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Letter dated 19 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 2 January 2003 (S/2003/20).

The Counter-Terrorism Committee has received the attached third report from Brazil submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 March 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In response to your letter dated 16 December 2002, I have the honour to enclose herewith the second supplementary report of the Brazilian Government to the Counter-Terrorism Committee, pursuant to operative paragraph 6 of resolution 1373 (2001), with further information regarding the matters identified in the correspondence referred to (see enclosure).

(*Signed*) Luiz Tupy Caldas de **Moura**
Ambassador
Chargé d'affaires a.i.

Enclosure

Brazil: report to the Counter-Terrorism Committee concerning the application of resolution 1373 (2001)

1.2 Please provide a progress report on and detailed outline of the amendments to Act 9613/98 relating to the financing of terrorism.

PLS-117/2002[1] amends Act 9613/98[2] adding financing of terrorism as a predicate offence to money laundering. Senate leaders introduced PLS-117/2002 on May 6th 2002. The Senate approved it on June 19th 2002. The Senate forwarded PLS-117/2002 on June 20th 2002 to the House of Representatives. PLS-117/2002 was granted on September 16th 2002 high priority voting status.[3]

1.3 effective implementation of paragraph 1 of the Resolution requires that there are provisions in place specifically criminalizing the wilful provision or collection, by any means, directly or indirectly, of funds by the nationals of Brazil or in its territory with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts. For an act to constitute an offence as described above it shall not be necessary that the funds were actually used to carry out a terrorist offence (see article 2, paragraph 3, of the Convention for the Suppression of Terrorist Financing). The acts sought to be criminalised are thus capable of being committed even if:

- ***The only terrorist act takes place or is intended to take place outside the country; or***
- ***No related terrorist act has actually occurred or is attempted.***

According to the reply in the supplementary report, Act 9613/98 will be amended to include the financing of terrorism in the "range of crimes that may constitute antecedent to money laundering." As explained above, this paragraph requires not only adding financing of terrorism as an antecedent to the offence of money laundering, the acts of collecting and using of funds for terrorist purposes need to be criminalised. Therefore, the provisions of Act 9613/98, either as currently in force or as proposed to be amended, do not appear to meet the requirements entirely. Please explain what steps Brazil intends to take in this regard.

The wilful provision or collection, by any means, directly or indirectly, of funds by the nationals of Brazil or in its territory with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts has already been criminalised in Brazil.

Act 7.170/83,[4] Article 20, punishes wilful terrorism financing: "*To cause havoc, to plunder, to extort, to steal, to kidnap, to keep in home-imprisonment, to burn down, to depredate, to provoke explosion, to practice personal assault or acts of terrorism, for political reasons or for the obtention of funds that are*

[1] PLS-117/2002 *Alters and adds provisions to Act 9.613/ 1998.*

[2] Act 9613/98 This law addresses the crimes of money laundering or concealment of assets, rights, and valuables; the measures designed to prevent the misuse of the financial system for illicit actions as described in this law; it creates the Council for Financial Activities Control (COAF); and addresses other matters.

[3] For a regularly updated progress report of PLS-117/2002, see Câmara dos Deputados. http://www.camara.gov.br/internet/sileg/Prop_Pesquisa.asp.

[4] Bill n. 7.710, of 14 December 1983 "*Defines the crimes against National Security, social and political order, and establishes the legal procedure for the judgement of such offences and other provisions.*"

destined to the maintenance of clandestine or subversive organizations".[5] Terrorist organizations may extort ordinary people, the same way Mafia-like organizations do, in order to finance their criminal activities. One of the key characteristics of terrorist organizations is their political motivation and their clandestine nature. The penalty for wilful terrorism financing varies from 3 to 30 years of prison.

Act 7.170/83, Article 24, also punishes a different variation of wilful terrorism financing: "*To recruit, to be part of or to sustain military-like illegal organizations, of any kind, of armed nature or not, with or without uniform, with goal of combat*".[6] Whoever sustains a military-like illegal organization, supports, finances this organization. From the perspective of Brazilian legislation, terrorist organizations may be considered military-like organizations, since the majority of them have the goal of combat. In light of Article 24, wilful terrorism financing is not ancillary to terrorist acts. Even if terrorist acts have not been committed, one may commit wilful terrorism financing. To sustain, to support, and to finance terrorist organizations is all that Act 7.170/83, Article 24, requires. The penalty for wilful terrorism financing varies from 2 to 8 years in prison.

1.4 In relation to sub-paragraph 1(d) of the Resolution, the supplementary report mentions that Brazil intends to introduce more specific legal provisions in its domestic law in order to give full effect to the provisions of the Convention for the Suppression of Financing of Terrorism. Please explain how those proposed provisions would meet the requirements of paragraph 1 of the Resolution. Please provide an indication of the timeframe within which the proposed legislation will enter into force.

Brazil is in full compliance with the recommendations of the Group of Egmont and follows the Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF) concerning the subject.

In addition to PLS-117/2002[7] and to the provisions of Act 7.170/83 Brazil is analyzing the following measures to fully implement the International Convention for the Suppression of the Financing of Terrorism:

- The need of supplementing, not of supplanting, existing Federal law that makes the financing of terrorism a crime.

- Whether it would be necessary to explicitly include jurisdiction over perpetrators of terrorism related offences committed abroad who are later discovered in Brazil. Article 10 of the International Convention for the Suppression of the Financing of Terrorism requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the territory of a State Party. The structure of such a measure would have to be compatible with the Convention, which sets up both mandatory and permissive bases of jurisdiction. It also excludes certain offenses that do not have an international projection.

- The need of supplementing, not of supplanting, existing Federal law that allows for the freezing and confiscation of terrorist assets. The International Convention for the Suppression of the Financing of Terrorism, Article 8, requires each State Party to take appropriate measures, in accordance with its domestic legal principles, for the detection and freezing, seizure or forfeiture of any funds used or allocated for the purposes of committing the offences described.

[5] See Act 7.170/83 at "*Presidência da República*"; "*Subchefia para Assuntos Jurídicos*" http://www.planalto.gov.br/ccivil_03/Leis/L7170.htm

[6] Ibiden.

[7] PLS-117/2002 *Alters and adds dispositions to Act 9.61/ 1998.*

- The best way of establishing administrative or civil penalties against legal entities, if any person responsible for the management or control of that legal entity has, in that capacity, committed a terrorism financing offence, thereby fulfilling Article 5 of the International Convention for the Suppression of the Financing of Terrorism.

1.5 Effective implementation of paragraph 1 of the Resolution requires an appropriate monitoring mechanism to ensure that funds collected by non-profit organizations (such as charitable, religious or cultural institutions) are not diverted to other than their stated purposes, in particular for the financing of terrorism. According to the supplementary report, foundations shall be supervised by the Public Prosecutor's Office of the state in which the are located. Please provide a detailed outline of the legal provisions (including article 66 of the Civil Code of 2002) and procedures and describe how Brazil can meet the requirements of this paragraph.

Non-profit entities that benefit from tax immunity (Act 9.532/97, Article 12, *caput*) and non-profit entities that benefit from income tax exemption and social contribution exemption (Act 9.532/97, Article 15, *caput*) are required to present, annually, a revenue declaration to the Federal Tax Office[8] (Act 9.532/97, Article 12, paragraph 2, "e"[9] and Act 9.532/97, Article 15, paragraph 3[10]).

Non-profit entities that receive resources from the State are subject to accounting, financial, and budgetary control (Federal Constitution, Section IX), as prescribed by Act 9.790/99, Article 4, Paragraph 7, "d".[11] They are subject to both external and internal control, especially of the Court of Accounts of the Union,[12] subordinated to Congress.

Non-profit entities that benefit from tax immunity and non-profit entities that benefit from income tax exemption and social contribution exemption are required to make their reports or other information about their operations available to State Attorneys.[13]

The Ministry of Justice monitors non-profit entities that receive resources from the State,[14] the so-called "Civil Society Organizations of Public Interest". In order to be granted "Public Interest" status, charities must apply to the Ministry of Justice. Over 50% of such applications are denied as legally non-conforming. A database with all non-profit entities that are entitled to receive resources from the State in order to provide activities for the benefit of the population is available online.[15] Non-profit entities that receive resources from the State must make their activities and financial report publicly available, annually.[16] State Attorneys are also allowed to monitor "Civil Society Organizations of Public Interest".[17]

[8] In Portuguese, "*Receita Federal*".
[9] Act 9.790/99, Article 12, paragraph 2, "e"
[10] Act 9.790/99, Article 15, and paragraph 3.
[11] Act 9.790/99, Article 4, Paragraph 7, "d".
[12] See Federal Constitution, Section IX at http://www.uni-wuerzburg.de/law/br00000_.html.
[13] See "Promotoria de Justiça de Tutela das Fundações e Entidades de Interesse Social" at http://mpdft.gov.br/Orgaos/PromoJ/Pjfundacoes/fundacoes.htm.
[14] See "Ministério da Justiça". Secretaria Nacional de Justiça. http://mj;gov.br/snj/oscip.htm.
[15] See "Ministério da Justiça". Secretaria Nacional de Justiça. http://www.mj.gov.br/sistemas/OSCIP/index.asp.
[16] Act 9.790/99, Article 4, VI, "b": "*que se dê publicidade por qualquer meio eficaz, no encerramento do exercício fiscal, ao relatório de atividades e das demonstrações financeiras da entidade, incluindo-se as certidões negativas de débitos junto ao INSS e ao FGTS, colocando-os à disposição para exame de qualquer cidadão.*"
[17] See "Promotoria de Justiça de Tutela das Fundações e Entidades de Interesse Social" at http://mpdft.gov.br/Orgaos/PromoJ/Pjfundacoes/fundacoes.htm.

Access to information is ensured to everyone (Federal Constitution, Article 5, and XIV). All persons are entitled to receive from government agencies information of private interest to such persons or of collective or general interest which shall be provided within the period established by law, subject to liability, with the exception of information whose secrecy is vital to the security of society and of the State (Federal Constitution, Article 5, XXXIII). The results of such government oversight are not considered as vital to the security of society and of the State. Therefore, secrecy laws do not protect them. Any citizen is entitled to file a representation petition, thereby asking State Attorneys to investigate irregularities that are supposed to have occurred in charitable organizations.

In accordance with the rules and procedures established by the Central Bank, all foreign exchange operations in Brazil must be registered in the Central Bank Information System ("SISBACEN"), as well as all operations involving bank deposits maintained by non-residents in Brazilian banks up to R$ 10 thousand. In order to monitor those daily registers (approximately 13.000 foreign exchange operations and 200 operations involving non-resident accounts) the Central Bank of Brazil uses a computerized system that selects operations for further analysis based on predefined parameters. Among other criteria, selection depends on the classification of the operation. Donations and other types of transference of assets made by non-profit organizations or non-governmental entities are subject to rigid analysis. Overseas donations are also subject to specific regulations (Official Communiqué number 9.068 of the Central Bank of Brazil, dated 4 December 2001).

1.6 Effective implementation of paragraph 1 of the Resolution also requires that a legal obligation to report suspicious transactions should be extended to include all professions engaged in financial transactions (such as lawyers, notaries, and accountants). Please indicate what action Brazil intends to take in this regard.

In 2001, the Financial Action Task Force on Money Laundering (FATF) decided to begin a review of the Forty Recommendations. A number of factors make such a review desirable. The FATF has identified several areas in which possible changes could be made to Forty Recommendations. One of these sectors is the so-called "non-financial businesses and professions area".[18]

The FATF is actually considering whether the Forty Recommendations should be extended to cover seven categories of non-financial businesses and professions: casinos and other gambling businesses, dealers in real estate and high value items, company and trust service providers, lawyers, notaries, accounting professionals and investment advisors, given the increased use, by criminals, of professionals and of other intermediaries for obtaining advice or other assistance in laundering criminal funds.[19]

As regards "casinos and other gambling businesses", it should be noted that casinos are not allowed to function in Brazil in accordance with Executive Act 9.125/46.[20]

Act 9613/98, Article 9, Paragraph, VI, explicitly determines that other gambling businesses, namely "bingos" and lotteries, are subject to the requirements of customer identification, record-keeping and suspicious transactions reports, established, respectively, by Chapter 6 and Chapter 7. Council for Financial Activities Control (COAF)[21] Resolution no. 03, of June 02, 1999; Resolution no. 05, of July 2, 1999; and Resolution no. 09, of December 2000[22] have regulated these requirements.

[18] See Financial Action Task Force on Money Laundering (FATF). http://www1.oecd.org/fatf/40RecsReview_en.htm.
[19] Ibidem.
[20] Executive Act 9.125, of 30 April 1946
[21] The Council for Financial Activities Control (COAF) is the Brazilian Financial Intelligence Unit (FIU).
[22] See Council for Financial Activities Control (COAF). http://www.fazenda.gov.br/coaf/site/p_money.htm.

Act 9613/98, Article 9, Paragraphs X and XI, determines that dealers in real estate and high value items are subject to the requirements of customer identification, record-keeping and suspicious transactions reports, established, respectively, by Chapter 6 and Chapter 7. Council for Financial Activities Control (COAF) Resolution no. 01, of April 01, 1999; Resolution no. 04, of June 02, 1999; and Resolution no. 08, of September 15, 1999 has regulated these requirements.

Company and trust service providers do not exist, as such, in Brazil. There is no specific legislation on trust services in this country. Trust services are a legal figure that is akin to the Anglo-American legal system.

Act 9613/98, Article 9, Paragraph I, determines that Chapter 6 and Chapter 7 subject to the requirements of customer identification, record-keeping and suspicious transaction reports, establish investment advisors, respectively.

Concerning lawyers, notaries and accounting professionals, the Council for Financial Activities Control (COAF) is conducting a public consultation process[23] on its website, thereby inviting comments on the review of the Forty Recommendations as regards their extension to cover these non-financial businesses and professions. This Council wants to allow lawyers, notaries and accounting professionals to express their views on the issues being discussed in the review process of the Forty Recommendations. The Council for Financial Activities Control has also been presenting seminars on this subject at the respective regulatory agencies – lawyers, Brazilian Bar Association; accounting professionals, National Association of Accounting Professionals, etc. It should be emphasized that Act 9613/98 already covers lawyers, notaries, accounting professionals and investment advisors as regards their criminal liability in money laundering activities, in light of Article 1.

1.7 Please explain whether the existing provisions of the Code of Criminal Procedure provide for the freezing of funds of persons and entities whether resident or non-resident, linked to terrorist acts, even if the funds are of a legal origin and regardless of whether they have been actually used for a terrorist act. Please outline the provisions of that law by which funds linked to terrorists can be frozen or seized, including on request of another country. According to the supplementary report, legal measures for the freezing or seizure of funds belonging to terrorists will be introduced to implement the Convention for the Suppression of the Financing of Terrorism. Please provide a detailed outline of those provisions.

The Code of Criminal Procedure allows, Article 125 and Article 132, the freezing and seizure of tangible and intangible assets that have been acquired with the proceeds of crime, whether resident or non-resident alike, including on request of another country, even when they have been transferred to third parties.[24]

When ordered by legal courts, the Central Bank of Brazil points out to financial institutions (and other specific entities listed by law), which values and goods from both individuals and firms shall be subject to freezing and seizure.

Act 9613/98 explicitly allows the freezing and seizure of terrorism related funds in light of Article 4. Terrorism, according to Act 9613/98, Article 1, II, is money laundering predicate offence.

The wilful provision or collection, by any means, directly or indirectly, of funds by the nationals of Brazil or in its territory with the intention that the funds should be used, or in the knowledge that they are to be

[23] See Council for Financial Activities Control (COAF). http://www.fazenda.gov.br/coaf/.

[24] See Presidência da República. Subchefia de Assuntos Jurídicos. http://www.planalto.gov.br/ccivil_03/Decreto-Lei/Del3689.htm

used, in order to carry out terrorist acts has already been criminalised in Brazil by Act 7.170/83, Articles 20 and 24.

Furthermore, PLS-117/2002[25] adds financing of terrorism as a predicate offence to money laundering. In other words, PLS-117/2002 criminalises measures intended to hide the origin of founds obtained without the effective practice of acts of terrorism whenever it is the author's intention to use these assets for the commission of future terrorist attempts.

1.8 Please provide a progress report and detailed outline of the Act no. 6764/2002, which proposes inter alia that terrorism should be established as a crime in the Penal Code of Brazil.

PL 6.764/2002 was prepared by a High Level Commission of Experts created to study and suggest general principles and a Project of Bill concerning the Defense of the Democratic State based on the Rule of Law. Government leaders introduced PL 6.764/2002 in the House of Representatives on May 9th 2002. It was forwarded to the Commission of Foreign Relations and National Security on May 28th 2002.[26] The document proposes the inclusion of a new Section in the Penal Code that shall be divided in five chapters.

"Chapter I: On crimes against national sovereignty;
Chapter II: On crimes against democratic institutions;
Chapter III: On crimes against the functioning of democratic institutions and essential services;
Chapter IV: On crimes against Foreign or International Authorities;
Chapter V: On crimes against citizenship."

Chapter I: On crimes against national sovereignty – Intends to impose duties concerning loyalty to The Brazilian State, as most countries do. Among other provisions, criminalises attempts against sovereignty, treason, territorial violation, attempt against territorial integrity and espionage.

Chapter II: On crimes against democratic institutions – contains provisions defining the crimes of: insurrection, conspiracy and incitation to civil war. Criminalises attempts against the Heads of the Executive, Legislative and Judiciary Powers well as *Coups d'état.*

Chapter III: On crimes against the functioning of democratic institutions and essential services – Includes the provisions of the crime of terrorism and punishes the activities of unlawful armed groups, as well as the abduction of any means of transportation. Incur in the above mentioned crime those who "perform the following acts, motivated by political or religious faction, having as objective the dissemination of terror: to cause devastation, to steal**,** to provoke bomb explosion**,** to abduct, to burn down**,** to depredate or to practice personal attempts or sabotage, causing effective danger or harm to people**.** It is required for the configuration of the crime of terrorism that the illicit conduct be motivated by political or religious faction or directed against a legitimate authority, preventing the free exercise of the powers of the Union and other entities of the Federation.

Incur in the same crime those who take possession or exercise, total or partial, permanent or non-permanent, control of public means of communication or means of transportation, ports, airports, train or bus stations, public facilities or establishments destined to water, energy, fuel, food supply or designed to provide general and not to be postponed necessities/urgent necessities of the population with the same intention mentioned above.

[25] PLS-117/2002 *Alters and adds provisions to Act 9.613/ 1998.*
[26] For a regularly updated progress report of PL 6.764/2002, see House of Representatives. http://www.camara.gov.br/internet/sileg/Prop_Pesquisa.asp.

As stated, actions of devastation and promotion of sabotage are punished. In both cases, the misuse of information technology devices such as computers and remote attacks may constitute an instrument to commit such illicit.

Chapter IV: On crimes against Foreign or International Authorities – Protect the integrity of the representatives of foreign Governments, as well as heads of International Organizations in Brazilian territory.

Chapter V: On crimes against citizenship – Establish the crime of attempt against the free right of manifestation, both of individuals and public authorities. The project also punishes association for the purpose of discrimination.

1.9 While it is noted that the Constitution of Brazil repudiates terrorism in principle, the CTC would be grateful to know how Brazil intends to deal with the specific requirement of sub-paragraph 2 (a) to criminalise the recruitment in Brazil to terrorist groups, even if the recruiter does not belong to the criminal association. Article 288 of the Penal Code is stated to deal only with as association of three persons or more for purposes of crime and therefore appears not to meet the requirements of sub-paragraph 2 (a) entirely.

PL 2.858/2000 updates the legislation concerning the repression of criminal organizations. It amends The Brazilian Penal Code, Act 7.960 (of 12 December 1989), and Act 9.034 (of 3 may 1995). That project aims to criminalise the association of more than three people, in an organized group, by means of a legal entity or not, in a structured manner and with job division, that makes use of violence, intimidation, corruption, fraud and other similar means/tactics in order to commit a crime. In other words, any wilful involvement in a criminal organization is a crime, including, naturally, for the purposes of the recruitment of new participants.

Article 288 of the Penal Code already criminalises any association for the purposes of the commission of an offence regardless the existence of any structure, job division, use of violence, intimidation, corruption or other similar means.

1.10 Effective implementation of sub-paragraphs 2 (d) and (e) requires each state to criminalise the use of its territory for the purpose of committing terrorist acts against other states or their citizens, or for the purpose of financing, planning or facilitating terrorist acts against other states or their citizens, even if related terrorist acts are not committed or attempted. The existing provisions in Brazilian law do not appear to meet these requirements entirely. Please indicate what action Brazil intends to take in this regard.

In accordance with the Criminal Code, Article 7, II, "a", the Brazilian jurisdiction is extended over perpetrators of offences described in international conventions to which Brazil is a part of as soon they are found in the national territory. Brazil is a member of most anti-terrorism international conventions. Therefore, under Brazilian law, anyone who has committed terrorist acts abroad and is found in the national territory may be punished. The Criminal Code, Article 7, also prescribes a series of other cases in which the Brazilian jurisdiction is extended over perpetrators of offences committed abroad.[27]

As stated above PL 2.858/2000 intends to criminalise any *non bona fide* involvement in a criminal organization.

[27] See Presidência da República. Subchefia de Assuntos Jurídicos. www.planalto.gov.br/ccivil_03/Decreto-Lei/Del2848.htm

1.11 Paragraph 2 (e) of the Resolution requires States to "ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice". Brazil first report states, in relation to paragraph 2(c), that, "if the country cannot extradite an accused (because he or she is a national, for example), it must prosecute him or her... ('No safe heaven principle')." It appears from the succeeding comments in that report, and from related comments in the second report, in relation to the same sub-paragraph, that the principle does not apply in all cases coming before the Brazilian courts, but depends on the applicability to a particular case of various bilateral and multilateral treaties. The CTC would be grateful for an indication of:

- ***the extent, and basis, of the applicability of that principle to the offences set forth in the 12 international conventions and protocols relating to terrorism and to other offences contemplated by the Resolution; and***

- ***The action that Brazil intends taking to ensure full implementation of the Resolution in that regard.***

Article 5, LI, of Brazilian Constitution establishes that "no Brazilian shall be extradited, except the naturalized ones in the case of a common crime committed before naturalization, or in the case there is sufficient evidence of participation in the illicit traffic of narcotics and related drugs, under the terms of the law." That command has no exceptions.

In accordance with the principle "*aut dadere aut iudicare*", as stated in item 1.12, the Criminal Code extends Brazilian jurisdiction over perpetrators of offences described in international conventions to which Brazil is a part of as soon they are found in the national territory. Under Brazilian law, anyone who has committed terrorist acts abroad and is found in the national territory may be punished.

1.12 In the light of the requirement of sub-paragraph 3 (g) of the Resolution that States ensure that claims of political motivation are not grounds for refusing extradition of alleged terrorists, the CTC would welcome clarification of the basis on which terrorist offences are not taken to be political offences. Is direct provision to that effect made by act 6815 of 1980, as stated in the first report in relation to sub-paragraph 2 (e), or is it the result of judicial interpretation, as indicated in the comments in the supplementary report in relation to sub-paragraph 3 (g)? In either case, how is the exception reconciled with article 5 of the Constitution?

Article 5, LII, of Brazilian Constitution states that "extradition of a foreigner on the basis of political or ideological crime shall not be granted". Brazilian Supreme Court is to verify in any concrete situation if the alleged offence constitutes principally a common penal law offence (article 77, Act 6815/80). All offences that, by international treaty, Brazil obliges itself to suppress are incorporated in domestic legislation by ratification and guide judgements as any other positive law (Criminal Code, Article 7, II, "a").

At present, the predominant understanding of the higher courts is that anti-social offences, such as those described in paragraph 3, Article 77, constitute no political crime (attempts against any authorities as well as acts of anarchism, terrorism, sabotage, abduction, war propaganda, and violent processes of subversion of order).

PL 6.764/2002 intends also to deal with the matter mentioned in the question. By defining the crime of terrorism it is likely to avoid the possibility of terrorist acts be considered political offences (also see 1.8).

1.13 Paragraph 3 of the Resolution calls upon all states to become parties to all the international conventions and protocols relating to terrorism as soon as possible. Please provide a report on the progress made by Brazil in becoming a party to the Conventions and Protocols to which it is not yet a party.

The Brazilian Government is taking the necessary steps to incorporate in its internal legislation the 12 international conventions and protocols relating to terrorism negotiated under the auspices of the United Nations and the AEIA. The Government has already ratified 9 Agreements. Three of them are still being examined in Congress, in the House of Representatives:

- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.