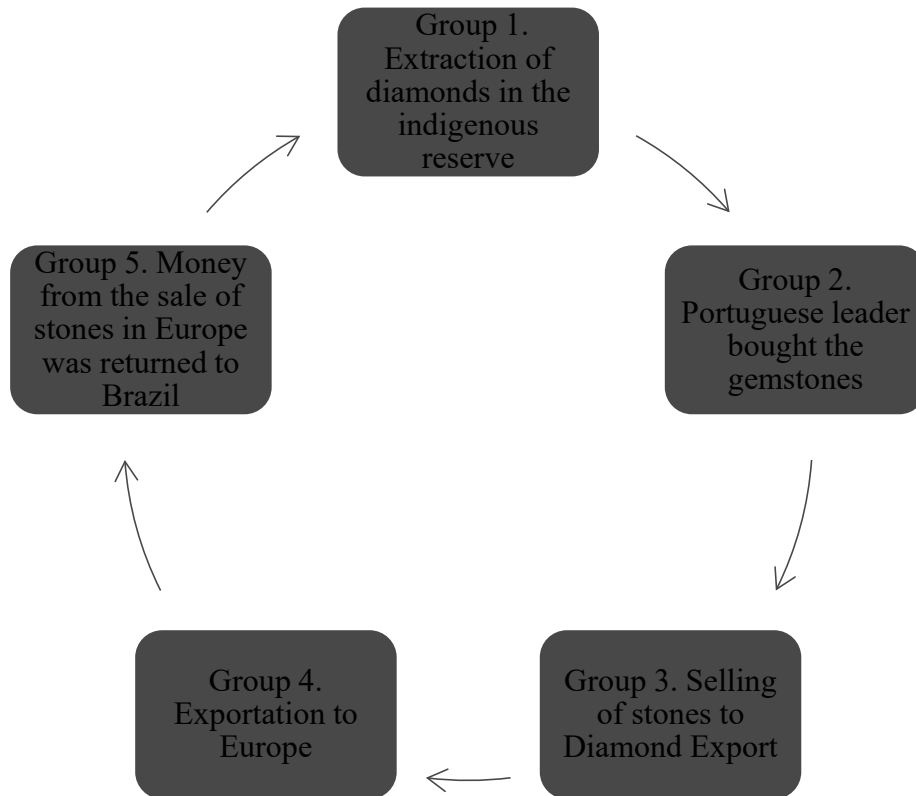
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<sup>20</sup> In Brazil, it is a federal crime to extract minerals from indigenous reserves. Also, it is a crime to extract any type of minerals, even outside of protected environmental areas, without a permit.

<sup>21</sup> A fictional name was used for the purposes of this article.

## PARTICIPANTS' PAPERS

An example of the structure of the group is as follows:



This structure shows that Group 1 extracted the diamonds from the indigenous reserve. Group 2, the Portuguese Leader, collected those stones and brought them to Diamond Exports Ltd. Group 3, using one of its associates, and used other persons to export the gemstones to Europe. In Switzerland, Group 5 sold those diamonds and then sent the money back to Brazil to keep financing the extraction of diamonds in the indigenous reserves.

### 2. Countermeasures

Unfortunately, this case failed at both the national and international levels. Nationally, when the first seizure of diamonds was made in the Brazilian airport, the Portuguese citizens had absconded from Brazil. This would have been a perfect case for controlled delivery (Article 20 of UNTOC) in Switzerland if this country had cooperated with Brazil and the national police did try first to contact Switzerland's authorities before seizing the diamonds.

Secondly, even after the criminals escaped, the introduction of diamonds and later sale in Swiss territory barred Brazilian authorities from obtaining information about the outcome of the diamonds or who was selling them in Swiss territory. Switzerland would have informed Brazilian authorities of the location of the stones if Brazil had previously shared information with that country. However, the information was requested only after the seizure and arrest countermeasures were enacted. In this case, the criminals had time to erase evidence both in Brazilian and Swiss territories.

## IV. CONCLUSION: OUTCOMES AND CHALLENGES

### A. Positive Outcomes

In 2023, the Brazilian Federal Prosecution Service was included in the CRIMJUST Programme from UNODC.<sup>22</sup> Recently, the Federal Prosecution Service has promoted a conference with Mercosur authorities to repress transnational crimes happening in Brazilian borders with the support of CRIMJUST.<sup>23</sup> Apart from Brazilian prosecutors, there were prosecutors from Argentina, Bolivia, Chile, Colombia, Equator, Paraguay, Peru and Uruguay.

Also, the Federal Prosecution Service has defended the inclusion of Brazil in EUROJUST,<sup>24</sup> especially to enhance the controlled delivery of drugs in Europe as a form of implementing Article 20 of UNTOC.

Finally, within the same path as the Kyoto Declaration, the Brazilian Federal Prosecution Service has adopted the Bogota Protocol on Transmission of Information about Drugs in Containers internally<sup>25</sup> and promulgated Orientation number 37 for the spontaneous and non-formal communication of drug apprehension in containers.<sup>26</sup>

### B. Room for Development: Common Challenges to Overcome in the Three Criminal Cases Presented

The apparent challenge when examining those cases is that there is an immediate need to enhance the trust among international institutions, especially those who fight transnational criminal groups. This could lead to joint investigations (Article 19 of UNTOC) and the practical application of controlled delivery, especially in Europe (Article 20 of UNTOC). One can observe that some countries only share information as a last resort, with the underlying thinking that this would undermine their national jurisdictions. However, UNTOC's goal is not only to enhance mutual legal assistance (Article 18 of UNTOC) but also to strengthen international criminal prosecution. At the International Criminal Court, the paradigm is complementarity, but among countries, the paradigm should be *bona fides* and cooperation.<sup>27</sup>

The UNDOC's 2021-2025 Strategy<sup>28</sup> aims to strengthen the effectiveness of the legal framework to combat transnational organized crimes. This leads to the strengthening of partnerships among countries. To achieve this result, the Federal Prosecution Service has implemented the "Guide of Good Practice of the Fight Against Drug Trafficking" of the Ibero-American Association of Prosecution Services.<sup>29</sup> Nevertheless, this network should also be created at a universal level at the United Nations, promoting direct cooperation among prosecutors.

A stepstone in the Kyoto Declaration is item 64, which recognizes that countries should "facilitate the formal and, to the extent permitted under domestic law, non-formal exchange of information and communication necessary to prevent and combat crime". Recently, the Federal Prosecution Service in Brazil has informed the Federal Prosecutors that non-formal cooperation is also a countermeasure that must be requested. The *Catrapo Case* demonstrated that Brazil has shared non-formal cooperation with the USA but has not entered the same type of bilateral exchange with Bolivia and Hungary.

Taking the *Catrapo Case* as an example, Brazil has faced enormous difficulties in requiring extradition

<sup>22</sup> <https://www.unodc.org/lpo-brazil/pt/frontpage/2023/04/no-brasil-mpf-e-unodc-promovem-encontro-com-procuradores-de-paises-do-mercosul-para-discutir-cooperacao-no-combate-a-crimes-transfronteiricos.html> Accessed on 20 April 2023.

<sup>23</sup> <https://www.mpf.mp.br/pgr/noticias-pgr/em-manaus-procuradores-de-paises-do-mercosul-discutem-cooperacao-para-combate-a-crimes-nas-fronteiras> Accessed on 20 April 2023.

<sup>24</sup> <https://portal.mpf.mp.br/novaintra/informa/2023/conselhos/em-sessao-do-conselho-superior-do-mpf-pgr-defende-participacao-do-brasil-na-eurojust> Accessed on 20 April 2023.

<sup>25</sup> <https://www.mpf.gob.ar/procunar/files/2016/11/Protocolo-de-Bogotá-RFAI-AIAMP.pdf> Accessed on 20 April 2023.

<sup>26</sup> [https://www.mpf.mp.br/atuacao-tematica/ccr2/orientacoes/documentos/orientacao-no-37-protocolo-de-bogota\\_pagina.pdf](https://www.mpf.mp.br/atuacao-tematica/ccr2/orientacoes/documentos/orientacao-no-37-protocolo-de-bogota_pagina.pdf) Accessed on 20 April 2023.

<sup>27</sup> David Kohout, "Implementing the Nuremberg Principles in National Trials with Nazi Criminals: Hesitation versus Enthusiasm towards Meeting the Standards of Complementarity in the Modern International Criminal Law." in Bartłomiej Krzan (ed), *Prosecuting international crimes: a multidisciplinary approach* (Brill Nijhoff 2016).

<sup>28</sup> <https://www.unodc.org/documents/lpo-brazil//strategy-summary.pdf> Accessed on 17 April 2023.

<sup>29</sup> RFAI Red de Fiscales Antidrogas de la Asociacion Iberoamericana de Ministerios Publicos (n 6).



with countries that are not regular partners in combating transnational criminal organizations. Bilateral agreements are a form of international cooperation, but in those cases where countries face difficulties, a solution would be for UNODC to intermedate as an impartial third party.

Another main challenge that needs to be overcome is the effective use of controlled delivery as a form of unique investigation technique. There was no controlled delivery in Europe in any of those three cases. This technique can be applied to drug trafficking, money-laundering and environmental crimes.

Finally, the Kyoto Declaration has shown that UNODC is aware that countries have the tools necessary to combat transnational organized groups but must increase their cooperation with *bona fides*.

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