

Brazil

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Section 1: Summary of Domestic Legislation

- The Brazilian [Constitution](#) of 1988 considers terrorism, along with other offences, as 'heinous crimes' and not entitled to bail, mercy or amnesty. This is further covered by [Act 8072](#) of 25 July 1990 on heinous crimes that states in Article 2 that sentences for terrorist crime must be served fully and without possibility for amnesty.
- The Constitution also formally repudiates terrorism while establishing in principle the state of Brazil's duty to cooperate with their partners and international organizations in this area.
- Although a number of legislative acts make reference to the crime of terrorism, such as the [Act 7170](#) of 14 December 1983 on national security that states that terrorism activities are punished by prison, there is no explicit legal definition of terrorism in Brazilian legislation.
- Despite the fact membership of a terrorist organisation is not explicitly penalised, the [Criminal Code](#) (Article 288) criminalises the association of individuals for the purposes of committing a crime and involvement and recruitment for a criminal organization is considered an offence. Additionally, Article 24 of the Act 7170 makes an offence to join an illegal organisation of a military nature with the purpose to engage in combat.
- Regarding the financing of terrorism, Article 1 of [Act 9613](#) of 3 March 1998 on money laundering establishes as a crime the hiding of the origin and movement of goods and funds coming from a number of illicit activities. This offence has a penalty of 3 to 10 years imprisonment. [Law 10701](#) of July 2003 amends the list of offences to include the crimes of terrorism or its financing.

Moreover, Article 20 at Act 7170 of 1983 penalises the financing of terrorism with up to 30 years imprisonment.

Terrorism support can be covered in Act 9613, which criminalises the provision of funds and resources to persons and entities involved in illicit activities.

- In relation to the freezing of terrorist assets, Articles 125 and 132 of the [Code of Criminal Procedure](#) allows the seizure of goods that had an origin in criminal activities by a judge.
- In order to hinder the access to weapons by illicit organizations –including terrorist groups- [Act 10826](#) of 22 December 2003 on the registry, possession and

commercialisation of weaponry and ammunitions establishes a National Weapons System that regulates the acquisition and use of firearms.

- International cooperation in criminal matters –therefore including terrorism- is covered in book V of the Code of Criminal Procedure, which governs contacts with foreign authorities regarding enquiries and rogatory letters.
- The Ministry of Justice and the security cabinet in the President Office take final responsibility for fighting terrorism. At the operational level, the Brazilian Intelligence Agency established by [Act 9883](#) of 7 December 1999 evaluates the threat of terrorism for the Brazilian state.

Section 2: Relevant International Instruments

Anti-Terrorism Instruments

Brazil has ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism 2005](#) has been signed but is still yet to be ratified.

Human Rights Instruments

Brazil is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [American Convention on Human Rights 1969](#) which Brazil ratified in 1992.

Section 3: Useful Reports

❖ UN Counter-Terrorism Committee Reports

Brazil has submitted six reports on their counter-terror legislation and structures to the [United Nations Counter-Terror Committee \(CTC\)](#).

- The first [report](#), submitted on December 2001, refers to the implementation by the Brazil authorities of the provisions of Security Council resolution 1373 (2001) on the prevention and suppression of terrorist financing and the interception of funds from terrorist organisations. The report addresses measures to block recruitment and access to weapons and explosives by terrorist groups and to strengthen cooperation with other states and international organisations, including UN conventions on terrorist crimes.
- A supplementary [report](#) on July 2002 produces further information on the coordination of the state agencies with competencies in the fight against terrorism, blocking terrorist funding activity and the freezing of terrorist assets. Also covered is action preventing the use of NPOs to fund terrorist activities, regulation of money transfer, impeding recruitment and safe haven for terrorist groups, criminalisation of terrorist crimes and ratification of international protocols in this area.
- A March 2003 [report](#) concentrates on specifics issues from the Brazilian anti-money laundering laws, the definition of terrorism and terrorist activities as offences in Brazilian legislation and cooperation with international bodies.

- The April 2004 [report](#) contains additional information about Brazil's anti-terrorist financing institutional framework. It does also provides more extensive coverage on a number of instruments deployed in this field, such as financial audits, provisions to enhance the transparency of money transfers and other forms of financial transactions, or the activities of the state's FIU. The second part of the report focuses on the state's counter-terror machinery in areas such as terrorism recruitment, protection of witnesses in terrorist prosecutions, border protection and weapons and explosives control.
- The fifth [report](#) (August 2005) updates the UN CTC on Brazil's implementation of UN anti-terrorist conventions and protocols and provides statistics and an overview on the action of the state's anti-terrorist funding authorities. It also informs the committee on Brazil's border control mechanisms and efforts to prevent terrorist access to weaponry.
- The last [report](#) on the implementation of SCR 1373, submitted on August 2006, clarifies Brazil's legislation on the supply and collection of funds for terrorist activities, the freezing of terrorist funds, detection of unauthorised transfers, bilateral cooperation and implementation of international counter-terror instruments, blocking the movement of terrorists across state borders, transport security and prevention of terrorist incitement.