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EMBAIXADA DO BRASIL  
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JUST BRAS ~~CBRE~~ INGL  
SECRETO

PARA: SECRETARIA DE ESTADO

DCJ/DAI/DE-I

ÍNDICE: Brasil-Reino Unido. Extradicação.  
Paulo Cesar Cavalcante Farias.  
Ajuste especial.

Encaminho, em anexo, texto original do "Ajuste Especial de Extradicação" assinado entre os Governos brasileiro e britânico, referente ao Senhor Paulo Cesar Cavalcante Farias.

  
FREDERICO CEZAR DE ARAÚJO  
(Encarregado de Negócios, a. i.)

(2a via seguiu diretamente para DCJ)

DESCLASSIFICADO EM 23/10/12
ART. 39 DA LEI 12.527/2011
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BDC/mjk

Anexo(s) 01



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

His Excellency Paulo Tarso Flecha de Lima  
Brazilian Embassy

29 October 1993

*Excellency,*

We have today signed special extradition arrangements in respect of Paolo Cesar Cavalcante Farias.

In accordance with the long-standing practice of the United Kingdom, agreements and arrangements entered into by the United Kingdom are not applied to the Channel Islands and the Isle of Man unless their application has been expressly agreed to by the authorities of those territories. As no agreement has yet been sought from those authorities, as of today's date, the arrangements referred to above apply, in relation to the United Kingdom, only to Great Britain and Northern Ireland.

We will now approach the authorities in the Channel Islands and the Isle of Man to seek their agreement to having the arrangements extended to them.

If they agree, I will propose that the arrangements be amended accordingly.

*yours sincerely,*

*A. P. Wilson*

A P WILSON  
Assistant Under Secretary of State

## SPECIAL EXTRADITION ARRANGEMENTS

The Government of the United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") and the Government of the Federative Republic of Brazil ("Brazil")

Noting the absence of general extradition arrangements between the United Kingdom and Brazil,

Noting the ability of the United Kingdom and Brazil to enter into special extradition arrangements in particular cases on an ad hoc basis,

Having decided to make special extradition arrangements to provide that extradition procedures are available in the case of Paulo Cesar Cavalcante Farias who is accused in Brazil of the commission of extradition crimes and who is in the United Kingdom -

Have made the following arrangements:

1.(a) A formal request for the extradition of Paulo Cesar Cavalcante Farias in respect of an extradition crime or extradition crimes the commission of which he is accused in Brazil will be made in writing and communicated through the diplomatic channel.

(b) The request will be accompanied by

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- (i) Particulars of Paulo Cesar Cavalcante Farias, together with any other information which would help to establish his identity, nationality or citizenship and ordinary residence;
  - (ii) particulars of the offences for which extradition is requested, including evidence, sufficient under the law of the United Kingdom, which would justify the issue of a warrant for his arrest;
  - (iii) the text, if any, of the law defining those offences, and prescribing the maximum punishment for those offences and
  - (iv) a warrant of arrest issued by a judge, magistrate or other competent authority in Brazil.
- (c) For the purpose of these arrangements, "extradition crime" means conduct in Brazil which, if it had occurred in the United Kingdom, would constitute an offence punishable with imprisonment for a term of twelve months, or any greater punishment, and which, however described in the law of Brazil, is so punishable under that law.

2.(a) Paulo Cesar Cavalcante Farias may, in accordance with law of the United Kingdom, be provisionally arrested following the application of the competent authorities of Brazil. The application will contain an indication of intention to request his extradition and a statement of the existence of a warrant of arrest against him, and,



if available, his description and such further evidence as would be necessary to justify the issue of a warrant of arrest had the offences been committed in the territory of the United Kingdom.

(b) If arrested following such an application, Paulo Cesar Cavalcante Farias will be released upon the expiration of sixty days from the date of his arrest if a request for his extradition has not been received. Release in these circumstances will not prevent the institution of further proceedings for the extradition of Paulo Cesar Cavalcante Farias if a request is subsequently received whilst these arrangements remain in force.

3. If the extradition of Paulo Cesar Cavalcante Farias is requested concurrently by Brazil and by another State or States, either for the same offence or for different offences, the United Kingdom will make its decision, in so far as its law allows, having regard to all the circumstances, including the provisions in this regard in any extradition arrangements subsisting between the United Kingdom and those Requesting States, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality or citizenship and ordinary residence of Paulo Cesar Cavalcante Farias and the possibility of subsequent extradition to another State.

4. Paulo Cesar Cavalcante Farias will not be extradited if, after due consideration of all the relevant facts and circumstances, the United Kingdom is satisfied:

(a) that an offence or offences for which his extradition is requested is an offence or are offences of a political character; or



- (b) that an offence or offences for which his extradition is requested is an offence or are offences under military law which are not also offences under the general criminal law; or
- (c) that the request for extradition, though purporting to be made on account of an extradition offence has in fact been made for the purpose of prosecuting or punishing Paulo Cesar Cavalcante Farias on account of his race, religion, nationality or political opinions; or
- (d) that Paulo Cesar Cavalcante Farias might, if extradited, be prejudiced at his trial or be punished, detained or restricted in his personal liberty, by reason of his race, religion, nationality or political opinions; or
- (e) that Paulo Cesar Cavalcante Farias has been convicted in his absence and that it would not be in the interests of justice to return him on the ground of that conviction; or
- (f) that Paulo Cesar Cavalcante Farias, if charged with the same offence or offences in the United Kingdom, would be entitled to be discharged under any rule of law relating to previous acquittal or discharge; or
- (g) that it would, having regard to all the circumstances, be unjust or oppressive to extradite Paulo Cesar Cavalcante Farias by reason of:



- (i) the trivial nature of the offence or offences of which he is accused or was convicted; or
  - (ii) the passage of time since he is alleged to have committed it or them or to have become unlawfully at large, as the case may be; or
  - (iii) the accusation or accusations against him not having been made in good faith in the interests of justice; or
- (h) that the penalty under the law of Brazil for the offences for which Paulo Cesar Cavalcante Farias is sought may include the death penalty; that the death penalty is not provided for under the law of the United Kingdom in a similar case; and that no sufficient assurance has been given to the satisfaction of the United Kingdom that the death penalty will not be carried out.

5.(a) The authorities of United Kingdom will admit as evidence, in any proceedings for extradition any deposition, written statement or any other document, or copy of any such document, which has been duly authenticated.

(b) For the purposes of these arrangements "duly authenticated" means:



- (i) (a)(a) purporting to be signed by a judge, magistrate or other officer of Brazil, and
- (b)(b) purporting to be certified by being sealed with the official seal of the appropriate Minister of State of Brazil, or
- (ii) purporting to be authenticated in such other manner as may be permitted by the law of the United Kingdom.

6. The competent authorities of Brazil will provide evidence sufficient under the law of the United Kingdom which would justify the committal of Paulo Cesar Cavalcante Farias for trial if the offences had been committed in the territory of the United Kingdom.

7. Paulo Cesar Cavalcante Farias will not be extradited until his return has been ordered under Part III of the Extradition Act 1989; and until the expiration of any further period which may be required by the law of the United Kingdom. If criminal proceedings against Paulo Cesar Cavalcante Farias are instituted in the territory of the United Kingdom or he is lawfully detained in consequence of such criminal proceedings, the decision whether or not to extradite him will be postponed until the criminal proceedings have been completed or he is no longer so detained.

8. The United Kingdom will inform Brazil through the diplomatic channel of its decision with regard to the extradition. In the event that the request for extradition





is refused, the United Kingdom will give reasons for the refusal. If the request is granted, Brazil will be informed of the place and date of surrender and of the length of time for which Paulo Cesar Cavalcante Farias was detained with a view to surrender. Brazil will arrange for the removal of Paulo Cesar Cavalcante Farias from the territory of the United Kingdom within such period as may be specified according to the law of the United Kingdom or such reasonable period as the United Kingdom may specify. If he is not removed within that period, he will have the right to apply to the courts for his discharge.

9. (a) If the request for extradition is granted, the United Kingdom will, so far as its law allows, hand over to Brazil all articles (including sums of money) which may serve as evidence of the offences; or have been acquired by Paulo Cesar Cavalcante Farias as a result of the offences and are in his possession. If the articles in question are liable to seizure or confiscation in the territory of the United Kingdom the latter may, in connection with pending proceedings, temporarily retain them or hand them over on condition that they are returned.

(b) These provisions will not prejudice the rights of the United Kingdom or of any person other than Paulo Cesar Cavalcante Farias. When these rights exist the articles will on request be returned to the United Kingdom without charge as soon as possible after the end of the proceedings.

10. (a) Paulo Cesar Cavalcante Farias will not, during the period described below, be dealt with in the territory of Brazil for or in respect of any offence committed before



he was returned to that territory other than:

- (i) the offences in respect of which he was returned;
- (ii) any offence which is disclosed by the facts in respect of which his return was ordered, and which is not one in relation to which, but for the absence of general extradition arrangements between the United Kingdom and Brazil, an order for his return could not lawfully be made under the law of the United Kingdom; or
- (iii) any other offence in respect of which the United Kingdom may consent to his being dealt with other than an offence in relation to which, but for the absence of general extradition arrangements between the United Kingdom and Brazil an order for his return could not lawfully be made, or would not in fact be made, under the law of the United Kingdom.

(b) The period referred to in this paragraph is the period beginning with the day of his arrival in the territory of Brazil following his return under these arrangements and ending forty-five days after the first subsequent day on which he has the opportunity to leave the territory of Brazil.

(c) These provisions do not apply to offences committed after the return of Paulo Cesar Cavalcante Farias or matters arising in relation to such offences.



(d) Paulo Cesar Cavalcante Farias will not be re-extradited to a third State in respect of an offence committed before his surrender or return to Brazil except when, having had an opportunity to leave the territory of Brazil he has not done so within forty five days of his final discharge, or has returned to that territory after having left it.

11. If the United Kingdom so requires, Brazil will supply a translation of any document submitted in accordance with the provisions of these arrangements. Expenses incurred in the territory of the United Kingdom by reason of the request for extradition will be borne by the United Kingdom. The United Kingdom will make all the necessary arrangements with respect to the representation of Brazil, at no cost to Brazil, in any proceedings arising out of the request. It is, however, open to Brazil to make its own arrangements with respect to its representation, at its own expense.

12. Each State will, to the extent permitted by their law, afford the other the widest measure of mutual assistance in criminal matters in connection with the offence for which extradition has been requested.

13. These arrangements will come into operation on signature and will continue in operation until terminated by either Government on six months' written notice, through the diplomatic channel, to the other. Subject to any such notice of termination, these arrangements (apart from paragraph 9) will cease to have effect forty-five days after the first day on which Paulo Cesar Cavalcante Farias has an opportunity to leave the territory of Brazil.



14. The foregoing record represents the arrangement made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federative Republic of Brazil upon the matters referred to therein.

Signed in duplicate at London on 29 October 1993.

For the Government  
of the United Kingdom of  
Great Britain and  
Northern Ireland:

*A. P. Wilson*

For the Government  
of the Federative  
Republic of Brazil:

*Saulo Guimarães*