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## FEATURED Q&A

# Will Prison Riots in Brazil Lead to Justice Reforms?



Brazil's justice minister, Alexandre de Moraes, has pledged reforms to the country's criminal justice system. // File Photo: Brazilian Government.

**Q** **Brazilian Justice Minister Alexandre de Moraes on Jan. 3 pledged to overhaul the country's criminal justice system to address prison overcrowding in the wake of a prison riot in Amazonas state that left 56 dead, the largest riot of its kind in two decades. Within days, dozens more inmates were killed in prison riots in Roraima state, Manaus and Rio Grande do Norte state. What reforms are most needed for the country's criminal justice system, and how should they be implemented? How will the Temer administration address the widespread violence and overcrowding in prisons, and is there enough popular and political will to allocate any new funding needed to do so?**

**A** **Julita Lemgruber, coordinator of the Center for Studies on Public Security and Citizenship at the University Cândido Mendes and former director of the Rio de Janeiro state prison system:** "Brazil has historically treated men and women deprived of their liberty in an inhumane, cruel and degrading manner. Not even during the 13 years of Workers' Party government was there any attempt to significantly change this dramatic scenario. And what's more, not even under former President Dilma Rousseff, a woman who had been a political prisoner during the military dictatorship, was there political will to improve prison conditions in any substantive way. So, why should anyone believe that under President Michel Temer, who is much more to the right in the political spectrum, things would be different? Furthermore, the plan of the present minister of justice is short-sighted and fails to deal with some structural issues. Brazil does not need more prisons. The

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## TODAY'S NEWS

### POLITICAL

## At Least 26 Inmates Killed in Latest Brazil Prison Riot

Brazil's fifth deadly prison riot in just two weeks broke out Saturday in the State Penitentiary of Alcaçuz, located near the city of Natal in Rio Grande do Norte state.

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### ECONOMIC

## Venezuela Begins Circulating Higher-Value Banknotes

President Nicolás Maduro last month announced the government was outlawing the 100-bolívar note, then the largest in circulation.

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## Mexican President Names New Envoy to U.S.

Gerónimo Gutiérrez was named just days before Donald Trump takes office as president of the United States.

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Gutiérrez // File Photo: Mexican Government.

## POLITICAL NEWS

## At Least 26 Inmates Killed in Latest Brazil Prison Riot

At least 26 inmates were killed Saturday in the fifth prison riot that has happened in Brazil since the beginning of the year, The New York Times reported. The most recent unrest happened at the State Penitentiary of Alcaçuz, located 13 miles from Natal, in Rio Grande do



**The prison system is not prepared for this gang war.”**

— Lincoln Gakiya

Norte state. The riot began at about 5 p.m. Saturday and continued until Sunday at about 7 a.m. when riot officers retook control of the penitentiary. The riot began following a fight between members of the rival First Capital Command and the Crime Union of Rio Grande do Norte gangs, CNN reported. Authorities have identified six prisoners responsible for sparking the riot and began moving them to other prisons, officials told reporters Sunday. The prison has a capacity of 620 inmates, but was holding approximately 1,100 as of Saturday, said authorities, The New York Times reported. Wilma Batista, the director of the prison agents union in Rio Grande do Norte, saw and photographed headless, mutilated corpses following the riot. “We are shocked,” she said. The prison riot was Brazil’s fifth in just two weeks. The wave of violence began Jan. 1 when at least 56 prisoners were killed in the Anisio Jobim Penitentiary Complex in Manaus. The next day, four prisoners were killed in the Prison Unit of Puraquequara in Manaus, 33 were killed Jan. 6 in the Agricultural Penitentiary of Monte Cristo in Roraima state and four were killed Jan. 8 in the Desembargador Raimundo Vidal Pessoa prison in Manaus, CNN reported. Gangs involved in the

killings are believed to be fighting for control of lucrative drug trafficking routes, The New York Times reported. For years, the First Capital Command, or PCC, was allied with the Rio de Janeiro-based Red Command drug gang. However, that alliance fell apart last year, leading to intensified gang conflict. “This war is for the hegemony of the drug trade,” Lincoln Gakiya, a state prosecutor from São Paulo state who has specialized in the PCC, told The New York Times. He said the gang’s split from the Red Command has led to the wave of riots. “The prison system is not prepared for this gang war. There is no place to separate the gangs. The system is overcrowded, so the tendency is to get worse.”

## Mexican President Names New Ambassador to U.S.

Mexican President Enrique Peña Nieto on Friday appointed his third ambassador to the United States in less than a year, Reuters reported. The appointment of Gerónimo Gutiérrez came just days before the inauguration of U.S. President-elect Donald Trump, who employed aggressive rhetoric on trade, immigration and jobs throughout his campaign. Gutiérrez previously held senior posts under two former Mexican presidents headed by the center-right National Action Party, or PAN. Gutiérrez’s nomination suggests Peña Nieto hopes to consolidate cross-party political support as he squares off to face Trump during the last two years of his presidency. “It’s a message of national unity,” said Juan Carlos Romero Hicks, a PAN senator and member of the upper chamber’s Foreign Relations Committee. The nomination would have to be ratified by the Mexican Senate before Gutiérrez could officially take the position. He is currently the head of the North American Development Bank, which was set up under the North American Free Trade Agreement, or NAFTA. Trump has repeatedly threatened to pull out of the agreement if he cannot renegotiate it to better favor the United States. Trump has also threatened to enact large tariffs or taxes on Mexican-made goods.

## NEWS BRIEFS

## U.S., Cuba Agree to New Law Enforcement Deal

U.S. and Cuban officials on Monday signed an agreement to work together on law enforcement issues, including measures on terrorism, drug trafficking, money laundering, cyber-security and immigration, USA Today reported. The agreement was signed just four days before U.S. President Barack Obama leaves office. The agreement did not include a deal to return U.S. fugitives that Cuba has harbored.

## Codelco Board President Injured in Bomb Attack

The president of Chilean state-run copper miner Codelco’s board of directors is recovering from injuries when a bomb exploded after being delivered to his home on Friday, the Associated Press reported. Codelco said in a statement that Óscar Landerretche is in “fine health conditions,” and the company “drastically condemns these types of acts that will be investigated” to find those responsible. President Michelle Bachelet also condemned the attack, saying the bomb had been delivered as a gift and that Landerretche’s young daughter was home at the time of its delivery.

## Former Colombian Official Detained in Odebrecht Case

Colombian authorities on Thursday detained former Deputy Transportation Minister Gabriel García for allegedly receiving bribes from Brazilian construction conglomerate Odebrecht, The Wall Street Journal reported. Colombian Attorney General Néstor Martínez said García, who served under the administration of former President Álvaro Uribe, had allegedly demanded \$6.5 million in bribes in exchange for allowing Odebrecht to be the sole participant in the bidding process for a road project authorized between 2009 and 2010, citing evidence obtained by prosecutors.

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criminal justice system is dysfunctional, and no matter how many new cells and spaces are created, they will soon be packed again if we continue to incarcerate thousands of men and women who should not be there in the first place. Last but not at all least, before building more prisons, we have to change our legislation in the area of drugs. The explosion in prison numbers in recent years is a direct result of a piece of legislation that came into effect in 2006, increasing the minimum penalties for drug dealing and opening space for judges and public prosecutors to criminalize young black men and women as drug dealers when it reads: judges should consider the personal and social circumstances to decide whether the accused is a dealer or user. If you are white, middle class and live in an affluent neighborhood, no matter what amount of illicit drugs you are carrying, you will never be thought of as a dealer. To be honest, the last part of this story is not very different in the United States of America, is it?"

**A** **Melvyn Levitsky, professor of international policy and practice at the University of Michigan's Gerald R. Ford School of Public Policy and former U.S. ambassador to Brazil:** "Prison life is never very nice, except perhaps in Scandinavia where prisons sometimes resemble resort hotels. We in the United States have had our own nasty experience with overcrowded prisons, and prison violence and riots that caused death and destruction. In Brazil, the prison violence issue has been exacerbated by uneven and sporadic attention to the problem. Every time a series of violent riots ensues, such as those in São Paulo in 2006, which quickly spread around the state and to other areas of the country, reforms at the state and federal levels have been promised. So, here we are again. The facts are these: 1) organized crime gangs control large areas of big cities in Brazil, and their tentacles reach into the prisons around the country;

2) as in some other countries in the region, gang members themselves often are able to organize and control their own lives and their prison conditions; 3) imprisoned members of gangs like the First Capital Command, the Red Command and the Family of the North continue to conduct their illegal drug trafficking and other business from prisons via cell phones, compromised guards and smuggled-in equipment; and 4) gang rivalry and competition for turf and markets and the violence that accompanies these struggles occurs inside as well as outside of prisons. What I believe is needed is a much more vigorous, comprehensive and thorough federal campaign against crime, especially organized crime involving drug trafficking. An important objective of this campaign would be to break the link between the gang members on the inside and on the outside of prisons. Building more and better jails, fixing overcrowding, training prison guards, blocking cell phones and the like are important steps, but they will only bring change if accompanied by an effectively implemented anti-crime campaign by a serious, committed government. I'm skeptical that the weakened Temer administration, beset by so many other problems, has the will and the capability to engage in such an effort."

**A** **Pien Metaal, project coordinator for Latin America drug law reform in the Drugs and Democracy Program at the Transnational Institute:** "Brazil has the fourth-largest prison population in the world. It has seen a sharp increase in its incarceration rate over the last 15 years, comparable to the increase the United States had in the 1980s, almost tripling the amount of people incarcerated. The policies that have given rise to this situation are basically using criminal law to address pressing social problems, with a justice administration that is not only unsuitable to such end, but also incapable of managing the enormous amount of cases produced by the police and

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## ECONOMIC NEWS

## Venezuela Begins Circulating Higher-Value Banknotes

Venezuela on Monday began to circulate new bank notes to replace the 100-bolívar bill, which is now virtually worthless, due to hyperinflation, The New York Times reported. President Nicolás Maduro announced the issuing of the new bank notes earlier last month in a move to ease the burden for many Venezuelans, who have had to carry bags of cash in order to purchase basic necessities. The 100-bolívar note is worth about 2.8 U.S.



Barkindo and Maduro met Monday in Caracas. // Photo: Venezuelan Government.

cents on the black market, but the new notes, which range from 500 to 20,000 bolívares, are worth up to \$5.60 on the black market. The bills were not available everywhere on Monday, however, and at least one bank only received 500-bolívar bills and had run out of its supply by 2 p.m. Maduro last month abruptly decreed that all 100-bolívar notes had to be removed from circulation in mid-December, alleging that organized crime groups were hoarding the bills. Maduro eventually pushed the deadline back to Feb. 20 to return the 100-bolívar notes. In related news, Maduro said Monday that Venezuela hoped its crude basket would increase in value to \$70 in the coming months, following OPEC Secretary-General Mohammed Barkindo's forecast that stability would return to the oil markets this year, Reuters reported. Barkindo was in Caracas Monday to meet with Maduro. Venezuela's oil traded at \$44.82 last week, up from a 2016 average of \$35.15.

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public prosecutors. The violence produced in the Amazonas prison, though triggered by disputes between competing drug trafficking organizations, is a logical consequence of the structural neglect by the state of its prisons and the people who inhabit these institutes. That prison had an occupancy level of 237 percent, and more than 60 percent of the inmates present were held in preventive custody, awaiting trial and sentencing. Just over one-third were men between 18 and 23 years of age, and the majority—as in all other Brazilian prisons—were black, uneducated and poor. Both prisons were likely to have had a high percentage of inmates held on drug trafficking charges, due to their location in the border regions with Peru and Colombia, and the inmates are probably all on the lower echelons of the trafficking chains. If the minister wants to address the prison situation, there is a lot that could be achieved by reforming Brazil's drug laws, which now make the smallest couriers liable for long prison sentences. Priority of law enforcement agencies should be given to unraveling large trafficking organizations instead of going after the small fish. As a deterrent, criminal law clearly fails to miss its scope, and proportionality in sentences is the great unknown. Unfortunately, no such attitude or measures are politically viable with the current government."

**A** **Hari Seshasayee, Latin America analyst at the Confederation of Indian Industry:** "The latest round of prison riots, leaving roughly 100 dead, reinforces the dire need for prison reform in Brazil. It is yet another wake-up call for a country where the prison population grows at 10 times the population's growth rate. However, the National Plan of Public Security released by Justice Minister Alexandre de Moraes is unlikely to reduce Brazil's prison population, which is expected to reach almost two million by

2030. It is more likely to bolster a flawed security apparatus that deepens social and racial inequality and increases violence. Rather than promote the hackneyed tactic of rewarding more incarcerations and seizure of drugs, Brazil should focus on the simpler methods at its disposal. First, reduce pre-trial detentions. Almost 40 percent of Brazil's prisoners are still awaiting trial.

“ It is yet another wake-up call for a country where the prison population grows at 10 times the population's growth rate.”

— Hari Seshasayee

The enforcement of a variety of laws and constitutional provisions, including the Lei das Medidas Cautelares passed in 2011, can help reverse this trend. Second, avoid incarceration based on drug possession—one of the biggest failures of the 'war on drugs.' Many countries and territories, like Uruguay, and more than 16 U.S. states, have so far successfully decriminalized and even legalized possession of small quantities of minor drugs. Third, the government should work actively with Brazilian states to achieve the constitutionally mandated provision to establish a public defender agency in all counties by 2022. Public defenders are the only option for many Brazilians, since only a small fraction can afford private attorneys."

*Editor's note: The commentaries in this issue were submitted to the Advisor before Saturday's deadly prison riot in Brazil's Rio Grande do Norte state.*

*The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at [gkuleta@thedialogue.org](mailto:gkuleta@thedialogue.org).*

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