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Federal Department of Justice and Police

Strengthening co-operation in the fight against crime

Brazilian delegation visits Bern

Press Release, FDJP, 13.10.2002

Bern, 14.10.2002. A Brazilian delegation led by Secretary of State for Justice, Antônio Rodrigues de Freitas Júnior, was received in Bern on Monday by representatives of the Federal Office of Justice (FOJ) and other federal agencies. The two parties met to discuss a number of cases of mutual legal assistance. Also on the agenda were the planned negotiations regarding a bilateral mutual assistance treaty, which would facilitate closer co-operation in the fight against crime.

The two delegations explained their own national justice systems and the conditions for granting legal assistance in criminal matters. The Swiss authorities' representatives specifically emphasised the need to present the facts of a case in detail. If a request for legal assistance does not provide the full facts, the competent authority is unable to ascertain whether or not the key condition of dual criminality has been met. The exchange of legal particulars would speed the processing of requests for legal assistance and support work on drafting the bilateral mutual assistance treaty.

Requests must be expanded

The following legal assistance cases were discussed at the meeting:

- The Paulo Maluf case is still pending with the Geneva investigating authorities, which have not yet been able to instigate any action. The Brazilian authorities, who allege that the former mayor of Sao Paulo has committed fraud worth millions, were asked last month to expand upon their incomplete request for legal assistance.
- In the case of former judge Nicolau Dos Santos Neto, who is alleged to have embezzled public funds, the Geneva investigating authorities have already provided a degree of assistance, although proceedings are still ongoing. Frozen assets worth USD 7 million cannot be handed over to Brazil without a legally enforceable forfeiture order.
- In the Transbrasil case, managers of the Brazilian airline are accused of embezzling the company's assets. The case is still pending with the Office of the Attorney General of Switzerland, which to date has been unable to order any action to be taken in Switzerland. The Brazilian authorities were asked last May to expand upon their incomplete request for legal assistance.

Large number of requests

Switzerland and Brazil already work together closely with regard to legal assistance. Since 2000, Switzerland has received 24 requests from Brazil and has itself submitted 23 requests. The two nations intend to conclude a bilateral mutual legal assistance treaty in order to strengthen co-operation in the fight against crime. A Swiss delegation will visit Brazil for talks next year.

Contact / questions

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