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Brazil: Organized crime, including street gangs; state response to combat organized crime in Rio de Janeiro and São Paulo (January 2005 - October 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

General Situation

According to the Travel Report issued by Foreign Affairs and International Trade Canada, gang-related violence in the states of Rio de Janeiro and São Paulo has occurred in public places such as on buses, in businesses and at police stations, and that serious and often violent crime is prevalent in the cities of Rio de Janeiro, São Paulo, Brasília, Recife and Salvador (Canada 20 Aug. 2007). The Overseas Security Advisory Council (OSAC) rates the criminal threat in Rio de Janeiro at "critical" and on the rise (OSAC 8 Mar. 2007); in São Paulo, the threat is also rated "critical," with the added observation that violence is often led by "mobile street gangs and organized criminal groups" (ibid. 6 Feb. 2007).

In its 2007 annual report, Amnesty International (AI) states that, the participation of Brazilian government officials in criminal activities has contributed to "an apparent increase in organized crime across the country" (AI 2007). According to AI,

Law enforcement officials were reportedly involved in the drugs trade, selling guns, and smuggling arms, mobile phones and drugs to members of criminal gangs in detention (2007).

Global Integrity's *2006 Country Reports* scorecard on Brazil notes that "Brazilian police are notoriously under-funded" (Global Integrity 2006), an observation which is echoed by OSAC (OSAC 8 Mar. 2007; ibid. 6 Feb. 2007). Other sources have noted that corruption is a serious problem for the Brazilian police (US Mar. 2007, Sec. III; EFE 15 Dec. 2006). However, OSAC characterizes the police response for US citizens in Rio de Janeiro and São Paulo as "adequate" (OSAC 8 Mar. 2007; ibid. 6 Feb. 2007).

Offering a comparison between the situation of organized crime in São Paulo and that in Rio de Janeiro, Guaracy Mingardi, a senior criminologist for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (Instituto Latino-Americano das Nações Unidas para Prevenção do Delito e Tratamento do Delinquente, ILANUD) states:

In Rio de Janeiro, organized crime based on drug trafficking predominates, and is "harder to control," but cases of kidnapping have been successfully controlled there, whereas in São Paulo they are still numerous (IPS 22 June 2006).

Rio de Janeiro

In December 2006, there were reports that "paramilitary-style militias" were controlling up to 92 shantytowns (*favelas*) throughout Rio de Janeiro state (AI 2007). These militias are composed of active and former police officers who provide security in exchange for protection money (ibid.; AFP 29 Dec. 2006). Some

residents complain that these militias often resort to violence and extortion and leave them vulnerable to revenge attacks from drug gangs when the militias cease to offer protection (AI 2007).

On 15 December 2006, the Spanish news agency EFE reported that Federal Police agents had arrested 74 city police officers accused of ties with arms- and drug-traffickers in the city of Rio de Janeiro, making the operation the biggest such arrest in the city's history (EFE 15 Dec. 2006).

Agence France-Presse (AFP) reported on 29 December 2006 that organized crime gangs had attacked civilians and police officers alike in several Rio de Janeiro neighbourhoods and suburbs, leaving eighteen people dead, seven of whom were killed in an bus explosion (AFP 29 Dec. 2006; US 6 Mar. 2007, Sec. 1.a). The state Security Department believes that the attack order was given by imprisoned drug kingpins held at the Bangu I penitentiary to [translation] "intimidate the new government of Rio de Janeiro which [would] take office on Monday [1 January 2007]" (AFP 29 Dec. 2006). However, Rio's penitentiary authorities claimed that the attacks were an act of revenge against militias who had recently been pushing out drug traffickers from favelas (ibid.; see also US 6 Mar. 2007, Sec. 1.a).

The *International Narcotics Control Strategy Report* published by the United States Department of State notes that in 2006, Brazil's Federal Police made several breakthroughs against foreign drug trafficking groups, including arresting drug lord Pablo Joaquin Rayo Montano in São Paulo (US Mar. 2007, Sec. 1).

In January 2007, Brasilia-based *Correio Brasileiro* published an interview with Rio de Janeiro's Public Security Minister Jose Mariano Beltrame, who outlined his department's new security strategies (11 Jan. 2007). In particular, his department was planning the establishment of Latin America's largest Intelligence Centre in Rio de Janeiro, which would include an administrative section and an intelligence training institute, with computer applications used to track down financial crimes, such as money laundering, which is used to finance drug gangs (*Correio Brasileiro* 11 Jan. 2007). The department would also install more cameras throughout the city to better track criminal activity as it occurs (ibid.).

In June 2007, *The New York Times* reported on Federal Police raids in Rio de Janeiro in which 40 people, including judges, police officers, prosecutors and lawyers were charged with accepting bribes from organized crime bosses who were running an illegal lottery called the "animal game" (*jogo de bicho*) (7 June 2007). Earlier in 2007, several Samba school directors preparing for Rio's Carnival were reportedly assassinated because of disagreements with gangs, who allegedly use their lottery profits to finance the Carnival (*The New York Times* 7 June 2007).

According to AI, Rio de Janeiro state authorities are increasingly employing "militarized tactics" such as using armoured troop carriers (*caveirões*) to police favelas (2007). AI reports that there have been cases in which innocent civilians have been "killed by military police officers shooting indiscriminately from *caveirões*" (AI 2007).

Based on official figures published by AI, Rio de Janeiro state police killed 807 people in the first nine months of 2006, an increase over the same period in 2005 (ibid.).

São Paulo

Citing official numbers, AI states that between January and September 2006, police killed 528 individuals in São Paulo state, which surpassed the total number for all of 2005 (2007).

Senior ILANUD criminologist Guaracy Mingardi expressed his opinion that while São Paulo state's murder rate has decreased in recent years, due in part to an increase in the police presence and disarmament efforts, this has not been accompanied by qualitatively improved policing (IPS 22 June 2006).

In July 2005, São Paulo state police reportedly arrested 11 members of the organized crime syndicate named First Command of the Capital (Primeiro Comando da Capital, PCC), including the group's main administrator, Deivid Surura (Dow Jones 26 July 2005). The PCC's primary revenues derive from participating in the drug trade, and from providing protection to criminals and their relatives, both inside and outside prison (ibid.). According to the Lima-based *Latinamerica Press*, the 6,000 PCC members who are in jail "influence" more than 80 percent of São Paulo's prison population (14 June 2006).

In May 2006, members of the PCC reportedly instigated a series of riots across São Paulo state in response to the planned transfer of their leader, Marcos Herbas Camacho (*Latinamerica Press* 14 June 2006), to a high security prison (AI 2007). It was later discovered that Camacho had obtained a recording from his lawyers (*Washington Post* 10 Aug. 2006; *The New York Times* 30 May 2006) - which detailed a plan to send

him along with 700 other convicts to a prison hundreds of miles away in order to disrupt their illegal operations - by bribing a government sound technician for 100 American dollars to record the closed-door hearing (ibid.). Riots broke out simultaneously in over 70 prisons across the state (ibid. 16 May 2006; *Latinamerica Press* 14 June 2006; US 6 Mar. 2007, Sec. 1a), and were coordinated by the use of cell phones and radios which were smuggled into the SÃ£o Paulo's prisons (*The New York Times* 7 May 2006). In the ensuing days of violence, rioters killed over 40 police officers, attacked banks, police stations, public buildings (ibid.; HRW Jan. 2007; AI 2007) and burned over 80 buses (ibid.). Police responded by killing over 100 people allegedly involved in the rioting (AI 2007; HRW 18 May 2006; US 6 Mar. 2007, Sec. 1.a; *The New York Times* 30 May 2006). The attacks also left sixteen civilians dead (ibid.) and although the PCC did not specifically target civilians, the fighting caused "hysteria and paranoia among the local populace" (OSAC 6 Feb, 2007).

According to *The New York Times*, some experts reportedly criticized the police's lack of preparedness regarding the rioting and the government's refusal to accept outside help "to avoid political embarrassment" (*The New York Times* 17 May 2006).

The Independent Special Commission for the Public Security Crisis of SÃ£o Paulo State, which published a report in September 2006, noted that 493 people were killed during the 10 days of violence in May 2006, which is almost twice the average homicide rate (US 6 Mar. 2007, Sec. 1.a). The report also states that between 60 and 70 percent of the 124 suspects killed by police had injuries suggesting execution-style killings (ibid.; see also HRW Jan. 2007).

Members of the PCC led further attacks in SÃ£o Paulo in mid-July 2006, which killed eight people (AI 14 July 2006; EFE 7 Aug. 2006). On 7 August 2006, EFE reported 78 attacks during that day in SÃ£o Paulo, in which the PCC used guns and firebombs against police, buses, and public buildings. In response, police killed two suspects and arrested twelve others in their attempts to control the situation (EFE 7 Aug. 2006).

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 additional sources consulted in researching this Information Request.

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