# INTERNATIONAL LEGAL COOPERATION AND EXTRADITION IN BRAZIL: AN OVERVIEW IN ACCORDANCE WITH THE NEW MIGRATION STATUTE*

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**ABSTRACT:** This article presents an overview of the legal institutes of international legal cooperation in criminal matters in Brazil, with and emphasis in extradition, after the entry into force of the new Migration Law. Its aim is to demonstrate how this new legislation is in harmony with new trends in human rights and international criminal law in order to guarantee greater legal certainty, speed, effectiveness and efficiency in cases in which Brazil cooperates against criminality with transnational consequences.

**KEYWORDS:** International Legal Cooperation in Criminal Matters – Extradition – Migration Statute

## I. INTRODUCTION

Indifferent to physical boundaries imposed by the formation of states around the earth, globalization is a social, cultural, economic and technological phenomenon that has no "face", does not respect borders and covers the relationships of all individuals and their communities, indiscriminately.[1] The ease and frequency of migratory movements is a key factor in the context of international relations between States, because with such an increasingly intense flow of people there are positive and negative consequences. Among the negative consequences, there is the transnational criminal phenomenon.

Among the various possible fields for obtaining cooperation between nations with a view to exercising their criminal jurisdictions beyond their established borders, the vital importance of the institutes for International Legal Cooperation (hereinafter referred to as "ILC") stands out. When dealing with a criminal offense, which may have consequences for other countries or which, in fact,

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[1] [The Economist, 2017].

starts and/or materializes in one country from another, the legal measures of International Legal Cooperation in Criminal Matters (hereinafter referred to as "ILC in Criminal Matters") is utilized.

It is up to States - in a proactive and efficient manner - to use appropriate instruments, via ILC in Criminal Matters and Extradition, to ensure the protection of relevant legal assets and to promote effective enforcement of crime with transnational consequences. Therefore, the aforementioned institutes allow a State to seek international assistance to promote the well-being of its citizens (its minimum essential guarantees)

## II. BODY

In general, the internal legal framework of the States stipulates which are the legitimate authorities for processing and execution of ILC requests, considering bilateral or multilateral treaties or the promise of reciprocity for similar cases (expressed through diplomatic channels) as the basis for international cooperation measures.[2]

Among the collaboration mechanisms, the extradition institute symbolizes such an effort between converged states in curbing crime (with national and transnational effects) and in mitigating impunity. Extradition is considered the "oldest and most traditional instrument of international legal cooperation", [3] is operated by countries to prevent and suppress transnational crime and can be translated into the surrender of a person (investigated, indicted, accused, convicted or at large for one or more crimes) to the country that claims it.

Etymologically, the term "extradition" precedes the Latin expression *ex* ("abroad") *traditione* ("send"), that is, it means the surrender of someone from one State to another. According to Francisco Rezek, the extradition institute is the act of surrender, by one State to another, and at its request, of a person sought by his criminal jurisdiction who must respond to a criminal procedure or serve a sentence. [4] According to the statute 13.445/2017, also known as "Migration Law", this procedure is no longer a mandatory measure and has become an "International Cooperation" measure (or: ILC in Criminal Matters). Malcolm Shaw mentions that States involved in extradition procedures must observe strict rules of International Humanitarian Law, so that violations of these rights don't occur during this process. [5]

The legal institute of extradition is guided by some principles that define the operation of this mechanism and also legitimize and justify judicial decisions in legal cases. The principle of *double criminality* (or *dual criminality*), also known as the principle of identity, establishes that a extradition will only be granted for an illicit (criminal) fact, thus considered, both in the requesting and in the requested country.

In harmony with the aforementioned principle, the principle of legality emerges, which provides that there is no crime without a previous criminal statute that defines it. Extradition requests are not restricted to the provision of identical legal criminal definitions, but to the conduct or omissions that

[2] The existence of a treaty is a real facilitator of cooperation, however, the absence of this legal instrument cannot be considered an impediment to such institutes, as it recognizes a true duty of solidarity and international cooperation between States to maintain social peace ("Customary" international law).
[3] [Del'Olmo, 2005, p. 69 *apud* Bucho, 2000, p. 15].
[4] [Rezek, 2016, p. 180].
[5] [Shaw, 2014, p. 498].

will be criminally recognized in accordance with the legal system of the requesting and requested States (political and military crimes are excluded).

However, an extradition will not be granted if the person is subjected to criminal proceedings in the requested State, for the same fact on which the extradition request is based, or else, if he has already been convicted or acquitted by the judicial authorities of the requested country, in compliance to the principle of *ne bis in idem*. In addition, the extradited person may not be prosecuted or tried for crimes that did not support the request for cooperation and that were committed before his extradition, and the requesting State must require the requested State to extend or expand the extradition plea, considering the principle of specialty. This principle must be observed, even if there is the consent of the extradited person to be prosecuted in the requesting State for crimes other than those that instructed in original petition for extradition.

In Brazil, the legal basis of this institute can be found in the following legal frameworks: article 5, items LI and LII of the Constitution of the Federative Republic of Brazil (henceforth abbreviated as "CFRB"); [6] in 30 bilateral [7] treaties and 7 multilateral [8] conventions; Migration Statute 13.445/2017 (articles 81 to 99); [9] Decree 9.199/2017 (articles 262 to 280); [10] and Ordinance 217/2018 of the Brazilian Ministry of Justice. [11]

An Extradition may be requested for the purposes of enforcing a Police investigation (or via criminal investigation procedure by a Public Prosecutor's Office), in the course of a judicial criminal process against the defendant ("instructive extradition"), or to impose a sentence already issued ("enforceable extradition"). It must be noted that the extradition institute requires a provisional prison sentence or a sentence in a criminal judicial procedure with a penalty involving incarceration.

The Brazilian Constitution expressly prohibits the extradition of native and naturalized Brazilians, except, in the latter case, in the event of a common crime, committed prior to naturalization, or with a proven involvement in illicit trafficking of narcotics, in accordance to the Law (article 5, item LI). The naturalization, in this case, should be considered as "[...] consummated in defraud of the law, that is, with the specific purpose of evading State's enforcement measures." [12] In relation to the drugs context, Artur de Brito Gueiros Souza adds that the CFRB demonstrates "special concern for the scourge of drugs, with a certainty that, never before, this issue had deserved such constitutional attention" [Souza, 2013, p. 140]. In this same context, it is important to mention that Portuguese citizens who enjoy equal rights and duties in Brazil can only be extradited to Portugal, as stated in article 9 of the Convention on Equal Rights and Duties between Brazilians and Portuguese, promulgated via Decree 70.391 of April 12, 1972.[13]

In Brazil, extradition differs from the expulsion and deportation institutes, despite the fact that such measures allow the compulsory withdrawal of foreigners from national territory: these institutes "[…] have their application on the exclusive initiative of the country in which the foreigner is located,

[6] [Brasil, 2019]. Constitution of the Federative Republic of Brazil.
[7] [Brasil, 2020]. Bilateral extradition treaties.
[8] [Brasil, 2020]. Multilateral extradition treaties.
[9] [Brasil, 2019]. Federal statute 13445/2017.
[10] [Brasil, 2019]. Federal decree 9199/2017.
[11] [Brasil, 2019]. Federal ordinance 217/2018.
[12] [Souza, 2013, p. 140].
[13] [Brasil, 2019]. Federal decree 70391/1972.

whereas extradition does not take place *ex officio*: the request of the State whose jurisdiction is competent to judge him manifested itself." [14]

In this context, extradition differs from the institute of transfer of convicted persons: this is a measure of Humanitarian Law and provides for the possibility of individuals definitively convicted in another state to serve their sentence in the country of their nationality or in the country where they reside or have a personal *nexus*. As Artur de Brito Gueiros Souza observes: "[...] unlike extradition, the transfer of prisoners depends on the agreement of the convict, as it is an act of international collaboration with a humanitarian characteristic." [15]

Extradition procedures should not be confused with the legal institute of transferring of the execution of a sentence, as this occurs only in the event that an enforceable extradition occurs and will be admitted when the following requirements are cumulatively met: the existence of a treaty or promise of reciprocity; the sentence fulfilled its course; the person convicted in a foreign territory is a national or has habitual residence or personal bond in Brazil; the duration of the sentence to be served or that remains to be served is at least 1 (one) year, on the date of submission of the request to the sentencing State; and the fact that gave rise to the conviction constitutes a crime according to the Law of both parties.

In Brazil, an extradition process is composed of 3 phases: administrative, judicial and administrative/political. The first phase (administrative) comprises measures via *DRCI* ("Departamento de Recuperação de Ativos e Cooperação Internacional" or Department of International Cooperation and Legal Assets Recovery of the Brazilian Ministry of Justice), where diplomatic channels or direct contacts (*direct assistance* via central authorities) provide the dispatch of formal documents with request of extradition. The *DRCI* will then analyze all legal requirements (formal admissibility requirements established through treaties or in specific legislation)[16] and, in case all these legal requisites are met, will forward all documents to the Brazilian Supreme Court.

The second phase (judicial) of the Brazilian legal system of extradition is carried out by the Brazilian Supreme Court[17], which analyzes all formal aspects who harbor the criminal grounds of the extradition plea: fundamental rights and guarantees of the defendant (or accused, or fugitive), statute of limitation guarantees, the existence of political or ideological grounds and etc. The Brazilian legal system forbids the analysis of the merit of the judicial decision regarding the legal case (this system is also known as *Belgian system*, or "limited/mixed litigation" system): there is no appeal to the Supreme Court's decision and the only possible way to question such decision is an injunction ("embargos declaratórios").

Finally, the administrative/political phase includes the final decision to hand over the extradited person. To such task the President Brazil is competent, however, such competence has been delegated to the Ministry of Justice and Public Security, which in turn, delegated it to the National Secretariat of Justice. The Secretariat, after instruction and submission of an opinion prepared by the *DRCI*

[14] [Del'Olmo, 2007. P. 23].
[15] [Souza, 2013, p. 29].
[16] For example, the Brazilian Migration Statute ("Lei 13.445/2017").
[17] According to the Brazilian Constitution (articles 101, item I, "g"), the Supreme Court is legally competent to analyze and to judge foreign extradition requests.

related to the case, will define the delivery of the extradited to the foreign State, in compliance with any existing treaty or its domestic legislation.

The Migration Statute (13.445/2017) replaced another outdated legislation (statute 6.815/1980) and brought innumerable innovations, changing the legal paradigm of treatment of foreigners in Brazil. Under the perspective of Human Rights, this statute establishes migration as a right and no longer as a matter of national security, which encompasses several international obligations that the Brazilian Republic took on.

According to Tácio Muzzi, the aforementioned recent statute further consolidates the mission of the Brazilian *DRCI* which "[...] not only acts as a central authority, but also as a propellant of the actions of the Brazilian State in relation to the issue, in coordination with the judicial authorities and competent Police agents (statute 13.445/2017, articles 81, §§ 1 and 2)".[18]

The Migration statute is divided into 10 chapters, the eighth being specifically intended for International Cooperation measures, such as extradition, transfer of execution of sentences and transfer of sentenced persons. In Section 1 of this regulation, which deals with the extradition institute, some new features stand out. Article 81, paragraph 1, establishes that an extradition can be directly requested via central authorities (contemporary methodology) designated for this purpose and not only via diplomatic channel (classic methodology).

This legal provision has been increasingly adopted in new agreements being negotiated by the Brazilian government. For example: the extradition treaty signed with Panama and the extradition agreement between the member states of the Community of Portuguese Speaking Countries. Reasons for this trend are numerous: the direct aid/assistance channel between central authorities related to International Cooperation promotes agility of extradition procedures, which in turn promotes the effectiveness of a country's Justice system.

Article 82, item IV, stipulates that an extradition will not be granted when Brazilian law imposes a penalty of less than two years in prison related to the crime perpetrated (whereas in the old legislation the guideline was that the crime perpetrated should have a penalty of more than one year in prison). This innovation respects the principle of reasonability/proportionality[19] and also avoids the expensive implementation of State's mechanisms. Paragraph IX of the mentioned article *supra* establishes that an extradition will not be granted when the extradited person is a refugee. Thus, if the person requested a refuge[20] before the National Committee for Refugees (hereinafter referred to as "CONARE"), according to the statute 9.474/1997 (article 34), the extradition procedure (either in an administrative phase or in a judicial phase) must be suspended until the final decision regarding the plea for refuge.

It should be noted, however, that in recent decisions the Brazilian Supreme Court adopted the understanding that the preventive arrest for extradition purposes should not be confused with the extradition request itself. Therefore, if the extradited person formalizes an asylum claim before CONARE, only the extradition process will be suspended, until the final decision related to that

[18] [Muzzi, 2017, p. 3].

[19] In Brazil, the Supreme Court understands that the principle of reasonability/proportionality establishes a structure of rules for application in a specific legal case analysis and can be extracted from the Brazilian Constitution within the *Due Process* clause in its substantive aspect. Such principle is also explicit in the statute 9.784/1999, article 2, item VI ("Law of Administrative Procedure"). However, for Humberto Ávila, this is not a principle, but a "normative postulate". [Ávila, 2014, p. 58].

[20] Based on the same legal grounds of the extradition request.

person, and it is perfectly possible to admit a preventive arrest in order to guarantee and safeguard the enforceability of any favorable decision regarding the extradition petition. [21]

In addition, article 82, in its paragraphs 3 and 5, emphasizes the assumptions provided for in article 5, items LI and LII of the Brazilian Constitution related to naturalized Brazilians who are subject to an extradition process. Article 83, item II, innovates by allowing the granting of the measure in the event that the extradited person is responding to an investigative procedure ("extradição instrutória ou preventiva" or "preliminary/preventive/investigative extradition") and not only to criminal proceedings or in the event that the custodial sentence has been issued ("extradição executória ou repressiva" or "enforceable/repressive extradition") within the requesting State's jurisdiction, expanding the effective exercise of a State's punitive power to mitigate impunity and also to tackle criminality with transnational effects.

Article 84, *caput*, establishes that in case of a request for preventive detention for the purpose of extradition, before forwarding this petition to the Supreme Court, the Federal Attorney's Office must be consulted. Paragraph 2 of this article allows for the use of the INTERPOL (an International Organization, like the United Nations)[22] channel in order to transmit such request to the Supreme Court. Thus, the International Criminal Police Organization (INTERPOL), according to the statute 13.445/2017 is a legitimate party to request (via Brazilian Federal Police, hereinafter referred to as "PF")[23] a preventive/precautionary arrest for the purpose of extradition in accordance with a foreign State.

The Supreme Court, in its decisions, has already established that in case of a request for extradition based on the promise of reciprocity for similar cases, the State interested in the request for arrest must, through diplomatic channels, send the respective promise of reciprocity. In the aforementioned hypothesis, the *DRCI* and the Brazilian Police must (it is a legal obligation) request the Brazilian Ministry of Foreign Relations to transmit such promise of reciprocity. This act is a *conditio sine qua non* for the remittance of an arrest requisition in cases where the Brazilian government does not have a specific international treaty on this matter.

Regarding the request for extradition by a foreign State, if there is no specific provision in the treaty, the deadline for formalization of the surrender plea is 60 (sixty) days, counted from the date on which the defendant was arrested, and not 90 (ninety) days anymore (old legislation), in accordance with the statute 13.445/2017. This shorter term considers the principle of reasonability/proportionality, since the arrest of a person involves fundamental rights. However, whenever there is an extradition treaty, the deadline for formalizing the request that must be respected is the one established in this legal instrument and not the one in compliance with statute 13.445/2017, since there is specific legislation regulating the matter (this is the manifestation of the principle of specialty in International Law).

[21] [Brasil, 2019]. "Preventive arrest for extradition 875".

[22] INTERPOL is a legal reality emanating from a group of States (represented by Police agents), has a functional body with specific legal protection and carries out international relations (as it has a "right of representation", which is a typical characteristic of International Organizations). Therefore, the validity of the INTERPOL's Constitution as an international act equivalent to an international treaty can be extracted from this construction. [Neves, 2019, p. 87].

[23] In Brazil, INTERPOL is represented by the Brazilian Federal Police, which in turn is subordinated to the Brazilian Ministry of Justice.

Article 86, *caput*, comes with a major paradigm change in relation to the previous legislation: the Supreme Court, after consulting the Brazilian Federal Attorney's Office, may authorize a "hostel" or house arrest, or determine the freedom of defendant during the legal process, with the retention of travel documents. The Supreme Court may also determine any other necessary/precautionary measures, until the extradition trial or until the surrender of the foreigner, considering his/her: migratory/administrative situation, legal records and the circumstances of the case.

According to articles 92 and 93 of the Brazilian Migration Statute, a precautionary/preventive arrest of the defendant may be extended until the final judgment (where issues like the legality of the petition for extradition and etc.) of the competent judicial authority in order to safeguard the effectiveness of the extradition and the surrender of the defendant to the foreign State. The Supreme Court – during the term of the (former) statute 6.815/1980 – had consolidated the understanding that the preventive detention of the defendant would be an indispensable requirement for the regular processing of the extradition request.

However, the contemporary Migration Statute mitigated this understanding: according to the statute 6.815/1980, the arrest of a defendant of an extradition procedure could only be replaced by house arrest when the person target of this measure presented very specific situations (woman with a minor child, a senior person or with severe health issues). The Supreme Court, when analyzing a request of arrest for a future extradition observes the particularities of each case and also considers the principle of reasonability/proportionality. But it's worth mentioning that – in the light of the Brazilian extradition system, which adopted the "Belgian system of limited mitigation" – it won't be possible, during the analysis of the case, to safely determine the quantity/severity of the incarceration of the defendant. Also, it won't be possible to define with certainty the classification of the crime perpetrated, the incidence of specific legal benefits or disadvantages in a sentence or even the incarceration regime.[24]

Article 87, *caput*, expresses the so-called "Simplified/Express Extradition" (or "Voluntary Surrender") legal institute, which was already used in several treaties that Brazil ratified, such as, for example, the Extradition Agreement of the MERCOSUL States. In this context is possible for defendant, after due legal assistance and before the judicial authority of the requested State, to declare his/her explicit consent to be surrendered to the requesting State, after having been informed about his right to a formal extradition procedure (and the observance of his/her fundamental rights). In any case, the Brazilian Supreme Court will decide the admissibility of this plea.[25]

[24] This legal innovation within statute 13.445/2017 shouldn't be considered something beneficial to the effectiveness of the extradition procedure simply because of the fact the defendant is to be considered an international fugitive and nothing prevents him/her from escaping again if he/she benefits from these new, less rigid, legal measures within the novel migration statute.

[25] [Brasil, 2019]. "Extradition procedure 1492": "Before the Migration Statute came into force, in which the institute for simplified extradition (voluntary surrender) was not agreed between the requesting and requested States, the case law of this Supreme Court had signed the direction that 'the desire to be extradited, although manifested, unequivocally, by the foreign subject himself, is not enough, by itself, to dismiss the formalities inherent to the extradition process, which represents an unavailable guarantee instituted in favor of the extradited (Ext 1.203, Rel. Min. Celso de Mello , Plenary, DJe 25.02.2011).' In the case of simplified extradition (voluntary surrender) inscribed in a specific conventional rule, this House has, exceptionally, departed from the previous understanding, and approved the declaration of consent formally manifested by the defendant for the purpose of immediate surrender to the requesting State (Question of Order in Extradition 1,476, Rel. Min. Celso de Mello, 2nd Class, j. 09.5.2017, DJe 20.10.2017). After the entry into force of the statute 13.445/2017, a simplified extradition (voluntary surrender) 'becomes effective in most cases, by express legal

Article 88, *caput*, makes it clear that it is the exclusive responsibility of the Brazilian Judiciary body responsible for criminal proceedings to forward the request for active extradition, which must be accompanied by the documents, statements and other elements necessary for the instruction of the request, including its official translations, which do not need to be sworn translations.

Currently, in an active extradition procedure, the documentation must be forwarded by the Judiciary, via mail or electronically, together with a simple manifestation by a Judge/Court expressly requesting the extradition of a person (a defendant that is not yet convicted or that is already considered a fugitive). Nevertheless, the Brazilian Ministry of Justice and Public Security may inform the organs of the justice system linked to the process leading to the extradition request, such as the Legal Prosecutor's Office, for example, in order that such bodies are able cooperate and provide documents, legal opinions and any other elements in accordance with paragraph 2, article 88, of the statute 13.445/2017.

In the absence of a treaty, article 88, paragraph 3, of the same statute provides that the request must be accompanied by an authentic copy or the original document of the judicial sentence or the criminal decision, with precise information about the place, the date, nature and circumstances of the criminal act and identification data of the defendant. Besides these requirement, copies of legal texts related to the crime perpetrated, jurisdiction legal provisions, penalties applied and the incidence of any statute of limitation. Nothing prevents, however, that additional documents may be requested depending on the treaty, convention or domestic legislation existing in a country's legal system. In case of more than one State requesting the extradition of the same person, the preference will be analyzed in accordance with the provisions of a treaty or, in its absence, in accordance with the domestic Law of the requested State.

Article 95, *caput*, determines that if the defendant is being prosecuted or has been convicted in Brazil for a crime punishable by a sentence with incarceration measures, such measure will only be

provision', pursuant to art. 87 (PPE 843, Rel. Min. Ricardo Lewandowski, monocratic decision, j.12.12.2017, DJe 01.02.2018). Fulfillment of the requirements of the specific conventional norm (article 27) and the Migration Statute (article 87) regarding simplified extradition, given the defendants manifestation, freely and spontaneously, with technical assistance duly constituted in the records, by agreement with the extradition request. Extradition request made by the Government of Chile that meets the requirements of statute 13.445/2017 and the specific extradition treaty. Manslaughter case, under the terms of foreign law, which corresponds to the criminal offense provided for in article 121, *caput*, of the Penal Code. Double criminality principle reached. Non-occurrence of statute of limitation and other legal obstacles. The fact that the defendant has a Brazilian child does not make it impossible to grant the extradition request. Precedents. Depending on the jurisprudential orientation of this Supreme Court, 'Precedent 421/STF proves to be compatible with the current Constitution, since, in terms of International Cooperation against acts of common criminality, the existence of familiar bonds and/or family members with a Brazilian national does not qualify as an obstacle to extradition (Ext 1.343, Rel. Min. Celso de Mello, 2nd Class, DJe 19.02.2015).' Defendant sentenced in Brazil to two penalties restricting rights. Non-impeding fact of extradition. On the subject, the First House of the Supreme Federal Court, regarding the trial of Ext 1.499 (Rel. Min. Alexandre de Moraes) agreed that 'although the new statute on Migration did not reproduce the reservation provided for in the final part of article 89 of statute 6.815/1980, the prerogative of the President of the Republic to enforce the immediate surrender of the extradited remains cleared, since it finds a direct seat in the constitutional text itself (article 84, item VII, of Constitution)'. The commitment to retract/diminish the sentence, considering the period of imprisonment resulting from the extradition, must be assumed before the prisoner's surrender, without prejudice to the granting of the extradition. The same is valid for the other commitments provided for in article 96 of the Migration Statue. Question of order that is resolved in order to ratify the free and spontaneous expression of agreement of the defendant with the extradition request, under the terms of articles 27 of the extradition agreement and 87 and 95 of the Migration Statute, under the commitments listed in article 96 of the statute 13.445/2017 and regardless of the publication of this decision. Referendary: Minister Rosa Weber, September 11, 2018."

executed after the conclusion of the process or the fulfillment of the incarceration, except in cases of early release from the Judiciary or approval of the transfer of the convicted person, which must be requested by the defendant. In this case, the eviction/expulsion legal institute no longer applies. According to paragraph 2 of the aforementioned article, if the sentence condemning the defendant in Brazil addresses a minor criminal offense ("Infração de Menor Potencial Ofensivo" or *Infringement of Lesser Offensive Potential*), the surrender may be immediately enforced.

According to the Decree 9.199/2017 (article 269, paragraph 1) and to article 96, item III, of the Migration Statute (13.445/2017), the requesting State must commit to the following obligations (also in consonance with the understanding of the Supreme Court): there can be no perpetual incarceration sentence (the Brazilian legal system allows for a maximal 40-year incarceration reprimand), no physical punishment and no death penalty; and the surrendered person must be submitted to torture or inhuman treatment. All these commitments must be presented when the formalization documents of the extradition plea are sent by the requesting State (in case of passive extradition procedure).

Finally, besides the main legislation (statute 13.445/2017) related to extradition in Brazil, there are other important legal institutes regulating the processing of this measure: Decree 9.662/2019 and Ordinance 217/2018[26] of the Brazilian Ministry of Justice. The Decree 9.662/2019 established that the processing of the measure related to extradition is a responsibility of the *DRCI* of the National Secretariat of Justice of the Ministry Justice and Public Security ("SENAJUS/MJSP").[27]

Ordinance 217/2018 of the Brazilian Ministry of Justice and Public Security regulates the administrative process of extradition within the executive branch. Article 4, § 2 of this regulation establishes the possibility for the Brazilian Federal Police, representing INTERPOL's central office in Brazil, to send a request for extradition arrest directly to the Supreme Court. In this case it must immediately communicate the measures taken to the Brazilian central authority (the *DRCI*). If there is an absence of a treaty between Brazil and the requesting State, INTERPOL, when requesting a preventive detention for extradition purposes, must instruct the request with a promise of reciprocity for similar cases, which will be sent via diplomatic channel.

## III. CONCLUSIONS

Despite the fact that the extradition institute is the oldest International Legal Cooperation in Criminal Matters institute in the history of the world, it is still one of the most important and fruitful instruments to counter crime with effects and consequences beyond the borders of any country. In this context, International Organizations like INTERPOL are key to fortifying this important mechanism, for such specialist institutions are able to better integrate countries in a common ground, a common language.

The contemporary Brazilian Statute 13.445/2017 is moving towards the strengthening of Brazil's integration when it comes to International Cooperation. The legal instruments and measures contained in this statute enable greater speed, efficiency and effectiveness in active and passive cooperative measures in which Brazil takes part. As a consequence, the Brazilian system can decrease impunity statistics related to criminal prosecution of crimes with transnational consequences.

[26] [Brasil, 2019]. "Federal ordinance 217/2018".
[27] [Brasil, 2019]. "Federal decree 9662/2017."

Our contemporary society is "liquid",[28] open, plural, multifaceted, porous, humanistic and globalized, so it seems that the best path to peace among countries and societies in the 21st century is that of International Legal Cooperation. Through these institutes, it will be possible to achieve the Kantian ideal of *civitas maxima*. This is the true mission of all International Legal Cooperation actors and institutes.

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[28] The Polish Philosopher Zygmunt Bauman taught that modern phenomena such as globalization and the complex reality of the social fabric, which is "fluid", have caused countless negative consequences for countries: we live in a permanent and inevitable "state of Crisis". According to the author: "We must learn to live in crisis, just as we are used to living with so many adversities imposed by the evolution of the times: pollution, noise, corruption and, above all, fear. [...] crises are here to stay." [Bauman, 2016, p. 10].

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