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# PARTICIPANTS' PAPERS

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## COUNTRY REPORT: BRAZIL

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### I. INTRODUCTION

The present essay has been prepared with the most up-to-date material expounding the current position of the Federative Republic of Brazil against all acts of global terrorism and the domestic legal regime for combating this international threat. In this regard studies were made accordingly to the Constitution promulgated on October 5, 1988 and on well-grounded laws, decrees, international conventions and protocols pertaining to the guiding principles for fighting terrorism, which Brazil has ratified and introduced into its legal system.

In order to enrich the information made available through this paper, factual analyses concerning Brazil's situation in reference to eventual terrorist threats have been included, along with some data relating to the neighbouring countries in South America, such as Colombia and the tri-border region involving Brazil, Argentina and Paraguay, without the presumption of exhausting the subject.

Brazil is committed, with the international community and its own citizens, in being vigilant towards the rule of law, respect for human rights, liberty, equality and the right to life itself, without any distinction whatsoever, under the terms of Article 5 of the Federal Constitution. Through the usage of strong and effective anti-terrorism legislation, combined with appropriate strategic, national, police and military intelligence accompanied by efficient law enforcement and government agencies, terrorist threats can be diminished at their root.

### II. INTERNATIONAL TERRORISM IS A WORLDWIDE MENACE

There isn't the slightest doubt that international terrorism represents a threat to every country in the world, for terrorist attacks have been of global reach in the international community. To create an international environment inhospitable to terrorists and all those who support them, will be of great effectiveness in the struggle against this worldwide menace. Terrorists share the misguided belief that killing, kidnapping, extorting, robbing, bombing, and wreaking havoc to terrorize countries and entire populations are legitimate forms of political or religious action.

#### **The Federative Republic of Brazil Condemns Any Form of Terrorism**

As the former President of the Federative Republic of Brazil, Fernando Henrique Cardoso, once stated during a press release related to the United States military operations against strategic targets in Afghanistan, addressing President George W. Bush on October 7, 2001, straight from the "Planalto" Palace, his office in Brasilia, the Capital of Brazil:

"The Brazilian people's peaceful inclination and repudiation of terrorism are constitutional tenets that govern our country's foreign policy. Our position is clear. By repudiating terrorism in any form, regardless of its perpetrators, we are siding with reason and wisdom. This conflict is not being engaged against a people, a State or a religion. The objective is solely to contain and eliminate the scourge of terrorism. I hope – and I am sure that this hope is shared by all – that the operations launched today will entail no tragic consequences, and that they will seek to prevent the loss of innocent lives and preserve the civilian population."

The current President of Brazil Luiz Inácio Lula da Silva at the United Nations Security Summit in New York, September 14, 2005 presented a statement entitled "Threats to International Peace and Security", expressing his indignity towards barbaric acts of terrorism perpetrated against innocent and defenceless people affirming the need to eradicate terror around the world.

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Brazil's seventh Constitution – promulgated on October 5, 1998 – was established by a convened National Constituent Assembly in order to institute a democratic state for the purpose of ensuring the exercise of social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society, founded in social harmony and committed, in the internal and international orders, to the peaceful settlement of disputes, being promulgated on October 5, 1988.

As established in Article 4 of the Brazilian Constitution the country's international relations are governed by the following principles:

- (i) National independence
- (ii) Prevalence of human rights
- (iii) Self-determination of the people
- (iv) Non-intervention
- (v) Equality among states
- (vi) Defence of peace
- (vii) Peaceful settlement of conflicts
- (viii) Repudiation of terrorism and racism
- (ix) Cooperation among peoples for the progress of mankind
- (x) Granting of political asylum.

Of all of these principles it's important to emphasize Brazil's repudiation of terrorism for the purpose of this paper, which has been stated at a constitutional level, in the means that this principle must be obeyed and honoured by all powers of the Federal, State and District Governments of Brazil, comprising the Executive, Legislative and Judicial Branches, that are independent and harmonious among themselves. Article 5, item XLIII of the Constitution also determines that the practice of torture, illicit traffic of narcotics and related drugs, as well as terrorism, and crimes defined as heinous crimes shall be considered by law as non-bailable and not subject to grace or amnesty, and their principals, agents and those who omit themselves while being able to avoid such crimes shall be held liable. Brazil is definitely a nation that rejects all forms of criminal, social or political violence.

### III. FACTS REGARDING BRAZIL'S SITUATION ON TERRORISM

#### A. The Cabinet of Institutional Security of the Presidency of the Republic (GSI) and Brazil's Intelligence Agency (ABIN)

According to Federal Law No. 10,683 of May 28, 2003 (Article 6), the Cabinet of Institutional Security of the Presidency of the Republic is in charge of personally advising the President in all matters of security and military affairs, whose Minister in Chief is an Army General. The Brazilian Intelligence Agency (ABIN) established by Federal Law No. 9,883 of December 7, 1999 and regulated by Federal Decrees Nos. 3,448 of May 7, 2000; 3,493 of May 29, 2000; 3,695 of December 21, 2000; and 4,376 of September 15, 2002, which is the equivalent of the Central Intelligence Agency (CIA) in the United States of America, is responsible for the planning, execution, coordination, supervision and control of all intelligence activities and information systems in Brazil, always furnishing precise and reliable data to the President of the Republic. These government agencies are of extreme importance in monitoring and preventing eventual terrorist activity in the country.

#### B. Intelligence Monitoring in the Tri-Border Region of Brazil, Argentina and Paraguay

After the terrorist attacks in the United States on September 11, 2001, the suggestion that radical groups are installed and supported by Arab-Palestinian communities in South America has been raised from time to time. Suspicion of involvement with extremist activities, especially those connected to financing terrorism, have constantly been levelled against Southern Cone countries, particularly those that form the tri-national border at the city of "Foz do Iguassu", in the South region of Brazil, bordering Argentina and Paraguay.

##### 1. Terrorists Attacks on Argentina

Nonetheless, since the 1990s, and because of the deadly attacks that took place in 1992 and 1994 in Argentina, where two bombs devastated the Argentinean Jewish Community and marked the arrival, for the first time, of Middle East terrorism in South America, Brazil has been developing intelligence and information exchange strategies with the other tri-border nations. Argentina's Israeli Embassy in Buenos

Aires was the sight of the first explosion, a car bomb, on March 17, 1992, killing 29 and injuring over 250, where the Islamic Jihad claimed responsibility immediately after it happened. On July 18, 1994 the AMIA Jewish Community Centre in Argentina's capital was bombed causing the death of 87 people. Later in 1994 came the first of several breakthroughs in the embassy bombing case, where six Lebanese and one Brazilian, arrested for operating a drug cache, were found to be members of Hezbollah, the Iranian-backed Lebanese terrorist organization, and the Argentine Government announced that they were tied to that bombing.

## 2. Extremist Groups in the Tri-Border Region

The Tri-Border region continues to present a series of interdependent factors that in the whole may provide a stimulus for extremist organizations to become active in the area. Monitoring suspicious activities there is challenging due to the hermetically sealed nature of Islamic communities, which display a great desire to preserve values and cultural identity, for it is known that al-Qaeda recruits Muslim men from around the world. Many recruits have come from Saudi Arabia, Egypt, and Yemen, but al-Qaeda has also succeeded in attracting Muslims living in the West.

Al-Qaeda is an international terrorist network led by Osama bin Laden seeking to rid Muslim countries of what it sees as the profane influence of the West, and replace their governments with fundamentalist Islamic regimes. The al-Qaeda organization is apparently connected to other terrorist factions, such as the following:

- (i) Egyptian Islamic Jihad
- (ii) The Libyan Islamic Fighting Group
- (iii) Islamic Army of Aden (Yemen)
- (iv) Jama'at al-Tawhid wal Jihad (Iraq)
- (v) Lashkar-e-Taiba and Jaish-e-Muhammand (Kashmir)
- (vi) Islamic Movement of Uzbekistan
- (vii) Salafist Group for Call and Combat and the Armed Islamic Group (Algeria)
- (viii) Abu Sayyaf Group (Malaysia, Philippines)
- (ix) Jemaah Islamiya (Southeast Asia)

There is also the varying manner in which these activities are looked upon by the specific legislation of each country. Although these communities do integrate and adopt local habits and customs, they retain their social, political and cultural identity, as well as strong links to their origins.

The Tri-Border region has been the target of an ongoing surveillance effort that dates back more than a decade and pools the resources of Brazil, Paraguay, and Argentina. Following the attacks of September 11, 2001 this effort has even been strengthened by the creation of the "Mercosul" Common Market of the South Working Group on Terrorism and the "3+1 mechanism", which combines intelligence-gathering capabilities and promotes information sharing among Brazil, Argentina, Paraguay and the United States of America as a guest participant. New conclusions were announced and agreed to by the four delegations. The statement read as follows:

"No operational activities linked to terrorism have been detected in the Tri-Border region by radicalized groups such as Hezbollah, Hamas or al-Qaeda, be they terrorist activities or efforts to develop or train new members for terrorist organizations, or so-called sleeper cells. It is agreed that no location on the planet is exempt from this possibility, making it necessary to maintain vigilance and strengthen policing, immigration and passport control efforts in the region."

No concrete evidence has proven the presence of terrorist organizations or even the existence of fund-raising activities in the area. This has been confirmed and publicly recognized by the Executive Secretary of the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS), who visited the region in August 2003. Brazil has been an active participant of the committee and on June 3, 2002 the OAS General Assembly approved CICTE Resolution No. 1840 as an updated instrument to prevent, combat and eradicate terrorism, which it has signed on.

The threat of terrorists cells being installed in a particular region or country has to do with the fact that activities that provide logistical or recruitment support for terrorism can be carried out in just about any part of the world, owing to their transnational dissemination.

As a result of policing and intelligence operations, although sympathizers of organizations such as Hezbollah and Hamas were identified, no cells or training camps connected to terrorist organizations were located in the region, nor have any signs or connections to terrorism been found in Brazil according to the Brazilian Intelligence Agency (ABIN).

3. Possible Terrorist Threat in the Amazon Region of Brazil by the Revolutionary Armed Forces of Colombia (FARC)

Brazil is also maintaining surveillance in the Amazon region nearby Colombia where the two leftist insurgent groups not only wage guerrilla warfare but also carry out kidnappings, hijackings, attacks on civilians, and political assassinations. In that region there's the Revolutionary Armed Forces of Colombia, know by its Spanish acronym – “FARC” and the National Liberation Army – “ELN”, considered by Brazil as typical guerrilla groups, despite the fact that The United States State Department includes them on its list of foreign terrorist organizations. Although ELN is more ideological than FARC, the two groups have similar programmes, both say that they represent the rural poor against Colombia's wealthy classes and oppose American influence in Colombia, the privatization of natural resources, multinational corporations, and rightist violence.

The Revolutionary Armed Forces of Colombia are the largest and best-equipped rebel group in the region, with some 18,000 members operating in about half the country, mostly in the jungle of the southeast plains at the base of the Andes Mountains. FARC is responsible for most of the ransom kidnappings in Colombia and they target wealthy landowners, foreign tourists, and prominent international and domestic officials, stepping up its terrorists activities against infrastructure in Colombian cities and promoting the illegal cocaine drug trade.

**IV. BRAZIL'S LEGAL REGIME FOR COMBATING TERRORISM**

**A. Universal Conventions and Protocols Pertaining to Terrorism that Brazil has Ratified and Implemented into its Legal Regime**

- (i) Convention on Offences and Certain Other Acts Committed On Board Aircraft (“Tokyo Convention”, 1963) – promulgated in Brazil by Federal Decree No. 66,520 of April 14, 1970.
- (ii) Convention for the Suppression of Unlawful Seizure of Aircraft (“Hague Convention”, 1970) – promulgated in Brazil by Federal Decree No. 70,201 of February 14, 1972.
- (iii) Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes against Persons and Related Extortion that are of International Significance (Washington D.C., 1971) – promulgated in Brazil by Federal Decree No. 3,018 of February 5, 1999.
- (iv) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (“Montreal Convention”, 1971) – promulgated in Brazil by Federal Decree No. 72,383 of January 26, 1973.
- (v) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973) – promulgated in Brazil by Federal Decree No. 3,167 of June 7, 1999.
- (vi) International Convention against the Tacking of Hostages (“Hostages Convention”, 1979) – promulgated in Brazil by Federal Decree No. 3,517 of April 7, 2000.
- (vii) Convention on the Physical Protection of Nuclear Material (“Nuclear Materials Convention”, 1980) – promulgated in Brazil by Federal Decree No. 95 of February 8, 1987.
- (viii) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988) – promulgated in Brazil by Federal Decree No. 2,611 of June 8, 1997.
- (ix) Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991) – promulgated in Brazil by Federal Decree No. 4,021 of December 3, 2001.
- (x) International Convention for the Suppression of Terrorist Bombing (New York, 1998) – promulgated in Brazil by Federal Decree No. 4,394 of September 22, 2002.
- (xi) United Nations Security Council Resolution No. 1373 of September 28, 2001 (declared that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations, and called upon all States to become parties as soon as possible to relevant international conventions and protocols relating to terrorism, and fully implement them) – which Brazil is signatory in accordance to Federal Decree No. 3,976 of October 18, 2001.

Under the terms of Resolution 1373 (2001) Brazil will prevent and suppress the financing of terrorism, as well as criminalize the wilful provision or collection of funds for such acts. The funds, financial assets and economic resources of those who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts, and of persons and entities acting on behalf of terrorists should also be frozen without delay. It also has prohibited nationals, persons or entities in their territories providing funds, financial assets, economic resources, financial or other related services to persons who commit or attempt to commit, facilitate or participate in the commission of terrorist acts. Also by the text, the Council called on all States to intensify and accelerate the exchange of information regarding:

- (i) Terrorist actions or movements
- (ii) Forged or falsified documents
- (iii) Traffic in arms and sensitive material
- (iv) Use of communications technologies by terrorist groups
- (v) The threat posed by the possession of weapons of mass destruction

#### The Adoption of International Conventions and Protocols by Brazil's Legal System

It is exclusively the competence of Brazil's National Congress to decide conclusively on international treaties, agreements or acts which result in charges or commitments that go against the national property (Article 49, I of the Constitution) through a legislative decree. The President of the Republic has exclusive power to sanction, promulgate and order the publications of law, as well as to issue presidential decrees and regulations for the true enforcement thereof (Article 84, IV of the Constitution). The President may also conclude international treaties, conventions and acts, *ad referendum*, of the National Congress (Article 84, VIII of the Constitution).

### **B. Brazil's Domestic Legislation for Combating Terrorism**

#### 1. The 1988 Constitution of the Federative Republic of Brazil

The most important written document in Brazil's legal regime is the 1988 Constitution of the Federative Republic containing 250 Articles with dozens of paragraphs, sections and hundreds of items; 48 amendments and 6 revision amendments, regulating the country's entire legal system and guaranteeing the free exercise of the Executive Power, the Legislative Power, the Judicial Power, the Public Prosecution and the constitutional Powers of the units of the Federation.

As explained before, acts of terrorism are treated as heinous crimes, but whenever any type of legislation or international convention is to be introduced into Brazil's legal system they must obey and respect constitutional commands such as the following:

- (i) The law shall not exclude any injury or threat to a right from the consideration of the Judicial Power (Article 5, XXXV)
- (ii) The law shall not injure the vested right, the perfect juridical act and the *res judicata* (Article 5, XXXVI)
- (iii) There shall be no exceptional tribunal or court (Article 5, XXXVII)
- (iv) There is no crime without a previous law to define it, nor a punishment without a previous legal commination (Article 5, XXXIX)
- (v) Penal law shall not be retroactive, except to benefit the defendant (Article 5, XL)
- (vi) The law shall punish any discrimination which may attempt against fundamental rights and liberties (Article 5, XLI)
- (vii) The practice of torture, the illicit traffic of narcotics and related drugs, as well as terrorism, and crimes defined as heinous crimes shall be considered by law as non-bailable and not subject to grace or amnesty, and the principals, agents and those who omit themselves while being able to avoid such crimes shall be held liable (Article 5, XLIII)
- (viii) The action of armed groups, either civil or military, against the constitutional order and the democratic state is a non-bailable crime, with no limitation (Article 5, XLIV)
- (ix) No punishment shall go beyond the person of the convict, and the obligation to compensate for the damage, as well as the decreeing of loss of assets may, under the terms of the law, be extended to the successors and be executed against them, up to the limit of the value of the assets transferred (Article 5, XLV)
- (x) The law shall regulate the individualization of punishment and shall adopt the following, among others (Article 5, XLVI):

- Deprivation or restriction of freedom
  - Loss of assets
  - Fine
  - Alternative rendering of social service
  - Suspension of deprivation of rights
- (xi) There shall be no punishment (Article 5, XLVII)
- Of death, save in the case of declared war, under the terms of Article 84, XIX
  - Of life imprisonment
  - Of hard labour
  - Of banishment
  - Which is cruel
- (xii) The sentence shall be served in separate establishments, according to the nature of the offence, the age and the sex of the convict (Article 5, XLVIII)
- (xiii) Prisoners are ensured respect of their physical and moral integrity (Article 5, XLIX)
- (xiv) Female prisoners shall be ensured of adequate conditions to stay with their children during the nursing period (Article 5, L)
- (xv) No Brazilian shall be extradited, except the naturalized ones in the case of a common crime committed before naturalization, or in the case where there is sufficient evidence of participation in the illicit traffic of narcotics and related drugs, under the terms of law (Article 5, LI)
- (xvi) Extradition of a foreigner on the basis of a political or ideological crime shall not be granted (Article 5, LII)
- (xvii) No one shall undergo legal proceeding or sentencing save by the competent authority (Article 5, LVIII)
- (xviii) No one shall be deprived of freedom or of his assets without the due process of law (Article 5, LIV)
- (xix) Litigants, in judicial or administrative processes, as well as defendants in general are ensured of the adversary systems and of full defence, with the means and resources inherent to it (Article 5, LV)
- (xx) Evidence obtained through illicit means are unacceptable in the process (Article 5, LVI)
- (xxi) No one should be considered guilty before the issuing of a final and un-appealable penal sentence (Article 5, LVII)
- (xxii) No one who has undergone civil identification shall be submitted to criminal identification, save in the cases provided by law (Article 5, LVIII)
- (xxiii) Private prosecution in the cases subject to public prosecution shall be admitted, whenever the latter is not filed within the period established by law (Article 5, LIX)
- (xxiv) The law may only restrict the publicity of procedural acts when the defence of privacy or the social interest require it (Article 5, LX)
- (xxv) No one shall be arrested unless in *flagrante delicto* or by written and justified order of a competent judicial authority, save in the cases of military transgression or specific military crime, as defined in law (Article 5, LXI)
- (xxvi) The arrest of any person as well as the place where he is being held shall be immediately informed to the competent judge and to the family of the person arrested or to the person indicated by him (Article 5, LXII)
- (xxvii) The arrested person shall be informed of his rights, among which the right to remain silent, and he shall be ensured of assistance by his family and a lawyer (Article 5, LXIII)
- (xxviii) The arrested person is entitled to identification of those responsible for his arrest or for his police questioning (Article 5, LXIV)
- (xxix) Illegal arrest shall be immediately remitted by the judicial authority (Article 5, LXV)
- (xxx) No one shall be taken to prison or held therein, when the law admits release on own recognizance, subject or not to bail (Article 5, LXVI)
- (xxxi) *Habeas corpus* shall be granted whenever a person suffers or is in danger of suffering violence or coercion against his freedom of locomotion, on account of illegal actions or abuse of power (Article 5, XLVIII)
- (xxxii) A *writ of mandamus* shall be issued to protect a clear and perfect right, not covered by *habeas corpus*, whenever the party responsible for the illegal actions or abuse of power is a public official or an agent of a corporate legal entity exercising duties of the Government (Article 5, LXIX)

Article 5, paragraph 2 of the Constitution also states that the rights and guarantees expressed in the Constitution do not exclude others deriving from the regime and from the principles adopted by it, or from the international treaties in which the Federative Republic of Brazil is a party.

## 2. The Council of the Republic and the National Defence Council

As defined in Article 89 and 91 of Brazil's Constitution the Council of the Republic is a higher body for consultation by the President of the Republic, and its members are the Vice President of the Republic; the President of the Chamber of Deputies; the President of the Federal Senate; the majority and the minority leaders in the Chamber of Deputies; the majority and the minority leaders in the Federal Senate; the Minister of Justice; and six born Brazilian citizens, over thirty-five years of age, two of which are appointed by the President of the Republic, two elected by the Federal Senate and two elected by the Chamber of Deputies, all with a term of office of three years.

The Council of the Republic has the competence to express opinion on federal intervention, state of defence and stage of siege, and on matters relevant to the stability of the democratic institutions (regulated by Federal Law No. 8,041 of June 5, 1990).

The National Defence Council is a consultation body of the President of the Republic on matters related to national sovereignty and the defence of the democratic state, having as permanent members: the Vice-President of the Republic; the President of the Chamber of Deputies; the President of the Federal Senate; the Minister of Justice; the Minister of Defence; the Minister of External Relations; the Minister of Planning; the Commanders of the Navy, the Army, and the Air Force (regulated by Federal Law No. 8,183 of April 11, 1991 and Federal Decree No. 893 of August 12, 1993).

It has the mission to express opinion in the event of declaration of war and making peace, as established in the Constitution, and on decreeing a state of defence, state of siege and federal intervention. The Council may also propose the criteria and conditions for the use of areas which are indispensable to the security of the national territory and to express opinion on their actual use, especially on the boundary zone and on those related to the preservation and exploitation of natural resources of any kind.

The President of the Republic may, after hearing the Council of the Republic and the National Defence Council, request authorization from the National Congress to decree a state of siege in the event of serious disturbance with nationwide effects or occurrence of facts that evidence the ineffectiveness of measures taken during the state of defence.

## 3. The Armed Forces and Public Safety Institutions

As established in Article 142 of the Constitution, the Armed Forces, comprised of the Navy, the Army and the Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and are intended for the defence of the country, for the guarantee of the constitutional powers, and on the initiate of any of these, of law and order.

Under Article 144 of the Federal Constitution, Public safety is the duty of the State and the right and responsibility of all, being exercised to preserve public order and the safety of persons and property, by means of the following institutions:

- (i) Federal police
- (ii) Federal highway police
- (iii) Federal railway police
- (iv) Civil police
- (v) Military police and military fire brigades

Complementary Laws Nos. 97 of June 9, 1999 and 117 of September 2, 2004 allows that both the Armed Forces and the Public Safety Institutions work together when necessary to re-establish the rule of law and public order.

## 4. Complementary and Ordinary Laws for Combating Terrorism

- (i) Complementary Law No. 105, of January 10, 2001 allows the disregard of privacy of financial and bank transactions in the interest of criminal investigations or criminal proceedings relating to financing or support of terrorist acts, money laundering, illicit drug trafficking, organized crime and other unlawful acts, as well as the exchange of financial information with other countries (Article 1, paragraph 2, Article 2, paragraph 4, II, b).

- (ii) Federal Law No. 6,815 of August 19, 1980 defines the juridical situation and entrance of foreigners in Brazil, in Article 77 paragraph 3, which allows the Supreme Federal Court to extradite perpetrators of terrorism and terrorists without infringing Article 5, LII of the Federal Constitution, making it possible to disregard the prohibition of turning criminals that commit ideological crimes to a jurisdiction of another country.
- (iii) Federal Law No. 7,170 of December 14, 1983 defines crimes against national security, social and political order, and establishes procedures for investigation and trial of its offenders. In Article 19 there is a penalty of 2 to 10 years imprisonment against perpetrators that commit unlawful seizure of aircraft, vessels or any transportation vehicle. Article 20 imposes 3 to 10 years imprisonment on those that commit acts of terrorism or politically motivated violence for the maintenance of sub-national groups or clandestine agents.
- (iv) Federal Law No. 9,474 of July 22, 1997 Article 3, I and IV, forbids asylum to refugees that have committed crimes against peace, war crimes, crime against humanity, heinous crimes involving terrorist acts or illegal drug trafficking, and also those that are guilty of going against the principles of the United Nations.
- (v) Federal Law No. 9,034 of May 3, 1995 altered by Federal Law No. 10,217 of April 11, 2001 regulates the obtaining of evidence against all kinds of criminal organizations, including terrorist organizations, for the purpose of criminal investigations and proceedings in court, allowing police infiltration and intelligence operations.
- (vi) Federal Law No. 9,296 of July 24, 1996 regulates the interception of telephone, computer and any sort of means of communication for the purpose of criminal investigation and proceedings in court.
- (vii) Federal Law No. 9,613 of March 3, 1998 defines crimes of money laundering, illegal financial assets or economic resources and creates the Control Council of Financial Operations (COAF) regulated by Federal Decree No. 2.799 of October 8, 1998 which operates with the Central Bank of Brazil.
- (viii) Law Decree No. 2,848 of December 7, 1940 – Brazil’s Penal Code, Articles 250 (cause arson); 251 (cause explosion); 252 and 253 (usage, fabrication or transportation of toxic gas); 254 and 256 (cause flooding and collapse of buildings or constructions) among many other crimes.
- (ix) Law Decree No. 3,689 of October 3, 1941 (Brazil’s Penal Code of Procedure)

The Executive Branch submitted bill No. 6,764/2002 to Brazil’s National Congress for appreciation and approval. The proposed law describes a series of acts that are considered as the practice of terrorism, but it is still under discussion and awaits deliberation in order to be voted on.

## V. CONCLUSION

An improved and stronger legal regime is probably the first and most important step in the fight against terrorism, but it demands a combination of many factors. The process of achieving legislative change can itself be difficult and require considerable political will. New laws themselves may only achieve symbolic change so that people can be reassured that the problem has been dealt with. If they are not matched by even greater efforts in implementing those laws then little that is real may change.

Nations must use every measure of power to diminish the scourge of terrorism – diplomatic, economic, law enforcement, financial, intelligence and especially mutual cooperation with the United Nations, its Member States, Organization of American States, and other international and regional organizations.

The Federative Republic of Brazil until now hasn’t detected or encountered any terrorist cell, activity or attack, but will always remain watchful and alert to this threat. Brazil’s legal regime for combating terrorism has expanded, yet it can still be improved to be more effective, especially on the part of carrying out criminal sentences and punishment and avoiding impunity, for they are lax.

The country’s most daring challenge at the moment is to make politicians in the National Congress aware of the menace that terrorism represents, as well as the importance of a budget increase for the armed forces, intelligence agencies, national security and public safety institutions, by the executive branch of the Federal Government, eliminating bureaucratic inertia.

Finally, to urge public prosecutors to work with law enforcement organizations, and that members of the judiciary apply the rules of law against criminals to their full extent transforming jurisprudence so that it is more rigorous against perpetrators, for judges are also of the utmost significance in implementing the legal regime.