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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [✉ Knowledge and Information Management Unit](#).

21 March 2016

BRA105474.E

Brazil: First Command of the Capital (Primeiro Comando da Capital, PCC), including activities, targets, group structure and areas of operation; state protection for victims and witnesses of PCC crimes (2012-March 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to sources, the PCC is the largest criminal organization in Brazil (CIP 4 Feb. 2015; CNN 25 Nov. 2012; Sportskeeda 26 Aug. 2015). Other sources describe the PCC as the most powerful criminal organization in Brazil (InSight Crime 14 Mar. 2014; AP 15 Nov. 2012). Sources state that the PCC is allied with the Red Command (CFR 26 Sept. 2006; InSight Crime 1 Apr. 2013). For information on the Red Command, see Response to Information Request BRA105251.

According to sources, the PCC was formed in the early 1990s by inmates within the São Paulo prison system with the aim of improving prison conditions (ibid. 14 Mar. 2014; CFR 26 Sept. 2006; DW 27 Aug. 2014). In correspondence with the Research Directorate, a Lecturer at Cambridge University's Centre of Development Studies and Centre of Latin American Studies, whose research specializes in organized crime, the PCC, and state response in Brazil, described the PCC primarily as an "organization that protects members from real or perceived violence on the part of the state and rival groups" (Lecturer 14 Mar. 2016a).

According to an article by the Center for International Policy (CIP), a Washington, DC-based non-profit research and advocacy institute that "promotes cooperation, transparency and accountability in global relations" (CIP n.d.), the PCC "prefers to keep violence levels down in order to maintain a lower profile"; however, they will engage in "calculated episodes of intense violence in order to

intimidate other gangs and claim its territory" (ibid. 4 Feb. 2015). In 2012, the Associated Press (AP) reported that the PCC "detests attention and remains mostly in the shadows of the slums where it holds sway, ruling on reputation and fear, maintaining a mafia-like stance" (15 Nov. 2012).

1.1 Activities

According to the Lecturer, the PCC is a "self-defined criminal organization at arm's length from the drug trade and its supply chain. They do not control the drug trade, and criminal acts, but members use it to generate income in order to pay membership dues" (Lecturer 14 Mar. 2016a). According to sources, PCC members are required to pay membership dues (*The New York Times* 2 Oct. 2012; AP 15 Nov. 2012; AFP 25 Nov. 2012). Agence France-Presse (AFP) stated in 2012 that members who are not in prison are required to pay US\$400 per month (ibid.). In a 2012 article, AP reported that members are required to pay \$300 per month "in exchange for legal aid if they're arrested and support for their families if they go to jail" (15 Nov. 2012).

Sources state that the PCC is involved in the following types of criminal activities:

- Drug trafficking (Insight Crime 14 Mar. 2014; Miraglia [2015], 5; DW 27 Aug. 2014);
- Bank robbery (ibid.; Insight Crime n.d.b; Bailey and Taylor 2009, 13);
- Prostitution (ibid.; InSight Crime 26 Mar. 2014; Vice News 14 Apr. 2014);
- Money laundering (*The New York Times* 2 Oct. 2012; InSight Crime 19 Jan. 2015);
- Kidnapping (ibid. 26 Mar 2014; DW 27 Aug. 2014; Vice News 14 Apr. 2014);
- Extortion (ibid.; AP 15 Nov. 2012; InSight Crime 26 Mar. 2014).

Information on the treatment of crime victims by the PCC could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Without providing further detail, a report by Paula Miraglia [1] cites an academic paper written in Portuguese by Gabriel Feltran, a sociology professor at the Federal University of São Carlos, Brazil (UFSCar n.d.), and according to the paper, the PCC has a presence "in most peripheral districts of Brazil's big urban centers" (Miraglia [2015], 5). Furthermore, in addition to drug trafficking and other illicit businesses, the PCC "frequently controls territory and many aspects of life in local communities" (ibid.). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Targets

According to sources, in 2012, the PCC was suspected of being responsible for murdering a number of off and on-duty police officers in São Paulo (*The New York Times* 2 Oct. 2012; CNN 25 Nov. 2012; AP 15 Nov. 2012). The AP reports that, according to security experts, the violence was in response to the government breaking an informal and "long denied" agreement with the PCC from 2006, "to slow the prison transfers of gang leaders and limit crackdowns on its operations on Sao Paulo's outskirts in exchange for an end to gang violence" (ibid.). The number of officers killed reportedly ranged from "more than 70" (*The New York Times* 2 Oct. 2012) to "nearly 100" (CNN 25 Nov. 2012). The 2015 US Department of State's 2015 Overseas Security Advisory Council's (OSAC) Crime and Safety Report for São Paulo states that in 2006, the PCC targeted and killed police as well as burned "public buses, gas stations, and ATMs" as well as was

another "spree of PCC killing police officers" in 2012 and, more recently, "in some cases, links have been made ... regarding the PCC still carrying out its 'Reign of Terror'" (US 19 Feb. 2015).

Without providing further details, the Lecturer stated that the primary targets of the PCC include:

rule-breaking members (especially recidivists), police (under certain circumstances), community members believed to have committed serious crimes ... and members of rival criminal organizations. (Lecturer 14 Mar. 2016a)

According to a 2015 article by Sportskeeda, a sports news website based in India (Sportskeeda n.d.), the PCC had "[r]ecently ... executed eight Corinthians [soccer] fans in a drugs related dispute" in São Paulo (ibid. 26 Aug. 2015). According to the same source, members of the PCC have "integrated themselves in many" *torcidas organizadas*, the "organised fan clubs of Brazil's numerous [soccer] clubs" (ibid.). The victims are "believed to be the members of ... the *Pavilhão Nove* [Pavilion Nine]," a fan club for the Corinthians soccer team (ibid.). A 2015 article by InSight Crime, a foundation "dedicated to the study of ... organized crime" in Latin America and the Caribbean (InSight Crime n.d.a), similarly reports that seven members of the Pavilhão 9 were "executed," while another was injured and later died (ibid. 11 May 2015). According to the source, the shooting

highlights the degree of control the PCC exerts over drug trafficking in São Paulo. According to some reports, the PCC is suspected of having ordered the massacre as a message to other soccer clubs with whom it conducts drug business (ibid.).

In addition to the suspected involvement of the PCC, "one current and one former police officer" were arrested in connection with the shooting and that "this indicates ... that the PCC may have former and current military police members on its payroll" (ibid.). The Lecturer stated, without providing details, that the PCC has "penetrat[ed] the judicial and legal system, and policing" (Lecturer 14 Mar. 2016a). Further information on law enforcement connections to the PCC could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Structure

According to InSight Crime, the PCC is not a "tightly disciplined and centrally controlled organization," and "different elements affiliated to the PCC often engage in their own criminal activity" (14 Mar. 2014). The Lecturer described the PCC as a hierarchical organization "with local regional entities, each with their own divisions of labour" and explained that these local entities maintain

continuous communication with the leaders in a particular prison. Locally, they work independently on some aspects, such as the local drug trade. They are never independent in how and when they carry out medium or severe punishment of members and non-members. (Lecturer 14 Mar. 2016a)

According to the same source, they have a "strong central and bureaucratized system that mitigates the use of violence by those within the organization and in the spaces it controls, requiring violence to be authorized centrally" (ibid.).

A 2012 article in the *New York Times* quotes a public prosecutor "who has scrutinized the [PCC] for more than a decade" as compared the PCC's business structure to "'franchising'" (*The New York Times* 2 Oct. 2012). A 2009 academic article published in the *Journal of Politics in Latin America* similarly describes the PCC as a "diffuse organization with largely autonomous cells in each prison as well as outside them" (Bailey and Taylor 2009, 13). The same source further states that

[d]espite the potential for fragmentation, a sophisticated communications network – autonomous cells communicate through corrupt lawyers and by cellular phones

smuggled into prison (often by these same lawyers) – has enabled the PCC to orchestrate well-organized uprisings across the enormous state [São Paulo]. (ibid.)

Vice News, an international news organization that highlights "under-reported stories from around the globe" (Vice News n.d.), similarly reports that in 2014, "few prison gangs in the world can match [the PCC's] combination of access to phones, brute violence, and organizational discipline," and an inmate with access to a cellphone "can organize murders, threaten witnesses [and] plan crimes" (ibid. 14 Apr. 2014).

3. Membership

Sources vary in their estimation of the membership numbers of the PCC as falling between 11,000 (InSight Crime 14 Mar. 2014; DW 27 Aug. 2014) and 15,000 (Bailey and Taylor 2009, 13). In 2012, AFP reported that the PCC had approximately 13,000 members, and of those, 6,000 were incarcerated in São Paulo state (25 Nov. 2012). According to a 2012 article by AP citing police documents, there is an "inner core" of "just over 1,300" members (AP 15 Nov. 2012). Quoting Ignacio Cano, a "researcher at the Violence Analysis Center at Rio de Janeiro State University," the same source reports that the PCC "'outsource[s]" some activities, explaining that it is estimated that "the number of people connected in some way to the gang go as high as 100,000" (ibid.). The source further explains, stating that the PCC "contract[s] people and allow them to carry out certain activities as long as they're paying them (the PCC) something in return" (ibid.). Further and corroborating information on the membership of the PCC could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Areas of Operation

According to sources, the PCC has operations across the country (Lecturer 14 Mar. 2016a; InSight Crime n.d.b). Sources vary in their estimates of the number of states where the PCC has a presence: 24 (ibid. 14 Mar. 2014) or 22 (Vice News 14 Apr. 2014; Sportskeeda 26 Aug. 2015) of Brazil's 27 states (ibid.). Sources note that the PCC also has operations in Bolivia and Paraguay (AFP 25 Nov. 2012; InSight Crime 14 Mar. 2014; Guardian Liberty Voice 26 Aug. 2014). According to the CIP article, the PCC is allied with a gang in the Brazilian city of Salvador, "Grupo de Perna, known as 'Caveira' (Skull) or 'Caveirão' (Big Skull)", and the conflict between the PCC-Caveira alliance and another local gang, the Peace Command, is "one of the main causes of violence in Salvador" (CIP 4 Feb. 2015).

According to sources, PCC members control the vast majority of prisons in São Paulo state (AFP 25 Nov. 2012; Miraglia [2015], 5; Dias and Salla 2013, 399). According to the report by Miraglia, citing a paper in Portuguese by Camila Nunes Dias, a professor at the Universidade Federal do ABC in Brazil (ibid., 397), "the PCC de facto shares the management of the prison system in São Paulo with the state" (Miraglia [2015], 5). Deutsche Welle (DW), an international broadcaster based in Germany (DW n.d.), also cites Camila Nunes Dias as stating that gangs such as the PCC "and the state have become partners" and "'[w]ithout the law of the gangs'" to maintain control in the prisons, "'it would be impossible for the state to keep so many inmates in such inhumane conditions'" (ibid. 27 Aug. 2014).

5. State Protection

Information on state protection available to victims of PCC violence, or witnesses to PCC crimes, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The report by Miraglia describes the justice system in Brazil as ineffective, and explains that according to official statistics,

São Paulo ... only manages to solve 50 percent of [murder] cases; in Rio de Janeiro, merely 15 percent of murders are solved by the police. Despite Brazil's high homicide rate, only 14 percent of persons currently incarcerated were convicted of murder. (Miraglia [2015], 8)

The 2014 US OSAC Crime and Safety Report for São Paulo states that the response from both military and civil police "varies" and "authorities cite a lack of resources, staffing and basic equipment shortages, and low morale among the key reasons response times are not always optimal and many crimes go unsolved" (US 6 Feb. 2014). According to Luiz Lourenço, "a security expert and professor of sociology at the University of Bahia" cited in the CIP article, "[w]eak government institutions and widespread impunity for all sorts of crimes" contribute to a "'culture of violence'" within Brazil that has "even spread into law enforcement bodies" (CIP 4 Feb. 2015).

Information on arrests and prosecutions of PCC members could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.1 Witness Protection Program

According to sources, Brazil has a victims and witness protection program called Programa de Proteção a Vítimas e Testemunhas (PROVITA) (Brazil 15 July 2014, 1; UN 28 May 2010, para. 54; AI Aug. 2015, 78). According to Amnesty International (AI), the program is funded by both federal and state resources, while the management is the responsibility of the states, with each state having a committee that decides on whether an applicant will be included or excluded from the program (ibid.). In a 2014 letter to the UN Office of the High Commissioner for Human Rights on the independence of judges and lawyers in Brazil, the Permanent Mission of Brazil to the UN in Geneva stated that in order for an individual to access the program, the following persons can submit an application to the "program's decision making council":

the interested party, a representative of the Prosecutor's Office, the police officer carrying out the criminal investigation, the judge in charge of hearing the criminal proceeding or public agencies and agencies devoted to human rights defense. (Brazil 15 July 2014, 2)

The same source further states that the country's victim and witness protection program provides the following protection measures, among others:

home security, including control over telecommunications and escorting to and from home; home transfer or temporary stay at a place compatible with the protection required; preservation of identity, image and personal data; monthly financial aid, if the person under protection is unable to perform regular work or if he or she has no source of income; social, medical and psychological care and assistance. (ibid.)

According to AI, there are "[d]eficiencies" in the Brazilian witness protection program (AI Aug. 2015, 8). Specifically, AI states that Brazilian law does not make it possible to "guarantee the anonymity of witnesses called to testify ... or to use so-called 'faceless witnesses'" and cites civil police chiefs as saying that the structure of PROVITA "is insufficient to cope with the volume of cases that ... require its help, and the programme lacks resources" (ibid., 79). According to the Lecturer, the "legal mechanisms for witness protection in Brazil are very weak" and there are "little means of protection for an individual who may believe they are at [risk] of violence from the [PCC]" (Lecturer 14 Mar. 2016a). The same source further stated that the PCC

is a very complex organization that operates much like a state - monopolisation of

violence, legitimacy of rules, policing, centralized bureaucracy. ... A "PCC crime" can be the killing of a perceived child abuser, the assassination of a perceived-violent police officer, or the forced suicide of a homosexual inmate (among many other things). Each of these victims and related witnesses suggest something very different about who would be protected ... in terms of the laws of the state, but also in terms of why the Brazilian state often does not act to contain the influence of the organization. (ibid. 14 Mar. 2016b)

Further information on the witness protection program, including effectiveness relating to the PCC, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For further information on the witness protection program, including history and structure, see Response to Information Request BRA104224.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] Paula Miraglia "is a Public Sector Specialist, with extensive expertise in urban violence, youth, crime prevention, and criminal justice" and working as a consultant based in Brazil (Miraglia [2015], 13). She has served as the Director of the Brazilian office of the UN Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ibid.). Her report was published by the Brookings Institution as part of a project aiming at providing "a unique comparative evaluation of the effectiveness and costs of international counter-narcotics policies" in preparation of the 2016 Special Session of the UN General Assembly on the World Drug Problem (UNGASS 2016) (The Brookings Institution 29 Apr. 2015).

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