

**BRAZIL**  
Last updated: 17/01/2017

RULES/GENERAL LAWS	
<b>General</b>	<p>1. Article 15 of the Supplementary Law n° 97/99 which lay down general rules for the organization, preparation, and employment of the Armed Forces: <a href="http://www.planalto.gov.br/ccivil_03/leis/LCP/Lcp97.htm">http://www.planalto.gov.br/ccivil_03/leis/LCP/Lcp97.htm</a></p> <p>2. Law n° 2.953/56, which establishes rules for remittance of Brazilian troops abroad: <a href="http://www.planalto.gov.br/ccivil_03/leis/1950-1969/L2953.htm">www.planalto.gov.br/ccivil_03/leis/1950-1969/L2953.htm</a></p> <p>3. Law n° 10.937/04, which provides for the remuneration of the militaries.</p> <p>4. Military Penal Code: <a href="https://www.planalto.gov.br/ccivil_03/decreto-lei/Del1001.htm">https://www.planalto.gov.br/ccivil_03/decreto-lei/Del1001.htm</a></p> <p>5. Code Common Penalty which typify offenses which are classified as Sexual Exploitation and Abuse (SEA): <a href="http://www.planalto.gov.br/ccivil_03/decreto-lei/Del2848.htm">http://www.planalto.gov.br/ccivil_03/decreto-lei/Del2848.htm</a></p> <p>6. Decree-Law n° 1.002, Military Criminal Procedure Code: <a href="http://www.planalto.gov.br/ccivil_03/decreto-lei/del1002.htm">http://www.planalto.gov.br/ccivil_03/decreto-lei/del1002.htm</a></p> <p>7. Federal Constitution of 1988: <a href="https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm">https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm</a></p> <p>Brazilian military personnel when deployed are considered on duty 26/7.</p> <p>The United Nations rules relating to the prohibition of SEA are widely disseminated to military personnel on individual basis and to the troops selected to participate in peacekeeping operations, during pre-deployment training conducted by the Brazilian Peacekeeping Training Centre (CCOPAB, in Portuguese). Furthermore, Contingent commanders also continually reiterate, during the deployment, the importance of compliance to UN SEA rules. The instructions and lectures on SEA, whether in CCOPAB or in the field, follow all the guidelines contained in the Core Pre-deployment Training Materials (CPTM) and also explore the lessons learned from facts that occurred during the various peacekeeping operations.</p>
<b>SEA: military offence?</b>	Sexual Exploitation and Abuse is both a military and civilian offence. See Articles 232 to 237 of the Military Penal Code, <a href="https://www.planalto.gov.br/ccivil_03/decreto-lei/Del1001.htm">https://www.planalto.gov.br/ccivil_03/decreto-lei/Del1001.htm</a> , and Articles 213 to 232 of the Code Common Penalty which typify offenses which are classified as Sexual Exploitation and Abuse, <a href="http://www.planalto.gov.br/ccivil_03/decreto-lei/Del2848.htm">http://www.planalto.gov.br/ccivil_03/decreto-lei/Del2848.htm</a> .
<b>Powers of the Commanding Officer (CO)</b>	<p>The Contingent Commanders are authorized to promulgate rules and policies and may adopt them, in situations that do not involve medical care or civil-military cooperation.</p> <p>The Contingent Commander has disciplinary powers of administrative nature. He/she is authorized to determine and initiate an investigation. Furthermore, Contingent Commander has power to impose sanctions in accordance with the Disciplinary Regulations of the Armed Forces. The Contingent Commander also determines whether a military police inquiry is necessary if the alleged criminal act is considered a military offence. The military police inquiry shall be assessed by the Public Prosecutor's Office.</p>
INVESTIGATION	
<b>Who can investigate?</b>	The National Investigation Officer, investigate SEA allegations on the instructions of the Contingent Commander.
<b>National Investigation Officer (NIO)</b>	The National Investigation Officers are deployed jointly with the troops.
PROSECUTION	
<b>Referral</b>	The National Investigation Officers refer completed investigations to the Contingent Commander, who is the highest national authority and also to the police military authority of the contingent, in accordance with Article 7 of Decree-Law n° 1.002, Military Criminal Procedure Code, <a href="http://www.planalto.gov.br/ccivil_03/decreto-lei/del1002.htm">http://www.planalto.gov.br/ccivil_03/decreto-lei/del1002.htm</a> . Any investigation initiated by the Contingent Commander shall be communicated immediately to Ministry of Defense, through the Sub-Office of Peace Operations.
<b>Who can charge?</b>	The representative of the Military Public Ministry is authorized to charge the accused military person if the allegation is a military offence, after proper investigation using Military Police Inquiry.
JUSTICE	
<b>Military justice</b>	Brazil has a Military Justice system, with competency to prosecute and judge military crimes as defined by the laws, in accordance with the provisions of Articles 122 to 124 of the Federal Constitution of 1988. <a href="https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm">https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm</a> .
<b>Deployable Court Martial?</b>	The Military Justice system of Brazil has no itinerant structures. The alleged cases of crimes committed abroad will be prosecuted and judged by one of the two audits of the 11st Military Judicial Circuit, headquartered in Brasília, federal capital.
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