

**EMBASSY OF BRAZIL
WASHINGTON, D.C.**

THE AMBASSADOR

October 24, 2011

The Honorable
Tim Ryan
United States House of Representatives
1421 Longworth House Office Building
Washington, DC 20515-3517

Dear Representative Ryan:

I am writing in response to your letter of July 27, 2011, in which you reiterated your concern regarding the status of Claudia Hoerig, a dual Brazilian/American citizen who is suspected of murdering her husband, Karl Hoerig.

Brazil and the United States have been cooperating effectively in matters related to extradition. During the course of the past few years, several American requests were duly answered and Brazil extradited, among others, the Colombian Nestor Ramón Caro Chaparo, in 2010, and the American citizens Leonard Ray Harper Jr. and Leonard Kolschowsky, in 2011.

Nevertheless, the Brazilian Constitution expressly prohibits the extradition of Brazilian nationals. According to Article 5, insert LI, “no Brazilian shall be extradited, except the naturalized ones in the case of a common crime committed before naturalization, or in the case where there is sufficient evidence of participation in the illicit traffic of narcotics and related drugs, under the terms of the law”. The Treaty of Extradition between Brazil and the United States, signed in 1961, recognizes this fact in Article 7, which reads “There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so”.

It is also important to take into account that the Brazilian Criminal Code (Article 7, item II, paragraph 2) determines that Brazil has jurisdiction over crimes committed by Brazilians abroad, in cases where the suspect returns to Brazil. It would therefore be possible, upon the express request of US authorities, to prosecute Mrs. Hoerig in Brazil. The bilateral treaty on Mutual Legal Assistance in Criminal Matters of 1997 allows that evidence collected in the United States, in addition to testimony from witnesses also in the United States, be considered as evidence.

Lastly, I would like to point out, with regard to the information provided in the third paragraph of your letter, that the loss of Brazilian citizenship is an exclusive prerogative of the Brazilian government. Irrespective of whatever procedure or document a Brazilian citizen has signed abroad, the loss of citizenship is contingent upon due process and the publication of a directive from the Brazilian Minister of Justice in the Brazilian Official Journal, in accordance with the powers granted by Article 1 of Decree 3.453 of May 9, 2000. That been said, I would like to reassure you that all the information provided by your letter is being taken into consideration by Brazilian authorities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mauro Vieira', with a horizontal line underneath the signature.

Mauro Vieira