

*Brazil counts with a broad range to provide mutual legal assistance (MLA), which may be provided in accordance with bilateral and multilateral treaties ratified by the country, and in the absence of such treaties, based on the principle of reciprocity.*

*Requests for international legal assistance can be based on a multilateral convention or a bilateral agreement on criminal matters, provided that they are duly signed and ratified by the States and validly incorporated into the respective domestic legal orders. In such cases, these international treaties provide that the processing of requests will take place directly through the Central Authorities of the countries, eliminating the need to transmit them through diplomatic channels.*

*Brazil counts with 12 multilateral treaties which can be based a MLA request.*

*In addition to multilateral treaties, Brazil also has bilateral agreements in force with 21 jurisdictions (Belgium, Canada, People's Republic of China, Colombia, Republic of Korea, Cuba, Spain, United States, France, Italy, Jordan, Honduras, Mexico, Nigeria, Panama, Peru, United Kingdom of Great Britain, Switzerland, Suriname, Turkey, Ukraine).*

*On the other hand, the fact that there are no agreements or conventions in force does not necessarily mean that the Brazil is not able to provide MLA. In these situations, the legal basis for requests MLA commonly used is the principle of reciprocity, giving guarantees that in similar situations, if necessary, Brazil will also comply with any foreign requests. Art. 26 paragraph 1 of Civil Procedural Code establishes that in the absence of a treaty, international legal cooperation may take place on the basis of reciprocity, expressed through diplomatic channels.*

*In fact, If not prohibited by Law, and based in bilateral, multilateral agreements or reciprocity, Brazil can provide the widest measures possible of international cooperation. See articles 27, VI and 26, §1º of the Civil Procedural Code.*

*According to § 4 of the article 26 of the Civil Procedural Code, the Ministry of Justice performs the functions of central authority in the absence of a specific designation. In most multilateral treaties, including Vienna, Palermo and Mérida Conventions, the central authority is performed by the Department of Assets Recovery and International Legal Cooperation of the National Secretariat of Justice, Ministry of Justice (DRCI).*

*On the same hand, the article 14, IV of Decree No. 9.662, 2019 states that the Department of Asset Recovery and International Legal Cooperation is responsible to exercise the function of central authority, through the coordination and instruction of active and passive requests for international legal cooperation, by delegation from the Minister of State, unless there is a specific different designation.*

*When DRCI receives foreign MLA requests, it promptly transmit the information to the Judiciary, to the Public Prosecutor's Office or to the Judiciary Police, according the requesting authority, the measure to be granted and if demands or not a judicial order in Brazil. The requests should be sent directly and without delay to the competent national authorities for their processing.*

*MLA is not prohibited or subject to unreasonable or undue restrictive conditions. The art. 26 § 3º of the Procedural Code establishes that in international legal cooperation, the practice of*

*acts that contradict or that produce results incompatible with the fundamental rules the Brazilian State will not be allowed. On the same hand, the art, 39 of the same Code, determinates that the request will be refused if it constitutes a clear offense to public order.*