

## Brazil's Parallel Society: Where Outlaws Are the Law

Written by Augusto Zimmermann  
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The Constitution of Brazil says, in its Article 144, that the right to security is the duty of the state and the right and responsibility of all. Unfortunately, the Brazilian government, in all its federal, state, and local levels, has shown an absolute lack of interest and ability to protect such a basic right of the person.

In Brazil, policemen are often unqualified, unprepared, corrupt, and poorly paid. As ancillary force to the Brazilian Army, the military (uniformed) police of the states have been frequently accused of treating suspects of crime "as military enemies who are to be destroyed".(1)

In some states, the salary of a policeman may start at the wage level of only US\$ 72 a month, a few dollars above the minimum wage fixed by federal law.(2)

For a profession that requires courage, discernment, and sensitivity, the state provides police officers with inadequate training and a vile salary. Then, honest policemen have no other option but to live in poor areas controlled by criminal gangs.(3)

But it is a well-known fact, however, that policemen are frequently involved in criminal activities. Members of police forces in Brazil have been regularly practicing illegal activities, such as extortions, kidnappings, torture of suspects under interrogation, arbitrary detention of individuals, death squad executions, and narcotics traffic.(4)

Instead of dealing with the matter, some public authorities have indirectly endorsed them by decorating the ones involved in such activities.(5)

In 1997, for example, the government of São Paulo promoted within the ranks of its military police a person directly involved in more than forty homicides.(6)

Likewise, the government of Rio de Janeiro provided in 1995 salary bonuses to police officers involved in acts of "bravery". According to the Human Rights Watch (HRW), acts of "bravery" were often confused with the summary execution of criminal suspects.(7)

On the other hand, everybody knows that the government has lost control over many areas of its own territory.(8)

In such areas, criminals have created what Brazilians call "parallel government". With the absence of the state in areas such as the favelas (shantytowns), criminal groups moved to fill the vacuum that was left, providing the public with social assistance and "parallel" legislation.(9)

An anthropologist, Alba Zaluar, argues that "drug traffickers have moved to a position of total dominance over community institutions".(10)

When the police or a rival criminal group takes away the life of a favela's drug lord, local commerce and even public schools in this area have to close down as a sign of mourning for the passing away of the "supreme ruler" and "benefactor".

### Impunity

In Brazil, dangerous criminals are rarely put into jail. Figures from the United Nations show that only 7,9% of the 49,000 cases of murder officially reported in 2003 were successfully prosecuted.(11)

This fact happens because the civil (investigative) police did not investigate those cases diligently. Even when a case involves a serious offence such as rape, torture, and first-degree murder, investigation is usually superficial and incomplete, if not performed in bad faith.

Actually, a case of first-degree murder rarely produces evidence even to initiate the trial of suspects. Only 1% of suspects for murder in Brazil are condemned, because inquiries transferred to the public prosecution are so poorly elaborated that the courts cannot find evidence to convict even a notorious serial killer.(12)

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As one might expect, people in Brazil have the reasonable tendency to believe that criminal offenders have nothing to fear of punishment.

The sense of impunity is widespread and makes less difficult for us to understand why some Brazilians have decided to make "justice" by their own hands.

Impunity leads to the desire of self-justice, no matter how primitive this might be. Then, mob executions and lynchings occur on a daily basis throughout the country, as a phenomenon that is normally triggered by all sorts of criminal events, such as theft, rape, and murder.

According to a report from the Organization of American States (OAS), the occurrence of lynchings and death squads is due in Brazil "to the lack of a functional and effective police system, and the fact that the public does not believe in the effectiveness of the justice system".(13)

Actually, policies of public security in Brazil might be described as an invitation to criminality. We may ironically suggest that honest citizens cannot find so many incentives to develop their legal activities.

According to Cndido Prunes, a lawyer who holds a PhD from the University of So Paulo, there is a "package" of at least four great incentives for the practice of criminality in Brazil.

Firstly, as Prunes says, few are the states offering an efficient scheme of preventive policing.

Secondly, the police do not have ability to investigate criminal offences diligently.

Thirdly, delay of police enquires may allow offenders to benefit from the statute of limitations,

which means that the time for their trial might be expired.

Finally, the Congress passed in 2004 a statute disarming all honest citizens.

To sum up, this "package of incentives" to criminal behavior includes, among others: a) the lack of preventive policing; b) the lack of investigative ability; c) judicial delay; and, d) defenseless victims.(14)

### Gun Control

Before the Congress enacted its gun-control legislation, figures from the city of Rio de Janeiro pointed towards an annual rate of 66 murders per 100 thousand people. Today, the rate of murders in Rio de Janeiro has grown to 205 per 100 thousand.(15)

In America, for example, the right to bear firearm is protected by the U.S. Constitution, but figures from 2002 showed merely 5,5 murders per 100 thousand people, a number that was 13 times lower than in Brazil, with 71,7 per 100 thousand.(16)

Actually, the demagogic idea of disarming honest citizens always aggravates criminality. In Britain, for example, burglary grew by 117% since the 1997 Firearms Act was enacted.(17)

But if the current incentives to criminality were not enough by themselves to generate a great catastrophe, Márcio Thomas Bastos, Brazil's Justice Minister, has now decided to support the end of the Statute of Hideous Crimes.

Enacted in 1991, such statute determines long-term prison sentences as well as less restrictive facilities to dangerous criminals who have practiced first-degree murder, kidnapping, terrorism, rape, or torture.

The Minister has commented that the revocation of the Statute of Heinous Crimes would help the state to spend less money with the prison system.(18)

While citizens would like to see the courts applying this and other laws with more rigor and efficiency, the Justice Minister, by contrast, wants judges passing more "alternative sentences" to criminals, including "social service" to the community.

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