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BRAZIL: ILLICIT FINANCE CONFERENCE USES THE "T" WORD, SUCCESSFULLY

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1. (SBU) Summary: An S/CT funded regional conference entitled "Illicit Financial Crimes" held in Rio de Janeiro during October 4-9, 2009, successfully brought together representatives from Brazil,s federal and state law enforcement community and countries from throughout Latin America. The week-long conference was praised in written evaluations by the participants, with many asking for more training, including specific training on combating terrorism. This direct request differs from previous Brazilian requests which have historically avoided any training that referenced terrorism, instead preferring more generic terms such as "transnational crimes." In addition, participants universally praised the fact that the training was multijurisdictional, practical, and included actual demonstrations (such as how to prepare a witness to testify, and the direct examination of witnesses). Future training should build on areas like illicit finance task forces, which may prove the best way to combat terrorism in Brazil. End Summary.

PROJETO PONTES: BUILDING BRIDGES TO BRAZILIAN LAW ENFORCEMENT

2. (U) Post recently concluded a successful conference on

Illicit Finance Oct 4-9 (reftel), held in the regional capital of Rio de Janeiro and funded by State,s Coordinator for Counter Terrorism (S/CT). This is the first regional conference conducted under post,s Projeto PONTES (Translation: Bridges Project) umbrella, a new training concept post introduced in February 2009 to consolidate bi-lateral law enforcement training. Training conducted under Projeto PONTES is unique in several ways: presentations focus on both Brazilian and U.S. best practices; the participants include, in the same venue, judges, prosecutors, and law enforcement; the topics are agreed upon by both Brazilian and U.S. counterparts; and the presentations are geared towards practical skills, not theory.

3. (U) Post,s Resident Legal Advisor (RLA) and Legal Attach (LEGAT) closely followed the Projeto PONTES framework when developing the conference agenda and the list of participants. Federal judges and prosecutors from each of Brazil,s 26 states and a federal district took part, and over 50 federal police agents (from throughout Brazil) participated. State-level participation was also solicited, and 30 state prosecutors, judges, and law enforcement attended. In addition to the large Brazilian delegation, post strived to meet S/CT,s regional focus by inviting representatives from Mexico, Costa Rico, Panama, Argentina, Uruguay, and Paraguay.

TERRORISM BROUGHT TO THE FOREFRONT

4. (SBU) Deputy Coordinator for Counterterrorism in S/CT, Shari Villarosa, opened the conference with a keynote address on Illicit Finance and Terrorism. In most of post,s planning with its Brazilian counterparts, the traditional mantra has been to avoid using the word "Terrorism" and instead use the less controversial term "Transnational Crime" as a euphemism for all activity that involves organized violence and threats. However, in her opening remarks, Deputy Coordinator Villarosa spoke directly about terrorism and the illicit financing of terrorism, emphasizing that illicit finance is a global problem and needs to be addressed in a global manner.

5. (SBU) Rather than challenging these assertions as often happens when dealing with Brazil,s Foreign Ministry or members of the Executive Branch, the judicial sector representatives at the conference found the topic to be extremely interesting and important. In post-conference evaluations, the most frequently requested follow-on training was related to counterterrorism, clearly demonstrating that the federal judges, prosecutors, and other law enforcement professionals were less concerned with the political minefield around the term and genuinely interested in

learning how to better engage the judicial process in the fight against terrorism.

6. (U) Following the keynote address, the conference preceded with a presentation by Brazilian Judicial Minister

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Gilson Dipp, who provided an overview of the legislative and political history of Brazil,s money laundering and illicit activity legislation. Brazilian Federal Money Laundering Judge Sergio Moro then discussed the 15 most common issues he sees in money laundering cases in the Brazilian Courts. U.S. presenters discussed various aspects regarding the investigation and prosecution of illicit finance and money laundering cases, including formal and informal international cooperation, asset forfeiture, methods of proof, pyramid schemes, plea bargaining, use of direct examination as a tool, and suggestions on how to deal with Non-Governmental Organizations (NGO,s) suspected of being used for illicit financing. In addition, a mock witness preparation and direct examination was presented. At the end of each day, an hour was set aside for all the presenters to answer any additional questions and allow the participants to raise additional topics. This part of the conference was always lively, and resulted in discussions of myriad topics as well as suggestions from the Brazilians on how to work better with the U.S.

RESULTS: PRACTICAL TECHNIQUES USEFUL

7. (U) The participants praised the hands on training, and requested additional training on the collection of evidence, interrogation and interviewing, court room skills, and the task force model. The participants also lauded the quality of the presentations and singled out the mock direct examination of a witness as a high point in the conference. They emphasized the importance of discussing practical investigative and trial techniques, and the demonstration of concrete examples of cooperation between law enforcement and prosecutors. Finally, many commented that they wanted to learn more about the proactive task force model, develop better cooperation between prosecutors and law enforcement, and gain direct experience in working on long term complex financial cases.

8. (U) Brazilian participants sought out the RLA and the LEGAT throughout the conference to discuss how to improve Brazil,s legal system, especially in the area of complex financial investigations and prosecutions. The Brazilians explained that Brazil,s democracy is barely 20 years old;

therefore, Brazilian federal judges, prosecutors, and law enforcement are new to the democratic process and have not been trained in the basics of long term investigations, proactive task forces, and the successful use of courtroom advocacy. In addition, they find themselves unable to effectively use their new criminal code, as several recent changes have completely altered the manner in which evidence is presented in court. For example, the RLA successfully advocated for recent changes to the Brazilian criminal procedure code, which requires direct examination of witnesses by the prosecution and the defense, rather than by the judge, and uses live testimony instead of written affidavits. Many Brazilians, however, confessed that they do not know how to use these new tools but are eager to learn.

FUTURE TRAINING: ILLICIT FINANCE TASK FORCE

9. (U) The conference clearly demonstrated that the Brazilian judicial sector is very interested in engaging more proactively in the fight against terrorism, but needs the tools and training to effectively engage. Currently, the most effective approach to incarcerating a terrorist suspect is to try him on a predicate crime, such as drug trafficking or money laundering. Indeed, many of the Brazilian conference participants practice exclusively in Brazil,s Federal Money Laundering Courts established in 1998 in conjunction with a money laundering law. Specialized prosecutors and investigators bring their money laundering cases to these courts, which have been more effective than most and have handled some of Brazil,s most significant cases involving corruption and high level individuals.

10. (U) Consequently, there is a continual need to provide hands-on training to Brazilian federal and state judges, prosecutors, and law enforcement regarding the illicit financing of criminal conduct. There is a nexus between illicit money flows and terrorist financing, and the specialized money laundering courts have proven to be an

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effective method of prosecuting criminals. Ideally, the training should be longer-term and coincide with the formation of training task forces. Two large urban centers with proven judicial support for illicit financing cases, in particular Sao Paulo, Campo Grande, or Curitiba, should be selected as the location for this type of training. Then task forces can be formed, and an actual investigation used as the basis for training that would sequentially progress from investigation through the courtroom presentation and conclusion of the case. This would give the Brazilians

actual experience in working on a long term proactive illicit financing task force, and allow access to U.S. experts for on-going guidance and support. Post can provide more detailed steps and a cost analysis septel.

11. (SBU) Comment. Overall, the conference was a success, not only for convoking a significant number of Brazilian and regional law enforcement professionals to share best practices on investigating and prosecuting illicit crimes, but also to recognize that the term terrorism is not taboo to the professionals who need to prepare for the worst. Post,s Projeto PONTES will continue to bring together U.S. and Brazilian law enforcement in different venues, to build on our relationships and exchange best practices. For counterterrorism efforts, we hope to use the opening this conference has provided to target illicit finance task force training in a major urban center. End Comment.

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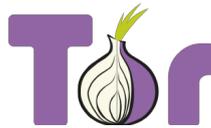
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