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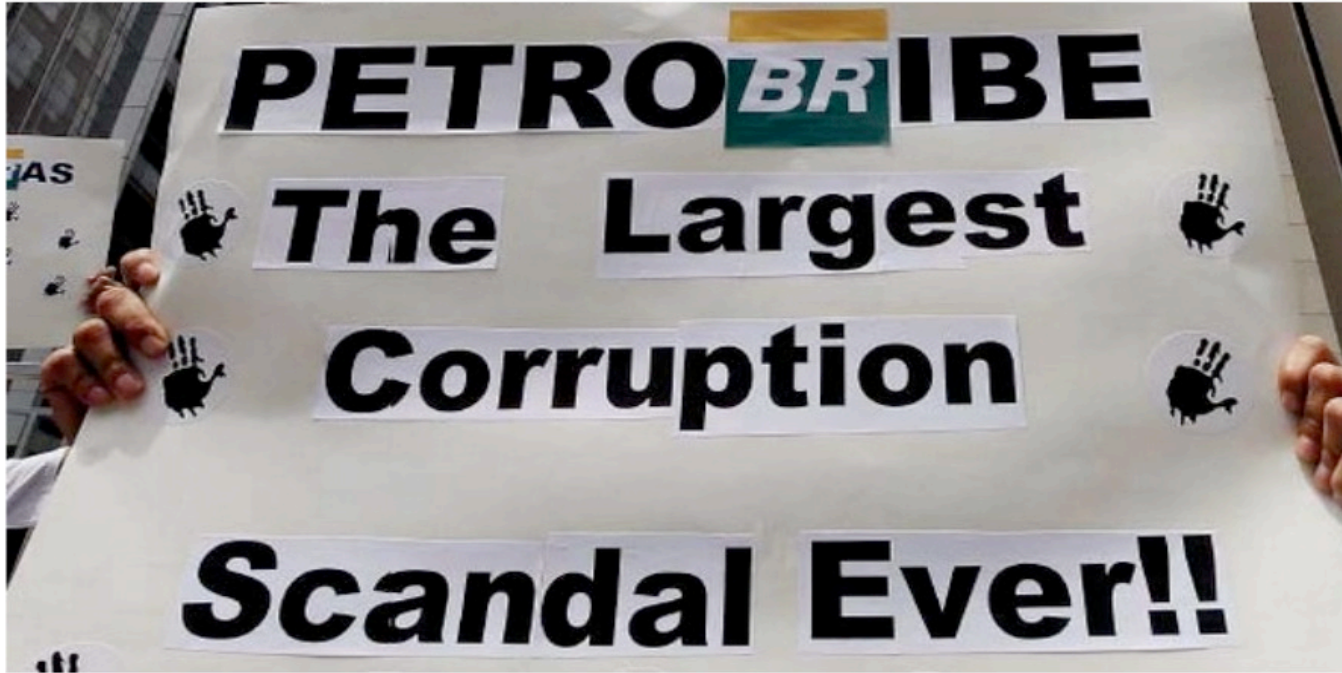


CAR WASH CASE
O CASO LAVA JATO
L'AFFAIRE KARCHER
EL CASO LAVADO DE AUTOS



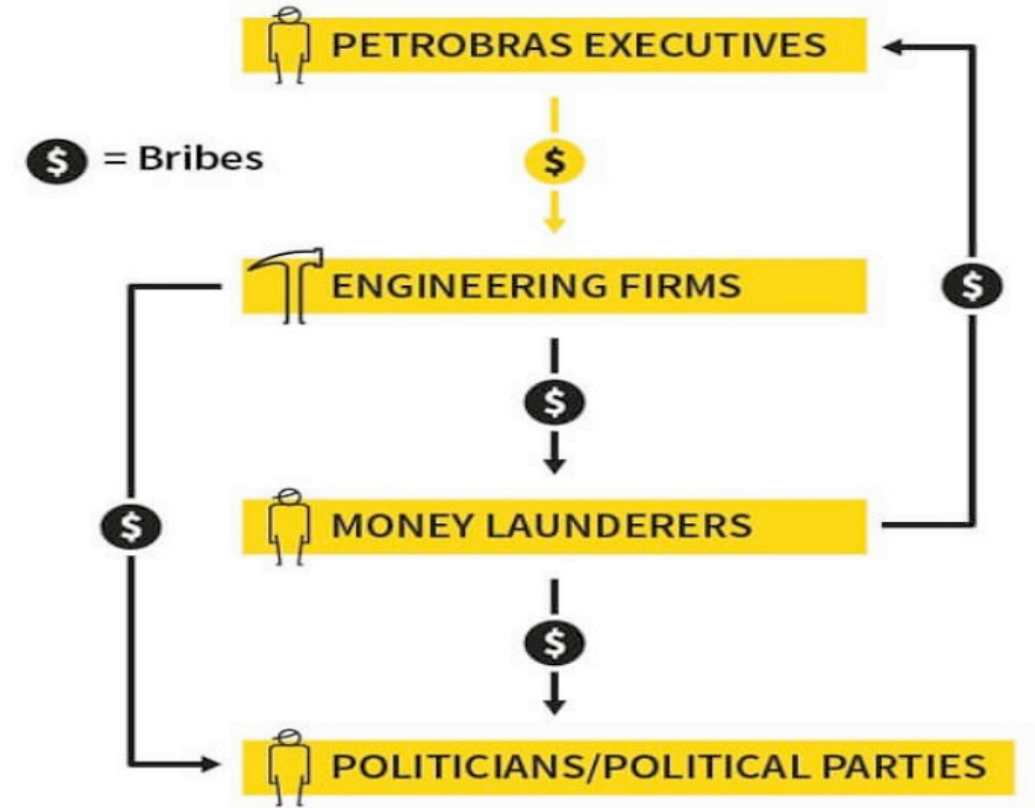
Anamara Osório Silva
Federal Prosecutor in São Paulo
Master Degree in International Law
PHD in International Law
Head of Car Wash Operation in São Paulo

CAR WASH CASE



Alleged corruption scheme at Brazil's Petrobras

Brazilian prosecutors believe engineering executives formed a cartel to fix prices and overcharge state-run oil firm Petrobras, enriching themselves and politicians.



Source: Brazil's public ministry

C.Chan, 09/04/2015



TWO COORDINATED TASK FORCES OPERATE IN **CURITIBA** AND **BRASÍLIA**

TWO OTHER SPECIAL GROUPS OPERATE IN **SÃO PAULO** AND **RIO DE JANEIRO**

CAR WASH CASE CRIMES

CRIMES:

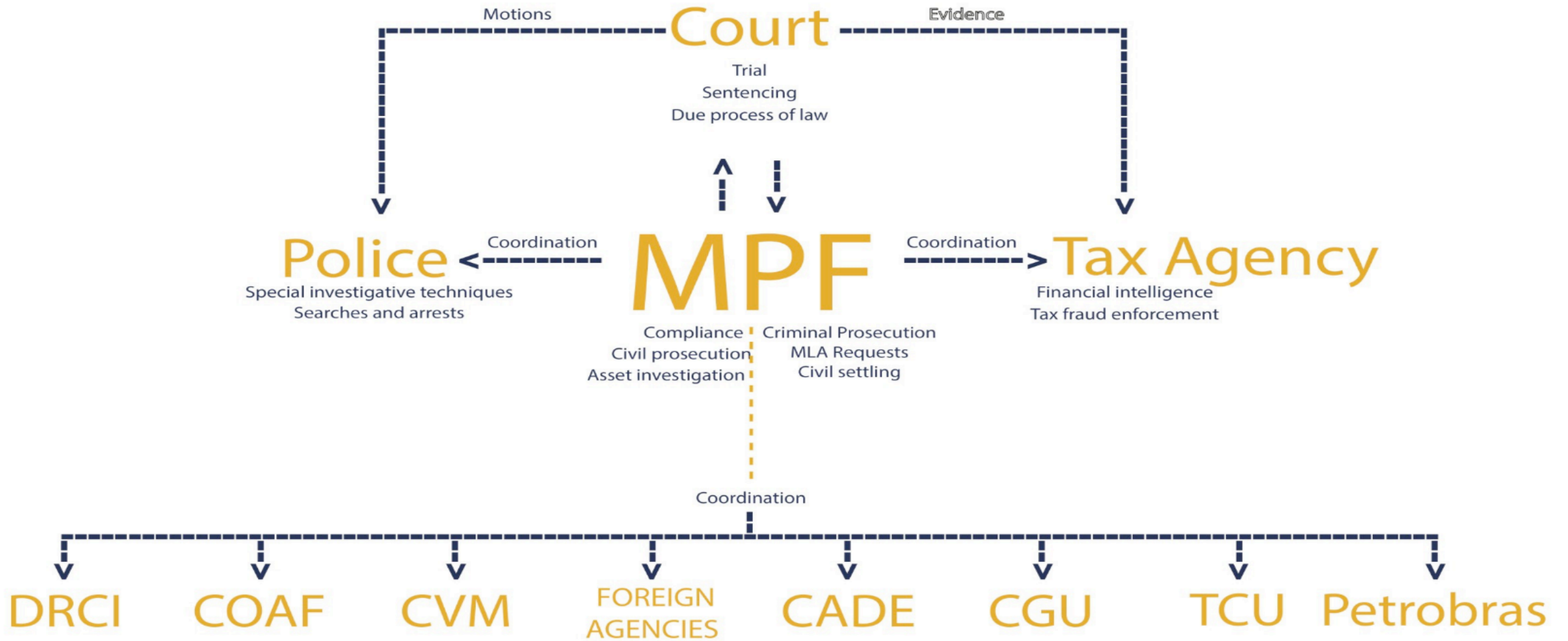
- LARGE-SCALE CORRUPTION CRIMES
- BRIBERY OF FOREIGN GOVERNMENT OFFICIALS
- FINANCIAL CRIMES
- BID RIGGINGS AND CARTEL FORMATION
- MONEY LAUNDERING
- ENGAGING IN A CRIMINAL ORGANIZATION AND RACKETEERING

ACCUSED PERSONS:

- Businesspersons
- Financial brokers
- Pressure group members (lobbyists)
- Civil servants and government officials
- Officials in the Executive and Legislative branches
- Frontpersons



COORDINATED WORK



MORE THAN 400 PEOPLE ENGAGED

STRATEGY OF THE FPS IN THE CAR WASH CASE

COORDINATED PROSECUTION OF CRIMINAL AND CIVIL CASES

Criminal Code
AML Law (# 9,613/1998)
ACE Law (# 8,429/1992)
Etc

Prison, fines, removal from office,
forfeiture

USE OF COOPERATING DEFENDANS AND LENIENCY AGREEMENTS

Law 12,850/2013 (Organized Crime Act)
Law 12,846/2013 (Antibribery)
Law 12,529/2011 (Competition)

NPA and DPA
Leniency programs

INTERNATIONAL COOPERATION TOOLS

UNTOC
UNCAC
MLATs

Mostly for getting
evidence securing
assets abroad



USE OF COOPERATING DEFENDANTS FOR ASSET RECOVERY IN THE CAR WASH CASE

184 COOPERATION AGREEMENTS

754 INTERNATIONAL REQUESTS

11 LENIENCY AGREEMENTS



- Over 150 individuals have been sentenced
- Three billion have already been repaid to Petrobrás
- Overall, 13 billion have been recovered

Cooperation with the defendant - Guidelines

- When proposing advantages, the Federal Public Prosecution Service member must consider appropriate parameters, including: the quantity of criminal facts narrated by the worker; the chance for cooperation (i.e. the time when the facts unknown to the inquiry were disclosed); the nature and legitimacy of the description of the facts narrated; the agent's guilt in relation to the facts ; Criminal records; the agent's readiness to cooperate in investigating and prosecuting other facts; the interests of the victim; the potential for cooperation and other implications in the event of conviction ; the proof submitted by the collaborator and the extended inquiry lines;

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Cooperation with the defendant – Guidelines

- Only in exceptional circumstances should the advantage of not practicing the criminal action be suggested. In relation to the criteria of Art. 4, § 4 of Law 12.850/2013, the following parameters should be regarded: a) the seriousness of the offense and the significance of the situation in achieving efficient implementation and implementation of criminal law; b) the value of the prospective declaration or evidence; (c) the quality of the evidence submitted and the statements made by the employee ; (d) the person's guilt in comparison to the other accused ; (e) the chance of efficiently prosecuting the accused without giving the advantage of not engaging in criminal proceedings; (f) complete reparation of the harm, where appropriate;
<http://www.mpf.mp.br/atuacao-tematica/ccr5/orientacoes/orientacao-conjunta-no-1-2018.pdf>

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Evidence resulting from the award-winning collaboration agreement may be shared with other national public bodies and authorities for civil, tax and administrative purposes, as well as with foreign public authorities, including for criminal purposes, provided that such evidence may not be used against the collaborators themselves in order to produce penalties beyond those agreed in the agreement.

According to Technical Note No. 01/2017 of the 5th Coordination and Review Chamber, this disclaimer must be expressly conveyed to the recipient of the evidence, with the knowledge that it is an inherent and subjective restriction of the use of the evidence.

<http://www.mpf.mp.br/atuacaotematica/ccr5/orientacoes/orientacao-conjunta-no-1-2018.pdf>

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- The principle of the State's objective good faith should prevail, suggesting that the data and proof supplied by the worker is not used against him, either directly or cross-referenced in instances against third parties, which would constitute a severe offense against expectations, trust and consistency in the behavior of the state. Data, information and records can only be accessed and shared. Access to and sharing of data, information and records can therefore only be accomplished through a commitment to comply with the circumstances agreed between the worker and the lenient State with a view to guaranteeing the former's legal status with the cooperative approach taken and regard for the service rendered by him as a protected witness.

<http://www.mpf.mp.br/atuacao-tematica/ccr5/notas-tecnicas/docs/nt-01-2017-5ccr-acordo-de-leniencia-comissao-leniencia.pdf>

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Anamara Osório Silva
Federal Prosecutor in São Paulo

55 11 988920324
aosorio@mpf.mp.br