

Human Rights in Brazil: Carandiru Massacre

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Abstract

The criminal system in Brazil has many problems. The biggest issue society faces is the lack of human rights along with the poor organization in the judicial system and terrible conditions in

detention houses. The fight for better treatments of convicts is constant. In 1992, there was a massacre where 111 detainees were killed in the detention house of Sao Paulo. The massacre was executed by military police under the orders of Chief Ubiratan Guimarães and the former governor of the state, Andre Franco Montoro. Twenty years later, the happening in 1992 are still in evidence, and justice is to be made. There are two sides to the arguments, the citizens' and the military's; these are their stories.

Introduction

Joaquin Herrera Flores defines the theory of Human Rights as the fight against “unjust and unequal” situations and actions against the citizens of the world. The prisoners in Brazil are faced with unsanitary and unsafe conditions in addition to being stripped of their guaranteed rights. The United Nations has a list of rights in which all Humans are guaranteed to have no matter what their situation is. Amongst these rights, the UN protects citizens against inhuman tortures. In addition to the rights set by the UN, the Inter-American charter of Human Rights has put in place a set of rules of how prisoners are to be treated. Based on those rules, Brazil’s Magna Carta takes these rights of inmates to a national level.

The prison system in Brazil, like many others, was created as a way to punish those who done wrong to society and others as well as change them for the better, so those crimes do not occur again. However, many have pointed out “The ineffectiveness of the convict re-socialization [in Brazil], since about 90 percent relapse into crime and end up returning to jail” (De Assis). In Brazil, if Joao Ninguem steals an orange, he is sentenced to jail. Because he is being punished for his actions, in theory, none of his peers will want to commit the same crime as Joao. Society is supposed to learn from the mistakes of others. While Joao is in jail, he learns that what he did is wrong. Therefore, he will no longer steal. However, once Joao is let out of jail, he finds that his whole community has lost trust in him, and he has no option but to steal again in order to eat. Thus, stealing and going to jail and being taught better but repeating the crime once he’s out of jail becomes the circle of life for Joao Ninguem in the society he lives. His peers who see that being in jail where you have a place to sleep and food to eat is not as bad at they first thought, and if Joao is willing to keep going back, then committing a crime and being punished cannot be

as bad as the world makes it seem. The final results become overpopulated jail houses and a dangerous society; the complete opposite of the prison systems theory. Carandiru became a result of this. In the 1990's Carandiru was the biggest prison in Brazil, with over 7 million prisoners. The residents of Carandiru came from all levels of crime and all over the country. They learned from each other the way of the streets, or the "malandragem" as the convicts and workers of the prison would refer to it. In addition debts were made throughout the prison for prisoners to stay alive, and drugs were spread to pay such debts. With drugs come viruses such as Tuberculosis, HIV, and even Aids.

Allowing someone to be exposed to life-threatening viruses, is as bad as taking away someone's right to life, because it is known that they will die, and nothing is being done to prevent the spread of such viruses. In the Inter-American Convention on Human Rights, it is explicitly written, right next to the right of life that "Every person has the right to have his physical, mental, and moral integrity respected," in addition to previously cited rights (Document). This means that prisoners too, should be able to live a life without being threatened and/or abused in any way, being that physically, mentally, or morally. All rights broken inside the walls of a prison in Brazil.

The biggest case in which these rights, or lack thereof, were recognized is in the massacre of 1992. In theory, these rights and the penitentiary system should work to better the way of life. Nonetheless, the flaws in these systems lead to many problems, both social and criminal wrongdoings coming from those who have been given power by the systems as well as from regular citizens who no longer trust and/or believe in the system. Due to the flaws in the system, especially in big and overpopulated prisons in Brazil, many rebellions have taken place as a warning and plea for help from the prisoners. These chaotic situations lead to even more

infringement of these rights. In 1992, there was a rebellion started by prisoners in one of the biggest penitentiaries in Brazil that led to a massacre. Many innocent lives were taken; some survived, and the lack of Human Rights was acknowledged only 20 years later. Many people are not aware of when their rights are taken away. In cases like the Carandiru massacre where the violence was almost ignored, simply because they were convicts and in a social aspect were thought to have deserved the massacre, the presence of our given Human Rights is extremely important.

Procedure

In order to further explain the problem with the lack of Human Rights in Brazil and its judicial system, I will go into detail about the Carandiru Massacre, with specific quotes from the book written by the prison doctor, Drauzio Varella, as well as provide key information gathered by interviewing those who were around the Penitentiary at the time, such as a priest who worked for the Non-Governmental organization Pastoral Carceraria, a former convict who survived the massacre, and citizens whose life shared the community of the detention house. In addition, the definition of Human Rights provided by the UN charter and other NGOs will be used as bases for what the system should be like, and how it can change. The report on torture done by the Pastoral Carceraria will serve as evidence of torture incidents inside detention houses in Brazil. Current newspapers and trial proceeding will help identify what has been done by the State to change the system and provide a better future for the society as a whole.

Data and Observation



The old Detention house before it was taken down to build a memorial and a park for the community.

Since the prison was transformed into the park, those who were sentenced to more years were transferred to different prisons on the outskirts of the city as well as state borders. There has not been another detention house as big as Carandiru, yet over population in the prisons is still a common happening. There has been other riots and rebellions, but none as big as the massacre.



Front entrance of the park, where the big gates used to close away the reality of the detention house and the rest of the world.

Two of the old prison buildings were restored and now serve as a Technical High School for the community

One hundred and eleven prisoners were killed the night of October 2nd 1992. The memorial represents those affected that night, and symbolizes a way to “never forget.” Today the area is called “parque da juventude” as a space for the young to socialize and learn new things with the community. In addition to the high school and library to serve the area.



Carandiru memorial library

These graphs represent (a) the number of torture reports made by the Pastoral Carceraria to the Authorities in Brazil by state and (b) the number of actions that were taken, or not taken, by each of those states.

TABELA IV - Casos de tortura recebidos pela PCr por Estado

ESTADO	TOTAL DE CASOS ACOMPANHADOS
AL	3
AM	7
AP	3
BA	6
CE	1
ES	8
GO	25
MA	30
MG	1
MS	3
MT	8
PA	6
PB	9
PE	1
PR	7
RN	12
RO	7
SE	1
SP	71
TO	2
TOTAL	211

Fonte: Banco de Dados da Pastoral Carcerária - 1997-2009

TABELA VI - Providências tomadas pelas autoridades

PROVIDÊNCIAS AUTORIDADES	ESTADO																				TOTAL
	AL	AM	AP	BA	CE	ES	GO	MA	MG	MS	MT	PA	PB	PE	PR	RN	RO	SE	SP	TO	
Autoridades tomaram providências		3		4	1	2	12	11		1	1	3	3		1	1	1		37	81	
Nenhuma providência foi identificada				1			1	3	1					1		9			24	40	
Processo sobre o caso foi arquivado												1								1	
Sem resposta das autoridades	3	4	3	1		6	12	16		2	7	2	6		6	2	6	1	10	2	62
TOTAL	3	7	3	6	1	8	25	30	1	3	8	6	9	1	7	12	7	1	71	2	211

Fonte: Banco de Dados da Pastoral Carcerária - 1997-2009

Discussion

In 1992, the crime-rate in Brazil had not reached its peak yet, but the biggest prison riot was still to come. The Carandiru prison was the biggest in the country, “The detention house had more people than many cities [...] in the worse years the prison reached 9 thousand prisoners”¹ (Varella, 15). With so many convicts, and not enough resources to provide for those, it was rather difficult to check and balance the happenings in the prison. The prison changed everyone who walked in the great walls.

Every day something happened, maybe an argument, maybe a fight, and sometimes even a rebellion against the system or a riot. The rebellions would always lead to bigger problems, punishments and humiliation, “when the situation was more serious, the second options [unlocking the cells] was the best fit. The technique was to make all prisoners walk out fully naked, hand on the walls of the galleries opposite of the [Prison cells]”² (Varella, 38). To the police officers and prison workers this was the safest option; they had control of what could happen, and were aware of their surroundings. However, prisoners, even those not involved in the fight, were humiliated by having to expose themselves in that level and accept to be treated like untamed animals. Even an outsider looking in, felt the sadness of those inside, the fight for power, the money-hunger, and the daily struggle of the prison.

Weekends were open for visitors. Those days were the hardest for the workers. Drugs, guns, knives, bloodshed, and sexual intercourse — all things that could not be controlled. There were rules; all those things broke rules inside the walls, but with so little guards, and so many visitors it was easy to overlook what was happening. If anyone were unlucky enough to get caught, they would be punished, and if any of the guards were caught overlooking these smuggling, they too

¹ A detenção tem mais gente que muita cidade. [...] Nas piores fases, o presídio chegou a conter 9 mil pessoas.

² Quando a situação é mais séria e decidem pela segunda opção, a boa técnica manda fazer os prisioneiros saírem pelados e colar as mãos á parede da galeria oposta ao xadrez.

would be punished. Another gateway to corruption on the inside. It's a dog-cat-rat hierarchy in the prison system, "low-level corruption, universal in jail. Impossible to end"³ (Varella, 110).

It seems that the harder you try to punish wrongdoings and prevent any more, the more rights were violated, and the more corruption was born. Once a month the Choque troop of the military police would check building by building, cell by cell, even prisoner by prisoner in that jail.

Chocolate, one of the former convicts in Carandiru, explains how it works,

The men came in with dogs and machine guns. They opened the door of the cell, and commanded for us to come out naked, put our hands on the gallery's wall and not look them in the eye. They found a pipe, still with blood inside, under Coça-Coça's bed. Did not even try to figure out who's baby that was, just came out and started beating all of us up"⁴ (Varella, 66).

Collective punishment is something that constantly happens in big prisons. Since they do not have time to figure out who did what, and what belongs to who, the Military police finds it easier to punish everyone for anything they find as unacceptable. In a way, this would have the convicts keep check on each other; instead, it causes more fights and violates many more rights. The military police will do anything it takes for them to have the upper hand when dealing with criminals, almost two decades later these actions have spread to even outside of prisons. In 2009, "Human Rights Watch report found that police in Sao Paulo state had killed more people over the prior five years than had police in all of South Africa, a country with a higher homicide rate than Sao Paulo" (Human Rights Watch). The police are given enough of a break to get away with these actions. Many members of society, especially those not directly affected, feel that if these criminals are dying, the community is becoming safer. But the question raised then is: Whom should we be afraid of? If you are at the wrong place at the wrong time, and become a victim of collective punishment, how would you feel? It is not safe to be deprived of your rights

³ Corrupção pé-de-chinelo, universal nos presídios. Impossível de acabar.

⁴ Os homens entram com cachorro e metralhadora. Abriram a porta do xadrez e deram a voz para a gente sair pelado, colocar as mãos na parede da galeria e não olhar direto na cara deles. Acharam um grifa, ainda com sangue dentro, de baixo da cama do Coça-coça. Neim indagaram pelo pai da criança, já saíram dando pau em nos todos

and left alone to suffer for someone else's actions.

This violation of rights happens so often that, in many cases the lines blur, and citizens no longer know the power they have against the system. I interviewed Telma Nicolosi, who worked right across the street from Carandiru. She tells me that when she first started working there, she would get scared when the Choque troop went in, or when they were told there were rebellions going on; not too long after she had taken in her new job she realised that those rebellions and choque troop invasions were completely normal, and rarely affected those outside of the prisons. The day of the massacre was no different, "In reality, no one on the outside, could tell how big [the riot] was. It was relatively common to see the Choque troop going in there."⁵ The sounds of screams and bullets being fired were muffled by the great walls and the "big green gate." She tells me, "It was impossible to tell the difference between rubber bullets and real explosions. On the outside, many relative screaming and crying, but that was not out of the ordinary, like I said, the choque troop invaded the detention house quite often. Everything always happened behind the closed gates. The men went in through the little door, and no one on the outside could see what was going on."⁶ One thing stuck in her mind that night though. The only difference between that night and all the others before. When she left work at 4 p.m. she had no way of getting home, "The subway stopped working at [the Carandiru Station] and [The main avenue] Cruzeiro Do Sul was closed. I remember I had to walk all the way to Santana to take a bus. On

⁵ Ninguém na verdade, do lado de fora, chegou a perceber o tamanho da coisa. Era relativamente comum ver a tropa de choque entrando lá.

⁶ Não ouvimos tiros, ouvimos barulhos difusos tipo uma explosão abafada. Muito mesmo, mas achávamos que eram balas de borracha. Do lado de fora, muitos parentes gritando e chorando, mas até aí, nada de anormal, como te disse era relativamente corriqueiro, o Choque invadir. Mas tudo acontecia a portas fechadas, aquele imenso portão verde trancado. Os guardas entravam pela portinhola. Não dava pra ver da rua o que acontecia.

the other riots, the street and subway worked as usual.”⁷

Although things had appeared to be the same on the outside, it never made the situation right. The way that the Choque troop deals with prisoners and even civilians is terrible. Their excuse most of the time is that it is well deserved. After All, “what are they complaining about? They eat without working; whether good or bad, they receive free medical assistance, which is much more benefits than a regular worker would receive. And if they get death threats, they get transferred to safety”⁸ (Varella, 52). The issue is not where they are, but who they should be protected from. The human rights watch organization states that, “The use of torture is a chronic problem within the penitentiary system [in Brazil].” They also show evidence that while most people become aware of the wrongdoings in male prisons, most female penitentiaries go unnoticed; “in one case from Goias, the Commission received evidence that the National Security Force subjected female detainees to kicks and electric shocks, stepped on the abdomen of a pregnant woman, and forced another woman to strip naked.”

As awareness spreads, new laws are implemented; however, these laws are rarely enforced. In 2001 Brazil proposed a law that “sought to overhaul the system of mental health institutions, which had been plagued by overcrowding and inhumane conditions,” close to 15 years later, such law has not been put into action (Human Rights Watch). Very few attorneys around the country are willing to fight for these rights, and for the enforcement of such laws. The reason for this is the corruption in the system, and the fear that is instilled by threats from the military and judicial powers. There have been multiple cases of Human Rights Lawyers being killed. The Human Rights Watch cited one of the most known cases,

⁷ La o metro parou e o transito na Cruzeiro do sul foi interrompido. Lembro que precisei andar até a estação Santana pra pegar o onibus, nas outras revoltas, funcionava normalente.

⁸ Estão reclamando do quê? Comem sem trabalhar; boa ou má, recebem assistência medica e remédio de graça, direito que trabalhador não tem; quando aprontam e um companheiro cisma de matar [...] transferios para o Seguro.

In January 2009 Manoel Mattos, a human rights lawyer, was shot and killed in the border area between the states of Paraíba and Pernambuco. The main suspect, a police officer linked to a death squad under investigation by Mattos.

It becomes extremely hard to judge the involvement of the military police in alleged killings, even with proof. The reason for this is the bureaucracy of the system that protects the military police.

The legal system is made to defend those who work for it, and hurt the easiest targets, the poor and weak of society (Padre Valdir)⁹. Although many new laws have come about to protect the rights of prisoners, very few changes resulted. After the massacre in 1992, there were other cases in the same detention house. The biggest one being nine years later. The biggest prison riot in Brazil. There were over 7 thousand hostages, being that 1750 of them were kids (Redação Terra). The news spread quickly about the riot. One of the workers at a nearby parking garage, Renan Loiacone, which I interviewed remembered that night clearly. “My dad had the garage long before the massacre, I remember very little, but in 2001, I was about 13 and [my older brother], the building supper’s son and I went up to the top of our old building to see the riot.”¹⁰ They used to live fairly close, and always had the best seats in the city to watch the riots in both the men’s penitentiary (Carandiru), and the women’s which is still there to this day. “Every Time there was a big riot, that’s where we would go, we thought it was fun, we had no idea of how dangerous it really is.”¹¹ That riot in 2001 was a big step for the human rights in prisons. Many of the hostages confessed that they were not held up against their will, and in fact, chose to stay there to prevent another massacre (Redação Terra). The amount of violence in jail

⁹ O sistema penal esta la para punir sempre os mais fracos.

¹⁰ Meu pai ja tinha o estacionamento muito antes do massacre. Não lembro muito, era muito pequeno. Mas o de 2001, eu já tinha uns 13 anos. eu o Wesley e o filho do sindico la do meu predio, nós subimos la na cobertura do predio pra ver a rebelião.

¹¹ Sempre que tinha alguma rebelião la em qualquer um dos presidios a gente ia la pra cima pra ver. Achava mó legal e tal, nem sabia o perigo que realmente é né?

has not changed. One of the former convicts I was able to interview stated that “prison is like a pressure cooker, when you first arrive there, you want to change, and make things right with your family. That’s why religion is big. But then [the guards] start treating you like dogs. Not me, they never treated me bad. But in general you know? When you talk back or don’t agree, they hit you. And the checkers get more people each day. There’s no space. One day you just blow up. BOOM” That is how riots come about. Rebellions asking for better conditions that are shut down. And no one knows how to deal with these situations, because, by the time they come about, the problem has gotten so big that there actually is not anything to do anymore.

Ten years had passed since the massacre, yet nothing had changed. The news had not been forgotten, in fact, there is a memorial for it at the grounds of the old prison. However, the families and those hurt by the massacre have not been compensated for it. In Addition many people argue that the killings were planned, and it was just a matter of time. A lot of political figures and police captains were involved in the plotting. The closest thing to closure families received was when the Chief of the operation was arrested, but not even that lasted. The fact is that,

On October 2nd, 1992, Colonel Ubiratan Guimarães was the chief of the military police’s operation that left 111 prisoners dead in the Carandiru Massacre. He was initially sentenced to 632 years in prison; however, the decision was expunged in 2006. Until this day, no one else involved has been tried or taken into custody (Alessi).¹² Not only was Guimarães let free soon after he was sentenced to jail, the years that came before his sentencing and after the killing he served as a State legislator for the State of Sao Paulo.

Over 20 years after the massacre, the state has finally decided to prosecute those who took part in the killings; except maybe not. The defense attorney from the case gave a speech before the 3rd phase of the trials stating that, "The defendants will be acquitted because they were

¹² Em 2 de outubro de 1992, o coronel Ubiratan Guimarães chefou a operação policial que deixou 111 presidiários mortos no massacre do Carandiru. Ele chegou a ser condenado inicialmente a 632 anos de prisão, mas recorreu à decisão e foi absolvido em 2006. Até hoje, nenhum dos envolvidos foi julgado ou preso.

following orders "¹³ (Alessi). In addition, two days into the trial the judge suspended the trial because the defense attorney got up and left the courtroom mid-trial.

The trials were not open to public, yet outside the courtroom there were many protestors asking for justice in the case. These protestors are a group of people closely affected by the Carandiru Massacre. Amongst those, a survivor of the massacre, David Orestes. When the media announced the newest argument on the defense's side, he felt it was up to him to tell the other side of the story. The alleged arms inside the jail house never existed. "The ânimos won, and the chaos began. Those who were above the ground floor began hitting on the fences, some waved out their bed sheets; it was a lot of noises. The police agents decided to warn the director of the [detention] house, they said that the convicts had weapons, but they did not. And the decision was to call in the [Choque] Troop."¹⁴ He clarifies, "They shot everyone. We all went to our floors, and there was an order to take off all our clothes and go back into the inside yard, again. We went downstairs running, really fast. Those who took too long to come out and down from the cell, or that tripped, or stayed behind for whatever reason or those with less luck, died."¹⁵

The Organization Pastoral Carceraria is one of the biggest advocates of the Human Rights problem in Brazilian prisons. It was founded in 1986 by a priest, but its mission is to help convicts through any religion as a right given under the Brazilian Federal Constitution, article 5 where it states, "It is ensured, under the law, the provision of religious assistance in civil and

¹³ Os réus vão ser absolvidos por negativa de autoria

¹⁴ Os ânimos ganharam, e a confusão começou. Os que tavam nos pisos de cima batiam nas grades, outros abanavam lençóis, era um barulhão. Os agentes resolveram avisar o diretor da casa, falaram que o presos tinham armas, mas não tinham. Ai decidiram chamar a tropa.

¹⁵ Atiraram em todo mundo. Fomos para os andares e veio então uma ordem para todo mundo tirar a roupa e descer para o pátio interno, novamente. Descemos todos correndo, rápido. Os que demoraram um pouco para descer da cela ou os que tropeçaram ou os que ficaram para trás ou os que tiveram menos sorte, morreram.

military entities of collective confinement.”¹⁶ This gives Pastoral Carceraria many rights in the prison system, even being a non-governmental organization. Their mission is to help prisoners report the way they are treated, and bring to the attention the inhumane treatments in jail. When the massacre happened, many volunteers for the Pastoral were already working inside the jails. Deyvid Livrini, main secretary for the Pastoral, was young when the massacre happened; however, he has been studying the massacre and violent happening in the prisons for many years now. He states that the Pastoral found proof of premeditation in the Carandiru massacre. The massacre happened two days before the election and the governor, along side with Chief Ubiratan Guimarães, planned on executing convicts. Many cover stories have come about that night. But all facts indicate that the officials all knew exactly what was going to happen that night. When I asked him about the pressure cooker theory I had heard, he said it is definitely true to a point. Prisons nowadays are much more packed than in 1992. The prison system and conditions that convicts face become worse each day. Yet, there has been fewer rebellions. The PCC, a big gang in Brazil who rules the prisons and account for over 90% of convicts in Brazil have little to gain from riots. There are also theories that the government and the leaders of PCC have made secret agreements. There is no explanation why the pressure cooker did not explode again.

Some would argue the reason that there has not been many more openly known massacres is the publicity and world-wide attention the country would receive. In 1997, the Pastoral had registered 1600 open communications with convicts. One of the happenings was 107 prisoners who showed signs of torture, and on the same day, the case was forwarded to authorities accompanied by the president of Comissão de Direitos Humanos da Assembléia Legislativa de

¹⁶ a é assegurada, nos termos da lei, a prestação da assistência religiosa nas entidades civis e militares de internação coletiva.

Sao Paulo, Deputy Renato Simões. This complaint resulted to disciplinary procedures and criminal investigations. In May of 1997, the Pastoral sent copies of these documents to the EU and the UN. The files documented, “Torture cases reported to the Brazilian authorities, but that had not resulted in any actions taken by such authorities”¹⁷ (Pastoral, 15). Those reports to international NGO went on for many more years. In 1997, the Pastoral teamed up with Amnesty International and Sir Nigel Rodley from the United Nations to create torture reports. These reports are done yearly to this day. These reports consider “torture in Brazil is a widespread and systematic practice, especially in prisons. The harsh prison conditions [...] make conditions undignified for those imprisoned”¹⁸ (Pastoral, 17).

As a result of the international attention received, the Brazilian Government funded for a National Plan Against Torture in 2001 as a war against torture, “The campaign lasted two years” and their biggest problem was the Resistance received from the Public Ministry in recognizing the claims made by the help hotlines (Pastoral, 17). It is believed that prisoners are more vulnerable to violations of their rights because they are deprived of their liberties. The 4th article of the Protocolo Facultativo defines a person deprived of liberties as “any person on public or private property under surveillance where, through judicial, administrative, or any authority, one does not have permission to leave willingly”¹⁹. This becomes the reason that the torture goes above just prison, but to include anywhere where convicts are exposed to these treatments even in their own homes or neighborhood supermarkets. Thus, the Protocolo Facultativo was ratified on February 11th of 2007 to add a clause on mechanisms to prevent such tortures.

However, even with all these new amendments and clauses, the tortures in the prison system

¹⁷ casos de tortura denunciados ás autoridades brasileiras, mas que não haviam resultado em providência algum

¹⁸ tortura no Brasil é uma pratica sistemática e generalizada, especialmente nas instituições prisionais. As péssimas condições carcerárias [...] tornam as condições do preso indigna

¹⁹ qualquer pessoa em estabelecimento público ou privados de vigilância de onde, por força de ordem judicial, administrativa, ou de qualquer autoridade, ela não tem permissão para ausentar-se por própria vontade

are often overlooked. Volunteers of the Pastoral are to file complaints to the responsible authority (Pastoral, 25). They also support legislative initiatives, police publications, and actions in regards of the full integrity of human beings, respecting and spreading even more the rights of people deprived of liberties, in such way that avoids sentencing or treatments that are cruel, inhuman, and degrading.

Father Valdir has an idea of how the prison system in Brazil can improve. He agrees that it's not about the current trials. Sentencing those officers involved in Carandiru will not change the reality that "The same police that killed at the time, is killing today at the slums; preferably the poor. A sentencing will not change a slight bit of the officer's routine; they will continue to execute people."²⁰ In his opinion the best choice, instead of a mass conviction, would be for the officer to work directly with the family of those involved. Furthermore, "the police [officers] were there to do as they were told, they were trained and set to execute. Now, the men who gave the orders, they are not on trial. The penal system is here to punish, but always the weakest ones. Many of the people involved in the massacre were even promoted"²¹ to better positions in politics and the military (Padre Valdir). If instead of sending these officers to jail, they were sent to the communities of those directly affected by the massacre, they would replace the part they took away from society. Padre Valdir suggests they work with the community and restore the part of the families, i.e. a father figure, to those families of the killed convicts. This version of rehabilitation and reconstruction is already present in other parts of the penal system in Brazil. Juveniles convicted for a crime are forced to community work. Forcing people to work directly with affected communities, and drifting away from overpopulated prisons can be a better option.

²⁰ a mesma policia que matou naquela epoca, mata hoje nas periferias. os Pobres de periferia. a condenacao nao muda em nada a rotina dos policiais que continuam executando as pessoas.

²¹ Os policas que estavam obedecendo ordem treinado por isso, foram da para executar. Agora, quem deu a ordem, esses estao fora do julgamento. Muitos envolvidos no massacre foram ate promovidos

Implications and New Questions

Many citizens ask for privatization of prisons. This solution in theory would help the system. There are two private detention houses in Brazil, both in Amazonas. However, these detention houses are expensive to upkeep, and they receive money by the convict. This means that crime rate will increase, and detention houses will be overly packed even more than is now. When this idea was suggested to Padre Valdir, he described his time in one of the private detention houses in Amazonia, “The crime rate increases, there’s less jail breaks and riots, but much more death. The week I spent in Amazonia, two convicts died. And the funds that could be spent in other public services are all going to the prison system.”²²

Even with all the work that Pastoral Carceraria, along with other human rights advocates have done, the change is coming very slowly. There is not enough transparency with the information produced by the Public Power, especially in relation to Human Rights in Brazil, (Pastoral, 32). Between the years of 1997 to 2009, there were 211 cases that Pastoral Carceraria reported, 71 of those cases were in the state of Sao Paulo; the state with the most reports (Pastoral, 40). Out of all of those reports, authorities only acknowledged and took action in 81 of the reports Nationwide, and completely ignored 62 of them and acknowledged but took no action in 40 (Pastoral, 45). If the government really is trying to change, and provide convicts with the rights they deserve, then why are they not taking more actions? Current rate in which the problem is being fixed is less than 50%, when will the State recognize the inhumanity of their system?

²² O crime aumenta, e tem menos fugas, mas mais mortes. Na Amazonas, 2 mortes em uma semana na prisão. O investimento em outros serviços públicos diminuiem para aumentar o gastos na prisão.

Conclusion

The legal system in Brazil is far from perfect, corruption is a big part of it, and prisoners are not treated right. However, with the help of non-governmental organizations both in international and national levels such as the Human Rights Watch and the Pastoral Carceraria the rights of citizens have a bigger impact on society. Teaching citizens of their rights, and making sure that no one's human rights are violated, no matter how vulnerable one is, is making progress for a better society. The importance of these rights grow each day, inside and outside prison walls.

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