

SUCCESSIVE PRISON RIOTS POINT TO SYSTEMIC FAILURES OF PENITENTIARY SYSTEM IN BRAZIL AND THE WAR FOR DRUG TRADE MONOPOLY

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Since the beginning of 2017, 123 inmates have been killed in 5 separate prison riots across Brazil. These incidents highlighted the systemic failure of a penitentiary system that is **overcrowded** and **under-secured**. As Brazil's incarceration rate remains high and the construction of new prisons is straggling, penitentiary centers are often more than 50% above capacity and without appropriate staffing or security measures updates.

These conditions facilitate the carrying out of criminal activity within detention facilities. Inmates who are incarcerated for membership or activity in trafficking cells take advantage of these conditions not only to pursue their activity within prisons, but also to expand it. Turf wars and the quest for drug or arms trade hegemony are perpetuated within prisons in a parallel security and hierarchy system, enabling the occurrence of incidents such as the following:

- **January 14:** 26 inmates were killed after violent riots erupted in neighbouring prisons near the city of Natal in the Rio Grande do Norte state. The local government said that the deaths were caused by a clash between rival gangs, the **Primer Comando da Capital** (PCC) and the **Sindicato do Crime**, an affiliate of the Rio based Comando Vermelho.
- **January 8:** 4 inmates were killed after a mutiny at the Desembargador Raimundo Vidal Pessoa jail in Manaus in the Amazonas region.
- **January 6:** 33 inmates were killed over the course of a prison slaughter at the Monte Cristo Agricultural Penitentiary in Roraima. The mutiny was triggered once again by a gang strife opposing members of the Sao Paulo based '**Primeiro Comando da Capital**' (PCC) and the Rio de Janeiro based '**Comando Vermelho**' (CV).
- **January 2:** 4 inmates were killed at the Unidade Prisional do Puraquequara situated less than an hour away from the Anisio Jobim Penitentiary Complex in Manaus in the state of Amazonas (COMP AJ).
- **January 1:** 56 prisoners were killed at the COMP AJ. Authorities said police found a hole in a prison wall through which weapons entered the building. A policeman was wounded in exchange of gunfire with the inmates. Several firearms were found

when police searched the prison after the riot. The mutiny ended on January 2, after negotiations with a local judge on the terms of release of the hostages.

The Anisio Jobim Penitentiary Complex slaughter was the most violent mutiny in the country since the 1992 Carandiru prison massacre in which 111 inmates were killed by police officers. Investigators believe that the riot was organized by the Manaus-based criminal group known as the Familia do Norte (North Family), to kill members of the rival **Sao Paulo-based First Capital Command 'Primeiro Comando da Capital'** (PCC) drug gang at the behest of the **Rio de Janeiro-based Red Command 'Comando Vermelho'** (CV) drug gang.

Already, on October 16, 2016, 10 prisoners died when the PCC invaded a prison wing occupied by CV inmates in the Monte Cristo Agricultural Penitentiary in the Roraima state. In Porto Velho, on October 17, 8 inmates were killed after the intentional arson attack by PCC members against CV members. On October 22, a clash at a prison in Acre killed 4 inmates and injured 20; authorities blamed the CV for the killings.

Experts point out to the PCC's **increasing desire for control of drug and weapons trade routes** as the cause of the multiplication of prison murders. In early 2016, Brazilian police intercepted gang communications emanating from prisons that suggested that the PCC was trying to expand its activities in Rio de Janeiro, an area controlled by the CV. The PCC allegedly proposed to supply criminal groups in Rio with weapons, drugs, housing subsidies and legal help.

In September 2016, the leaders of the PCC released a letter declaring war on the CV. They blamed the CV of forming partnerships with PCC enemies who had attacked PCC members. A state prosecutor from Sao Paulo State said that the CV had indeed made alliances with 5 gangs around Brazil, including the **Sindicato do Crime** which was involved in the Alcacuz prison slaughter. Simultaneously, the CV accused the PCC of taking control of the south **Brazil-Paraguayan trafficking routes** by ordering the killing of Jorge Rafaat Toumani, a Brazilian drug lord who controlled routes along Brazil's south-eastern border.

The January mutinies confirmed the animosity between the two largest criminal gangs in Brazil, but most of all they highlighted the fact that Brazil's penitentiary system is uncontrolled and that its fragility lends itself to **increasing bouts of violence and terror**. Over the past decade, authorities have recorded prison violence in at least 24 of Brazil's 26 states.

The main reason for prison insecurity in Brazil is its **burdening overcrowding**. According to the 'World Prison Brief', Brazil has the fourth largest prison population in the world, behind the United States, China and Russia. Its prisons are subject to massive overpopulation. According to 'The New York Times', while the country's official state prison capacity in 2016 was under **400,000**, it detained over **656,000** people. Notwithstanding this information, an estimated 3,000 inmates are added to the facilities each month. Since 2000, the prison population in Brazil has **increased by more than 160%**. Illustrating this, the Alcacuz prison where 26 inmates died had a capacity of 620 inmates but was home to 1,083.

Human Rights Watch reported that the lack of staff and law enforcement personnel within the prisons were highly conducive **to inmate vulnerability, to violence and**

gang activity. Overcrowding also makes inmates more likely to suffer from poor health. HIV and tuberculosis are reportedly 60 times and 40 times respectively more prevalent in prisons in Brazil than among the overall population.

Brazil's **high crime rate** and **high incarceration rate** are main roots of prison overcrowding. The Institute for Criminal Policy Research reported that in 2015 the murder rate in was of 32.4 per 100,000 inhabitants while its incarceration rate in 2014 was of 307 per 100,000 inhabitants, making it the highest in South America. The high incarceration rate can be attributed to the following factors: **pre-trial detention is very high (41%), alternative sentences like community service are rare** and **suspects are often sentenced for petty crimes**, such as drug use. Indeed, while the Brazilian government has loosened its regulation on drug use and stiffened penalties for drug trafficking, authorities are allegedly assigning trafficking charges more loosely, cancelling out the wanted effect of lowering the incarceration rate.

Prisoners are also often **unable to get legal defense**, either because they cannot afford lawyers or because public defenders are in short supply. In 2014, for each public defender in Sao Paulo's main criminal court, there were reportedly **2,500 cases pending**. In addition to increasing the pre-trial detention rate, as previously mentioned, this makes it difficult for prisoners to challenge their sentence with appeals.

The federal funding for the creation of more state prisons is available, Brazilian media reported that the **Amazonas region received R\$44 million** to update the region's prison system in 2016. Citizens, however, often oppose their construction for fear that they will bring more violence to their region.

Prison overcrowding in Brazil facilitates the undertaking and development of gang activity, mainly because of significant penitentiary security understaffing. Gang members take it upon themselves to **compensate the lack of official security** by providing a certain order to prisons, offering **protection and welfare for inmates** in a system that is often violent and disorganized. Experts say that gangs enforce their **own legal systems** within prisons. Prisoners often have ranks while incarcerated and organize trafficking and racketeering businesses from their penitentiary center. The National President of the Brazilian Bar Association said that brutality and gang control of prisons "became routine" and that "the public authority needs to reassume control of prisons." These systems not only create a hierarchy within prisons, but also enable gangs' **control over outside criminals** who expect that they might return to jail and want to avoid repercussions for their actions outside of the prison.

Alexandre de Moraes, Brazilian's Minister of Justice, responded to the various prison slaughters by saying he would transfer a fraction of the inmates to larger federal prisons, that are considered more controlled, and release funds from the National Penitentiary Fund to construct and expand state facilities. De Moraes also said he would increase the presence of Military Police within the prison system.

Separately, President Michel Temer announced that **30 prisons would be built in 2017**, including 5 maximum security prisons to house the most threatening inmates. The package of measures would be worth **R\$1 billion**. He also added that prisoners would be triaged more effectively, making sure that non-violent criminals were separated from the most dangerous ones. President Temer also vouched to engage in

an intense **fight against cross-border trafficking** with its main counterparts, Peru and Colombia.

While these optimistic measures might bring slight positive changes to Brazil's prisons in the next year, the system's systemic malfunction will need decades to restructure. Its overcrowding and understaffing enable gangs not only perpetuate the hierarchy and violence that was already present outside of prison, but to pursue independently their war on drug and arms trade hegemony as detainees.

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