



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Lei nº 9.883 de 07 de dezembro de 1999.

Institui o Sistema Brasileiro de Inteligência, cria a Agência Brasileira de Inteligência - ABIN, e dá outras providências.

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

LAW nº 9,883 OF DECEMBER 7th, 1999

Establishes the Brazilian Intelligence System, creates the Brazilian Intelligence Agency - ABIN, and gives other measures.

I, **THE PRESIDENT OF BRAZIL**, Make public that the National Congress decrees and I sanction the following Law:

Art. 1. The Brazilian Intelligence System, which integrates the actions of planning and execution of the country's intelligence activities, is established to provide subsidies to the President of Brazil in the affairs of national interests.

Paragraph 1. The Brazilian Intelligence System is based on the preservation of national sovereignty, the defense of the Democratic Rule of Law and the dignity of the human person, and must comply with and preserve the individual rights and guarantees and other provisions of the Federal Constitution, treaties, conventions, agreements, and international adjustments to which the Federative Republic of Brazil is a party or signatory, and ordinary legislation.

Paragraph 2. For the purposes of applying this Law, intelligence is understood as the activity that aims to obtain, analyze, and disseminate knowledge within and outside the national territory about facts and situations of immediate or potential influence on the decision-making process and governmental action and on the safeguard and security of society and the State.

Paragraph 3. Counterintelligence is understood as the activity that aims to neutralize adverse intelligence.

Art. 2. The bodies and entities of the Federal Government that can, directly or indirectly, produce knowledge and interests of intelligence activities, especially those responsible for external defense, internal security, and foreign relations, shall constitute the Brazilian Intelligence System, in the form of an act of the President of Brazil.

Paragraph 1. The Intelligence System is responsible for the process of obtaining, analyzing, and disseminating the information necessary for the decisive process of the Executive Branch and safeguarding the information against access by unauthorized persons or bodies.

Paragraph 2. The units of the Federation may compose the Brazilian Intelligence System through specific adjustments and agreements, having heard the competent body of external control of intelligence activity.

Art. 3. The Brazilian Intelligence Agency - ABIN is created, a body of the Presidency of Brazil, that, in the position of central body of the Brazilian Intelligence System, shall be in charge of planning, executing, coordinating, supervising, and controlling the intelligence activities of the country, obeying the policy and guidelines outlined above under the terms of this Law. [\(Head provision of the article with wording established by Provisional Measure nº 2,216-37 of August 31st, 2001\)](#)

Sole paragraph. The intelligence activities shall be developed, concerning their limits and the use of confidential techniques and means, with unrestricted observance of individual rights and guarantees and fidelity to institutions and ethical principles governing the interests and security of the State.

Art. 4. ABIN shall, in addition to what the previous article prescribes:

I - plan and execute actions, including confidential actions, related to obtaining and analyzing data for the production of knowledge to advise the President of Brazil;

II - plan and implement the protection of sensitive knowledge, concerning the interests and security of the State and society;

III - assess threats, internal and external to the constitutional order;

IV - promote the development of human resources and the doctrine of intelligence, and conduct studies and research for the exercise and improvement of the intelligence activity.

Sole paragraph. The component bodies of the Brazilian Intelligence System shall provide ABIN with specific data and knowledge related to the defense of institutions and national interests, under the terms and conditions to be approved by a Presidential Act, for integration purposes.

Art. 5. The execution of the National Intelligence Policy set by the President of Brazil, shall be carried out by ABIN, under the supervision of the Chamber of Foreign Relations and National Defense of the Government Council.

Sole paragraph. Before being fixed by the President of Brazil, the National Intelligence Policy shall be referred to the examination and suggestions of the competent body of intelligence activity external control.

Art. 6. The external control and supervision of the intelligence activity shall be exercised by the Legislative Branch in the form to be established in an Act of the National Congress.

Paragraph 1. The leaders of the majority and minority in the Chamber of Deputies and Federal Senate, as well as the Chairmen of the Foreign Relations and National Defense Commissions of the Chamber of Deputies and Federal Senate, shall be included in the body of intelligence activity external control.

Paragraph 2. The Act referred to in the head provision of this article shall define the functioning of the control body and the form of development of its work with a view to the control and supervision of those arising from the implementation of the National Intelligence Policy.

Art. 7. ABIN may enter into pacts, agreements, contracts, and any other adjustments, observing the relevant legislation and norms and aiming at the performance of its duties.

Art. 8. ABIN shall be directed by a General Director whose functions shall be established in the decree approving its organizational structure.

Paragraph 1. The internal regime of ABIN shall provide on the competence and functioning of its units and the duties of their owners and other members.

Paragraph 2. The drafting and editing of the internal regime of ABIN shall be the responsibility of its General Director, who shall submit it to the approval of the President of Brazil.

Art. 9. The acts of ABIN, whose publicity may compromise the success of its confidential activities, must be published in extract.

Paragraph 1. The acts subject of this article include those relating to their peculiar functioning, such as the duties, performance, and specifications of the respective positions and the movement of their holders.

Paragraph 2. The obligation to publish the acts in extract does not depend on whether the resources used are ostensible or confidential, in each case.

Art. 9-A. Any information or documents on the activities and subjects of the intelligence produced, in the course of or under the custody of ABIN, can only be provided to the authorities that have the legal competence to request them, by the Head of the Office of Institutional Security of the Presidency of Brazil, according to the extent of secrecy granted based on the legislation in force, excluding those in which secrecy is essential for the security of the State and society.

Paragraph 1. The provision of documents or information not covered by the hypotheses provided for in the head provision of this article shall be regulated in the act of the Head of the Office of Institutional Security of the Presidency of Brazil.

Paragraph 2. The authority or any other person who has knowledge or access to the documents or information referred to in the head provision of this article is obliged to maintain the respective secrecy, under penalty of administrative, civil, and criminal liability, and, in the case of judicial procedure, the public interest referred to in article 155, item I, of the Code of Civil Procedure is configured, and any investigation must also be processed under secrecy. [\(Article added by Provisional Measure nº 2,216-37 of August 31st, 2001\)](#)

Art. 10. ABIN may only communicate with the other bodies of the direct, indirect, or functional government, of any of the Branches of the Union, the States, the Federal District, and the Municipalities, with the prior knowledge of the competent authority of higher hierarchy of the respective body, or its delegate.

Art. 11. The positions of General Director and Deputy Director of ABIN, of a special nature, and those in commission, which are addressed in the Annex to this Law, shall be created.

Sole paragraph. The President of Brazil shall choose and appoint the General Director of ABIN after approval of his/her name by the Federal Senate.

Art. 12. The technical unit in charge of intelligence actions, currently linked to the Military House of the Presidency of Brazil, is absorbed by ABIN.

Paragraph 1. The Executive Branch is authorized to transfer to ABIN, upon change of name and specification, the positions and functions of trust of the Superior Direction and Advisement Group, the Gratified Functions and the Gratifications of Representation, of the technical unit in charge of intelligence actions, allocated in the Military House of the Presidency of Brazil.

Paragraph 2. The Executive Branch shall provide on the transfer to ABIN of the assets allocated to the technical unit in charge of intelligence actions.

Paragraph 3. The Executive Branch is authorized to relocate or transfer to ABIN the balances of budgetary allocations consigned for intelligence activities in the budgets of the Secretariat of Strategic Affairs and the Office of the Presidency of Brazil.

Art. 13. The expenses arising from this Law shall be borne by the budget allocations.

Sole paragraph. The General Budget of the Union shall include, each year, under a specific heading, the resources necessary for the development of confidential actions by ABIN.

Art. 14. The internal control activities of ABIN, including analytical accounting, shall be carried out by the Internal Control Secretariat of the Presidency of Brazil.

Art. 15. This Law comes into force on the date of its publication.

Brasília, December 7th, 1999; 178th of Independence and 111th of the Republic.

FERNANDO HENRIQUE CARDOSO

Amaury Guilherme Bier

Martus Tavares

Adalberto Mendes Cardoso

ANNEX

POSITIONS OF A SPECIAL NATURE

CODE	QUANTITATIVE	UNIT VALUE	TOTAL VALUE
SPE. NAT .	1	6,400.00	6,400.00
SPE. NAT .	1	6,400.00	6,400.00
TOTAL	2		12,800.00

COMMISSION POSITIONS

CODE	QUANTITATIVE	UNIT VALUE	TOTAL VALUE
DAS 101.5	5	5,200.00	26,000.00
DAS 101.4	18	3,800.00	68,400.00
DAS 102.4	4	3,800.00	15,200.00
DAS 101.3	40	1,027.48	41,099.20
DAS 102.2	32	916.81	29,337.92
DAS 102.1	12	827.89	9,934.68
TOTAL	111		189,971.80