

BRAZIL'S CORRECTIONAL SYSTEM: A CLOSER LOOK AT THE PEDRINHAS' PRISON COMPLEX

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1 INTRODUCTION

According to a 2015 report from *Conectas* Non-Profit Organization,²¹ Pedrinhas' prison complex, located in the state of Maranhão, is one of the most violent facilities in Brazil. This has been on newspaper headlines when an estimate showed that more than a hundred inmates have died inside the prison complex due to violent gang riots and human rights abuse, since 2013. Serious issues related to overcrowding and mismanagement are some of the disorders to be tackled in this and many other prison facilities in South America's largest economy.

2 METHODOLOGY

This article intends to illustrate and bring up to discussion, the brutal violence and degraded conditions inmates are under at the Pedrinhas' prison,³² considered to be violation of human rights. There are several reasons for that, one of which is the lack of space for the growing inmate population and gangs' insurgences. The gang wars have led to several killings through decapitation, which have got the attention of human rights organizations nation and worldwide. It will be looking into the *Justiça Global* reports and interviews with the criminal jurisdiction officials.

Some details of the Brazilian prison system will also be discussed, although the main study lies under the Pedrinhas' conditions and public policies.

3 THE COMPLEX OVERVIEW

In 2015, Pedrinhas' jail was visited by the Human Rights Watch Brazilian team, where rival gangs broke out of their cells to fight each other, resulting in massive killings raging from decapitation and cannibalism. This was known as one of the most global recognized human rights abuses in the country. Before this one, it is important to highlight one shocking event that gained the headlines from the Brazilian incarceration system. It one was known as the *Carandiru Massacre*⁴³ that took place in São Paulo's Carandiru penitentiary after a prison riot broke out, leaving 111 (one hundred and eleven) who were shot by police officials in an attempt to cease the riot. As a response and revenge to this outrageous event, the PCC - *Primeiro Comando da Capital* was formed and today, is known as the most notorious and violent gangs in the country.

The "out of control" gang riots in Brazil's jails has increased as the inmate population grows up and in Pedrinhas is no different. Enormous overcrowding and detainees' confrontations have definitely been the primary cause of the devastating correctional system. Although there are

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² Conectas NGO: is a non-governmental and not-for-profit organization founded in São Paulo/Brazil in September 2001.

³ Pedrinhas prison complex is located in the Northeastern city of São Luis, Maranhão.

⁴ The Carandiru Massacre: considered a major human rights violation in Brazil's history.

strong armed officials, equipped with shotguns and CS gas and shielded, the inmates, in different times of the year of 2015, were able to rampage. Other causes for the prison chaos range from minor drug arrests, scarce legal orientation, poor or ineffective public policies and little political will to build new prisons. These have contributed to worsen the situation.

In the fall of 2015, rival factions broke out in the city of Sao Luis, in response to the murders in Pedrinhas' prison. They set several buses on fire, terrorizing the city's population and besieged local hospitals which caught the media's attention all over the world, forcing the government and national police to take greater measures together through the Justice and Prison Administration Secretariat of Maranhão.

4 MEASURES TO TACKLE THE PRISON SYSTEM DISORDER

Over the past two years, it is estimated that more than a hundred inmates have been killed in Pedrinhas due to the violence riots. One of the strategies to deal with the situation was to transfer the gang leaders to a maximum security cell space⁵⁴ and other inmates by affiliation. This action dramatically reduced the killings right away since they were not able to battle in the prison. In addition, administration officials received government incentives to build new spaces reserved for study time, work (such as pillow making, art work, etc.) and Family visits. Before these improvements, cases of women rape from rival gang members were frequent, since only few spaces were reserved for that purpose.

Since the end of last year, violence has decreased with the recent administration not measuring efforts to implement new reforms such as: a policy of custody hearings⁶⁵ to shorten the waiting time to see a judge; real-time camera surveillance and increased involvement from judges, prosecutors, public defenders, defense lawyers and other local officials. This was followed by one government statement admitting having lost control of the situation, making it unbearable to remain local and calling for national police intervention.

5 BRIEF COMMENTS ON BRAZIL'S PRISON CONCERNS

It is fundamental to point out that heavily packed prison complexes is a nationwide concern, especially in large cities such as Recife, Fortaleza, Rio de Janeiro and Sao Paulo, where crimes are usually due to drug trafficking, robbery, assault and other crimes. This is an urgent issue that has long been on the list of political policies to be addressed by policy makers, as the number of prisoners keep rising. Over the past twenty years, prison community members have quadrupled to more than 600,000 (six hundred thousand), demonstrating the need for at least 200,000 (two hundred thousand) new cells to overcome space problems.

Furthermore, incarceration rate has soared up to seven percent, according to a 2015 Human Rights Watch report,⁷⁶ which is ten times faster than the country's population growth. Besides the gang riots' matter, general conditions are pretty much the same in Pedrinhas and all prison

⁴ The facility is divided into seven prison units, ranging from minimum to maximum security.

⁶ A pilot program to identify whether the felon will be held in pretrial detention or released on bail;

⁷ The November 2015 Human Rights Report indicates that men still make up the majority of inmates, with 540,000 prisoners. Women are arrested majorly for low-level drug trafficking;

facilities in Brazil, where there is little or no access to fulfill basic need like clean water, healthy or safe nutrition and health care treatments. This reality has long been a part of the country's prison system and is linked to several historical factors, including a weak justice system.

It is estimated that almost half per cent of people in jail are innocent or were not even supposed to be in jail due to the custody hearings. Some have served more time than permitted by the judiciary; or have reached sentence and are not aware of that because they do not have an attorney or any legal orientation and the majority of criminal charges are from black and poor people (Human Rights Watch). Finally, other issues remain unresolved within Brazil's prison facilities including excessive use of force, beatings and torture by police officers.

6 CONCLUSION

It has been discussed in this article, through the Pedrinhas prison conditions and overall Brazilian detention facilities an urgent need for correctional reform. Massive overcapacity, gang confrontations, illegal killings, prolonged pretrial detentions and inadequacy in prosecuting officials for failing to do their duties have condemned the system to the most dangerous in South America. This unbearable situation is a huge concern for the Brazilian population and ranks one of the most serious and challenging in the realms of criminal justice concerns and civil human rights violation.

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